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House of Representatives

The House met at 10 a.m.

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

God of silence, God of peace, in whom we live, move and have our very being, help this day the Members of the House of Representatives and those who assist them in their work. In the midst of their busy day, enable them to find a moment of stillness within and know that You are God and present to guide them.

May all the people of this great Nation be people of faith as well and come to seek Your face, O Lord. At this moment, people across this vast country join us in praying for the leaders in government they have elected. Praying together can unite us in works of justice and securing peace in this world.

With You we can accomplish great and glorious deeds because we pray and act in Your holy name. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Georgia (Mr. BURNS) come forward and lead the House in the Pledge of Allegiance.

Mr. BURNS led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will receive ten 1-minute speeches on each side.

GOOD NEWS FOR THE ECONOMY

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

Mr. STEARNS. Mr. Speaker, good morning. I have got some good news. Perhaps a lot of the Members do not know about it. There has been a CBO update. The economy now seems poised for a more sustained recovery with CBO estimating growth of nearly 4 percent in the year 2004.

Because of that growth, moreover, the recent surge in Federal budget deficits will peak in the year 2004. That is right. If growth continues, even at the CBO estimated 3.3 percent a year from the year 2005 to 2008, Federal revenues will begin to rise again and deficits will fall through the rest of the decade just as they always do amid prosperity.

What this tells us, Mr. Speaker, is that President Bush's decision to use fiscal policy, tax cuts, to promote growth has been the right priority, and it seems to be paying off now in accelerating business purchases. This is crucial to restoring vibrant growth because the economy has to survive and has had so much trouble with the burst in the stock market. This is also one of the explicit goals of President Bush's dividend and marginal income tax rate cut proposals.

Mr. Speaker, this is good news. No guarantee but good news for today.

HONORING EAST BOYNTON BEACH LITTLE LEAGUE TEAM

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

Mr. HASTINGS of Florida. Mr. Speaker, I have good news also.

I rise to offer the East Boynton Beach, Florida Little League team, our new American National Little League champion, for the congratulations and admiration of this body. These fine young men spent months practicing and playing hard, while never losing sight of the principles of honesty and fair play.

Their skill and determination paid off when they triumphed over all other American teams to represent our country in the Little League World Series.

Although they did not win the world title, they captured the attention and affection of Americans young and old. People across the country followed them through their games in Williamsport, Pennsylvania and cheered each victory. Their achievements this year will be remembered for a long time.

While I fully expect this team of very talented players to contend for the world title again next year, it is important to laud them now for the heights they attained.

I am sure we all have the greatest respect for these fine young men. They are excellent role models for children and for all of us. As their Representative in Congress, I am proud of the role they have played as ambassadors to other young people across the country and around the world.

SALUTING EAST BOYNTON BEACH LITTLE LEAGUERS

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

Mr. SHAW. Mr. Speaker, I am proud to join the gentleman from Florida (Mr. HASTINGS) in bringing attention to the House of Representatives the phenomenal achievements of a group of young men from Florida's 22nd Congressional District as well as his district.

I am speaking of the boys from East Boynton Beach Little League team; Michael, Richie, Cody, Jordan, Patrick, R.J., Matt, Ricky, Benny, Devon, and Andrew, who are also known as this year's United States Little League world champions.

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People throughout South Florida followed the team's success as they captured the Florida State Championship followed by the Southeastern United States Regional Championship. With these victories in hand, it was on to historic Williamsport, Pennsylvania to compete in the 2003 World Series.

There they captured this year's championship title along with the hearts of baseball fans throughout America and the world. Their victory brought East Boynton great recognition, but it was their teamwork and sportsmanship that brought us all great pride.

We must also recognize their parents and coach, Kenny Emerson, who helped them set a new standard of excellence in play and in life.

Please join me in saluting this fine team, the 2003 United States Little League World Series champions, the East Boynton Little Leaguers.

QUESTIONS FOR THE PRESIDENT

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

Mr. MCDERMOTT. Mr. Speaker, I come to the floor with a heavy heart today. The wards are full at Walter Reed Army Hospital and Bethesda Naval Hospital, full of young men and women who were sent by their country to defend their country, whose minds have to have the question today, why was I sent there?

The President of the United States, Mr. Speaker, and the Prime Minister of Great Britain have lost the confidence of their own people. They misled us over and over and over again. They must come clean and tell the American people the truth. This is so reminiscent of what I went through during the Vietnam years that it is eerie. A government that says, well, things are better today, things are better today, and another boy or another girl gets killed or is sent back to Walter Reed or Bethesda maimed.

The President has got to come forward and tell us the truth about what it is going to cost, where we are going to get the people. They will not talk about a draft, but they have kept those reservists and those National Guard people over there for a year. Those people volunteered to support their country when it needed them.

How long are you going to keep them there, Mr. President?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would advise Members that they should address the Chair and not the President.

FIRST PROSECUTION UNDER TRUTH IN DOMAIN NAMES ACT

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

Mr. PENCE. Mr. Speaker, as the author of legislation passed by Congress earlier this year and signed by President Bush known as the Truth in Domain Names Act, one can imagine my sense of satisfaction when yesterday I received a call from a United States Attorney in Manhattan to learn that the first prosecution under the Truth in Domain Names Act had taken place.

Yesterday, Federal prosecutors in Manhattan charged a Florida man with violating this new law that essentially makes it illegal to use a misleading Internet domain name to entice children to view pornography on the Internet. The defendant, John Zuccarini, had actually registered 3,000 domain names that included misspellings and slight variations of popular names like ''Disneyland'' and ''Bob the Builder'' and then would lease them to pornographers to expose children to this prurient material.

Thanks to the leadership shown here in Congress, by the President and by the U.S. Attorney James Comey, Mr. Zuccarini is now being brought into the halls of justice. And I am deeply humbled by this and felt the need today to rise and thank my colleagues for their support of the Truth in Domain Names Act and most especially the gentleman from Wisconsin (Mr. SENSENBRENNER), chairman of the Committee on the Judiciary, and his capable staff, Phil Kiko and Beth Sokul, without whose effort the Truth in Domain Names law would not be in a position today to terrorize those who would prey upon our children on the information super highway.

THE NATIONAL DEBT

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

Mr. DAVIS of Tennessee. Mr. Speaker, it has been 846 days since President Bush and the Republican Party embarked on their economic plan for our country. Do the Members realize that during that time the national debt has increased by $1,152,231,363,445 and some few odd cents and according to the Web site for the Bureau of the Public Debt at the U.S. Department of the Treasury, at 4:30 p.m. yesterday, eastern daylight time, the Nation's debt was $6,792,556,749,803 and some few odd cents?

□ 1015

Now, you study that for a moment. Furthermore, in fiscal year 2003, interest on our national debt, a debt tax, is $288,803,184,023 and some few odd cents through July 31 of this year.

ADDRESSING THE TERRIBLE STATE OF AFFAIRS IN BURMA

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

Mr. PITTS. Mr. Speaker, I rise today out of concern over the continued imprisonment and disappearance of Aung San Suu Kyi, Nobel Peace Prize winner and leader of the National League of Democracy in Burma.

The cruel SPDC military dictatorship ruling Burma today imprisoned her in May of this year after their own government thugs attacked her and her supporters. Ms. Suu Kyi is now on a hunger strike in protest.

Mr. Speaker, no country should be defending this savage dictatorship that has no qualms about engaging in slave labor, systematic rape, destruction of villages and the murder of many innocent civilians.

What more will it take to get the international community to take deliberative, decisive action? Secretary General Kofi Annan and the U.N. Security Council should immediately act to secure the release of Aung San Suu Kyi, help alleviate the suffering of the people and address the terrible state of affairs in Burma.

THE PHILMONT SCOUT RANCH, A TREASURE FOR ALL AMERICANS

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

Mr. WILSON of South Carolina. Mr. Speaker, a highlight of the August district work period was to accompany my 15-year-old son Hunter on a 70-mile backpacking trek at the Philmont Scout Ranch in Cimarron, New Mexico.

Philmont is correctly identified as a scouting paradise due to the multitude of camps and breathtaking views of mountain ranges and Southwestern mesas. This 137,000-acre area ecological wonder is the result of its benefactor, the late Waite Phillips, who donated the properties now defined as the world's largest camping organization, staffed by 900 employees for over 25,000 hikers who come annually from every State.

I saw firsthand the accomplishments of dedicated adult volunteers, Mike Apfeld and Jeff Geygan of the Milwaukee County Scout Council, who guided our crew of nine scouts, Crew Leader Brendan Apfeld, Daniel Gerlach, J.P. Geygan, Nicholas Haynes, Michael Mastroianni, Christopher Murphy, Danny Brownfield, John McClellan, Jr., and Hunter Wilson. They achieved climbing the ranch's highest peak on Baldy Mountain of 12,441 feet, encouraged by Ranger Michael Ferrin.

Philmont Scout Ranch is a treasure for all Americans to enjoy, and I urge my colleagues to encourage their scout troops to participate in the exhilarating Philmont experience.

TRIBUTE TO GENERAL RAY DAVIS

(Mr. BURNS asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. BURNS. Mr. Speaker, I rise today to pay tribute to a true patriot. Yesterday America lost a man who will always be remembered as a hero. General Ray Davis lived a life of service and devotion to his country. Graduating from Georgia Tech as a naval officer candidate, General Davis served in World War II, Korea and Vietnam before retiring as a four-star general in 1972.

General Davis earned the Congressional Medal of Honor for his leadership in the Korean War, in which he led a daring battle against an enemy which vastly outnumbered his Marines. General Davis and his men rescued two regiments that had been trapped for 5 days and then fought their way across 14 miles of enemy territory over 3 days to return to safety.

His heroism earned him medals, but it is his devotion to his country, the military, and his fellow veterans that we will remember most. General Davis was instrumental in the establishment of the Korean War Memorial and stayed involved in issues important to veterans and current military personnel.

On behalf of all Georgians in the Twelfth District, I offer my deepest sympathy to General Davis' family. He was indeed a true American hero.

REAUTHORIZING TEA–21

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

Mrs. MUSGRAVE. Mr. Speaker, I rise today to address one of the most important issues we will debate during the 108th Congress, the reauthorization of TEA–21.

TEA–21 funding ends on September 30, 2003, less than 30 days from now. So far, this Congress has failed to even introduce a reauthorization bill. As our highways, bridges, and city streets fall apart, this House has failed to act, and time is running out.

Tragically, instead of seeking out creative transportation reforms, it seems that many in this body have decided that raising taxes and indexing them to inflation is the best way to be good stewards of taxpayers' money. This idea is not only counter to our Republican ideals, but it also is irresponsible, regressive, and counterproductive to our efforts to pass meaningful tax cuts earlier this year.

When Coloradans sent me to Congress, they did so knowing that I am a fiscal conservative who wants to make government smaller, not bigger. I will not stand idly by while their taxes are being raised. What Member of this body ran on a promise to increase taxes by almost 50 percent? Not one of us. The majority of my colleagues ran on promises of smaller government and lower taxes.

It is time to see a TEA–21 reauthorization bill with meaningful reforms.

PROVIDING FOR CONSIDERATION OF H.R. 2989, TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 351 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 351

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2989) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived except as follows: page 9, line 10, through line 15; page 12, line 1, through page 13, line 2; page 14, line 16, through page 15, line 2; page 17, line 6, through line 11; page 18, line 3, through page 24, line 12; ''limited or'' on page 26, line 9; page 27, line 14, through page 28, line 7; beginning with ''Provided'' on page 28, line 19, through page 29, line 3; ''Notwithstanding any other provision of law'' on page 31, line 5; page 31, line 14, through line 21; page 31, line 24, through page 32, line 17; ''Notwithstanding any other provision of law'' on page 34, line 24; beginning with ''provided further'' on page 36, line 17, through page 37, line 5; beginning with ''provided further'' on page 45, line 16, through line 23; ''Notwithstanding any other provision of law'' on page 46, line 25; page 50, line 19, through ''project'' on page 51, line 4; beginning with ''Notwithstanding'' on page 51, line 12, through ''amended'' on line 13; page 53, line 3, through page 54, line 12; ''Notwithstanding any other provision of law'' on page 54, lines 13 and 14; page 72, line 22, through page 76; page 122, line 4, through line 9; ''Notwithstanding any other provision of law'' on page 126, lines 15 and 16; beginning with ''and the prohibition'' on page 126, line 20, through ''2512(a)(1))'' on line 23. Where points of order are waived against part of a paragraph or section, points of order against a provision in another part of such paragraph or section may be made only against such provision and not against the entire paragraph or section. During consideration of the bill for 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 to the House with such 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.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

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

Mr. Speaker, House Resolution 351 is an open rule that provides for consideration of H.R. 2989, the Department of Transportation, Treasury, and related agencies appropriations for fiscal year ending September 30, 2004. The rule waives all points of order against consideration of the bill.

The rule also provides for one hour of general debate, to be equally divided between the chairman and ranking minority member of the Committee on Appropriations. The rule provides that bill shall be considered for amendment by paragraph. In addition, the rule waives clause 2 of rule XXI prohibiting unauthorized or legislative provisions in an appropriations bill against provisions in the bill, except as otherwise specified in the rule. Further, the rule authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the CONGRESSIONAL RECORD. Finally, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, this is the first year that the Congress is considering appropriations for the Department of Transportation and the Department of Treasury along with Postal Service, the Executive Office of the President and general government provisions in a single appropriations bill. This change was necessary to make room for creation of a subcommittee for the new Department of Homeland Security. The Committee on Appropriations has worked diligently to combine these agencies and produce legislation that meets the Nation's priorities in a multitude of areas.

The bill provides $89.3 billion in total budgetary resources, which is an increase of $2.7 billion above the current level. This funding represents the firm commitment of this Congress to fund necessary programs and projects across the Nation.

Total transportation funding in this bill is over $58 billion. This funding, which is so important in my district and others throughout the entire country, is significantly increased over current year spending. From highways and transit programs to airports and Federal Aviation Administration, the underlying legislation meets the needs of our communities in previous years.

Some transportation programs have had guaranteed funding in authorization acts. Even though such guarantees no longer apply to this bill, the committee has provided at least a level of funding which was guaranteed last year; in the case of highways and airports, even more. The absence of these

guarantees means new choices in the allocation of funds by providing the flexibility of fund programs that were not protected under the previous guarantees but were equally important.

The underlying legislation also gives significant increases to the Treasury Department, bringing their appropriation to over $11 billion. Of those funds, $2.7 million is available for stronger agency involvement in international affairs, including technical advisers for rebuilding the currency, banking and financial systems in Iraq; $29.3 million is allocated for the new Office of Terrorist Financing and Financial Crimes, and $5.3 million for IRS counterterrorism activities. Additionally, funds are provided for the Office of Foreign Assets Control and Financial Crimes Enforcement Network to help fight money laundering and track down terrorist financing.

All of these are important elements of the war on terrorism, and they are funded at or above the administration's request, demonstrating our pledge to keep America safe from terrorists and showing that national security remains a top priority.

Many other agencies and programs that I have not outlined today are also funded under this bill.

Mr. Speaker, I would like to commend the chairman and ranking member of both the appropriations full committee and subcommittee for their hard work on this difficult measure.

Mr. Speaker, I urge my colleagues to support this rule and the underlying legislation.

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

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

Mr. Speaker, I thank my good friend, the gentleman from New York, for yielding me the customary 30 minutes.

Mr. Speaker, let me begin by commending the members of the Subcommittee on Transportation, Treasury and Independent Agencies for their hard work on this difficult bill. This subcommittee faced many challenges, and with the help of the gentleman from Florida (Chairman YOUNG) and the ranking member, the gentleman from Wisconsin (Mr. OBEY), they produced a bill for this House to consider today.

I especially want to thank and recognize my friend and colleague, the gentleman from Massachusetts (Mr. OLVER), the ranking member of the subcommittee, for his leadership and his guidance in crafting this bill.

□ 1030

While our colleagues deserve praise for their work to improve this bill, it still has serious problems. I am concerned about the removal of the mandatory setaside for transportation enhancements. Funding for Amtrak is half of what is needed to properly maintain and run this system. This bill will make it harder, not easier, for low-income families to receive the earned income tax credit. And despite pledges made to protect the corporate expatriate language adopted by the full committee, this rule allows this important provision to be removed from the bill without a vote by the House.

Beginning with ISTEA in 1991 and continuing with TEA–21 in 1998, we required that the communities receive the maximum benefit from transportation investments. It is precisely because of mandated 10 percent setaside of surface transportation program funds that the enhancement program has successfully leveraged State matching contributions totalling almost $8.4 billion for 15,000 projects spanning every part of this country. These funds have been used for such worthwhile activities as the development of scenic bikeway and pedestrian facilities, the preservation of abandoned railway corridors, and the protection of historically significant transportation assets.

Mr. Speaker, in my home State of Massachusetts, more than $75 million has been invested in a total of 228 community projects since 1992. Sixty percent of that funding has been invested in devising a network of bikeway and pedestrian trails which is rapidly becoming an important part of our infrastructure. But section 114 of this bill would eliminate the mandatory 10 percent setaside for transportation enhancements that has made the program so widely popular and tremendously successful. Furthermore, it undermines the national transportation policy we reaffirmed in TEA–21 in order to allow States to divert funding from small scale, locally selected projects to massive transportation initiatives that do not have the same broad community support.

Mr. Speaker, the gentleman from Wisconsin (Mr. PETRI) and the gentleman from Massachusetts (Mr. OLVER) will offer an amendment to strike this section from the bill, preserving the good policy set by ISTEA and TEA–21. I strongly urge my colleagues to join me in supporting this important amendment.

This bill, Mr. Speaker, also badly underfunds our national passenger rail system. Amtrak's management has recently begun to stabilize its finances, improve service, and increase ridership. Their reward for that progress in this bill is to be given one-half, or $900 million, of the $1.8 billion Amtrak needs to simply maintain existing operations. One-half.

Although I am pleased that more than 40 percent of the $900 million provided to Amtrak under this bill is designated by capital expenses along the Northeast Corridor, we all need to take a more national approach to Amtrak's funding. The money provided for Amtrak in this bill is not only grossly insufficient; it is intended to bring Amtrak to the brink of failure. That is wrong.

Once again, the subcommittee has included a provision that gives the Secretary of Transportation the authority to arrange for an alternate service provider for commuter rail service should Amtrak cease operations. Mr. Speaker, that is not foresight. It is foreshadowing of a disastrous transportation crisis for this country. By providing Amtrak half of the funding it needs, this appropriations bill makes such an event a self-fulfilling prophesy. Amtrak's management deserves the opportunity to continue the progress it has made, and it deserves the confidence and support of this institution.

More importantly, the American public deserves a first-rate national intercity rail system to complement our aviation and highway systems. I cannot believe we would walk away from the success of the transportation enhancement program or retreat from the recent progress we have made in setting Amtrak on the right course. This appropriations bill, unfortunately, takes us backwards instead of forwards.

Mr. Speaker, I cannot stress strongly enough that although this is technically an open rule, the opportunity to amend this bill is very limited. The most substantive amendments brought before the Committee on Rules last night required waivers, and as usual the Committee on Rules did not grant any of those waivers.

House rules severely restrict the amendment process on all appropriations bills. Therefore, even though the Committee on Rules granted an open rule, one that technically does not restrict the amendment process, by its nature the amendment process for appropriations bills is still limited. For example, this rule does not make in order a number of important amendments including one offered by the ranking member, the gentleman from Massachusetts (Mr. OLVER). That amendment would have provided an additional $500 million above the $900 million currently in the bill for Amtrak.

This would give Amtrak sufficient funding to ensure solvency and to begin to address the long-term capital needs that have been neglected for so long. The amendment offsets the additional Amtrak funding by reducing the tax cut that those earning $1 million or more would receive in 2004 from $88,000 to $88,500 or by only $2,500.

This rule does not protect language currently in H.R. 2989 that would prohibit the Treasury Department from contracting with expatriate corporations, those companies which operate here in the United States but set up shell corporations overseas for the expressed purpose of avoiding their taxes. Amendments to allow both of these worthwhile initiatives were defeated last night by the Committee on Rules Republicans, I am sad to say.

Finally, Mr. Speaker, let me comment on two amendments regarding U.S. policy towards Cuba. The gentleman from Arizona (Mr. FLAKE) and myself and several of our colleagues

from the Cuba Working Group will offer a bipartisan amendment to prohibit funds from being used to enforce restrictions on travel by Americans to Cuba. Another bipartisan amendment will be offered by the gentleman from Massachusetts (Mr. DELAHUNT) and the gentleman from Arizona (Mr. FLAKE) that will eliminate the cap on remittances to Americans from Cuban households.

Each year for the past 3 years these amendments to end the ban on travel have received overwhelming support by the Members of this House. Last year it was approved by a vote of 262 to 167. The amendment to lift the cap on remittances passed by a similar margin. The crackdown on dissidents carried out earlier this year by the Cuban Government demonstrated how completely ineffective U.S. policy over the past 40 years has been in protecting human rights in Cuba. Because of this, many major human rights groups, including Amnesty International and Human Rights Watch, have called on the United States Government to end the restrictions on Americans wanting to travel to Cuba. Most importantly, the amendment affirms the basic right of all Americans to travel freely.

Former Supreme Court Justice William Douglas said, ''Freedom of movement is the very essence of our free society, setting us apart. It often makes all other rights meaningful.''

Mr. Speaker, I urge my colleagues to support for the fourth year in a row the Flake-McGovern amendment on ending the travel ban on the right of Americans to travel to Cuba and support the Delahunt-Flake amendment lifting the cap on remittances to Cuban family members living on the island.

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

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

Mr. Speaker, this is an open rule, and there will be ample debate throughout the day as we first have the debate on the appropriations bill and then the opportunity for Members to submit amendments for consideration throughout the day.

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

Mr. MCGOVERN. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Wisconsin (Mr. OBEY), the ranking member on the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, we have just been told that this rule is an open rule. That is an absolutely meaningless statement. What the majority has done once again is to waive the rules of the House for the majority product, but then refuse to waive those same rules for amendments that the minority wishes to offer. In my view, that is a gutless way to legislate. It is an unfair way to legislate. It does discredit to this House and discredit to those who impose those kinds of rules.

And to suggest that this is an open rule, implying, somehow implying that this is business as usual, if this is business as usual, I think the American public would hang their heads when they understand it.

I am against this bill. I am against the previous question on the rule. I am against the rule itself. This bill is inadequate in a large number of ways. It is a joke in terms of what it does to Amtrak. It does not provide sufficient funding to keep Amtrak funded. And whether some people like it or not, we need a national Amtrak system.

Secondly, it virtually guarantees that enhancement projects which were a key in moving forward the transportation authorization bill the last time it was on the floor have now been gutted. And that means that municipalities are not going to have the opportunity for many of the enhancements they have had in the past. I think that is a mistake.

You have a weird sense of priorities expressed in the EITC precertification provision in this bill. The majority says, ''Oh, we ought to spend $100 million on more IRS enforcement to go after the poorest taxpayers in this society who take advantage of the EITC'', when you could use that same $100 million and go after noncompliance by large corporations and bring many times more dollars into the Treasury than you ever will by the EITC provision.

This provision in this bill is not here to save the taxpayers money. It is here for ideological reasons. The Republican majority for years supported the earned income tax credit as an alternative to the minimum wage increase. And now that there is no ''threat'' from a Republican Congress on raising the minimum wage, now they go after the only tax provision in the law to help the poorest taxpayers who ought to get a minimum wage increase but do not get it.

We also have the issue of Cuba. I am very much in support of the effort that the gentleman from Massachusetts will make because in my view existing U.S. policy toward Cuba is stupid, capital letter stupid. It is mindless, capital letter mindless. It is ineffective. All it does is give that two-bit dictator Castro in Cuba an excuse to point to somebody else for his island's troubles. Now, I do not mind . . . well, I do mind because it is bad enough when we restrict the rights of individual American citizens to travel where they want to travel, if it is being done on behalf of a good policy; but I really do mind when it is being done on behalf of a stupid policy. This policy is out-moded. It has not worked. If it had worked, Castro would be long gone.

Again, what we have here is an ideologically driven policy. It is put together by people who think with their spleen instead of their head. It makes no sense whatsoever. The bill ought to be voted down. The rule ought to be voted down. The previous question ought to be voted down until this committee comes to its senses.

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

Mr. Speaker, I am certainly glad it is an open rule that is going to be considered by an amendment process that goes paragraph by paragraph as is outlined here. And I also know, while I do not sit on appropriations nor authorizing committees and just on the Committee on Rules, that this particular one prohibits unauthorized or legislative provisions in an appropriations bill against provisions in the bill unless as specified before us today; and that as usual we recognize those, the Chair or the speaker, according to the priority of recognition of Members who have preprinted their amendments in the CONGRESSIONAL RECORD to be heard. And it provides one motion to recommit with or without instructions.

Amtrak is going to be a debate that we will continue. As a New Yorker, I certainly watch that debate closely. But the Department of Transportation has testified that Amtrak needs reform more than it needs money. As a matter of fact, I believe that the witnesses, the Chair, and ranking member of the Subcommittee on Transportation, Treasury and Independent Agencies of the Committee on Appropriations indicated that they also believe that money alone was not going to solve Amtrak's problems. So my understanding is there is money there and there may well be amendments later today that ask for consideration of more or less.

When we look at the discussion of how much money and what categories of programs, I suppose if there was unlimited money for transportation, we could then unlimit the categories, whether you need roads or bridges or bike paths. This legislation, while I wish there was more transportation money for my district or my State or my region or the country as a whole, has provided flexibility for the States in order to make that tough decision. Do you need a bike path? Do you need a bridge repair? Do you need roads reconstructed or constructed due to growth? So some of that flexibility with the money we have gives States the ability to make those tough decisions.

I listened carefully on the earned income tax credits as our colleague, the ranking member of the Committee on Appropriations talked about it, but while my colleagues on the other side of the aisle argue that $105 million in IRS for precertification of the EITC applicants should be stricken, I just want to make the record known that every other welfare program has a precertification, except the EITC.

□ 1045

EITC automatically sends checks, and only after they begin to look at the eligibility. So I am not sure how the system should work, and I will leave that to the administration, but it is not as if this is singled out.

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

Mr. REYNOLDS. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding to me.

I did not say that that provision should be stricken. What I said is that if you want to make money for the taxpayers, you can haul in a lot more money to the Treasury by using that same hundred million dollars to go after people with real bucks in their pockets, the large size corporations in this country. What you will collect on this, if you do indeed have scarce dollars, it seems to me you ought to put them where you get the biggest bang for a buck.

Mr. REYNOLDS. Mr. Speaker, I thank the gentleman for clarifying the record.

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

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

I want to respond to the gentleman from New York on the issue of Amtrak. The fact of the matter is that Amtrak's management has recently begun to stabilize its finances and improve its service and increase its ridership, and as I mentioned in my opening statement, their reward for their progress in this bill is to be given one-half of what they need to maintain existing operations.

If the gentleman does not want to support Amtrak, he does not want to give Amtrak the money that they need to support their existing operations, then that is his right and he can vote no on such an amendment; but the Committee on Rules last night specifically denied the right of my colleague from Massachusetts (Mr. OLVER) to offer his amendment which would have corrected this shortfall, and I think that is one of the concerns that we have about this rule.

Why this rule truly is not open is because a lot of meaningful amendments to address some very serious issues were denied last night by the Committee on Rules.

Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. OLVER).

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

Mr. Speaker, I urge a no vote on this rule. Mr. Speaker, I had an amendment which I had asked the Committee on Rules to allow but was not made in order under the rule. That amendment would have added $500 million to the bill for Amtrak, bringing their total funding for fiscal year 2004 to $1.4 billion, still $400 million less than Amtrak has indicated that they need to begin to make a dent in the severe deferred maintenance and inadequate capital investments that have been plaguing them for years.

The amendment would have allowed them to begin to make an inroad in those deferred maintenance and capital investment deferences that have plagued them, as I have indicated.

My amendment would have done this by reducing the average tax cut for those earning $1 million or more of taxable income from an average of $88,000 to an average of $85,500 or about, on average, $2,500 per person. This amendment should have been made in order if this Congress believes in a national passenger rail system. And I would just point out that for persons who are just reaching that threshold of what sounds like a very large number of $1 million of taxable income, for persons just reaching that threshold, that would have required a reduction of less than $1,000 in their tax cut.

The bill before us provides only $900 million in fiscal 2004 for Amtrak and, if enacted, will strangle passenger rail service in the United States. No large private or public intercity passenger rail system in the world has been profitable or been able to survive without substantial public subsidy. When national governments no longer want to support intercity rail service, the rail service disappears. The lesson is clear. Passenger railways cannot operate without government support.

Over the last 5 years, Amtrak has received an average of $1.1 billion per year, and this reduction in that level of funding has caused Amtrak to defer important capital improvements to the point of danger to the public safety of users.

Amtrak has a $3.8 billion backlog on infrastructure, $1.1 billion backlog for fleet, and $9 million backlog for stations and facilities. Without an adequate capital budget we will be playing Russian roulette with the operability of Amtrak and the safety of its passengers.

We must continue to work to provide Amtrak the money it needs to run a safe and national railway system. So because my amendment to provide that necessary funding for the national rail passenger system has not been made in order, I am urging a no vote on the rule.

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

Mr. MCGOVERN. Mr. Speaker, I yield 1½ minutes to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Speaker, I rise today to urge my fellow Members to oppose the previous question.

Mr. Speaker, these are difficult times in our Nation. We are fighting terrorism on numerous fronts. Our economy is in serious trouble, unemployment is at record-high levels, and our future budget deficits are predicted to be the highest in the history of this great Nation.

Now is not the time for Members of Congress to be voting themselves a pay raise. We need to show the American people that we are willing to make sacrifices. We need to budget, live within our means and make careful spending decisions based on our most pressing priorities.

Mr. Speaker, let us send a signal to the American people that we recognize their struggle in today's economy. Vote no on the previous question so we can have an opportunity to block the automatic cost-of-living adjustment to Members of Congress. Regardless of how Members feel about this issue, they should all be willing to make their position public and on the record.

A no vote will allow Members to vote up or down on the COLA. If the previous question is defeated, I will offer an amendment to the rule. My amendment will block the fiscal year 2004 automatic cost-of-living pay raise for Members of Congress. Because this amendment requires a waiver, the only way to get to this issue is to defeat the previous question.

Therefore, I urge Members to vote no on the previous question.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Maryland (Mr. HOYER), the minority whip.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding time to me. I will be very brief and not take 2 minutes, but I want to bring to the attention, particularly of the Members on my side, I will be voting for the previous question. This is a procedure we have followed in the past. It is an honest, in-the-daylight procedure.

The gentleman from Utah (Mr. MATHESON) raises his point. He has raised it in the past. I would urge Members to vote for the previous question.

Then I think on our side we are very concerned about the rule itself, and many of us will not be supporting the rule, but I would urge my Members on this side to vote for the previous question.

Mr. REYNOLDS. Mr. Speaker, I have no additional speakers, but I reserve the balance of my time until my colleague is prepared to close.

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

I would just close by urging my colleagues to vote no on this rule. The majority says we have an open rule, but as my colleagues have heard in this debate this morning, a number of very important, substantive amendments have not been made in order.

The amendment that the gentleman from Massachusetts (Mr. OLVER) has offered that would address this shortfall in funding for Amtrak was not allowed by the Committee on Rules last night. This is our only opportunity to fix this very, very serious issue. The Amtrak funding in this bill is half of what is necessary to maintain existing services and operations, and it is simply inadequate.

In addition, this rule does not protect language in this bill that would prohibit the Treasury Department from contracting with expatriate corporations. Again, these are these companies which operate here in the United States but set up shell corporations overseas for the express purpose of avoiding their taxes. We are at war. We have a difficult economy. American citizens are being asked to sacrifice,

and yet we are going to protect companies that set up these P.O. boxes in places like Bermuda to avoid paying taxes and to allow them to continue to receive U.S. Government contracts. It is unconscionable that we would try to protect those corporations.

I would urge my colleagues to vote no on this rule.

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

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

I am sure the underlying bill before us today was an arduous undertaking. It represents funding for the Department of Transportation, Department of Treasury, including the IRS, the General Services Administration, the United States Postal Service, the Office of Management and Budget, the White House, Office of Personnel Management, among others. It is a brand new subcommittee that was put together by this House.

It is a fair and balanced bill that seeks to continue programs that are working and reform those that are not. By substantially increasing many areas of the bill and maintaining funding in others, this Congress has once again lived up to its commitment to our communities.

I urge a ''yes'' vote on the previous question and a ''yes'' vote on the rule.

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

The SPEAKER pro tempore (Mr. SIMPSON). The question is on ordering the previous question.

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

Mr. MATHESON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 240, nays 173, not voting 21, as follows:

[Roll No. 463]

YEAS—240

Abercrombie
Ackerman
Aderholt
Akin
Baca
Baker
Ballance
Ballenger
Barton (TX)
Bass
Bereuter
Berman
Biggert
Bilirakis
Bishop (GA)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boucher
Boyd
Brady (PA)
Brown (SC)
Brown, Corrine
Buyer
Calvert
Camp
Cannon
Cantor
Capuano
Cardin
Castle
Clay
Clyburn
Cole
Conyers
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis, Tom
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Dunn
Ehlers
Emerson
Eshoo
Everett
Fattah
Feeney
Ferguson
Filner
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gonzalez
Goodlatte
Goss
Granger
Green (TX)
Greenwood
Gutierrez
Gutknecht
Harman
Hastings (FL)
Hastings (WA)
Hefley
Herger
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Honda
Hoyer
Hunter
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kennedy (RI)
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Lantos
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Lowey
Lucas (OK)
Lynch
Majette
Manzullo
Markey
Matsui
McCarthy (MO)
McCollum
McCotter
McCrery
McDermott
McHugh
McInnis
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moran (VA)
Murtha
Myrick
Nadler
Neal (MA)
Nethercutt
Ney
Nunes
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pelosi
Pence
Peterson (MN)
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rehberg
Reyes
Reynolds
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Rothman
Ruppersberger
Rush
Sabo
Sanchez, Linda T.
Saxton
Schakowsky
Schrock
Scott (VA)
Serrano
Shadegg
Shaw
Sherman
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Solis
Souder
Stark
Sweeney
Tancredo
Tauscher
Tauzin
Thomas
Thompson (MS)
Thornberry
Tiberi
Towns
Turner (OH)
Upton
Van Hollen
Velazquez
Visclosky
Walsh
Wamp
Waters
Watson
Watt
Weiner
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (FL)

NAYS—173

Alexander
Allen
Bachus
Baird
Baldwin
Barrett (SC)
Bartlett (MD)
Beauprez
Becerra
Bell
Berkley
Berry
Bishop (NY)
Bishop (UT)
Blackburn
Boozman
Boswell
Bradley (NH)
Brady (TX)
Brown (OH)
Brown-Waite, Ginny
Burgess
Burns
Burr
Capito
Capps
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Chabot
Chocola
Coble
Collins
Costello
Davis (AL)
Davis (CA)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
Deutsch
Duncan
Edwards
Emanuel
English
Etheridge
Evans
Farr
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Gerlach
Gibbons
Gingrey
Goode
Gordon
Green (WI)
Grijalva
Hall
Harris
Hart
Hayes
Hayworth
Hensarling
Hill
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hulshof
Inslee
Isakson
Israel
Jenkins
Johnson (CT)
Johnson (IL)
Jones (NC)
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kind
Kleczka
LaHood
Lampson
Langevin
Larsen (WA)
Lewis (KY)
LoBiondo
Lofgren
Lucas (KY)
Maloney
Marshall
Matheson
McCarthy (NY)
McGovern
McIntyre
Mica
Michaud
Miller (FL)
Miller (NC)
Moore
Moran (KS)
Murphy
Musgrave
Napolitano
Neugebauer
Northup
Norwood
Obey
Paul
Pearce
Peterson (PA)
Petri
Pitts
Platts
Pomeroy
Porter
Price (NC)
Ramstad
Renzi
Rogers (AL)
Rogers (MI)
Ross
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sanders
Sandlin
Schiff
Scott (GA)
Sensenbrenner
Sessions
Shays
Sherwood
Shimkus
Shuster
Simmons
Slaughter
Smith (WA)
Snyder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Tiahrt
Tierney
Toomey
Turner (TX)
Udall (CO)
Udall (NM)
Vitter
Walden (OR)
Weldon (FL)
Whitfield
Wu

NOT VOTING—21

Andrews
Burton (IN)
DeGette
DeMint
Dooley (CA)
Engel
Gephardt
Graves
Hyde
Janklow
John
Kucinich
Payne
Pickering
Rangel
Regula
Rodriguez
Roybal-Allard
Waxman
Woolsey
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). The Clerk advises that the wall display for the electronic voting system is not displaying lights in one column. The Chair would ask Members in the fourth column of names to verify their votes at a voting station before the Chair announces the results of the vote.

Once again, the wall display for the electronic voting system is not displaying lights in one column. The Chair would ask Members in the fourth column of names to verify their votes at a voting station before the Chair announces the results of the vote.

□ 1132

Messrs. ROGERS of Michigan, DEAL of Georgia, BISHOP of Utah, NORWOOD, LAHOOD, FRANKS of Arizona, KELLER, GERLACH, BURNS, DUNCAN, PORTER, ENGLISH, FLAKE, NEUGEBAUER, PLATTS, HOLT, MURPHY, CHABOT, DEUTSCH, ROYCE, FORD, SPRATT, SHAYS, TIAHRT, STEARNS, PEARCE, KLECZKA, HOSTETTLER, MILLER of North Carolina, FOLEY, MICA, HAYES, TERRY, SHUSTER, GIBBONS, COBLE, LEWIS of Kentucky, PETERSON of Pennsylvania, RENZI, WELDON of Florida, BURR, Mrs. JOHNSON of Connecticut, Ms. HARRIS, Ms. KAPTUR and Ms. SLAUGHTER changed their vote from ''yea'' to ''nay.''

Messrs. SHERMAN, BALLANCE, DICKS, BILIRAKIS, MEEHAN, MATSUI, JEFFERSON, BERMAN, DAVIS of Illinois, OWENS, BOYD, PASTOR, BOUCHER, Mrs. LOWEY, Mrs. BONO, Ms. MAJETTE and Ms. MCCARTHY of Missouri changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. EMERSON. Mr. Speaker, earlier today I inadvertently voted ''yea'' on rollcall vote 463,

ordering the previous question for H. Res. 351, Providing for Consideration of H.R. 2989, Departments of Transportation and Treasury Appropriations Act of 2004.

I ask that, even though the record cannot reflect this statement, you consider me opposed to the automatic pay increases that may result from passage of this provision, by a vote of 240–173, this morning.

In the 106th and 107th Congresses, I was one of a handful of Representatives to cosponsor legislation to eliminate these automatic pay adjustments for Members of Congress. My voting record over the past seven years reflects my strong opposition to automatic cost-of-living adjustments for Members of Congress.

A ''nay'' vote would have best reflected my opposition to automatic pay adjustments. I apologize for the way in which this inadvertent vote may have misled you to believe I am in favor of such an automatic pay increase.

The SPEAKER pro tempore. The question is on the resolution.

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

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 235, noes 178, not voting 21, as follows:

[Roll No. 464]

AYES—235

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

NOES—178

Abercrombie
Ackerman
Alexander
Allen
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chabot
Clyburn
Costello
Cramer
Crowley
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Deutsch
Doggett
Edwards
Emanuel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Goode
Gordon
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Pelosi
Pomeroy
Price (NC)
Ramstad
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Wamp
Waters
Watt
Weiner
Wexler
Wu

NOT VOTING—21

Andrews
Burton (IN)
DeGette
DeMint
Dooley (CA)
Engel
Gephardt
Graves
Hyde
Janklow
John
Kucinich
Payne
Pickering
Rangel
Regula
Rodriguez
Roybal-Allard
Waxman
Woolsey
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). The Chair would once again remind Members in the fourth column to check their votes on the voting machine. The voting machine is working correctly, but the display is not displaying those names. Members should independently verify their votes on a voting station.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1143

Mr. WAMP changed his vote from ''aye'' to ''no.''

Mr. OBEY changed his vote from ''no'' to ''aye.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

Mr. OBEY. Mr. Speaker, I move to reconsider the last vote.

MOTION TO TABLE OFFERED BY MR. REYNOLDS

Mr. REYNOLDS. Mr. Speaker, I move to lay on the table the motion to reconsider.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. REYNOLDS) to table the motion to reconsider offered by the gentleman from Wisconsin (Mr. OBEY).

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

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 205, noes 180, not voting 49, as follows:

[Roll No. 465]

AYES—205

Aderholt
Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Cannon
Cantor
Capito
Castle
Chabot
Chocola
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Green (WI)
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Isakson
Issa
Istook

Jenkins
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Lynch
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Udall (CO)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—180

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

NOT VOTING—49

Andrews
Ballenger
Bereuter
Berman
Boehner
Burton (IN)
Camp
Carter
Deal (GA)
DeGette
Delahunt
DeMint
Dooley (CA)
Emerson
Engel
Fattah
Gephardt
Graves
Greenwood
Hinchey
Houghton
Hyde
Janklow
John
Johnson (CT)
Johnson, Sam
Jones (OH)
Kucinich
LaTourette
McCarthy (NY)
Miller, George
Myrick
Nadler
Norwood
Pascrell
Payne
Pickering
Pombo
Rangel
Regula
Rodriguez
Roybal-Allard
Ryun (KS)
Souder
Stark
Van Hollen
Waxman
Woolsey
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1201

Messrs. COBLE, DICKS, FRANK of Massachusetts, RUSH, SPRATT, Ms. WATERS, and Mr. WYNN changed their vote from ''aye'' to ''no.''

Messrs. LEWIS of California, SAXTON, TANCREDO, THOMAS, and WALDEN of Oregon changed their vote from ''no'' to ''aye.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. BEREUTER. Mr. Speaker, on September 4, 2003, this Member unavoidably missed rollcall vote No. 465. Because this was a 5-minute vote, in contrast to the normal practice of 15 minutes employed on the floor when votes are not predicted, this Member returned to Committee and was unaware that the normal practice was not pursued. Several other Members were in the same position. Had this Member been present, this Member would have voted ''aye'' on this procedural vote to table the motion to reconsider the previous vote.

TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. Pursuant to House Resolution 351 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2989.

The Chair designates the gentleman from California (Mr. DREIER) as Chairman of the Committee of the Whole, and requests the gentleman from Virginia (Mr. GOODLATTE) to assume the chair temporarily.

□ 1202

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2989) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes, with Mr. GOODLATTE (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Oklahoma (Mr. ISTOOK) and the gentleman from Massachusetts (Mr. OLVER) each will control 30 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. ISTOOK).

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

Mr. Chairman, I am pleased to present the Departments of Transportation, Treasury, and independent agencies appropriations bill for fiscal year 2004. Because of the reorganization of the Committee on Appropriations, this is an entirely new arrangement for the form in which these agencies are presented to the House. In this bill, many of the historical programs that were part of the Transportation Department and the Treasury Department were merged with the new Department of Homeland Security, and then the remaining programs have now been combined in this legislative package with the appropriations for agencies such as the General Services Administration, the Office of Personnel Management, the White House, the Executive Office of the President, the Office of Management and Budget and other critical agencies which are, at times, dissimilar in their functions, however.

As a result, in putting together this bill we have made budget trade-offs that previously were not made by this particular subcommittee. We have merged Members of Congress and committee staff from two former subcommittees, and accomplishing the production of a $90 billion bill only a few months into that task has been a Herculean task. Fortunately, we have been blessed with good people, good Members, such as the ranking member, the gentleman from Massachusetts (Mr. OLVER), Mr. ETHERIDGE and other staff that I will recognize later for their role in this bill.

But I believe we have produced a good product for the House. We have had a lot of learning, many hearings, and the members of the subcommittee have shown enormous dedication to produce this bill. I believe this is a very good and solid bill. In most respects, it matches the budget request and the priorities of the President, and makes some significant improvements along the way.

In particular, I am pleased that by exercising great discipline in a number of areas, we are able to do more than the President anticipated for investing in the Nation's highways. The budget, unfortunately, due to downward movement in the Highway Trust Fund revenue, proposed an 8 percent reduction in funding for Federal aid to highways. Thanks to the discipline we have exercised in other areas, this bill instead provides a 7 percent increase. So it is $4.5 billion more than the President's request expected we would be able to

do, and some $2.2 billion more than Federal aid to highways during the current fiscal year.

That money is excellent and significant news for America's economy, because each $1 billion of highway investment creates some 40,000 jobs. So compared to the current year's funding, this bill will add another 88,000 jobs across the country in highway construction alone. Compared to what we expected we would be able to produce this year, this bill will add some 200,000 jobs across the country.

That is good news also for the millions of motorists that are stuck in traffic congestion. According to the U.S. Department of Transportation, America has unprecedented and worsening levels of highway congestion. In urban areas, the largest urban areas that have 3 million people or more, 40 percent of the travel every day is under congested conditions. It costs the economy billions of dollars with lost productivity because of workers that are stuck in traffic. The backlog of highway and bridge deficiencies continues to rise. There is now over $325 billion, according to the Federal Highway Administration, and some $400 billion, according to other Department of Transportation sources, in unaddressed highway construction needs in the United States of America.

We have to get America to work and move goods to market, and this bill seeks to do that. No other form of transportation offers the flexibility and the ability to move large numbers that our road network offers. Well over 90 percent of the vehicle miles traveled in the United States today take place on the highway. That is the way we move, that is the way that goods get to market, it is the way emergency vehicles and public safety vehicles are able to move.

We have to address the critical problem of highway infrastructure to get America moving again. This bill seeks to do that in a very significant way, but without any increases in taxes or in revenue.

While the needs go up, Mr. Chairman, our ability to respond to them has been threatened by the tightness of the budget. There has been a dramatic decline in highway gasoline tax revenues. Gas tax receipts put into the highway account of the trust funds went down almost $6 billion between 1999 and 2002. We do not expect them to return to the 1999 level until the year 2008. That is why the tough decisions that we have made and the priorities we have set in this bill are so important to work on that backlog in a time of limited resources.

At the same time, there are increasing pressures on the general fund due to Homeland Security and national defense priorities. We are trying to be fiscally responsible and use this money more wisely and set tough priorities among many competing demands. We will hear many Members talk about things that they wish we had the money to do. It would be nice, but we do not have the luxury of doing things that we could in times of rising revenues.

While increasing funds for highway investment, we had to hold down other increases. For the Department of the Treasury, the FAA, the Federal Aviation Administration, the Office of Personnel Management, we, by necessity, have provided cost-of-living increases and other mandatory expenses that are about 4 to 5 percent increases for those agencies, but the Executive Office of the President and others have only a 1 percent increase. We are exercising the fiscal restraint which is necessary.

I do want to express special appreciation, of course, to everyone that has made it possible in making these tough decisions. The gentleman from Massachusetts (Mr. OLVER) I have singled out previously. He has been tough, but fair, in presenting his priorities. His input and advice have been invaluable, and our work is the better for his contribution.

I want to thank the chairman of the full committee, the gentleman from Florida (Mr. YOUNG), for his fair and generous allotment to our subcommittee.

Let me make sure that I also address a couple of areas that I know will be part of the debate on this bill. Let us look at Amtrak.

The bill includes $900 million for Amtrak. Some will say that is not enough. Well, that is because Amtrak says they wanted twice as much. But, keep in mind, Amtrak is not a Federal agency. They are in a special status, a special private situation. They can ask for whatever they want, but their requests have not gone through the same budget and vetting process as has been the case with the other agencies that have requested money.

Amtrak's request did not go through the Office of Management and Budget. It was not balanced against other transportation priorities. It was a request of what they said they want. Their desires are transmitted directly to the Congress. But the administration does not support the large request that came from Amtrak, and neither do I.

As the Secretary of Transportation, Mr. Mineta, stated in a letter that he wrote to me recently, and I quote the Secretary, ''The problems at Amtrak simply will not go away with a more liberal application of dollars.''

We are at a defining moment in the Amtrak history, where we can go down the road of binding them to reform and making tough decisions on where it makes sense for Amtrak to operate and where it does not, or we can just throw money at the problem, money that we do not have and that will move millions more people if that money is applied elsewhere.

We should understand that of all the rail passengers in the country, only 5 percent or less are moved by Amtrak. Most of them are moved by commuter rail systems, not by Amtrak. Amtrak is not synonymous with the railroads of America. Amtrak is not synonymous with rail passenger service.

Reform legislation is pending before the Congress with Amtrak, but it has not been acted on by the authorizing committees. Until that happens, I believe it would be folly to provide huge increases for this railroad that has not kept up its commitments, that has not been honest with the American people.

We should not be swayed by their claims that they would go out of business unless they receive another $1.8 billion. They have tried to make that case by adopting poison-pill policies saying, oh, we have all these hundreds of millions of dollars in severance pay that we have agreed to to make it a poison pill, to keep people from making the serious decisions that need to be made for Amtrak.

Even they admit that most of their request is not needed for next year's operating bills. They want taxpayer money for their long-term capital investments because they have handled their system so poorly they find it difficult to attract private dollars. We should not accept their ''sky is falling, Chicken Little'' arguments. This bill is more than fair to Amtrak and would be sufficient, more than sufficient, to meet the really important parts of their operating needs.

Let me also address what will be another part of the debate on this bill, Mr. Chairman, the Federal Highway Transportation Enhancements Program. Several Members expressed concern about the program and, because of that, the approach that was taken by the full Committee on Appropriations is to say that transportation enhancements are a program that States are permitted to spend money on with their allocation of Federal highway dollars, but we will no longer force them to spend money on bike paths or pedestrian paths if they have higher priorities for their bridges that are unsafe, as thousands of bridges are, or their roads that are unsafe, as thousands of miles of roads are, or their congestion problems.

□ 1215

This is a decision affecting some $600 million a year, Mr. Chairman. I trust the States to make their decision. Is it of greater importance to the people in their State and in their community to move a small number of people, to make a pedestrian path available or to move a large number of people and enhance their workforce and economic development and productivity by relieving congestion where they find it? I trust States to make that decision.

The bill permits them to offer an amendment I know will be offered to try to say no, they must spend 10 percent of their surface transportation dollars which comes from highway users, which comes from gasoline taxes; but they must spend it on things that do not help move the traffic and

do not help do the work and the business of America. The Transportation Enhancement Program funds transportation museums, for example, at the expense of the thousands of unsafe bridges that each of us have a portion of in our district.

So I look forward to what I hope will be a fair and honest and elucidating debate on that particular topic. And it will be of interest, Mr. Chairman, to know how many Members who tell me sometimes, oh, I need money for a highway project in my district, but if they vote today to say no it is more important to me to take money out of my highways and put into things that do not relieve the congestion and meet the transportation needs of the countries, then I will understand what their true priorities are. We need to make those important decisions.

There is one final area of the bill that I want to make clear because I have talked mostly about transportation. The Department of Treasury is in this bill. It provides critical contributions to the war on terrorism. It is more than just the agency that houses the Internal Revenue Service. For example, the bill provides several million dollars above the President's request for stronger involvement on the Treasury Department and international affairs, including technical advisors for rebuilding the currency bank and financial systems in Iraq. The Treasury Department has a crucial role, which we fund under this bill, to stop the money trafficking that is funding terrorist activity around the globe. It includes $2.3 million more for the new office of terrorist financing and financial crimes, another $5.3 million for the IRS for counterterrorism activities, and 21, almost 22, million dollars for the Office of Foreign Assets Control, which is responsible for freezing the assets of terrorist organizations, and some $57 million for the financial crimes enforcement network.

All of these are important elements of the war on terrorism. We fund each of them at or above the administration's request in our bill.

In conclusion, Mr. Chairman, I believe this bill is fair and it is balanced. It provides for the major needs for the Departments of Transportation and Treasury and the other independent agencies, such as the GSA, all within the tight constraints of our budget. We have developed the bill in consultation with the minority and with each of the staffs involved. I support the bill wholeheartedly, and I ask for the support of each Member.

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

Mr. OLVER. Mr. Chairman, I yield 10 seconds to the gentleman from Wisconsin (Mr. OBEY).

PREFERENTIAL MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I move the Committee do now rise.

The CHAIRMAN pro tempore (Mr. GOODLATTE). Does the gentleman from Massachusetts (Mr. OLVER) yield for that purpose?

Mr. OLVER. Mr. Chairman, I do.

The CHAIRMAN pro tempore. The question is on the motion to rise offered by the gentleman from Wisconsin (Mr. OBEY).

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

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 100, noes 298, not voting 36, as follows:

[Roll No. 466]

AYES—100

Ackerman
Alexander
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Brown (OH)
Capuano
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
DeLauro
Deutsch
Doggett
Evans
Farr
Filner
Frank (MA)
Frost
Grijalva
Hall
Hastings (FL)
Hill
Hinchey
Hinojosa
Holt
Hooley (OR)
Hoyer
Jefferson
Johnson, E. B.
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
Majette
Maloney
Markey
McGovern
McIntyre
Meehan
Meeks (NY)
Millender-McDonald
Miller (NC)
Miller, George
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pelosi
Pomeroy
Ross
Rothman
Ryan (OH)
Sabo
Sanchez, Linda T.
Sandlin
Schakowsky
Snyder
Solis
Spratt
Stark
Stenholm
Stupak
Tanner
Thompson (MS)
Tierney
Towns
Udall (CO)
Van Hollen
Velazquez
Waters
Watson
Watt
Wynn

NOES—298

Abercrombie
Aderholt
Akin
Allen
Bachus
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berman
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Cardin
Cardoza
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hostettler
Houghton
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McInnis
McKeon
McNulty
Meek (FL)
Menendez
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu

NOT VOTING—36

Brown, Corrine
Cannon
Deal (GA)
DeGette
Delahunt
DeLay
DeMint
Dooley (CA)
Engel
Fattah
Gephardt
Gonzalez
Graves
Hyde
Janklow
John
Jones (OH)
Kucinich
LaTourette
McHugh
Mica
Ortiz
Payne
Pickering
Rangel
Regula
Rodriguez
Roybal-Allard
Sanders
Slaughter
Smith (WA)
Waxman
Wexler
Woolsey
Young (AK)
Young (FL)

□ 1240

Messrs. FLAKE, GALLEGLY, THOMPSON of California and GINGREY changed their vote from ''aye'' to ''no.''

Mr. HOYER changed his vote from ''no'' to ''aye.''

So the motion was rejected.

The result of the vote was announced as above recorded.

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

Mr. Chairman, I want to thank the gentleman from Oklahoma (Chairman ISTOOK) for working so hard to get this bill to the floor. I think it has been a more difficult task than many of us believe, but I also want to take a moment to thank the staff on both sides of the aisle for their hard work on this bill.

On the majority side, I want to recognize our clerk, Rich Efford, and Cheryle Tucker, Leigha Shaw, Kurt Dodd, Walter Hearne and Bill Nicholson.

On the minority side, I particularly want to thank Mike Malone and Beverly Pheto from the committee staff and Bob Letteney and Rob Gatehouse from my personal staff.

I want to pay a special recognition and thanks to my legislative director, Bob Letteney, who has been a member of my staff since 1997. He has handled transportation appropriations issues on my personal staff for the last several years, but Bob is one of a handful of Federal employees selected this year as a Mike Mansfield fellow, and that unique program named for the former Senate majority leader and Ambassador to Japan places Federal workers in targeted Japanese Government agencies where an exchange of knowledge would be beneficial to both countries. It is an honor to be chosen for a Mansfield fellowship, and the program directors could not have selected a better candidate than Bob Letteney. So I thank Bob for his years of hard work in my office, and I wish him the best of luck in Japan and beyond.

Mr. Chairman, as I said, this has been a long road to get this bill to the floor, and I appreciate the chairman working with us to make substantial changes to the original subcommittee mark. Among other things, during full committee, money was added back for rural communities that rely on essential air service programs.

In full committee we also increased funding for new starts transit projects and added some money, though not nearly enough, to the Amtrak program.

The bill also obligates over $33 billion, of course this is a major nut of funding in this appropriations bill, for the Nation's highway program, and that is the largest, obviously, piece in this whole legislation. Each billion will create some 45,000 new jobs. Yet we still have a long way to go to get what I would consider a balanced Transportation Treasury bill.

The bill cripples the enhancement program by eliminating the minimum authorized guarantee for enhancements that has been in effect for the 12 years of the ISTEA and TEA–21 authorizations that were established by overwhelming votes of this Congress.

□ 1245

Enhancements include bike trails, pedestrian walkways, and money for historic preservation. They are vital components of the transportation system and enhance the fabric of our local communities. The chairman of the Subcommittee on Highways and Transit and Pipelines of the Committee on Transportation and Infrastructure, the gentleman from Wisconsin (Mr. PETRI), along with me and a large bipartisan group of Members, will have an amendment to preserve that enhancement program.

The bill only provides $900 million for Amtrak, pushing them to the brink of a shutdown, despite the fact that 220 Members of this body sent a letter to the Committee on Appropriations supporting Amtrak's request for $1.8 billion. I also will offer an amendment to restore funding for Amtrak.

Transit programs are still woefully underfunded. The New Starts transit account is still $300 million below the President's request for the New Starts program.

Job access and reverse commute grants are cut by $64 million from last year's enacted bill. These funds help low-income families in rural and urban areas get rides to work, school and health care appointments.

For the FAA, funds are not provided as requested by the President to begin hiring additional air traffic controllers in advance of an imminent wave of retirements.

And on the Treasury side of the bill, $100 million is included to implement an earned income tax credit precertification program that would subject four million working poor to additional burdens each year and drive many of them away from the program which former President Ronald Reagan called our most effective program to reduce poverty.

This bill also contains no funding for Federal courthouse construction at a time when we already face a significant backlog of construction and renovation needs, and this will certainly make the situation worse.

On the floor today and in conference, I hope we will be able to rectify some of these problems and have strong bipartisan support for the end product of those deliberations.

I want to pay special recognition and thanks to my Legislative Director, Bob Letteney, who has been a member of my Washington staff since 1997.

Bob started with me as a Staff Assistant and worked his way all the way up to Legislative Director. He has handled transportation appropriations issues on my personal staff for the last several years.

Bob is one of a handful of federal employees selected this year as a Mike Mansfield fellow.

This unique program, named for the former Senate Majority Leader and Ambassador to Japan, places federal workers in targeted Japanese government agencies where an exchange of knowledge would be beneficial to both countries. The federal workers selected as fellows study Japanese language and cultural intensively for the first year of a two-year program, and after that are placed in a Tokyo agency appropriate for their background and professional interests.

It's an honor to be chosen for a Mansfield fellowship, and the program directors couldn't have selected a better candidate than Bob Letteney. I understand Bob wants to be placed in a rail transportation agency, and this is clearly a critical area for the U.S. over the next decade.

So it will be with mixed emotions that I say ''goodbye'' to Bob on his last day in my office next week. A Pittsfield, Massachusetts native and a proud graduate of Pittsfield High School and then the University of Massachusetts at Amherst, Bob has been real home-grown success story and an invaluable staffer in my organization. The opportunity presented by the Mansfield fellowship, however, is a great one, and I know Bob will represent our Nation in outstanding fashion.

Bob, thank you for your years of hard work in my office, and I wish you the best of luck in Japan and beyond.

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

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume to engage in a colloquy with the gentleman from Virginia (Mr. CANTOR).

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

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

Mr. CANTOR. Mr. Chairman, I rise to engage in a colloquy with Chairman ISTOOK regarding the Transportation/Treasury appropriation bill about the importance of funding the Richmond Federal courthouse. This courthouse project is very important to my constituents and will be critical to the economic revitalization of downtown Richmond.

The Richmond courthouse project has received a very high ranking from the Administrative Office of the Courts and is number two on its list of courthouse construction projects.

Mr. ISTOOK. Mr. Chairman, reclaiming my time, I appreciate the opportunity to share my thoughts on the matter with the gentleman from Virginia (Mr. CANTOR). I am very much aware of the need to fund the Richmond Federal courthouse. I am concerned, of course, about the funding needs for all of the Nation's courthouses.

As the gentleman is aware, due to budget limitations, we have not provided funding for any new courthouse construction in this bill, but I would like to be helpful to him and to his constituents, and I am looking for the necessary funds to finance courthouse construction projects, including the Richmond Federal courthouse. I understand the importance of it to the Federal Judiciary and that it is a critical element of the revitalization of downtown Richmond.

Mr. CANTOR. Mr. Chairman, if the gentleman will continue to yield, I want to thank him for his continued commitment to addressing the funding of the Federal courthouse in Richmond. The Federal courthouse will revitalize downtown Richmond and provide a critical link between the convention center area and Capital Square.

I have heard from many leaders in the City of Richmond about the necessity for funding this project, and I agree construction of the Federal courthouse is long overdue.

Again, I want to thank the chairman for his leadership and look forward to working with him on this program.

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

Mr. ISTOOK. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I thank the gentleman from Oklahoma for yielding to me, and I want to say that I agree with the gentleman's comments with respect to the Richmond courthouse.

I might add, however, and I think the chairman hopefully shares this view, that the Los Angeles courthouse and others are on the priority list. As the gentleman knows, this committee has followed not a political agenda with respect to the funding of courthouses, but the court's determination of the most-needed facilities, of which Richmond, as the gentleman pointed out, comes very high.

I would hope the gentleman would join in urging the administration and urging the Congress to again start funding courthouses. If we do not, we are going to see the administration of justice put at risk in many of the highest demand areas in the country. So I appreciate the gentleman's comments about Richmond, but it applies as well to many other jurisdictions.

Mr. ISTOOK. Reclaiming my time, Mr. Chairman, I thank the gentleman for his comments.

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

Mr. OLVER. Mr. Chairman, I yield 10 seconds to the gentleman from Wisconsin (Mr. OBEY).

PREFERENTIAL MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. Does the gentleman from Massachusetts (Mr. OLVER) yield to the gentleman from Wisconsin for that purpose?

Mr. OLVER. I do.

The CHAIRMAN. The question is on the motion offered by the gentleman from Wisconsin (Mr. OBEY) that the Committee do now rise.

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

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 89, noes 302, answered ''present'' 1, not voting 42, as follows:

[Roll No. 467]

AYES—89

Ackerman
Alexander
Baird
Baldwin
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Brown (OH)
Capuano
Carson (IN)
Clyburn
Cooper
Crowley
Davis (TN)
Delahunt
DeLauro
Deutsch
Doggett
Emanuel
Evans
Farr
Filner
Frank (MA)
Frost
Grijalva
Hastings (FL)
Hinojosa
Holt
Hoyer
Jackson (IL)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kilpatrick
Kind
Kleczka
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lofgren
Markey
McDermott
McGovern
McNulty
Meehan
Millender-McDonald
Miller (NC)
Miller, George
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pelosi
Pomeroy
Rothman
Rush
Ryan (OH)
Sabo
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Scott (GA)
Slaughter
Snyder
Solis
Stark
Stenholm
Stupak
Tanner
Thompson (MS)
Tierney
Towns
Udall (CO)
Van Hollen
Velazquez
Waters
Watson

NOES—302

Abercrombie
Aderholt
Akin
Allen
Baca
Bachus
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berman
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Eshoo
Etheridge
Everett
Fattah
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Hooley (OR)
Hostettler
Houghton
Hulshof
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lantos
Latham
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McInnis
McIntyre
McKeon
Meek (FL)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Osborne
Ose
Otter
Owens
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rehberg
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sanchez, Linda T.
Saxton
Schiff
Schrock
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spratt
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (FL)

ANSWERED ''PRESENT''—1

DeFazio

NOT VOTING—42

Andrews
Boucher
Brown, Corrine
Camp
Carson (OK)
Clay
Conyers
DeGette
DeMint
Dingell
Dooley (CA)
Doyle
Engel
Gephardt
Gonzalez
Graves
Gutierrez
Honda
Hunter
Hyde
Janklow
John
Johnson, Sam
Kucinich
LaTourette
Matsui
McHugh
Meeks (NY)
Nussle
Ortiz
Oxley
Payne
Pickering
Rangel
Regula
Reynolds
Rodriguez
Roybal-Allard
Waxman
Wexler
Woolsey
Young (AK)

□ 1312

Messrs. GALLEGLY, SWEENEY, KINGSTON and Mrs. EMERSON changed their vote from ''aye'' to ''no.''

So the motion was rejected.

The result of the vote was announced as above recorded.

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume for the purpose of a colloquy with the gentleman from Florida (Mr. GOSS).

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

Mr. ISTOOK. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Chairman, I thank the gentleman for an opportunity to speak on behalf of a project very important to motorists, to commerce, and to the well-being of millions of residents and visitors to southwest Florida.

As a great number of my colleagues and their families know, there has been a steady and dramatic increase in the population in the southwest Florida area.

□ 1315

This growth is indeed welcome. It is reflective of a robust economy and a wonderful quality of life, but it has contributed to the serious congestion of our only interstate, I–75.

We have requested funds that would widen the forgotten section of I–75, as we refer to it. It is a section that serves our State university and our international airport, to say nothing of the daily traffic of commuters and visitors.

The current level of project funding contained in this act is very helpful and we are grateful, but it does not allow for the full solution to our congestion problem.

It is for this reason that I respectfully ask the chairman that this issue be revisited during the conference committee for this legislation.

Mr. ISTOOK. Mr. Chairman, I appreciate the gentleman's comments and his support for his State and its needs, but financial resources, as the gentleman knows, are indeed tight.

The committee, hopefully, may consider additional appropriations for this project in the conference committee should additional funds be made available to us at this time because I know of the great growth in his State and the significance of this project. I appreciate the gentleman bringing this to my attention and will continue to work with him on it.

Mr. GOSS. Mr. Chairman, if the gentleman will continue to yield, I would like to thank him for that, for the opportunity to speak today and for the extraordinary good work he is doing to get this bill moving.

Mr. ISTOOK. I thank the gentleman from Florida.

Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding time, and I commend him for producing what I think is a fair and balanced bill.

I know every area of the Nation is experiencing significant problems with its transportation needs and that we would all like to see more funds for transportation purposes. Wrestling with the realities that we have with this recession and the war on terror, I think the chairman needs to be very seriously commended.

I want to particularly single out and thank him for including some funding for the Pineda Extension. This project is very, very important for the proper evacuation in the event of hurricanes for many of our coastal communities in the congressional district that I represent.

As we all can remember, Hurricane Floyd when it threatened the coast of Florida, the east coast of Florida, precipitated one of the largest, if not the largest, human evacuations in history where literally millions of people had to migrate off the coast of Florida and move inland. And one of the things that was recognized in that challenge was that the State did not have enough east-west access corridors.

This important addition to the bill will help us in the State of Florida address that need in a very, very critical area. I again want to thank the chairman.

Mr. ISTOOK. Mr. Chairman, I would inquire how much time remains on either side.

The CHAIRMAN. The gentleman from Oklahoma has 9 minutes remaining, and the gentleman from Massachusetts has 24½ minutes remaining.

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

Mr. OLVER. Mr. Chairman, I yield 3 minutes to the gentlewoman from Michigan (Ms. KILPATRICK), who is a member of the subcommittee.

Ms. KILPATRICK. Mr. Chairman, I thank the gentleman from Oklahoma for his chairmanship in having gone through our budget for the first time, as well as our ranking member, the gentleman from Massachusetts (Mr. OLVER), for his first time.

I do believe that we have a balanced budget before us. It is a good budget with some modification as we go through the amendments today.

I first want to bring to the Members' attention the earned income tax credit which in this bill allows $100 million for 45,000 people to be looked at to see if they are in compliance in order to receive the EITC.

We believe, and we will be offering an amendment later today to reduce that to 25,000 people and to use 50 million of those tax dollars to look at corporations and other high-wagers to see if they are in compliance.

The earned income tax credit assists moderate and low-income families. It provides for them revenues and monies they need for college educations and other things that this budget does not apply. So we hope that that $50 million will be adequate for the pilot program, and we will hear more on that as we go on throughout the day.

Another is the Buy American provision that I have offered in this bill. In my home State of Michigan over 400,000 people are out of work. Many of the manufacturing jobs have gone offshore. I am told now that many of the service jobs are going offshore and we have to do something about that. This budget can do that and it can do better. We need the Buy American language, and I hope that we can retain it in this budget.

Lastly, I think it is very important that we talk about Amtrak and save its funding. Amtrak does a wonderful service in our country, the eastern corridor, and across this country. I do not personally have the Amtrak service I want in my district. I would like to see it expanded. The number here for Amtrak is sorely underfunded. With those provisions as we address our amendments, we hope that we can make it a better bill.

Mr. OLVER. Mr. Chairman, I yield 10 seconds to the gentleman from Wisconsin (Mr. OBEY).

PREFERENTIAL MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Wisconsin for that purpose?

Mr. OLVER. I do.

The CHAIRMAN. The question is on the motion to rise offered by the gentleman from Wisconsin (Mr. OBEY).

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

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 87, noes 305, answered ''present'' 1, not voting 41, as follows:

[Roll No. 468]

AYES—87

Alexander
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berry
Bishop (GA)
Bishop (NY)
Brown (OH)
Brown, Corrine
Capuano
Carson (IN)
Carson (OK)
Clyburn
Conyers
Cooper
Crowley
Cummings
DeLauro
Doggett
Emanuel
Evans
Farr
Filner
Frank (MA)
Frost
Gonzalez
Grijalva
Hastings (FL)
Holt
Hooley (OR)
Hoyer
Jackson (IL)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kilpatrick
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Markey
McDermott
McGovern
McNulty
Meehan
Millender-McDonald
Miller (NC)
Miller, George
Moran (VA)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pelosi
Pomeroy
Rothman
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanders
Sandlin
Schakowsky
Scott (GA)
Snyder
Stenholm
Stupak
Tanner
Thompson (MS)
Tierney
Towns
Udall (CO)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt

NOES—305

Abercrombie
Ackerman
Aderholt
Akin
Allen
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
Deal (GA)
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
Eshoo
Etheridge
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lantos
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
Meek (FL)
Meeks (NY)

Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Pascrell
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Rush
Ryan (WI)
Sanchez, Loretta
Saxton
Schiff
Schrock
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Solis
Souder
Spratt
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Tiahrt
Tiberi
Toomey
Turner (OH)
Udall (NM)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (FL)

ANSWERED ''PRESENT''—1

DeFazio

NOT VOTING—41

Clay
Davis, Jo Ann
DeGette
Delahunt
DeMint
Dooley (CA)
Doolittle
Doyle
English
Fattah
Gephardt
Graves
Hinojosa
Honda
Janklow
John
Kleczka
Kucinich
Majette
Matsui
McCotter
Nadler
Owens
Oxley
Payne
Pickering
Radanovich
Rangel
Regula
Rodriguez
Roybal-Allard
Ryun (KS)
Slaughter
Smith (WA)
Stark
Thornberry
Turner (TX)
Waxman
Weldon (PA)
Woolsey
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are informed that there are 2 minutes remaining on this vote.

□ 1341

Mr. TAUZIN changed his vote from ''aye'' to ''no.''

So the motion was rejected.

The result of the vote was announced as above recorded.

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ROTHMAN), who is a member of the subcommittee.

Mr. ROTHMAN. Mr. Chairman, I thank my distinguished gentleman from Massachusetts (Mr. OLVER) the very kind and distinguished ranking member, for yielding me this time. I also want to thank my chairman for all of his cooperation and friendship and going out of his way to help me and the people of my district on a number of different issues, along with, of course, my ranking member, the staffs of my chairman and the ranking member. By the way, I have so many things to talk about, but I am only using 2 minutes in the interest of the group; so I will cut to the chase.

There was an issue involved in a one-size-fits-all FAA regulation that would have had a devastating effect on the people of northern New Jersey. The Port Authority of New York and New Jersey, a bipartisan agency, the bipartisan elected officials in New Jersey and all the people of my region were adamant that Washington should not force a solution that was wrong for us on them, and the chairman and his staff bent over backwards along with the ranking member to accommodate a reasonable commonsense solution to that problem, and I am extremely grateful to the chairman and the ranking member for accommodating the interests of the hundreds of thousands of people who would otherwise have been negatively affected.

I intend to support this bill. It is not perfect. I hope Amtrak gets plussed-up in the conference, but by and large this is a bill that we can all be proud of, and I thank my chairman again and my ranking member for all their kindness and courtesies.

□ 1345

Mr. OLVER. Mr. Chairman, I yield 4 minutes to the gentleman from Maryland (Mr. HOYER), the minority whip and a member of the subcommittee.

Mr. HOYER. Mr. Chairman, Mr. Chairman of the subcommittee and the gentleman from Massachusetts (Mr. OLVER), first of all let me congratulate the gentleman from Massachusetts (Mr. OLVER) on his taking the responsibilities of ranking member. He is doing an outstanding job in that capacity.

Mr. Chairman, I want to make a few general comments. I will have some possible amendments, which may be withdrawn, some of which may be pressed. But I want to thank the committee and I want to thank the chairman for pursuing what the Republican majority budget provided for with respect to pay parity. I think that was appropriate and consistent with our past policies. We have a lot of folks who are on the front lines who we will recognize.

However, I want to raise some concerns. As the chairman knows, the Reagan administration, the Bush administration, the Clinton administration, and now the present Bush administration, as I understand it, is for the project, although has not funded it. We have been pursuing the creation of a campus for the Food and Drug Administration which, of course, now has even more challenges dealing with the integrity of the food and drug supply in light of terrorist threats. But we have been trying to construct this campus, which will save the Federal Government money.

The reason it will save the Federal Government money is now the FDA is located around the Washington metropolitan area in 19 different leased facilities, and, of course, they are for the most part very old facilities and they are expensive facilities. GSA tells us it would be cheaper to build at the site that has been agreed to, not in my district, but in the State of Maryland. We have done some of those. There is currently in the plan a project for $48 million. I have reason to believe the Senate might include that.

Mr. Chairman, I am very hopeful that we will be able to include that in the conference report. I am not going to offer an amendment on that in the committee, but I really do believe that it is a very cost-conscious effort to continue this project to completion, because, as I say, it is not a partisan difference. As a matter of fact, the proposal was made, as the gentleman knows, by the Reagan administration and a Republican director of the FDA. But it is one that I think is very important.

In addition, I am concerned, Mr. Chairman, that we have not included in this legislation not only some of the money that has been talked about in terms of Amtrak and transportation, but in particular the election reform legislation that we passed. It was one of the few pieces of legislation that we passed in an overwhelmingly bipartisan fashion. The Speaker was very proud of that. On our side of the aisle we were proud of it. The President in signing the bill indicated it was a bipartisan success.

We pledged to fund that effort, and we imposed deadlines on the States to accomplish certain things that were required to ensure access and accuracy of voting in elections. The deadline for the accomplishment of those objectives is 2006.

The gentleman from Florida (Chairman YOUNG) has been extraordinarily helpful and was a critical player in our initial funding. As the chairman knows, the bill would authorize $1.5 billion additional. We are $1 billion behind. There is $500 million in this bill. I appreciate the chairman's including that. I know he has been supportive of this effort.

But I will be working with the administration again. There is going to be an amendment offered by the gentleman from Florida (Mr. HASTINGS). I will speak on that. I am not sure that the gentleman from Florida (Mr. HASTINGS) will press that. The problem, of course, is where you take money from to get money for this objective. I think the chairman has a very real problem in that regard.

I am pressing the administration, and I have talked to the gentleman from Florida (Chairman YOUNG) about this, to seek emergency funds from the administration so that this project can be accomplished by the 2006 deadline. I would hope we could work on that.

Mr. ISTOOK. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. YOUNG), the distinguished chairman of the full committee, for the purpose of a colloquy with the gentleman from New York (Mr. SWEENEY).

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman very much for yielding me time.

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

Mr. YOUNG of Florida. I yield to the gentleman from New York.

Mr. SWEENEY. Mr. Chairman, I thank the chairman for yielding, and I want to thank him for participating in this colloquy with me today to address a significant issue which was raised during the committee consideration of this bill.

As the gentleman knows, when the committee marked up the Treasury-Transportation bill in July, we directed the General Services Administration to complete its review of MCI WorldCom's fitness to serve as a Federal contractor. This directive resulted from revelations that the company had overstated its profits by $11 billion and lacked adequate internal controls.

Mr. Chairman, as you are aware, the GSA announced the proposed debarment of MCI WorldCom on July 31. Although the process took longer than hoped and the committee was forced to take action to get GSA to do its job, the GSA has now prohibited MCI WorldCom from receiving any new Federal contracts. GSA has reached the only responsible conclusion possible.

Mr. Chairman, it is my strong belief that the Federal Government must condemn corporate malfeasance and provide strict oversight of Federal contracting. GSA's proposed action to debar MCI from Federal contracting is a step in the right direction, and I applaud their efforts.

With the leadership of the gentleman from Florida (Chairman YOUNG), this committee has ensured GSA performs its due diligence and has protected the American taxpayers from a fraudulent company. I would like to personally thank the gentleman for his support and assistance.

Mr. YOUNG of Florida. Mr. Chairman, reclaiming my time, I want to thank the gentleman from New York (Mr. SWEENEY) for bringing this important matter to the committee's attention. As overseers of GSA's budget, I believe the committee acted in a responsible way and responded to this issue appropriately.

Mr. SWEENEY. Mr. Chairman, if the gentleman will yield further, I thank the gentleman. As this process continues, GSA must remain responsive and should provide regular detailed reports to the committee on the status of the case.

Would the gentleman agree to work with me during the conference to clarify the report language, if necessary, so that the committee can continue its oversight of GSA actions on the MCI WorldCom debarment proceedings and further Federal contracting actions?

Mr. YOUNG of Florida. Mr. Chairman, I look forward to working with the gentleman from New York (Mr. SWEENEY) as we move towards a final resolution of this issue, and will certainly work to clarify the report language during conference as events dictate.

Mr. SWEENEY. Mr. Chairman, I thank the gentleman. I will continue to monitor the GSA's actions in this area as the Treasury-Transportation measure moves to conference. If there is any backsliding by the agency, I am confident the committee will be able to respond.

Mr. TOM DAVIS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I hope the chairman recognizes the authorizers' role in overseeing GSA in this and the appropriators' role in this and will keep us in the loop, and will not try to authorize without consultation with the authorizers.

Am I correct on this, or am I being rolled on this?

Mr. YOUNG of Florida. Mr. Chairman, I did not really hear the question.

Mr. TOM DAVIS of Virginia. Mr. Chairman, my question is although the Committee on Appropriations has appropriations oversight, I would hope we would work with the authorizing committee on GSA, which is the Committee on Government Reform, which I chair, as we work towards language on this.

We have spent a lot of time on these issues as well. The language of the gentleman from New York was worked out and shared with us. I hope this is not an attempt on the part of the appropriators to once again override authorizing committees and try to accomplish what they could not accomplish on the floor.

Mr. YOUNG of Florida. Mr. Chairman, reclaiming my time, I would say to my friend, the gentleman from Virginia (Mr. TOM DAVIS), that he is absolutely right. It is essential that the Committee on Appropriations and the authorizing committees work together as we deal with issues of this type. The gentleman is exactly right.

Mr. OLVER. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy in permitting me to speak on this debate.

Mr. Chairman, I find a certain amount of irony as we return to unnecessary controversy on one of the most important bills that this Congress will consider this year. The chairman of the subcommittee is concerned about congestion around the Nation, and well he should be. Yet the bill would cut back on people's alternatives to reduce congestion by further squeezing Amtrak and gutting the popular important bipartisan support for the enhancements program.

People need choices. I am going to speak later in the debate on the enhancements program in support of the amendment offered by the gentleman from Massachusetts (Mr. OLVER) and the gentleman from Wisconsin (Mr. PETRI), a bipartisan amendment to try to fix it. Unfortunately, we are not going to be able to talk about the problems with Amtrak which are going to be ruled out of order when offered.

I find it sad. There are some who dispute the notion that we should be the only industrialized Nation in the world without a backbone of a national rail transportation system. We have lavish subsidies for the airline industry, which in its history of passenger transport has produced a net profit of zero, zero; yet somehow, providing a little support for Amtrak is deemed theologically unacceptable.

Well, Mr. Chairman, much of the blame for the problems of Amtrak is that this Congress has refused to appropriate the money that Congress itself has authorized. Yet Congress has interfered with the management decisions of Amtrak, and, much like the mythical educational performance in Houston, where they sort of in schools ''will'' children to stay in school so they are not dropped out, that they somehow are all going on to college, people have tried to will Amtrak to a different type of performance than they are willing to pay for.

Luckily, there is broad bipartisan support in this country and in this Congress to overrule this ill-conceived cutback in Amtrak. I am convinced that ultimately through the process we will succeed. I hope we can fix what we can on the floor to preserve the critical enhancements program, and fight for a bill that the country deserves to preserve the potential for a comprehensive rail transportation system.

Mr. OLVER. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Mr. Chairman, once again the Committee on Appropriations, in the light of day, has voted to prohibit corporate expatriates from enjoying more than $1 billion a year in Federal Government contracts, and, once again, Mr. Chairman, in the dark of night, the Committee on Rules, has cobbled together a rule which rewards those corporations who run off to Bermuda to avoid paying United States income taxes.

The American taxpayer has said tax fairness and tax equity matter, but apparently not in this Congress. Corporate expatriates will drain $5 billion from our Federal Treasury, and yet, in return, corporate expatriates will win, time and again, lucrative Federal contracts to build our nuclear facilities, guard our government buildings, provide health care to our veterans, landscape the national parks, and even money appropriated in this bill today, believe it or not, a multimillion-dollar contract to help the IRS collect taxes.

We stay here and we pay our taxes while these corporations run off to Bermuda to avoid them. They then turn around and get paid to help collect money from us. If it was not September, most of us would come to believe based upon this issue it was April Fool's Day.

Try, as an individual taxpayer announcing that your address is in Bermuda and avoiding your share of personal income taxes, to find what the result will be. I am astounded that after months and months of discussing this issue, when we were promised a vote on the floor, we are no closer to doing that now than we were before. Instead, the Committee on Appropriations does what they are supposed to do, and the Committee on Rules decides not to let the issue come to the floor.

If they are confident in their position, let the matter come to the floor for an up-or-down vote. I guarantee you if it came to the floor, there would be 300 votes to affirm what I have said in the last couple of minutes.

□ 1400

I hope that during this debate there will be others who continue to bring this matter before us, and I hope that all of you on the other side will stop protecting many of these financial traitors.

Mr. ISTOOK. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I certainly appreciate the passion of the gentleman who just spoke and everyone else, but, of course, we have followed the normal protocol. This is what is considered in this House an open rule to give people the opportunity to bring up issues. But as the Chairman and everyone else in this body knows, just because a bill is on the floor, it does not mean that every topic can be offered on that bill. We have to break our work into pieces. And some of the issues the gentleman is talking about should properly be raised on other pieces of legislation, not this one.

The Committee on Rules and its leadership has provided a very good, very solid, open rule that provides Members the opportunity to make fair comments and make fair amendments upon the proper topics of this bill. And I would certainly hope that the gentleman would work with the committees of proper jurisdiction for the changes that he wants to make. But I do very much appreciate, Mr. Chairman, the efforts of the Committee on Rules in helping us to make the progress and helping to make sure that we have a controlled and proper debate on the issues that are the proper subject of this bill.

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

The CHAIRMAN. The Chair appreciates the gentleman's very thoughtful statement.

Mr. OLVER. Mr. Chairman, I have no additional speakers on general debate, and I yield back the balance my time.

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

Mr. Chairman, just by way of brief closing, I indicated that I wanted to express appreciation for the members of our staff that have worked so diligently to bring this legislation to the floor: the chief clerk of our subcommittee, Rich Efford, and the other clerks on the committee, Cheryle Tucker, Kurt Dodd, Leigha Shaw, Walter Hearne, Ben Nicholson, and from my office Kurt Conrad.

I do not want their efforts to go unnoted and unappreciated, and I wanted to make sure that they appear in the RECORD next to the work product that they have worked so diligently on. We could not accomplish these things without them.

This is a good bill. I ask every Member of the House to support it.

Mr. WELLER. Mr. Chairman, I rise today in strong opposition to the language weakening the United States' Cuban embargo policy by allowing travel to Cuba and urge my colleagues also to oppose allowing travel to Cuba.

The regime of Fidel Castro continues to prove to have no respect for dissidents, for human rights, and cannot be trusted. This past March, Castro carried out a sweeping crackdown on dissident leaders, rounding up 75 and providing harsh prison sentences after charades of trials. Further, Castro resumed executions with the execution of three men by official firing squad. For those dissidents merely attempting to exercise basic freedoms, punishments include forced exile, interrogations, house arrest and searches, intimidation and aggression, telephone bugging, eviction and loss of employment.

The fact remains: Cuba under the dictatorship of Fidel Castro is a terrorist state, ruled by fear, and grossly violating the human rights of dissidents. The Cuban regime remains on the Department of State list of seven terrorist-sponsoring nations. United States policy should never bend against the tide of oppression in Cuba or any country—we must maintain a firm line. Our victory in the Cold War was due to holding firmly to our core democratic values and principles and being strong, not bending to communist ideology, torture, and oppression.

The House of Representatives should not vote to reward a terrorist state with unrestricted travel—providing resources needed to sustain the Castro regime. I urge my colleagues to vote no on this amendment to weaken the embargo against Cuba by allowing travel to Cuba.

Mr. CRAMER. Mr. Chairman, as we debate the FY04 Transportation, Treasury Appropriations bill, I rise to express my concern for recent actions undertaken by the Internal Revenue Service.

It is a fundamental tenet of fair tax administration that taxpayers can rely on guidance and rules issued by the Internal Revenue Service. Unfortunately, in its administration of the tax credit for coal-based synthetic fuels, the IRS has breached this fundamental rule.

Congress enacted section 29 of the Internal Revenue Code to provide a tax credit for the production of synthetic fuel. This tax credit was created to encourage domestic energy production and it works. In my home state, and coal producing states throughout the Southeast, the credit has increased domestic coal production and kept open thin seam mines. The coal-based synthetic fuels increases combustion efficiency and reduce fuel costs for electricity consumers throughout the United States.

Since 1995, the IRS has issued revenue rulings, revenue procedures and over 80 private letter rulings that detail the processes that qualify for producing synthetic fuel and the tests taxpayers should utilize to demonstrate that the synthetic fuel they produced qualify for the tax credit.

Taxpayers and recognized scientific experts met repeatedly with the IRS as it developed the revenue rulings, revenue procedures and private letter rulings. Taxpayers explained the processes they intended to use to produce synthetic fuel and the tests that they would use to demonstrate that synthetic fuel qualified for the tax credit. After full opportunity to review the processes and the tests, the IRS issued private letter rulings telling taxpayers that these processes and these tests qualified.

Since 1995, taxpayers have been investing in synthetic fuel production facilities designed to meet the tests that the IRS agreed demonstrated that the synthetic fuel produced qualified for the tax credit. In June of this year, the IRS decided that it was not sure that the tests it had approved over the years were acceptable. The IRS told taxpayers that it questioned the test results it had previously approved because a single scientist the IRS hired attempted to perform the tests using different methodologies. However, the IRS refuses to tell taxpayers what test it is using and how it is different from the tests it has approved in 80 private letter rulings.

In short, the IRS changed the test it told taxpayers to use and refuses to tell taxpayers how it changed the test. Taxpayers no longer know whether their synthetic fuel, including fuels produced in prior years, qualifies for the tax credit. As a result, hundreds of millions of dollars of investments are at risk. Many public and private companies in all sectors of the economy are facing huge potential economic losses. Some companies are facing bankruptcy because the IRS is changing the rules after they made their investments.

Taxpayers worked in good faith with the IRS to design tests that demonstrated that their facilities produced a qualified synthetic fuel. Taxpayers invested in reliance on the rulings the IRS provided approving those tests. The IRS should publish an announcement that it will honor the rules under which taxpayers invested in synthetic fuels facilities and that it will follow the rules the IRS published in Revenue Procedures 2001–30 and 2001–34. The IRS must abide by the rules it laid down for taxpayers.

Mr. CUMMINGS. Mr. Chairman, today I rise in strong support of the amendment offered by my colleague Chairman QUINN. From its inception, Amtrak was expected to pursue conflicting goals. It was to provide a national rail passenger service while simultaneously operating as a commercial enterprise. Although, at this point I think that it is a foregone conclusion that no one expects Amtrak will be profitable.

As mandated in the Amtrak Reform and Accountability Act of 1997, which required Amtrak to achieve self-sufficiency by December 2002, the rail system has received reduced appropriations funding each year. However, due to inflation and a poor economy, operating costs continue to rise. Many important infrastructure and equipment improvements have been delayed or postponed due to the lack of funding. Rising operating costs—declining revenue—this is a formula for failure.

We are now faced with the challenge of salvaging a vital link in our national transportation system. To quote the Secretary of Transportation Norm Mineta: ''Intercity passenger rail service is an important part of the nation's transportation system.'' Some critics of Amtrak insist that reforming Amtrak will save it. I disagree. Until necessary improvements are made on the infrastructure and equipment, the system cannot function efficiently.

We need to provide Amtrak with adequate funding.

In some areas the rail infrastructure is over 100 years old. Repairing existing infrastructure to good condition and upgrading equipment will ultimately lead to reduced operational costs. But, as with most endeavors of this magnitude we cannot expect overnight results. The process will take time.

Looking to the states that rely on rail service to stabilize Amtrak is not the answer. My state of Maryland has been a strong supporter of Amtrak as it is a critical part of the overall transportation solution—especially in the congested Northeast corridor. The MARC trains in Baltimore are operated under a contract with Amtrak. Many Maryland communters depend on MARC service. But, we are not asking for a free ride. Since 1990, Maryland has invested over $124 million in state and federal funds to improve Amtrak owned facilities. I'm sure that Maryland does not stand alone when we say that we cannot afford to pay for the substantial needs of Amtrak.

Maintaining a sound, efficient rail system is a national concern. We are ever vigilant in our efforts to get people to leave their cars at home and use mass transit in order to each congestion and lower emissions. Since 1971, Amtrak has sought to balance competing public service and commercial objectives without the benefit of adequate resources to fully deliver either. The government must provide the necessary funding and oversight that is essential for a national passenger rail system.

We've come a long way in transportation technology since Amtrak began its service in 1971. However, because of the condition of current rail infrastructure and stock this progress is far from evident. I think that it is time for Congress to ''step up to the plate.'' We need and deserve a national passenger rail system.

We must provide adequate funding for Amtrak.

Mr. GREEN of Wisconsin. Mr. Chairman, I rise today in support of H.R. 2989, the Transportation-Treasury-Independent Agencies Appropriations Act for FY 2004.

First, I would like to thank the Chairman and the Ranking Member for including $20 million for the Terminal Radar Approach Control (TRACON) facility in Houston, Texas.

Houston's four million residents are served by Bush Intercontinental Airport, Houston Hobby Airport, and Ellington Field. Together they form one of North America's largest public airport systems and position Houston as the international gateway to the south central United States.

Unfortunately, the current TRACON facility was constructed in the late 1960's and is inadequate to meet the needs at these three airports.

The facility is in a low lying area which floods often, disrupting air traffic, and cannot be expanded to provide the airspace capacity needed to achieve the full benefits of the additional runway capacity expected to be online at Bush Intercontinental in spring 2004.

Expedited construction of the new TRACON is necessary to realize the 36 percent capacity increase identified in the FAA Operational Evolution Plan (OEP). The current state of the Houston TRACON does not fit its place as a major hub in a modern air traffic control system.

The $20 million included in this legislation is an important first step that will help create a new facility in a timely manner. This funding will help resolve an urgent air traffic control facility problem for the greater Houston, Texas area.

I am also happy to see that, on top of the East End Rail Task Force study on rail and mobility conditions completed in February 2003 and the Harris County/Port of Houston's $600,000 ongoing county-wide study, there is $1 million in the House Transportation Appropriations bill for a Freight Rail Transportation Corridor and Urban Mobility Program for Harris County.

I worked with my Texas colleague TOM DELAY on this issue, and am glad that the appropriators saw fit to include this important project.

The goal is to expand the work of the East End study to the entire rail network of Harris County in order to initiate a comprehensive approach to rail system rationalization, addressing the regional issues associated with train routing, rail traffic levels, yard operations, and through-traffic versus local service to quantify the safety and mobility impact they have on residents. Researchers on this project will work with a public-private partnership to oversee the direction and scope of work. The partnership will include public officials, the Port of Houston, residents, and representatives of Union Pacific and Burlington Northern Santa Fe Railroads.

A consensus approach is needed because a major freight rail and mobility plan will take significant amounts of federal, local, and private sources of investment to complete. Such freight rail reorganization plans have been successfully done for LA-Long Beach, CA, Reno, NV, and one was recently announced for Chicago, IL.

Again, Mr. Chairman, these are important projects for my area, and I am glad to see that they were included in this important bill. I'd like to thank the Chairman and the Ranking Member of this committee for their hard work.

Mr. FRELINGHUYSEN. Mr. Chairman, today, I rise in strong support of H.R. 2989, Chairman ISTOOK's Fiscal Year 2004 Transportation and Treasury Appropriations bill. Chairman ISTOOK has worked within the framework he was provided to put forward a fair and balanced approach to fund the Departments of Transportation and Treasury and other Independent Agencies.

The Chairman's bill makes a strong commitment to our nation's highway improvements by providing $33.8 billion, which is $6.1 billion above last year's level.

Equally as important to New Jersey is Federal support for transit operations. As such, I commend the Chairman for including $7.23 billion for transit program spending, which is $52 million above last year's level. I am especially thankful that this bill provides full funding for New Jersey's top two transit priorities, the Newark Elizabeth Rail Link and the Hudson Bergen Light Rail projects.

Notably, every year in New Jersey, nearly 4 million passengers ride Amtrak trains. Each day, 109 Amtrak trains operate in New Jersey. In addition, Amtrak provides all of the maintenance and locomotive power for the 250 daily commuter trains that are operated by New Jersey Transit for hundreds of thousands of daily rail commuters in my home state, which is so densely populated and depends so much on trains and buses to minimize traffic congestion and air pollution.

By sharing the same tracks and tunnels within the Northeast Corridor with Amtrak, New Jersey has a strong interest in seeing a stable and continuing Amtrak operation, with increased funding! That said, the Chairman and the Congress have every right to demand necessary reforms of Amtrak management, strict accountability, and reasonable labor agreements.

To be clear, I feel it is absolutely essential that we do more to support Amtrak while making sure that it follows the committee's direction to carry out much needed reforms.

I want to again thank the Chairman for increasing Amtrak's funding from its original mark.

In the transportation world, the issue of safety and its importance can never be over emphasized. Thus, the more than $77 million included for the National Safety Transportation Board, is well directed dollars.

On the Treasury side, this bill takes important steps in our nation's continued war on terrorism. H.R. 2989 includes critical dollars ($57.5 million) for the Financial Crimes Enforcement Network. Included in this funding are dollars for the establishment of the Office of Terrorist Financing and Financial Crimes, which will help root out the financial infrastructures that support terrorist organizations and their murderous ways.

H.R. 2989 also includes more than $228 million for the Financial Management Service, which is responsible for the management of Federal finances.

For all these reasons and more, I support the Chairman ISTOOK's Fiscal Year 2004 Transportation and Treasury Appropriations bill, and urge my colleagues to do the same.

Mr. KING. Mr. Chairman, I would have amended H.R. 2989, the Transportation, Treasury and Independent Agencies Appropriations Act of 2004, to address concerns about an unfunded mandate and ensure integrity in our voting system. However, this amendment was not in order. My amendment would have given States a waiver from compliance with the Help America Vote Act until it is fully funded at the authorized level. States should not have to comply with an unfunded mandate in 2006. Many of our states are facing serious budget crises, and worry that if they are not first in line to receive the federal matching funds the money will run out. If this happens, the local taxpayers will be left holding the bill for compliance with the unfunded HAVA mandate in 2006. My amendment would not require states to comply with the HAVA mandate until it is fully funded at the level authorized.

The Help America Vote Act of 2002 requires, among other things, that each precinct have at least one Direct Recording Electronic voting system, or DRE. However, currently these machines do not have a permanent, auditable and individually verifiable trail. Questions remain about whether electronic voting

system software could be hacked into and election results tampered with. Until DRE machines have a verifiable audit trail, we should not spend federal tax dollars on unreliable machines. The Help America Vote Act was motivated by electoral integrity—we must insure that the DRE machines meet that goal before spending millions of dollars on them and requiring states to use them in every precinct. At a cost of $4,000 to 5,000 per DRE, we can't afford to be wrong.

In fact, at a cost of thousands of dollars per machine, many rural precincts will have only one voting machine available for voters, and it will have to be a DRE according to the requirements of the Help America Vote Act. If sparsely populated rural voters are forced to vote on DRE machines that are susceptible to fraud, we risk mass disenfranchisement of rural voters in small precincts. This disenfranchisement will extend to disabled voters who use a DRE to vote, which was hardly the intent behind the voting reform legislation.

Ensuring electoral integrity and preventing vote fraud is a high priority for me. Although I was not able to offer my amendment today, I intend to continue to work towards solutions to these problems.

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as read.

The Clerk will read.

The Clerk read as follows:

H.R. 2989

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Transportation and Treasury and independent agencies for the fiscal year ending September 30, 2004, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $93,577,000, of which not to exceed $2,212,000 shall be available for the immediate Office of the Secretary; not to exceed $841,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed $15,560,000 shall be available for the Office of the General Counsel; not to exceed $12,717,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed $8,630,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed $2,518,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed $28,882,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $1,982,000 shall be available for the Office of Public Affairs; not to exceed $1,447,000 shall be available for the Office of the Executive Secretariat; not to exceed $730,000 shall be available for the Board of Contract Appeals; not to exceed $1,268,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $16,565,000 shall be available for the Office of the Chief Information Officer; and not to exceed $225,000 shall be available for the Office of Intelligence and Security: *Provided,* That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided further,* That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: *Provided further,* That any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further,* That not to exceed $60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: *Provided further,* That notwithstanding any other provision of law, excluding fees authorized in Public Law 107–71, there may be credited to this appropriation up to $2,500,000 in funds received in user fees: *Provided further,* That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $8,569,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $8,336,000.

WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed $116,715,000, shall be paid from appropriations made available to the Department of Transportation: *Provided,* That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further,* That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further,* That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency modal administrator: *Provided further,* That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, $500,000, as authorized by 49 U.S.C. 332: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, $400,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $3,000,000, to remain available until September 30, 2005: *Provided,* That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

NEW HEADQUARTERS BUILDING

For necessary expenses of the Department of Transportation's new headquarters building and related services, $45,000,000, to remain available until expended.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 104–264, $7,532,000,000, of which $6,000,000,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed $6,076,724,000 shall be available for air traffic services program activities; not to exceed $870,505,000 shall be available for aviation regulation and certification program activities; not to exceed $218,481,000 shall be available for research and acquisition program activities; not to exceed $11,776,000 shall be available for commercial space transportation program activities; not to exceed $49,783,000 shall be available for financial services program activities; not to exceed $75,367,000 shall be available for human resources program activities; not to exceed $87,749,000 shall be available for regional coordination program activities; not to exceed $140,429,000 shall be available for staff offices; and not to exceed $29,681,000 shall be available for information services: *Provided,* That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further,* That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further,* That of the funds appropriated under this heading, not less than $7,500,000 shall be for the contract tower cost-sharing program: *Provided further,* That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further,* That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further,* That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: *Provided further,* That none of the funds in this Act may be obligated or expended to operate a manned auxiliary flight service station in the contiguous United States: *Provided further,* That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund: *Provided further,* That of the amount appropriated under this heading, not to exceed $50,000 may be transferred to the Aircraft Loan Purchase Guarantee Program:

Provided further, That not later than March 1, 2004, the Secretary of Transportation, in consultation with the Administrator of the Federal Aviation Administration, shall issue final regulations, pursuant to 5 U.S.C. 8335, establishing an exemption process allowing individual air traffic controllers to delay mandatory retirement until the employee reaches no later than 61 years of age: *Provided further,* That of the funds provided under this heading, $4,000,000 is available only for recruitment, personnel compensation and benefits, and related costs to raise the level of operational air traffic control supervisors to the level of 1,726: *Provided further,* That none of the funds in this Act may be obligated or expended to execute or continue to implement a memorandum of understanding or memorandum of agreement (or any revisions thereto) with representatives of any FAA bargaining unit unless such document is filed in a central registry and catalogued in an automated, searchable database under the executive direction of appropriate management representatives at FAA headquarters: *Provided further,* That none of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a government-issued credit card.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses to carry out the essential air service program pursuant to 49 U.S.C. 41742(a), $63,000,000, to be derived from the airport and airway trust fund and to be available until expended.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading; to be derived from the Airport and Airway Trust Fund, $2,900,000,000, of which $2,479,158,800 shall remain available until September 30, 2006, and of which $420,841,200 shall remain available until September 30, 2004: *Provided,* That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further,* That upon initial submission to the Congress of the fiscal year 2005 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2005 through 2009, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget: *Provided further,* That of the funds provided for ''In-plant NAS contract support services'', $7,000,000 is only for contract audit services provided by the Defense Contract Audit Agency: *Provided further,* That of the funds provided under this heading, $20,000,000 is available only for the Houston Area Air Traffic System: *Provided further,* That none of the funds in this Act may be obligated or expended to implement section 106 of H.R. 2115, as passed the House of Representatives on June 12, 2003.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $108,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2006: *Provided,* That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for implementation of section 203 of Public Law 106–181; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under 49 U.S.C. 44706, $3,425,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided,* That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,425,000,000 in fiscal year 2004, notwithstanding 49 U.S.C. 47117(g): *Provided further,* That notwithstanding any other provision of law, not more than $64,904,000 of funds limited under this heading shall be obligated for administration and not less than $20,000,000 shall be for the Small Community Air Service Development Pilot Program.

GENERAL PROVISIONS—FEDERAL AVIATION ADMINISTRATION

SEC. 101. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant: *Provided,* That, the Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by FAA in accordance with agency criteria.

SEC. 102. None of the funds in this Act may be used to compensate in excess of 350 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2004.

SEC. 103. None of the funds made available in this Act may be used for engineering work related to an additional runway at Louis Armstrong New Orleans International Airport.

SEC. 104. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: *Provided,* That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on ''below-market'' rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

SEC. 105. For an airport project that the Administrator of the Federal Aviation Administration (FAA) determines will add critical airport capacity to the national air transportation system, the Administrator is authorized to accept funds from an airport sponsor, including entitlement funds provided under the ''Grants-in-Aid for Airports'' program, for the FAA to hire additional staff or obtain the services of consultants: *Provided,* That the Administrator is authorized to accept and utilize such funds only for the purpose of facilitating the timely processing, review, and completion of environmental activities associated with such project.

SEC. 106. None of the funds appropriated or limited by this Act may be used to change weight restrictions or prior permission rules at Teterboro Airport in Teterboro, New Jersey.

SEC. 107. Notwithstanding any other provision of law, funds appropriated for official travel by Federal departments and agencies may be used by such departments and agencies, if consistent with Office of Management and Budget circular A–126 regarding official travel for Government personnel, to participate in the fractional aircraft ownership pilot program.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Necessary expenses for administration and operation of the Federal Highway Administration, not to exceed $359,458,000, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $33,385,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 2004: *Provided,* That within the $33,385,000,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than $462,500,000 shall be available for the implementation or execution of programs for transportation research (sections 502, 503, 504, 506, 507, and 508 of title 23, United States Code, as amended; section 5505 of title 49, United States Code, as amended; and sections 5112 and 5204–5209 of Public Law 105–178) for fiscal year 2004: *Provided further,* That this limitation on transportation research programs shall not apply to any authority previously made available for obligation.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as

authorized by 23 U.S.C. 148, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $34,000,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

(RESCISSION)

Of the unobligated balances of funds apportioned to each state under the program authorized under sections 1101(a)(1), 1101(a)(2), and 1101(a)(3), 1101(a)(4), and 1101(a)(5) of Public Law 105–178, as amended, $137,000,000 are rescinded.

FEDERAL-AID HIGHWAYS

(HIGHWAY TRUST FUND)

For an additional amount for Federal-aid highways and highway safety construction programs pursuant to title 23, United States Code, $400,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided,* That amounts under this heading shall be distributed in the same manner as if made available under 23 U.S.C. 110: *Provided further,* That the amounts under this heading shall not be subject to, or computed against, any obligation limitation or contract authority set forth in this Act or any other Act: *Provided further,* That, before such allocation and distribution are made, $133,450,000 shall be retained for surface transportation projects.

GENERAL PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

SEC. 110. (a) For fiscal year 2004, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid Highways amounts authorized for administrative expenses and programs funded from the administrative takedown authorized by section 104(a)(1)(A) of title 23, United States Code, for the highway use tax evasion program, and for the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid Highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for the previous fiscal year the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid Highways less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for sections set forth in paragraphs (1) through (7) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(8)) for such fiscal year less the aggregate of the amounts not distributed under paragraph (1) of this subsection;

(4) distribute the obligation limitation for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) for section 201 of the Appalachian Regional Development Act of 1965, and $2,000,000,000 for such fiscal year under section 105 of title 23, United States Code (relating to minimum guarantee) so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such section (except in the case of section 105, $2,000,000,000) for such fiscal year;

(5) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4) for each of the programs that are allocated by the Secretary under title 23, United States Code (other than activities to which paragraph (1) applies and programs to which paragraph (4) applies) by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5) for Federal-aid highways and highway safety construction programs (other than the minimum guarantee program, but only to the extent that amounts apportioned for the minimum guarantee program for such fiscal year exceed $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under title 23, United States Code, in the ratio that—

(A) sums authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the sums authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) The obligation limitation for Federal-aid Highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982; (5) under sections 149(b) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; and (8) under section 105 of title 23, United States Code (but, only in an amount equal to $639,000,000 for such fiscal year).

(c) Notwithstanding subsection (a), the Secretary shall after August 1 for such fiscal year revise a distribution of the obligation limitation made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code, section 160 (as in effect on the day before the enactment of the Transportation Equity Act for the 21st Century) of title 23, United States Code, and under section 1015 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1943–1945).

(d) The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years.

(e) Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds: (1) that are authorized to be appropriated for such fiscal year for Federal-aid highways programs (other than the program under section 160 of title 23, United States Code) and for carrying out subchapter I of chapter 311 of title 49, United States Code, and highway-related programs under chapter 4 of title 23, United States Code; and (2) that the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribution to the States shall be made in the same ratio as the distribution of obligation authority under subsection (a)(6). The funds so distributed shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) Obligation limitation distributed for a fiscal year under subsection (a)(4) of this section for a section set forth in subsection (a)(4) shall remain available until used and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

SEC. 111. Notwithstanding any other provision of law, whenever an allocation is made of the sums authorized to be appropriated for expenditure on the Federal lands highway program, and whenever an apportionment is made of the sums authorized to be appropriated for expenditure on the surface transportation program, the congestion mitigation and air quality improvement program, the National Highway System, the Interstate maintenance program, the bridge program, the Appalachian development highway system, and the minimum guarantee program, the Secretary of Transportation shall deduct a sum in such amount not to exceed 1.35 percent of all sums so made available, as the Secretary determines necessary to administer the provisions of law to be financed from appropriations for the programs authorized under chapters 1 and 2 of title 23, United States Code, and to make transfers in accordance with section 104(a)(1)(A)(ii) of title 23, United States Code: *Provided,* That any deduction by the Secretary of Transportation in accordance with this subsection shall be deemed to be a deduction under section 104(a)(1)(A) of title 23, United States Code, and the sum so deducted shall remain available until expended.

SEC. 112. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided,* That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 113. Notwithstanding any other provision of law:

(1) Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032; 112 Stat. 191; 115 Stat. 871) is amended—

(A) in paragraph (42), by striking ''Fulton, Mississippi,'' the first time that it appears and all that follows to the end of the paragraph and inserting ''Fulton, Mississippi.''; and

(B) by adding at the end the following:

''(45) The United States Route 78 Corridor from Memphis, Tennessee, to Corridor X of the Appalachian development highway system near Fulton, Mississippi, and Corridor X of the Appalachian development highway system extending from near Fulton, Mississippi, to near Birmingham, Alabama.''.

(2) Section 1105(e)(5) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032; 115 Stat. 872) is amended—

(A) in subparagraph (A) by striking ''(A) IN GENERAL.—The portions'' and all that follows through the end of the first sentence and inserting:

''(A) IN GENERAL.—The portions of the routes referred to in subsection (c)(1), subsection (c)(3) (relating solely to the Kentucky Corridor), clauses (i), (ii), and (except with respect to Georgetown County) (iii) of subsection (c)(5)(B), subsection (c)(9), subsections (c)(18) and (c)(20), subsection (c)(36), subsection (c)(37), subsection (c)(40), subsection (c)(42), and subsection (c)(45) that are not a part of the Interstate System are designated as future parts of the Interstate System.''; and

(B) by adding the following at the end of subparagraph (B)(i): ''The route referred to in subsection (c)(45) is designated as Interstate Route I–22.''.

SEC. 114. None of the funds limited or made available in this Act shall be available to carry out 23 U.S.C. 133(d)(2).

SEC. 115. Notwithstanding any other provision of law, in section 1602 of the Transportation Equity Act for the 21st Century—

(1) item number 230 is amended by striking ''Monroe County transportation improvements on Long Pond Road, Pattonwood Road, and Lyell road'' and inserting ''Route 531/Brockport-Rochester Corridor in Monroe County, New York''.

(2) Item number 1149 is amended by striking ''Traffic Mitigation Project on William Street and Losson Road in Cheektowaga'' and inserting ''Study and implement mitigation and diversion options for William Street and Broadway Street in Cheektowaga, I–90 Corridor Study; Interchange 53 to Interchange 49, PIN 552830 and Cheektowaga Rails to Trails, PIN 575508''.

(3) Item number 476 is amended by striking ''Expand Perkins Road in Baton Rouge'' and inserting ''Feasibility study, design, and construction of a connector between Louisiana Highway 1026 and I–12 in Livingston Parish''.

(4) Item 4 of the table contained in section 1602 of the Transportation Equity Act for the 21st Century, relating to construction of a bike path in Michigan, is amended by striking ''between Mount Clemens and New Baltimore'' and inserting ''for the Macomb Orchard Trail in Macomb County''.

SEC. 116. Intelligent Transportation Systems appropriations made to the State of Wisconsin in Public Law 105–277, Public Law 106–69, and Public Law 107–87 shall not be subject to the limitations of Public Law 105–178, sec. 5208(d), 23 U.S.C. sec. 502 (Notes).

SEC. 117. Notwithstanding Public Law 105–178, sec. 5208(d), Intelligent Transportation Systems appropriations for—

(1) Wausau-Stevens Point-Wisconsin Rapids, Wisconsin, in Public Law 105–277 and Public Law 106–69 shall be available for use in the counties of Ashland, Barron, Bayfield, Burnett, Chippewa, Douglas, Iron, Lincoln, Marathon, Polk, Portage, Price, Rusk, Sawyer, Taylor, Washburn, Wood, Clark, Langlade, and Oneida; and

(2) the City of Superior and Douglas County, Wisconsin, in Public Law 106–69 shall be available for use in the City of Superior and northern Wisconsin.

SEC. 118. Notwithstanding any other provision of law, for the purpose of assisting in the development, construction and financing of additional improvements to the Alameda Corridor, including construction of a truck expressway or other enhancements, the Secretary of Transportation shall modify the loan agreement entered into with the Alameda Corridor Transportation Authority pursuant to Public Law 104–208 to revise the interest rate to equal the average yield, as of the date of modification of the loan agreement, on marketable Treasury securities of similar maturity to the expected remaining average life of the loan: *Provided*, That notwithstanding any other provision of law, such modification shall be deemed to be eligible under section 184 of title 23, United States Code, and shall be funded under section 188 of title 23, United States Code: *Provided further*, That the Secretary may revise the interest rate or modify other terms of the existing loan agreement to the extent that the marginal budgetary costs, if any, of such modifications do not exceed $80,000,000 and are funded under section 188 of title 23, United States Code.

SEC. 119. (a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall enter into an agreement with the State of Nevada, the State of Arizona, or both, to provide a method of funding for construction of a Hoover Dam Bypass Bridge from funds allocated for the Federal Lands Highway Program under section 202(b) of title 23, United States Code.

(b) METHODS OF FUNDING.—

(1) The agreement entered into under subsection (a) shall provide for funding in a manner consistent with the advance construction and debt instrument financing procedures for Federal-aid highways set forth in section 115 and 122 of title 23, except that the funding source may include funds made available under the Federal Lands Highway Program.

(2) Eligibility for funding under this subsection shall not be construed as a commitment, guarantee, or obligation on the part of the United States to provide for payment of principal or interest of an eligible debt financing instrument as so defined in section 122, nor create a right of a third party against the United States for payment under an eligible debt financing instrument. The agreement entered into pursuant to subsection (a) shall make specific reference to this provision of law.

(3) The provisions of this section do not limit the use of other available funds for which the project referenced in subsection (a) is eligible.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY

(LIMITATION ON ADMINISTRATIVE EXPENSES)

(HIGHWAY TRUST FUND)

For necessary expenses for administration of motor carrier safety programs and motor carrier safety research, pursuant to section 104(a)(1)(B) of title 23, United States Code, not to exceed $236,753,000 shall be paid in accordance with law from appropriations made available by this Act and from any available take-down balances to the Federal Motor Carrier Safety Administration, together with advances and reimbursements received by the Federal Motor Carrier Safety Administration: *Provided*, That such amounts shall be available to carry out the functions and operations of the Federal Motor Carrier Safety Administration.

NATIONAL MOTOR CARRIER SAFETY PROGRAM

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 31102, 31106 and 31309, $190,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $190,000,000 for ''Motor Carrier Safety Grants'' and ''Information Systems''.

BORDER ENFORCEMENT PROGRAM

(HIGHWAY TRUST FUND)

For necessary expenses to continue the Border Enforcement Program authorized under section 350 of the Department of Transportation and Related Agencies Appropriations Act, 2002, $47,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended.

GENERAL PROVISIONS—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

SEC. 130. Notwithstanding any other provision of law, whenever an allocation is made of the sums authorized to be appropriated for expenditure on the Federal lands highway program, and whenever an apportionment is made of the sums authorized to be appropriated for expenditure on the surface transportation program, the congestion mitigation and air quality improvement program, the National Highway System, the Interstate maintenance program, the bridge program, the Appalachian development highway system, and the minimum guarantee program, the Secretary of Transportation shall deduct a sum in such amount not to exceed .90 percent of all sums so made available, as the Secretary determines necessary, to administer the provisions of law to be financed from appropriations for motor carrier safety programs and motor carrier safety research: *Provided*, That any deduction by the Secretary of Transportation in accordance with this subsection shall be deemed to be a deduction under section 104(a)(1)(B) of title 23, United States Code, and the sum so deducted shall remain available until expended.

SEC. 131. None of the funds appropriated, limited, or made available in this Act shall be used to implement or enforce any provision of the Final Rule issued on April 16, 2003 (Docket No. FMCSA–97–2350) as it applies to operators of utility service vehicles as defined in 49 CFR section 395.2.

SEC. 132. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107–87, including that the Secretary submit a report to the House and Senate Appropriations Committees annually on the safety and security of transportation into the United States by Mexico-domiciled motor carriers.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, $206,178,000, of which $171,110,000 shall remain available until September 30, 2006: *Provided*, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, to remain available until expended, $72,000,000, to be derived from the Highway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2004, are in excess of $72,000,000 for programs authorized under 23 U.S.C. 403.

NATIONAL DRIVER REGISTER

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to

the National Driver Register under chapter 303 of title 49, United States Code, $3,600,000, to be derived from the Highway Trust Fund, and to remain available until expended.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, and 410, to remain available until expended, $225,000,000, to be derived from the Highway Trust Fund: *Provided,* That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2004, are in excess of $225,000,000 for programs authorized under 23 U.S.C. 402, 405, and 410, of which $165,000,000 shall be for ''Highway Safety Programs'' under 23 U.S.C. 402, $20,000,000 shall be for ''Occupant Protection Incentive Grants'' under 23 U.S.C. 405, and $40,000,000 shall be for ''Alcohol-Impaired Driving Countermeasures Grants'' under 23 U.S.C. 410: *Provided further,* That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: *Provided further,* That not to exceed $8,150,000 of the funds made available for section 402, not to exceed $1,000,000 of the funds made available for section 405, and not to exceed $2,000,000 of the funds made available for section 410 shall be available to NHTSA for administering highway safety grants under chapter 4 of title 23, United States Code: *Provided further,* That not to exceed $2,600,000 of the funds made available for section 157, and $2,600,000 of the funds made available for section 163, shall be available to NHTSA for administering highway safety grants under chapter 1 of title 23, United States Code: *Provided further,* That not to exceed $500,000 of the funds made available for section 410 ''Alcohol-Impaired Driving Countermeasures Grants'' shall be available for technical assistance to the States.

GENERAL PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

SEC. 140. Notwithstanding any other provision of law, States may use funds provided in this Act under section 402 of title 23, United States Code, to produce and place highway safety public service messages in television, radio, cinema, and print media, and on the Internet in accordance with guidance issued by the Secretary of Transportation: *Provided,* That any state that uses funds for such public service messages shall submit to the Secretary and the House and Senate Committees on Appropriations a report describing and assessing the effectiveness of the messages: *Provided further,* That $10,000,000 of the funds allocated for innovative seat belt projects under section 157 of title 23, United States Code, and $12,000,000 of funds allocated under section 163 of title 23, United States Code, shall be used as directed by the National Highway Traffic Safety Administrator, to purchase advertising in broadcast media to support the national mobilizations conducted in all fifty states, aimed at increasing seat belt use and reducing impaired driving: *Provided further,* That up to $2,000,000 of the funds allocated under section 163 of title 23, United States Code, shall be used by the Administrator to evaluate the effectiveness of alcohol-impaired driving programs that purchase advertising as provided by this section.

SEC. 141. None of the funds made available by this Act may be used for the purpose of enforcing compliance with 49 CFR section 579.24, promulgated by the National Highway Traffic Safety Administration in accordance with section 30166(m) of title 49, United States Code, with respect to trailers rated at 26,000 pounds or less gross vehicle weight.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $130,922,000, of which $11,712,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $28,225,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

(LIMITATION ON DIRECT LOANS AND LOAN GUARANTEES)

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided,* That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2004.

NEXT GENERATION HIGH-SPEED RAIL

For necessary expenses for the Next Generation High-Speed Rail program as authorized under 49 U.S.C. 26101 and 26102, $28,250,000, to remain available until expended.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation, $900,000,000, to remain available until September 30, 2004, including $400,000,000 for quarterly grants for operating expenses, $373,000,000 for quarterly grants for capital expenses along the Northeast Corridor Mainline, and $127,000,000 for quarterly grants for general capital improvements: *Provided,* That the Secretary of Transportation shall approve funding to cover operating losses and a long-distance train of the National Railroad Passenger Corporation only after receiving and reviewing a grant request for each specific train route: *Provided further,* That each such grant request shall be accompanied by a detailed financial analysis and revenue projection justifying the federal support to the Secretary's satisfaction: *Provided further,* That the Secretary of Transportation and the Amtrak Board of Directors shall ensure that, of the amount made available under this heading, sufficient sums are reserved to satisfy the contractual obligations of the National Railroad Passenger Corporation for commuter and intercity passenger rail service: *Provided further,* That within 60 days of enactment of this Act but not later than October 1, 2003, Amtrak shall transmit to the Secretary of Transportation and the House and Senate Committees on Appropriations a business plan for operating and capital improvements to be funded in fiscal year 2004 under section 24104(a) of title 49, United States Code: *Provided further,* That the business plan shall include a description of the work to be funded, along with cost estimates and an estimated timetable for completion of the projects covered by this business plan: *Provided further,* That not later than October 1, 2003 and each month thereafter, Amtrak shall submit to the Secretary of Transportation and the House and Senate Committees on Appropriations a supplemental report regarding the business plan, which shall describe the work completed to date, any changes to the business plan, and the reasons for such changes: *Provided further,* That none of the funds in this Act may be used for operating expenses and capital projects not approved by the Secretary of Transportation nor on the National Railroad Passenger Corporation's fiscal year 2004 business plan: *Provided further,* That none of the funds under this heading may be obligated or expended until the National Railroad Passenger Corporation agrees to continue abiding by the provisions of paragraphs 1, 2, 3, 5, 9, and 11 of the summary of conditions for the direct loan agreement of June 28, 2002, in the same manner as in effect on the date of enactment of this Act.

GENERAL PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

SEC. 150. To authorize the Surface Transportation Board to direct the continued operation of certain commuter rail passenger transportation operations in emergency situations, and for other purposes:

(a) Section 11123 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting ''failure of existing commuter rail passenger transportation operations caused by a cessation of service by the National Railroad Passenger Corporation,'' after ''cessation of operations,'';

(B) by striking ''or'' at the end of paragraph (3);

(C) by striking the period at the end of paragraph (4)(C) and inserting ''; or''; and

(D) by adding at the end the following new paragraph:

''(5) in the case of a failure of existing freight or commuter rail passenger transportation operations caused by a cessation of service by the National Railroad Passenger Corporation, direct the continuation of the operations and dispatching, maintenance, and other necessary infrastructure functions related to the operations.'';

(2) in subsection (b)(3)—

(A) by striking ''When'' and inserting ''(A) Except as provided in subparagraph (B), when''; and

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

''(B) In the case of a failure of existing freight or commuter rail passenger transportation operations caused by a cessation of service by the National Railroad Passenger Corporation, the Board shall provide funding to fully reimburse the directed service provider for its costs associated with the activities directed under subsection (a), including the payment of increased insurance premiums. The Board shall order complete indemnification against any and all claims associated with the provision of service to which the directed rail carrier may be exposed.'';

(3) by adding the following new paragraph at the end of subsection (c):

''(4) In the case of a failure of existing freight or commuter rail passenger transportation operations caused by cessation of service by the National Railroad Passenger Corporation, the Board may not direct a rail carrier to undertake activities under subsection (a) to continue such operations unless—

''(A) the Board first affirmatively finds that the rail carrier is operationally capable of conducting the directed service in a safe and efficient manner; and

''(B) the funding for such directed service required by subparagraph (B) of subsection (b)(3) is provided in advance in appropriations Acts.''; and

(4) by adding at the end the following new subsections:

''(e) For purposes of this section, the National Railroad Passenger Corporation and any entity providing commuter rail passenger transportation shall be considered rail carriers subject to the Board's jurisdiction.

''(f) For purposes of this section, the term 'commuter rail passenger transportation' has the meaning given that term in section 24102(4).''.

(b) Section 24301(c) of title 49, United States Code, is amended by inserting ''11123,'' after ''except for sections''.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs, $14,500,000: *Provided,* That no more than $72,500,000 of budget authority shall be available for these purposes: *Provided further,* That of the funds available not to exceed $948,000 shall be available for the Office of the Administrator; not to exceed $6,126,000 shall be available for the Office of Administration; not to exceed $3,848,000 shall be available for the Office of the Chief Counsel; not to exceed $1,067,000 shall be available for the Office of Communication and Congressional Affairs; not to exceed $7,303,000 shall be available for the Office of Program Management; not to exceed $6,027,000 shall be available for the Office of Budget and Policy; not to exceed $4,328,000 shall be available for the Office of Demonstration and Innovation; not to exceed $2,657,000 shall be available for the Office of Civil Rights; not to exceed $3,732,000 shall be available for the Office of Planning; not to exceed $17,697,000 shall be available for regional offices; and not to exceed $16,567,000 shall be available for the central account: *Provided further,* That the Administrator is authorized to transfer funds appropriated for an office of the Federal Transit Administration: *Provided further,* That no appropriation for an office shall be increased or decreased by more than 3 percent by all such transfers: *Provided further,* That any change in funding greater than 3 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further,* That not to exceed $1,000,000 shall be available for travel expenses: *Provided further,* That of the funds in this Act available for the execution of contracts under section 5327(c) of title 49, United States Code, $2,000,000 shall be reimbursed to the Department of Transportation's Office of Inspector General for costs associated with audits and investigations of transit-related issues, including reviews of new fixed guideway systems: *Provided further,* That not to exceed $2,200,000 for the National transit database shall remain available until expended.

FORMULA GRANTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out 49 U.S.C. 5307, 5308, 5310, 5311, 5327, and section 3038 of Public Law 105–178, $767,800,000, to remain available until expended: *Provided,* That no more than $3,839,000,000 of budget authority shall be available for these purposes: *Provided further,* That notwithstanding section 3008 of Public Law 105–178, $50,000,000 of the funds to carry out 49 U.S.C. 5308 shall be transferred to and merged with funding provided for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities under ''Federal Transit Administration, Capital investment grants''.

UNIVERSITY TRANSPORTATION RESEARCH

For necessary expenses to carry out 49 U.S.C. 5505, $1,200,000, to remain available until expended: *Provided,* That no more than $6,000,000 of budget authority shall be available for these purposes.

TRANSIT PLANNING AND RESEARCH

For necessary expenses to carry out 49 U.S.C. 5303, 5304, 5305, 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322, $24,200,000, to remain available until expended: *Provided,* That no more than $122,000,000 of budget authority shall be available for these purposes: *Provided further,* That $5,250,000 is available to provide rural transportation assistance (49 U.S.C. 5311(b)(2)), $4,000,000 is available to carry out programs under the National Transit Institute (49 U.S.C. 5315), $8,250,000 is available to carry out transit cooperative research programs (49 U.S.C. 5313(a)), $60,385,600 is available for metropolitan planning (49 U.S.C. 5303, 5304, and 5305), $12,614,400 is available for State planning (49 U.S.C. 5313(b)); and $31,500,000 is available for the national planning and research program (49 U.S.C. 5314).

TRUST FUND SHARE OF EXPENSES

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 5303–5308, 5310–5315, 5317(b), 5322, 5327, 5334, 5505, and sections 3037 and 3038 of Public Law 105–178, $5,807,020,000 to remain available until expended, and to be derived from the Mass Transit Account of the Highway Trust Fund: *Provided,* That $3,071,200,000 shall be paid to the Federal Transit Administration's formula grants account: *Provided further,* That $97,800,000 shall be paid to the Federal Transit Administration's transit planning and research account: *Provided further,* That $58,000,000 shall be paid to the Federal Transit Administration's administrative expenses account: *Provided further,* That $4,800,000 shall be paid to the Federal Transit Administration's university transportation research account: *Provided further,* That $64,000,000 shall be paid to the Federal Transit Administration's job access and reverse commute grants program: *Provided further,* That $2,507,220,000 shall be paid to the Federal Transit Administration's capital investment grants account.

CAPITAL INVESTMENT GRANTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out 49 U.S.C. 5308, 5309, 5318, and 5327, $599,280,000, to remain available until expended: *Provided,* That no more than $3,106,500,000 of budget authority shall be available for these purposes: *Provided further,* That there shall be available for fixed guideway modernization, $1,214,400,000; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, $677,700,000; and there shall be available for new fixed guideway systems $1,214,400,000, to be available as follows:

Baltimore, MD, Central Light Rail Double Track Project, $40,000,000;

BART San Francisco Airport (SFO), CA, Extension Project, $100,000,000;

Boston, MA, Silver Line Phase III, $3,000,000;

Charlotte, NC, South Corridor Light Rail Project, $4,000,000;

Chicago Transit Authority, IL, Douglas Branch Reconstruction, $85,000,000;

Chicago, IL, Metra Commuter Rail Expansions and Extensions, $52,000,000;

Chicago, IL, Ravenswood Reconstruction, $45,000,000;

Dallas, TX, North Central Light Rail Extension, $30,161,283;

Denver, CO, Southeast Corridor LRT (T-REX), $80,000,000;

East Side Access Project, NY, Phase I, $70,000,000;

Ft. Lauderdale, FL, Tri-Rail Commuter Project, $18,410,000;

Las Vegas, NV, Resort Corridor Fixed Guideway, $15,000,000;

Los Angeles, CA, Eastside Light Rail Transit System, $10,000,000;

Memphis, TN, Medical Center Rail Extension, $9,247,588;

Minneapolis, MN, Hiawatha Corridor Light Rail Transit (LRT), $74,980,000;

New Orleans, LA, Canal Street Streetcar Project, $23,921,373;

New York, Second Avenue Subway, $3,000,000;

Newark, NJ, Rail Link (NERL) MOS1, $22,566,022;

Northern, NJ, Hudson-Bergen Light Rail (MOS2), $100,000,000;

Phoenix, AZ, Central Phoenix/East Valley Light Rail Transit Project, $13,000,000;

Pittsburgh, PA, Stage II Light Rail Transit Reconstruction, $32,243,422;

Portland, OR, Interstate MAX Light Rail Extension, $77,500,000;

Raleigh, NC, Triangle Transit Authority Regional Rail Project, $3,000,000;

Salt Lake City, UT, Medical Center LRT Extension, $30,663,361;

San Diego, CA, Mission Valley East Light Rail Transit Extension, $65,000,000;

San Diego, CA, Oceanside-Escondido Rail Project, $48,000,000;

San Juan, PR, Tren Urbano Rapid Transit System, $43,540,000;

Seattle, WA, Sound Transit Central Link Initial Segment, $15,000,000;

Washington, DC/MD, Largo Extension, $65,000,000;

Washington, DC/VA, Dulles Corridor Rapid Transit Project, $25,000,000;

Hawaii and Alaska Ferry Boats, $10,296,000;

Oversight set-aside, $12,144,000; and

San Francisco, CA, Muni Third Street Light Rail Project, $10,000,000;

Provided further, That notwithstanding any other provision of law, for the purpose of calculating the non-New Starts share of the total project cost of both phases of San Francisco Muni's Third Street Light Rail Transit project for fiscal year 2004, the Secretary of Transportation shall include all non-New Starts contributions made towards Phase 1 of the two-phase project for engineering, final design and construction, and also shall allow non-New Starts funds expended on one element or phase of the project to be used to meet the non-New Starts share requirement of any element or phase of the project: *Provided further,* That none of the funds provided in this Act for the San Francisco Muni's Third Street Light Rail Transit Project shall be obligated if the Federal Transit Administration determines that the project is found to be ''not recommended'' after evaluation and computation of revised transportation system user benefit data.

Mr. ISTOOK (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 51, line 10 be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there points of order?

POINTS OF ORDER

Mr. MICA. Mr. Chairman, I have three points of order, and I would like to take them one at a time.

The CHAIRMAN. The gentleman will state his points of order.

Mr. MICA. Mr. Chairman, I make a point of order against the provision found on page 9 beginning on line 14 and ending on line 15. The phrase ''to be derived from the Airport and Airway Trust Fund and.'' This is an unauthorized appropriations from the Airport and Airway Trust Fund in violation of clause 2 of rule XXI.

Mr. YOUNG of Florida. Mr. Chairman, I am disappointed that my colleague from Florida made this point of order, but in the event that he did, I must insist that the point of order be applied to the entire paragraph and not only to provisions within the paragraph to which the gentleman from the authorizing committee objects.

The CHAIRMAN. The point of order is extended to the entire paragraph.

Does any other Member wish to be heard on the point of order?

Mr. ISTOOK. Mr. Chairman, we would concede the point of order as extended as the Chair has stated to the entire paragraph.

The CHAIRMAN. The point of order is conceded and sustained. That paragraph is stricken from the bill.

Mr. MICA. Mr. Chairman, I have a second point of order.

Mr. Chairman, I make a point of order against the provision found on page 12 beginning with the word ''for'' on line 12 through ''49 USC 44706'' on line 16 and again on page 12, line 22 beginning with the words ''provided further'' through page 13, line 2. This would fund administrative expenses of the Airport Improvement Program, AIP, and the cost of the Small Community Air Service Development Pilot Program from contract authority that is authorized only for airport grants, not administrative expenses or other programs. It would also waive existing law. Both the proviso and this related language are legislative in nature and, therefore, in violation of clause 2 of rule XXI.

Mr. YOUNG of Florida. Mr. Chairman, again, I must insist that the point of order be applied to the entire paragraph and not only to provisions within the paragraph to which the gentleman from the authorizing committee objects.

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

Mr. ISTOOK. Mr. Chairman, to the extent that it applies to the entire paragraph, namely, from line 1 on page 12 through line 2 on page 13, to that extent, applying to that entirety, we would concede the point of order, but only to that extent.

The CHAIRMAN. Does anyone else wish to be heard on the point of order?

If not, the point of order is conceded and sustained and the paragraph is stricken from the bill.

Mr. MICA. Mr. Chairman, I have a third and final point of order I would like to offer on behalf of myself and the Committee on Transportation and Infrastructure.

Mr. Chairman, I make a point of order against all of section 105 which begins on page 14, line 16 through page 15, line 2. That section authorizes the Federal Aviation Administration to accept funds from an airport sponsor to expedite the environmental review process for airport projects that would add critical airport capacity to the National Air Transportation System. The conference report on H.R. 15 contains a provision that is similar but, in fact, broader in scope. The language in H.R. 15 will allow the FAA to accept funds from an airport sponsor in order to facilitate the timely processing, review and completion of environmental activities associated with any airport development project.

To avoid the confusion that could arise from the enactment of two inconsistent provisions, I object to section 105 on the grounds that it is legislative in nature and in violation of clause 2, rule XXI.

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

Mr. ISTOOK. Mr. Chairman, we would concede this point of order.

The CHAIRMAN. The point of order is conceded and sustained, and section 105 is stricken from the bill.

Mr. PETRI. Mr. Chairman, I have 15 points of order to the bill.

The CHAIRMAN. The gentleman will state his point of order.

Mr. PETRI. Mr. Chairman, on behalf of the Committee on Transportation and Infrastructure, I make a point of order against the provision found on page 17, lines 6 through 11. This provision would rescind $137 million in unobligated balances of Highway Contract Authority.

Under this provision, each State Department of Transportation would lose funds from the Surface Transportation Program, the Congestion Mitigation Air Quality Program, the National Highway System Program, the Interstate Maintenance Program, and the Bridge Program. This will reduce each State's ability to move funds from one category to another within its obligation limitation and will be particularly harmful given that States may soon need to use their unobligated balances to continue their programs pending enactment of a long term reauthorization of surface transportation programs. The creation and recision of contract authority is the exclusive jurisdiction of the Committee on Transportation and Infrastructure. This decision is legislative in nature and in violation of clause 2 of rule XXI.

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

Mr. ISTOOK. Mr. Chairman, although the effect of the amendment, unfortunately, is to add $137 million which we do not have in the budget authority to the underlying bill, thereby complicating the efforts to ultimately achieve a successful conference with the Senate, nevertheless, we must concede that the point of order is correct.

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

If not, the point of order is conceded and sustained, and that paragraph is stricken from the bill.

Mr. PETRI. Mr. Chairman, I make a point of order against section 110 which begins on page 18 and ends on page 23, line 15. Section 110 specifies the distribution of funds for the Federal-aid Highways Program. I expect that this Congress will extend the existing highway program for a period of time. If we do so, this provision will create confusion and conflict and is unnecessary. This entire section is legislative in nature, in violation of clause 2 of rule XXI.

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

Mr. ISTOOK. Mr. Chairman, although the effect of this point of order would be to remove the distribution formula and leave us in limbo, which we hope to ultimately correct, nevertheless, we must concede the point of order.

The CHAIRMAN. Anyone wishing to be heard?

If not, the point of order is conceded and sustained, and section 110 is stricken from the bill.

Mr. PETRI. Mr. Chairman, I make a point of order against section 111 which begins on page 23, line 16 and ends on page 24, line 12. Section 111 increases the Federal Highway administrative takedown authorized in 23 USC 104(a) from one and one-sixth percent to 1.35 percent. It would also waive existing law. This is legislative in nature, in violation of clause 2 of rule XXI.

Mr. ISTOOK. Mr. Chairman, we unfortunately must concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained, and section 111 is stricken from the bill.

Mr. PETRI. Mr. Chairman, I make a point of order against the last two provisos of section 118 on page 28, line 19 beginning with ''provided'' and through page 29, line 3.

Section 118 directs the Secretary of Transportation to modify a specific loan agreement and to have the proposed loan modification funded under the Transportation and Infrastructure Finance and Innovation Act Program. By statute, eligibility for federally guaranteed loans under the TIFIA program is determined by the Secretary of Transportation in accordance with rigorous and selective criteria. It also waives existing law. Waiving existing law is legislative in nature and violates clause 2 of House rule XXI.

The CHAIRMAN. Does any Member wish to be heard?

Mr. ISTOOK. Mr. Chairman, I feel the need to speak a little bit in greater length because of the consequences of this point of order.

This point of order would strike the final two provisos in section 218 but leave intact the remainder of that section. Those provisos that would be stricken would ensure that the loan refinancing of the Alameda Corridor Transportation Authority are subsumed, that is, contained within the

Transportation Infrastructure Finance Innovation Act and thereby would limit the overall expense of this refinancing to $80 million.

The effect of the amendment is to increase, again, the cost of our bill by upwards of $160 to $170 million in budget authority and a similar number in outlays.

The reason the committee included section 118 as written is to ensure that the refinancing of the Alameda Corridor Transportation Authority can be funded through the Transportation Infrastructure Finance and Innovation Act Program and that the cost of that refinancing to the Federal Government will not exceed $80 million.

If the point of order is sustained, the refinancing costs will no longer be limited and it cannot be paid for from the TIFIA program. The effect of the elimination of these provisos may cause the Congressional Budget Office to increase their scoring of the bill by the $160 to $170 million. That would put the bill well over our 302(b) allocation.

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We have already had another point of order that pushed us above that allocation. We cannot afford this change. The effect of sustaining the point of order could be to make it impossible to do this refinancing that is crucial in the Alameda corridor. So I would ask the gentleman to consider the serious financial effect of his point of order and consider withdrawing the point of order.

The CHAIRMAN. Do any other Members wish to be heard on the point of order? If not, the Chair finds that this provision explicitly supersedes existing law. The provision, therefore, constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained, and section 118 is stricken from the bill.

Mr. PETRI. Mr. Chairman, I make a point of order against the phrase ''Notwithstanding any other provision of law'' found on page 31, line 5. This language clearly constitutes legislation on an appropriations bill in violation of clause 2 of rule XXI of the rules of the House of Representatives.

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

Mr. ISTOOK. Mr. Chairman, we concede this point of order.

The CHAIRMAN. The point of order is conceded and sustained, and that language is stricken from the bill.

Mr. PETRI. Mr. Chairman, I make a point of order against the phrase ''to be derived from the Highway Trust Fund (other than the Mass Transit Account)'' on page 31, lines 19 through the word ''account'' on line 21. This section appropriates $47 million from the Highway Trust Fund for the border enforcement program. There is no current authorization of a border enforcement program. This language clearly constitutes an unauthorized appropriation in violation of clause 2 of rule XXI of the rules of the House of Representatives.

The CHAIRMAN. Is there any Member wishing to be heard on the point of order?

Mr. YOUNG of Florida. Mr. Chairman, again, I must insist that the point of order be applied to the entire paragraph and not just to the provision within the paragraph to which the gentleman from the authorizing committee objects.

The CHAIRMAN. Is there any other Member wishing to be heard?

Mr. ISTOOK. Mr. Chairman, to the extent that the point of order is correctly applied against the entire paragraph, namely, the text from page 31, lines 14 through lines 21 to its entirety and not just to a portion thereof, to that extent and only that extent we would concede the point of order.

The CHAIRMAN. Are there any other Members wishing to be heard on the point of order? The point of order is conceded and sustained, and the paragraph is stricken from the bill.

Mr. PETRI. Mr. Chairman, I make a point of order against all of section 130 which begins on page 31, line 24. This section authorizes an administrative takedown that exceeds the one-third of 1 percent administrative takedown authorized by section 104(a)(1)(B) of Title 23. It also violates existing law. This increase is legislative in nature in violation of rule XXI.

The CHAIRMAN. Is there any Member wishing to be heard?

Mr. ISTOOK. Mr. Chairman, we concede this point of order against this section.

The CHAIRMAN. The point of order is conceded and sustained, and section 130 is stricken from the bill.

Mr. PETRI. Mr. Chairman, I make a point of order against the phrase ''Notwithstanding any other provision of law'' found on page 34, line 24. This language clearly constitutes legislation on an appropriations bill in violation of clause 2 of rule XXI of the rules of the House of Representatives.

The CHAIRMAN. Is there any Member wishing to be heard on the point of order?

Mr. ISTOOK. Mr. Chairman, we concede this point of order.

The CHAIRMAN. The point of order is conceded and sustained, and that language is stricken from the bill.

Mr. PETRI. Mr. Chairman, I make a point of order against the two provisos which begin on page 36, line 17 starting with the words ''provided further'' through page 37, line 5. These provisos of section 104 earmark the manner in which certain safety-related grants are to be used by the States. These unauthorized earmarks reduce both the amount of funding available to the States and the States' discretion in the use of these funds. I object to these earmarks on the grounds that they are unauthorized, in violation of rule XXI.

The CHAIRMAN. Is there any Member wishing to be heard on this point of order?

Mr. ISTOOK. Mr. Chairman, despite the negative consequences, we believe we must concede this point of order.

The CHAIRMAN. The point of order is conceded and sustained, and those two provisos are stricken from the bill.

Mr. PETRI. Mr. Chairman, I make a point of order against the proviso that begins at the end of line 16 on page 45 through line 23. This proviso purports to transfer $50 million provided by TEA for the clean fuels bus formula grant program to the transit bus discretionary grant program, where it is distributed not by the statutory formula envisioned in TEA but rather by earmarks in report language. It also waives existing law. This proviso is legislative in nature in violation of rule XXI.

The CHAIRMAN. Is there any Member wishing to be heard on the point of order?

Mr. ISTOOK. Mr. Chairman, we concede this point of order.

The CHAIRMAN. The point of order is conceded and sustained, and that proviso is stricken from the bill.

Mr. PETRI. Mr. Chairman, I make a point of order against the phrase ''Notwithstanding any other provision of law'' found on page 46, line 25. This language clearly constitutes legislation on an appropriations bill in violation of clause 2 of rule XXI of the rules of the House of Representatives.

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

Mr. ISTOOK. Mr. Chairman, we concede this point of order.

The CHAIRMAN. The point of order is conceded and sustained, and that language is stricken from the bill.

Mr. PETRI. I have additional points of order, but they are starting on page 51 which would that be in order at this point?

The CHAIRMAN. Does the gentleman seek to raise a point of order on page 50?

Mr. PETRI. No. Page 51, line 12 is my next point of order.

The CHAIRMAN. The bill is read only through line 10 on page 51. Are there any other points of order against provisions in his portion of the bill? If not, are there any amendments?

AMENDMENT OFFERED BY MR. ISTOOK

Mr. ISTOOK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ISTOOK:

On page 6, line 9 of the bill, delete ''$6,000,000,000'' and insert in lieu thereof ''$4,043,000,000''.

Mr. ISTOOK. Mr. Chairman, this is a very simple and straightforward amendment. It lowers the amount for the Federal Aviation Administration's operating budget that would be coming from the Aviation Trust Fund, changing the amount that comes from the Aviation Trust Fund from $6 billion to $4.043 billion. The remainder, however, would remain appropriated, but from general revenue.

The amended figure is the amount that would be allowed under the current aviation authorization if it were

to be extended until fiscal year 2004. The amount originally under the bill, the $6 billion, was the amount proposed by the administration in the President's budget.

The effect is that the funding in the bill for this purpose will remain the same. It will remain $6 billion of overall funding. It is just that the source will be slightly over $4 billion from the Aviation Trust Fund and slightly under $2 billion in general revenue fund.

The Committee on Transportation and Infrastructure had raised an objection to the higher Aviation Trust Fund figure. They had suggested a potential point of order might lie against it as an unauthorized appropriation. So we worked this out with the authorizers, and I know of no objection to it.

This does not add funding to the bill. This does not take funding from the bill. It only changes the mix of general fund and trust fund dollars used to finance the FAA.

I ask for adoption of the amendment.

The CHAIRMAN. Is there any Member seeking time in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from Oklahoma (Mr. ISTOOK).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

AMENDMENT NO. 10 OFFERED BY MR. HOYER

Mr. HOYER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. HOYER:

Page 2, line 8, after the first dollar amount insert the following: ''(increased by $8,268,000)''.

Page 5, line 21, after the dollar amount insert the following: ''(reduced by $8,268,000)''.

Mr. HOYER. Mr. Chairman, the effect of this amendment will be to transfer $8.2 million from the construction fund for the transportation building which we have cleared cannot be spent this year in 2004. It will be spent in 2006, and we did not want to damage that building because we are very strong supporters of that building, and put $8.26 million for the general aviation airports into the Washington metropolitan area. I would like to speak about it and then have a little discussion with the chairman and then perhaps take some action and we can work on this later.

In the aftermath, Mr. Chairman, of the September 11 terrorist attacks, the Federal Aviation Administration issued temporary flight restrictions on the small aircraft of general aviation as part of its efforts to make commercial air travel safer. Unfortunately, while those restrictions were lifted for general aviation in the entire rest of the country, small airports in the Washington metropolitan area have continued to languish under binding restrictions of their operations.

These are private sector. This is not public. These are private sector entrepreneurs, businessmen and -women who have invested their dollars in the operations of these general aviation airports. In fact, the only airports in the country that are closed or severely restricted to incoming and outgoing general aviation are Reagan National Airport and the three D.C. general aviation airports.

I might say that I offer this amendment on behalf of the gentleman from Virginia (Mr. TOM DAVIS) and others and the gentleman from Virginia (Mr. TOM DAVIS) is here. He can speak for himself. As a result, these small airports, specifically College Park Airport, Potomac Airfield, Washington Executive, and National, National is not on the brink of financial collapse, obviously, because it is associated with a large public airport. The other three airports, however, are not in that situation. They survive or fail solely on the revenues from their general aviation, and they are in dire straits. These airports have been forced to nearly cease their operations, effectively endangering the livelihood of their employees who have lost income and jobs and airport owners who have lost longtime customers and almost all of their revenue.

There is no doubt that we must stem the tide of economic decline for general aviation. This industry is a proven integral part of the Nation's economy, providing vital service and economic stability to individual families, churches, hospitals, colleges, industry, small businesses and communities.

Aviation transportation in Maryland is a $1.3 billion industry. My amendment is, therefore, very simple. It will reimburse these general aviation airports for the security costs incurred and revenue foregone because of government restriction.

Let me say, I have had discussions with Sean O'Keefe, who is now the administrator of NASA, but who was the deputy administrator of OMB. He believes this is fair. Secretary Mineta testified before our subcommittee that this was their proposal that this be done, and there is legislation pending to accomplish that, but obviously it needs an appropriation.

Mr. Chairman, I want to yield to the gentlewoman from the District of Columbia (Ms. NORTON) who represents the District of Columbia and National Airport.

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

Mr. HOYER. I yield to the gentlewoman from the District of Columbia.

Ms. NORTON. Mr. Chairman, I simply want to thank the gentleman for the leadership he has given to this issue to mitigate some of the almost total losses of the airports in this district which handle charter flights and commercial flights. This is the Nation's Capital. One can imagine a major business destination without any charter flights for almost 2 years.

What we are asking for is a pittance compared to what the losses have been. Originally I think the amendment was $15 million. It is now $8.2 million.

I do want to indicate that these airports I think are three small ones, in Maryland, perhaps Virginia, and there is, of course, the larger one here in the District. They said whatever regulations, in fact, that we come forward with they will meet. Instead they have been closed. At the very least what we have got here is close to a taking. We ought to compensate them somewhat for what they have done. We compensated all the other airlines. There is no other commercial aviation in the United States, indeed in the world, that is closed today except in this region.

We ask for forbearance and for some compensation. That is all it would be, some compensation.

Mr. HOYER. Mr. Chairman, I thank the gentlewoman for her work and her cosponsorship of this amendment and her comments.

Mr. TOM DAVIS of Virginia. Mr. Chairman, will the gentleman yield?

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

Mr. TOM DAVIS of Virginia. Mr. Chairman, I appreciate my friend from Maryland for taking leadership on this, and my colleague from the District. I have asked the chairman of the subcommittee, I know he is interested in this as well.

This is something that 9/11 shut these airports down. They are actually very, very important to the Nation's security here in terms of ingress and egress, and we have, I think, a national interest in preserving these. As was stated before, it is just a pittance, but it is important to keep them economically viable.

Let me ask the chairman of the committee can he work with us to make sure that in conference this money is included if he is not comfortable with where this money is coming from at this point.

□ 1430

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

Mr. HOYER. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Chairman, I very much appreciate the comments of each of the gentlemen. As I believe everyone is aware, originally my mark as chairman included funds for this purpose when it came out of the subcommittee. Unfortunately, when other extremely large demands were imposed upon the bill, including demand for Amtrak and other things, this and many other worthwhile things had to be dropped out of the bill in full committee in that process. Nevertheless, the underlying equities, I think, are very much as the gentleman has stated.

The CHAIRMAN. The time of the gentleman from Maryland (Mr. HOYER) has expired.

(By unanimous consent, Mr. HOYER was allowed to proceed for 3 additional minutes.)

Mr. HOYER. Mr. Chairman, I continue to yield to the chairman of the subcommittee

Mr. ISTOOK. I thank the gentleman, Mr. Chairman.

As I was mentioning, this and many other meritorious things, unfortunately, had to be dropped out in full committee not because they lacked merit but simply because of the funding restrictions.

As I have certainly told the gentleman from Maryland, the gentleman from Virginia, and the gentlewoman from the District of Columbia, I remain committed to addressing this. I believe the equities are there. Frankly, I believe the government is open to an inverse condemnation litigation that would cost us even more. So it is something I do hope we can accomplish in the conference process with the Senate.

I stated that previously, and originally had that intent and put that in my original chairman's mark. So while I remain committed to that objective, it is just that we had to balance this with the overall figures in the ultimate House-Senate conference. But I most definitely am committed to working with my colleagues towards the same goal.

Mr. HOYER. Reclaiming my time, Mr. Chairman, I thank the chairman for his comments and would remind my colleagues that we have given billions of dollars to the airlines, these are billion dollar corporations, as a result of 9–11. These three little airports, plus National Airport, are the only private business people so situated in the airline industry who have not received compensation. And they, unlike the airlines per se, are losing their entire investments because of their inability to operate these airlines.

I appreciate the chairman's observations with respect to the equities of the claim here. I also appreciate the observation of the chairman and the gentlewoman from the District of Columbia that we may be subject to a lawsuit which we would lose because this is in fact an effective taking of their property without due process. None of these folks want to damage the security of this region or the White House or the Capitol. They understand our concern. But we certainly need to compensate them.

In light of the fact the chairman has indicated his willingness to work with us to try to ensure the funding, I believe $8.2 million which we have in here is the approximate amount for National, a larger sum, and then a much smaller sum for the other three; and I believe that the sum from which we have taken it will not in any way adversely affect the Transportation Department's building going forward because of the scheduling of those expenditures; but because the chairman has made that representation, I will withdraw the amendment.

Mr. Chairman, I ask unanimous consent to withdraw the amendment at this time.

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

There was no objection.

Mr. MORAN of Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of this amendment offered by my good friend, the gentleman from Maryland, as well as the gentleman from Virginia (Mr. TOM DAVIS), the gentleman from Virginia (Mr. WOLF); and I know several of the Senators in this area are supporting this as well. This is terribly important to our economy in the Washington region, but also to the Nation's economy.

We have pretty much recovered on the surface of things from 9–11, at least we have rebuilt the Pentagon, we are now functioning as well as we can at National Airport in terms of commercial jets and we are responding to national and international challenges. But general aviation is in the same situation it was when it was closed as a result of the tragedy of September 11, 2001. This is unfair. It is wrong. We have to do something about it.

Outside the infrequent use of official government planes, general aviation operations at National Airport are prohibited. There were more than 60,000 business aviation flights a year at National Airport. It was not the kind of mom and pop Cessnas and Piper Cubs that were bringing visitors to Washington to tour the Capitol and the museums; it was business executives, top government officials, and CEOs who need their own aircraft and need the efficiency of an airport close to the city to do their business.

This is hurting Washington's economy, and it is devastating a company like Signature Flight Support, which is the sole provider of general aviation services at National Airport. They were generating revenues of $20 million a year. They had hundreds of employees. Those people are out of a job. Signature Flight Support has lost about $3 million, $1 million a year, and it is hemorrhaging money every single day.

Under the terms of its lease, it is required to staff and operate National Airport 24 hours a day, 7 days a week regardless of whether there is any demand for its services. For 8 months, the Department of Transportation worked with them. They said that they were going to be able to open the airport, and it encouraged Signature to stay in business. But then on July 19 of 2002, Secretary Mineta informed airport officials that general aviation would remain closed indefinitely for security reasons. They have lost too much money. They have had to lay off too many people, and it is not fair to expect them to maintain Federal Government planes when that is not their job. Their job is to service all of general aviation, and we shouldn't be preventing them from doing their job.

This has not gone unnoticed by the House, and I want to thank those on the authorizing committee. There is a provision in the Aviation Reauthorization Act that authorizes funds to help general aviation activities that have been hurt by these security restrictions. With the adoption of the Hoyer amendment, we would be able to fulfill the legislation's intent and actually provide some very needed relief to those businesses that are suffering through no fault of their own.

This is a Federal responsibility. We really ought to fund the Hoyer amendment. We ought to get these businesses back on their feet. They have a right to recover from 9–11 too.

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

Mr. MORAN of Virginia. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I just want to thank the gentleman for his leadership in this effort as well. He and I have worked very closely on this issue and he has been very focused on National and the other three airports.

It is certainly ironic that we are making efforts, I think appropriate efforts, to fund infrastructure in Iraq; but we cannot compensate business people who were damaged by 9–11 and who are almost driven out of business at a very, as the chairman said, at a relatively nominal sum. So I hope with the chairman's leadership we will be able to do this in conference.

Mr. MORAN of Virginia. Mr. Chairman, reclaiming my time, I thank the gentleman very much and would add one last word. This is not a security threat. We know everybody that is on these planes, and they are the last people that would engage in any kind of terrorism. It is a much safer passenger list, I have to say, than the normal population that gets on a commercial airline flight. We don't really know much about them except what they might be carrying in their shoes or something.

This is not a security issue; it is an economic issue and an issue of fairness. General aviation needs to be opened.

AMENDMENT OFFERED BY MR. PETRI

Mr. PETRI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment Offered by Mr. PETRI:

Strike section 114 of the bill and redesignate subsequent sections of the bill accordingly.

Mr. PETRI. Mr. Chairman, I am joined by the gentleman from Massachusetts (Mr. OLVER) and several other Members in offering an amendment that would strike section 114 of the bill.

This provision, as described in the committee report, ''discontinues the mandatory 10 percent set-aside from the surface transportation program for the transportation enhancement program.''

Mr. Chairman, this is wrong on many levels, and the provision should be stricken from the bill. Over the last 12 years, enhancements have become an appreciated and important part of our transportation program. Though individual projects are not costly, enhancements nevertheless pack a big punch in

terms of promoting economic growth and tourism. They fund bike paths that are enjoyed by families on a Saturday morning. They complete street-scape projects that revitalize the neighborhood. They improve our quality of life and have become important to communities across our country. All of them have a transportation-related purpose.

It has been said that we need to give State transportation departments the flexibility to decide how to spend their money. Well, the American Association of State Highway and Transportation Officials, which is known by the phrase AASHTO, support the amendment. They have come to value the contributions of this program.

In reference to diversions, I would like to point out that nonhighway recreational users contribute, according to the estimate of the Treasury Department and the Transportation Department, up to $268 million a year in gas taxes to the highway trust fund. I trust that in the last several decades recreational users still have contributed more than they have received since we created this program.

It has been said that we need to eliminate the enhancements program because we are billions short for covering our basic highway and bridge needs. I am glad there is recognition of the need to invest in our transportation systems, but I daresay that eliminating this $600 million program is not the answer to our funding needs. Finally, Members should be aware that the President's reauthorization proposal, which was just recently submitted, continues to dedicate funding for 10 enhancement programs.

While this amendment should pass on the merits of the program alone, I must also say that it is wrong to use the appropriations process to, in essence, rewrite the transportation program and allow funds now dedicated for enhancements to be used for other purposes. This is more appropriately the function of the authorizing committee.

In short, Mr. Chairman, State Departments of Transportation through their organizations support this amendment; counties support the amendment; cities support this amendment; environmental groups support the amendment; AARP supports it; bike, architects, conservation and historic conservation groups support it. Recreation and travel groups support it. Even various health groups and the Paralyzed Veterans of America have expressed support. And the list goes on. It is not a State's rights issue. The States have spoken. They want to retain dedicated funding for transportation enhancements.

Mr. Chairman, let us follow the lead of our President and continue dedicated funding for transportation enhancements by passing this amendment.

Mr. ISTOOK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think it is important that we understand more correctly what we are talking about here. We are talking about money that comes from the fuel taxes. When we drive a car or we drive a truck, we pay a fuel tax. Where does that money go? Right now, for every $6 in fuel taxes paid, $1 never even goes back to highways because it goes to mass transit funding.

That is one of the reasons that we have a $400 billion backlog in road needs in this country. That is one of the reasons we have tens of thousands of unsafe bridges. It is one of the reasons we have tens of thousands of miles of roads that need improvement, that need to be safer, that need wider shoulders or better dividing. It is one of the reasons we lose billions of dollars each year in productivity because we do not necessarily pick our priorities right.

It is not a question of whether it is nice and whether people say, yes, we would like to have a program to build more bike trails and pedestrian ways, and what has not been mentioned is that this money also goes for things like transportation museums and so forth. Of course people want that money. But if we ask them what is more important to them, is it more important to have the enhancements or to take care of the basics, this bill says that rather than having to take 10 percent, as the current standard requires, 10 percent of the surface transportation dollars and put them into the transportation enhancements, the pedestrian ways, the bike ways, the museums, they must, they must do it right now, we say let them have a choice. Let them work on improving safety first, if they say that is the highest priority. For goodness sake, put the money where the priority is the highest. Not just because people say, sure, I like this program, but is it the most important thing in a Nation with a $400 billion backlog because the highway trust fund has been decreasing.

Every year this program is taking $600 million paid for by drivers and putting it into everything but roads through this transportation enhancement program.

□ 1445

Let the States have a choice. Let them decide for themselves where their priorities are highest. I ask Members, they come to me and they say they need funding for a road. If Members vote that they do not think roads are their highest priority, do not ask for money for roads if Members want to divert that money.

This provision is about options, letting people make priority decisions. We should not try to dictate to the States from Washington, D.C. that they cannot spend the money that drivers pay to relieve the congestion drivers are experiencing, and they have to spend it on other things. We should not be doing that.

We have spent billions of dollars already that our roads needed that were mandated for these things. It is time to give communities a choice, not a commandment. That is what the amendment is about. The bill gives them a choice. The amendment says States do not have a say, they must take the money paid by drivers and put it into things that do not move as many people and do not move the goods and do not relieve the congestion and do not improve safety. They are definitely nice things to have, but when we have limited money, we have to make tough decisions. We are tying to make the tough decisions.

I hope that every Member that thinks they have roads that are important in their community will remember whether they voted to say our communities should be able to address those needs, or Washington is dictating and saying they have no say in the matter, States are compelled to take 10 percent of their surface transportation dollars and take them away from the people who paid at the pump for roads.

And do not tell me we need to adjust fuel taxes upward if we are not using the money rightly that we get right now. If we are not using the money for the intended purpose, if we are not honoring a trust fund principle and using user fees properly, for goodness sake, do not be asking to raise the fuel tax. There is some money paid by recreational people. We have $50 million in an off-road fund already to pay for trails. We have millions more in other provisions in this bill to pay for rails-to-trails, to pay for pedestrian ways, to pay for bikeways. We have some of those projects in this bill. There are some with merit; but we should not be dictating to the States what they do with the money their taxpayers pay, and it is coming back to them with a mandate to divert it. I ask for the defeat of the amendment.

Mr. BOEHLERT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as a member of the Committee on Transportation and Infrastructure and the conference committee for both ISTEA and TEA–21, I was totally immersed in developing the transportation enhancements program and ensuring its long-term viability. As authorizers, we were very specific about the 10 percent mandatory set-aside and feel that section 114 of the fiscal year 2004 Transportation, Treasury and Independent Agencies Appropriations Act changes the laws that this House created. This constitutes a major legislative change in the highway bill and is without question the wrong way to go.

The transportation enhancement program accounts for a mere 2 percent of the overall funding of the highway program. Many people do not realize this because while the funding amount may be small, the benefits local communities receive make a tremendous impact on the character and vitality of towns and villages across America.

Transportation enhancements have improved the health and environment as well as the economic well-being of our communities by funding more than

17,000 projects. These projects have ranged from restoring streetscapes on local main streets to preserving landmark roads and bridges to revitalizing old transportation facilities.

Transportation enhancements create an environment where cyclists and pedestrians can safely coexist with motorists while also improving the landscape of a community. Nationwide communities have enhancement projects that they are very proud of. Whether a trail or a bike lane or a streetscape enhancement or a pedestrian bridge, these small projects are oftentimes how a community identifies itself and takes great pride in these projects with tourists and visitors, and that produces economic vitality. These projects also help to decrease congestion and improve the quality of the air we breathe, further adding to the quality of our life.

I could go on and on listing various groups that support transportation enhancements and benefit from them. They range from mayors and Governors and park directors to hikers and bikers and farmers. My own State Department of Transportation has requested us to make the set aside mandatory because of the tremendous benefits derived from the program. To appreciate the value of the transportation enhancements program, one needs only to imagine the pathways teaming with strollers and rollerbladers and people biking to work. Picture the historic transportation structures that have breathed life and vitality into declining downtown areas.

Mr. Chairman, I included for the RECORD the remainder of my statement, and urge strong support of the Petri-Olver enhancement amendment.

The enhancement program has encouraged communities to come together and craft a vision for revitalizing their downtown areas, for constructing networks of pathways along creeks and rivers, and for preserving the transportation history of this country.

This process builds support from a broad swath of interests, including elected officials, business owners, walkers, bicyclists, fans of historic preservation and neighbors. The Enhancement program serves as a catalyst, leveraging more local investment, as one project builds support for the next. Our investment in the Transportation Enhancement program is modest, but the rewards are immeasurable. I urge strong support of the Petri/Olver amendment.

Mr. OLVER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me start by commending the gentleman from Wisconsin (Mr. PETRI) for his leadership in presenting this amendment. I want to point out and remind Members that this amendment has been cosponsored by a bipartisan group from both sides of the aisle, including myself on the Committee on Appropriations, several members from the Committee on Transportation and Infrastructure, and several Members who have no connection with the Committee on Transportation and Infrastructure or the Committee on Appropriations. This is truly a bipartisan amendment.

I urge my colleagues to support this amendment to strike section 114 to preserve the enhancement program as it has been authorized and in law for the last 12 years.

Make no mistake, a vote against this amendment would cripple the extremely popular enhancement program. The transportation enhancement program created in 1991 in the ISTEA bill was designed to help communities expand transportation choices. Enhancement funds are used to create alternative means of transportation such as bicycle trails and pedestrian walkways which are directly associated with roadways. Enhancements also include the renovation of streetscapes, scenic roads, beautifications, and preservation and investment in the reuse of historic transportation infrastructure that creates both jobs and community amenities.

Congress in both ISTEA and the TEA–21 bill, and now the administration in its transportation reauthorization proposal, determined that a small portion, about 2 percent of our $30-plus billion every year that goes into the highway program, should be used for these kinds of projects. From 1998 to 2003, a total of $4 billion was provided to the States for these enhancements, of which almost $3 billion had been obligated by the middle of this year.

But there is a more telling statistic: From 1971 to 1991, the 20 years before there was an authorized and overwhelmingly voted and agreed to set-aside for enhancements, only $40 million was spent nationwide on bike and pedestrian paths, by far the largest component of the enhancement program. Yet under the authorized ISTEA and TEA–21 legislation, in those 12 years from 1991 until now, over $2.2 billion out of a total of almost $300 billion for highway programs, only that small amount has actually been allocated and directed in this manner for such bike and pedestrian paths. This occurred largely because of the guaranteed funding designated for enhancements over those two authorization bills which, as I point out again, have been voted for, established by the Congress and voted for by overwhelming numbers.

Without the guaranteed authorized set-aside, the program will perish. The fact is Congress has set-asides for many transportation activities. We have them for safety, for interstate maintenance, for bridges and many other areas. These enhancements should be no different.

Enhancements are popular and a needed component of a balanced transportation policy. Hundreds of Members in this body requested money for enhancements, and a good many of those projects are included in this very bill. In fact, the list includes such things as a Hot Springs Bike Trail in Arkansas, Independence Biking Road Access in Kansas, Mountain Bay Trail in Wisconsin, Riverfront Trail in Georgia, the Salk Trail in Illinois, the Toledo Waterfront Redevelopment in Ohio, the Anacostia Riverwalk in the District of Columbia, and the list goes on and on. They include projects that have major social and economic benefits and provide jobs, like the Union Station rehabilitation project in Meridian, Mississippi, funded by enhancements that spurred $10 million of private investment in the Depot District, and the Kentucky Cabinet for Economic Development has estimated that the River Heritage Museum, funded by enhancements, will bring in $20 million to the Paducah area over 5 years.

We should continue more than a decade of success and bipartisan support for this very popular enhancement program. If Members support the enhancement program and believe in a balanced transportation bill, they will vote for the Petri amendment that so many other names have been associated with, including my own, and I urge an aye vote on the amendment.

Mr. LEWIS of Kentucky. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today to voice my support for the Petri-Olver amendment. I support this amendment because nearly every community in the Second Congressional District of Kentucky has benefited from enhancement program funding.

During the August recess, I spoke with people who know the importance of this funding. Everything from streetscaping to structural rehabilitation to historic preservation has been helped due to the availability of these funds. By keeping the mandatory 10 percent set-aside, Kentuckians will see an enhanced quality of life and our Nation's heritage will stay alive for this and future generations.

Mr. RAHALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. The issue at hand is relatively simple. The transportation enhancement program is about our communities and the enhancement and the empowerment of localities.

As a Member who has served on the Committee on Transportation and Infrastructure for going on 27 years now, and a former chairman as well as ranking member of the Subcommittee on Highways, I can recall that this was somewhat of a radical proposal when we adopted it back in 1991.

Prior to that, Federal highway legislation was largely viewed as the bastion of the States, highway contractors, asphalt, cement and steel manufacturers. The enhancement program transcended those interests and brought a relatively small portion of a State's annual Federal highway apportionment directly to local communities for local community projects. As I have said, a somewhat radical proposal perhaps in 1991, but certainly not

today, which is why after this program has worked so well over these past 12 years, it is odd that it is suddenly under attack.

Every Member of this body has a community where the lifestyle of its people have been enhanced by this program, where people have been drawn closer together and the old-fashioned American values are again flourishing as a result of enhancement projects.

In Princeton, West Virginia, for example, the community is being revitalized, partly as a result of a railroad museum partially funded under this program. In Milton, West Virginia, a historic covered bridge, cherished by the community, was rehabilitated under this program. And throughout the State, rails-to-trails, bike and pedestrian facilities, safety projects, and scenic beautification initiatives are enhancing the quality of life.

□ 1500

I am sure as we have already heard that all Members of this body have similar projects in their districts, projects that serve local communities, provide for families and children and which deliver so much in the way of benefits for relatively small cost.

I say let us stay the course. Vote for the Petri-Olver amendment. If changes are really needed to be made in this program, let us consider them in the normal legislative process as part of the TEA–21 reauthorization rather than going through the back door approach taken by the pending legislation.

So I urge support of the pending amendment.

Mr. BLUMENAUER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I find no small amount of irony. Yesterday, we were celebrating the accomplishments of that great American Lance Armstrong for his prodigious bicycle accomplishments, and today we are moving to gut the enhancements program that extends the benefits of cycling to millions of Americans.

I heard the distinguished chairman of the subcommittee speak to a couple of points. One, he talked about choice in transportation. Well, the fact is today, under the enhancement programs, there is choice that is available. States have the opportunity of flexing money in and out of the enhancements program if that is their priority.

The fact is that this is a priority for people if they have the focus of an enhancement program. The gentleman talked about safety. There is less than 1 percent of the money spent on 7 percent of the trips that are cycling and pedestrian, and they account for 13 percent of the fatalities.

If the gentleman was concerned about safety, I would suggest that maybe we would increase the funding in these enhancement programs. These are programs where people have indicated they want choices.

There are national surveys that indicate, in fact, over half the American public would put more money into bike and pedestrian activities even if it meant less money for roads. The fact is, under the bill that has been offered up, we do not have this either/or situation. All we have to do in striking section 114 is maintain the status quo and the integrity of the enhancements program. This is the single most popular Federal aid highway program for the Federal Government.

As chair of the Bikes Caucus, I can tell my colleagues that the bicycle interests are a vital part of each and every one of your communities. There are over 50 million American bicycle customers that have 100 million bikes. These have 80 million people employed in this industry in every one of our districts. They epitomize small town, small business ownership.

But it speaks also to pedestrians, to handicapped. I am not at all dismissive of issues of parks and museums and historic preservation. Each Member has received an outstanding memorandum from the National Trust for Historic Preservation that points out that this is the single largest area for funding historic preservation-related activities. It has been invaluable in mitigating the damage that transportation projects can do to historic places.

Since I have been in Congress, I have been privileged to visit over 100 communities dealing with issues of things that make those communities more livable. Every place we go, people focus in on the programs that deal with the enhancements program.

It would be a tragedy at a time when the media is filled with reports of the obesity epidemic among our children, when we have an energy crisis, when we found just last week medical studies that talked about communities that have the facilities that the enhancement program gives are six pounds on average lighter and have lower blood pressure, that this Congress in its first full day back after Labor Day would vote to cut it.

This last few days there has been a marvelous coalition quietly moving on Capitol Hill. Sadly, I think they have been almost too quiet because they represent millions of Americans who care about historic preservation, who care about fitness, who care about the revitalization of central cities, retrofitting sprawling suburbs, helping our children get to school safely, fighting the obesity epidemic.

They have visited every office, provided critical information about how the enhancements funding has made a difference in every State of the Union.

This enhancements program was born under a Republican administration and a Democratic caucus. It has enjoyed broad bipartisan support ever since.

I strongly urge my colleagues to support the Petri-Olver amendment to retain the integrity of the enhancements program and make sure that our communities are more livable and make our families safe, healthy, and more economically secure.

Mr. MORAN of Virginia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I also rise in very strong support of this amendment. The interstate highway system was established in the 1950s, and it has served this country very well. The Congress is very proud of what it has done. But transportation has evolved. We have other responsibilities. We need to be concerned about the traffic congestion that we are generating, the deteriorating air quality, the loss of open space, and, as some other of our colleagues have said, an obesity epidemic among our youth. This Enhancement Program is one of the most popular aspects of our entire transportation program, because it encourages communities and individuals to be creative, to take initiative, to convert old, abandoned rail lines to trails.

Rails to Trails is exciting. It has given people other opportunities when they might spend much of their weekend in an automobile to go bicycling, jogging, walking along trails. It has done so much across the country. And it is transportation oriented. But most importantly, it is community oriented. That is key. That is really what this is about. Communities have an opportunity to have some input into how the billions of dollars in road projects are used, to enhance their quality of life.

At one point, 90 percent of our Nation's schoolchildren walked to school. Today, less than 10 percent do. Many have to take buses or rely on their families or friends to drive, primarily because there are no sidewalks or safe ways to get to school. Building sidewalks is one of the many eligible activities for this Transportation Enhancement Program. If we take away this component, we are going to weaken the ability of local communities and neighborhoods to address their priorities. I also think that we are going to lose an awful lot of important opportunities to beautify our transportation corridors, rehabilitate train stations and other transportation assets, provide safe wildlife crossings, and protect our historic, our scenic, our natural resources. We can do this all for about 1½ cents per surface transportation dollar. It is important. It is a critical element of a transportation program that is also concerned about congestion, air quality, loss of open space.

Just one last thing. Many Members live in northern Virginia, Alexandria and Arlington, for example. If we provided highways to accommodate everybody that wants to drive from outside the Beltway to the inner city of D.C., it would be all asphalt. There would not be any neighborhoods. There would be no grass. What we have to do is to find ways for public transportation to relieve our highways to give people an incentive to ride a bicycle, to find whatever way they can get to work in a way

that is healthy, that reduces the amount of congestion, and that enhances our quality of life and the strength of our communities. This program does all that. That is why the Petri-Olver amendment should pass. It has many other sponsors, the gentleman from Oregon (Mr. BLUMENAUER) has done a great job on this. It is bipartisan. It is important. Let us make sure it continues as part of our transportation program.

Mr. LAHOOD. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. LAHOOD. Mr. Chairman, I am a member of the Committee on Appropriations, and I think I am one of two members on our side who voted to support this effort to restore this program the way that it has existed for several years. I know it is probably not fashionable for me to be up here talking in favor of this amendment, but I feel strongly about it. I am a jogger. I have been a jogger for almost 30 years. I have taken full advantage of the Rails to Trails Program that exists in my congressional district and other parts of Illinois. I think it is a marvelous program. We have promoted around here a new caucus that has been formed by the Members to get Members to exercise more, to get Members to stay in shape. Part of the way that some of us do it is disembark from the Rayburn Building and jog down the Mall. It is not really a Rails to Trails, but it is a marvelous place to jog.

You see people jogging all over this part of the country. You see people jogging along the parkway from Old Town all the way down to where George Washington once lived. These are Rails to Trails. These are opportunities for people that would not have existed without this program. The last thing I want to do is to turn this program over to the Governor of my State. Every State in the country has a deficit. I guarantee you what these Governors will do is not turn this money into Rails to Trails or other amenities or other enhancements. They will use it to fund other things.

We have got a $5 billion debt in Illinois. We have got a Governor who has been in office now 6 months, a new Governor, who has not been able to figure out how to do that. But I guarantee you that if you hand him a bag of money from the enhancements, from the Rails to Trails, he will find other uses for it. As we are encouraging people all over the country to exercise, to be fit, to eat right, to exercise and to do things that will continue to make people healthy, there is no better way to do it than to have this program. I am encouraging Members to support this amendment. This is a good program. It is a program that works. It is not broke.

I want to, too, mention what the gentleman from Oregon talked about, the whole issue of obesity. There has been more written about obesity in the last 6 months or so or last year. If we really want Americans to be fit and healthy and get in good shape, the way to do it is to allow for the enhancement program that has worked so well, that allows people to get outdoors, to ride their bikes, to jog, to walk. What better way to bring people in a community together. This program has been a marvelous program. We should not change it. It is a program that works. It is not broke. I encourage Members to support the amendment and continue the fine program we have had.

Mr. PETRI. Mr. Chairman, I submit for the RECORD letters in support of the amendment from the American Association of State Highway and Transportation Officials; the American Association of Retired People; the National Association of Counties, the National League of Cities, the U.S. Conference of Mayors; and the Transportation Enhancements Coalition.

AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS,
Washington, DC, September 3, 2003.

DEAR CONGRESSMAN: I am writing on behalf of the American Association of State Highway and Transportation Officials (AASHTO) to urge your support for an amendment sponsored by Congressmen Thomas Petri and John Olver to strike language in H.R. 2989, the FY 2004 Transportation, Treasury, and Independent Agencies Appropriations bill, that eliminates funding specifically dedicated for transportation enhancements. The Petri-Olver amendment would strike Section 114 from the bill, restoring the Transportation Enhancements (TE) Program set-aside first established in 1991 in the Intermodal Surface Transportation Efficiency Act (ISTEA).

The TE Program is one of the most popular of the federal transportation programs with over 17,000 projects in communities located in almost every congressional district across the country. Projects ranging from pedestrian, bike and trail facilities to historic bridges and rehabilitated train stations have significantly contributed to the quality of life in these communities. AASHTO, which represents transportation agencies in the fifty States, the District of Columbia and Puerto Rico, supports continuation of this popular and worthy program.

Sincerely yours,

JAMES C. CODELL, III,
President

AARP,
Washington, DC, September 2, 2003.

Hon. ERNEST ISTOOK, Jr.,
Chairman, Subcommittee on Transportation, Treasury and Independent Agencies, Committee on Appropriations, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: We urge you to restore the 10 percent set aside from the Surface Transportation Program to fund Transportation Enhancements. Transportation enhancement projects help meet the mobility, health, and recreational needs of mid-life and older persons.

AARP supports the development of pedestrian and bicycle infrastructure as part of a balanced transportation system. Walking is the most common mode of travel for older persons after the private vehicle. Community design that promotes walking and bicycling is highly valued by mid-life and older persons. In a recent AARP survey, 58 percent of persons age 45 and older rated having walking or bike trails nearby to be an important community characteristic. Sidewalks and paths designed for safe walking can help address the disproportionate safety risk experienced by older pedestrians. In 2001, persons age 70 and older were nine percent of the population, but accounted for 18 percent of all pedestrian fatalities.

AARP also seeks to encourage older Americans to be physically active because of the many health benefits exercise promotes, including helping to maintain independence in later years. Research has shown that persons living in communities with sidewalks are 28 percent more likely to be engaged in regular physical activity than those in communities without sidewalks.

We appreciate that the Subcommittee on Transportation, Treasury and Independent Agencies allocation for FY 2004 will require many difficult funding decisions. Nonetheless, we respectfully urge you to restore the 10 percent set aside from the Surface Transportation Program to fund Transportation Enhancements.

If you have any questions, please feel free to contact me or have your staff call Tim Gearan of our Federal Affairs staff at 202–434–3800.

Sincerely,

MICHAEL W. NAYLOR,
Director of Advocacy.

NATIONAL ASSOCIATION OF COUNTIES, NATIONAL LEAGUE OF CITIES, U.S. CONFERENCE OF MAYORS,
September 3, 2003.

DEAR REPRESENTATIVE: On behalf of the nation's local elected officials, we urge you to support Representative Petri's amendment to fully restore dedicated funding for the Transportation Enhancements (TE) program, during consideration of the FY2004 Transportation and Treasury appropriations bill.

The Transportation Enhancements program has been very important to local governments by allowing them to undertake alternatives beyond the traditional highway construction projects. Over 17,000 local transportation projects have been initiated as part of the TE program, and the results have been significant, both in terms of increased mobility and the economic development generated by the construction of these facilities. TE projects have contributed to decreased congestion and improvements in air quality in our nation's cities and counties. Both ISTEA and TEA–21 were very specific concerning the Transportation Enhancements program set aside and local governments have been pleased to carry out the intent of Congress concerning this program over the past 12 years.

Thank you for your consideration in this matter.

Sincerely,

LARRY NAAKE,
Executive Director.
DONALD J. BORUT,
Executive Director.
TOM COCHRAN,
Executive Director.

TRANSPORTATION ENHANCEMENTS COALITION,
Washington, DC, September 2, 2003.

Re Thursday, September 4 Vote—H.R. 2989.

DEAR MEMBER OF CONGRESS: On behalf of a broad partnership of national organizations, we are writing to urge your support for the restoration of dedicated funding for Transportation Enhancements (TE) during House

action on H.R. 2989, the FY04 transportation and treasury appropriations bill. Specifically, Section 114 of the committee-passed bill eliminates the funding set-aside for TE—a modest and very successful program established in the 1991 Federal surface transportation law. We respectfully ask you to support the bipartisan effort, led by Reps. Tom Petri, John Olver and others, that would strike Section 114 and restore the Enhancements program when H.R. 2989 is considered by the full House of Representatives.

Established in ''ISTEA'' and reauthorized with minor adjustments in ''TEA–21,'' TE ensures that a small percentage of our Federal gas tax dollars are reserved for small-scale, community-initiated, locally selected transportation projects. TE is the largest source of Federal funding for pedestrian, bicycle and trail facilities. The program also beautifies our transportation corridors, rehabilitates train stations and other transportation assets, provides safe wildlife crossings, and protects our historic, scenic, and natural resources. We achieve all this for about one and a half cents per surface transportation dollar.

TE projects are essential—they have been shown to promote health, safety, economic development, tourism, energy conservation, and community pride, all within the context of our surface transportation system. Our Nation has benefited from over 17,000 local transportation projects, in every congressional district in the country. For countless communities, TE remains the most popular program of the Nation's surface transportation law.

The attached materials provide additional details on how TE has benefited your state and district: a pie chart summarizing how your State has divided its TE funds across the program's 12 eligible activities; a similar pie chart for the entire country; and a list of every TE project in your State, sorted by county.

In places large and small, Americans are working to address challenges such as growing traffic congestion, deteriorating air quality, loss of open space and an obesity epidemic among our youth. TE provides some of the solutions, and allows local communities the opportunity to make transportation investment decisions that will greatly enhance their quality of life.

The record of success in this program is clear and substantial—a small investment that produces considerable results. Please support the bipartisan effort to preserve the Transportation Enhancements program when H.R. 2989 is considered on the House floor.

Sincerely,

Marianne Fowler, Sr. Vice President of Programs, Rails-to-Trails Conservancy, *Co-chair;* Dan Costello, Senior Program Associate, National Trust for Historic Preservation, *Co-chair;* Bill Sawyer, Executive Director, Adventure Cycling Association; Martha Roskowski, Campaign Manager, America Bikes; Edward H. Able, Jr., President and CEO, American Association of Museums; Tobey Williamson, Federal Policy Program Manager, American Farmland Trust; Celina Montorfano, Director of Conservation Programs, American Hiking Society; Paul Farmer, Executive Director, American Planning Association; William W. Millar, President, American Public Transportation Association;

Cara Woodson Welch, Director, Government Affairs, American Society of Landscape Architects; Pam Gluck, Executive Director, American Trails; Robert L. Lynch, President and CEO, Americans for the Arts; Richard Olken, Executive Director, Bikes Belong Coalition; Rich Stolz, Coordinator, Transportation Equity Network, Center for Community Change; Jacky Grimshaw, Vice President for Policy, Center for Neighborhood Technology; Dr. Margo Wootan, Director, Nutrition Policy, Center for Science in the Public Interest; Daniel Swartz, Executive Director, Children's Environmental Health Network; Jim Campi, Policy and Communications Director, Civil War Preservation Trust;

Robert Dewey, Vice President for Government Relations, Defenders of Wildlife; John Balbus, Director, Environmental Health, Environmental Defense; David Hirsch, Director, Economics for the Earth Program, Friends of the Earth; David M. Feehan, President, International Downtown Association; Kalinda Mathis, Executive Director, International Inline Skating Association; Tim Blumenthal, Executive Director, International Mountain Bicycling Association; Mele Williams, Director of Government Relations, League of American Bicyclists; Judy Corbett, Executive Director, Local Government Commission; Jonathan Katz, President, National Assembly of State Arts Agencies;

Patrick M. Libbey, Executive Director, National Association of County and City Health Officials; Ross Capon, Executive Director, National Association of Railroad Passengers; Michael W. Duplechain, Director, Government Relations, National Association of Service and Conservation Corps; Bill Wilkinson, Executive Director, National Center for Bicycling and Walking; Karen Silberman, Executive Director, National Coalition for Promoting Physical Activity; Nancy Schamu, Executive Director, National Conference of State Historic Preservation Officers; Laura Loomis, Director, Visitor Experience Program, National Parks Conservation Association; Barry Tindall, Director of Public Policy, National Recreation and Park Association; John Kostyack, Senior Legislative Counsel, National Wildlife Federation;

Deron Lovaas, Deputy Director of Smart Growth and Transportation, Natural Resources Defense Council; Susan West Montgomery, President, Preservation Action; Meg Maguire, President, Scenic America; Don Chen, Executive Director, Smart Growth America; Lynne Sebastian, President, Society for American Archaeology; Kevin McCarty, Senior Director of Federal Policy, Surface Transportation Policy Project; Randy Neufeld, Chair, Thunderhead Alliance; William S. Norman, President and CEO, Travel Industry Association of America; Allen Front, Sr. Vice President for Federal Affairs, Trust for Public Land.

Mr. DOGGETT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise also in support of this bipartisan initiative and commend the gentleman from Wisconsin (Mr. PETRI) for offering it. He came personally, at the invitation of the gentleman from Texas (Mr. SMITH), to central Texas last December and saw firsthand a variety of our pressing transportation needs with highways and public transportation, but also had a chance to see the important role that enhancement projects play in our community.

Unfortunately, there are some in this Congress, in the State transportation bureaucracies, and some of the trade associations and lobby groups who think if it is not asphalt or buying something to put asphalt on it is merely a transportation frill. In central Texas, we certainly know that this is not true. Transportation enhancement projects are, as the very name suggests, designed to enhance economic development and to enhance the quality of our lives. In our community, they have done both of those despite significant intransigence and disinterest by the Texas Department of Transportation, which has put one roadblock after another in front of our local enhancement proposals.

In Austin, Texas, for example, we have Plaza Saltillo, which would not exist were it not for enhancement funding.

□ 1515

Many of us will gather there soon for the Diez y Seis celebration. This has been an economic development magnet. It has had a multiplier effect for small Hispanic businesses in the area, and now we are seeing a number of developers, Hispanic and non-Hispanic, develop a wide range of residential housing in this transportation corridor. This enhancement project not only improves the quality of life for all in the neighborhoods who celebrate this important Hispanic holiday, but it has proven to be a key factor in the economic development of the East Austin community.

It is certainly true in terms of the quality of our cycling and pedestrian trails throughout central Texas. These trails enhance the quality of life. They have also become, thanks originally to the work of Lady Bird Johnson and now supplemented around Town Lake, the center of Austin where people are coming to host conferences, conventions, and business meetings. A real factor for many of our tech companies moving downtown is the fact that we have trails people can enjoy jogging and cycling on, and can bring their families to. Some of these trails, frankly, have become on the weekends, and at key times in the early morning and late afternoon, almost as congested as some of our highways.

We do not have enough of these projects to meet the needs of a growing community in terms of enhancing the quality of life or enhancing economic development, and we need more. We have had resistance at the State level already. If we turn it over entirely to the States, there will not be a dime coming to provide this key enhancement factor.

Looking at the data about transportation, there has been a significant amount of work on the revision of TEA–21 focusing on fairness and parity. The data suggests that about 7 percent of the trips made in this country are

not by car or public transportation, but by people on two wheels, on a bicycle, or walking. Yet, less than 1 percent of our transportation dollars are being committed to trail-type projects for cyclists and pedestrians. Now, that 1 percent will not be assured unless this Petri amendment is adopted. We know employers can provide parking spaces, and that many progressive employers are providing public transportation or metro passes. However, for cyclists these days the only incentive is strong legs and maybe a pat on the back. For a clean form of transportation, we need to maintain this bare minimum amount of funding under the enhancement program for cyclists to have a safe lane or trail to travel.

Our colleague from Oregon mentioned my constituent Lance Armstrong, and we were so pleased to honor him yesterday with a resolution. In his book he writes: ''I've spent my life racing my bike, from the back roads of Austin, Texas to the Champs-Elysees, and I always figured if I died an untimely death, it would be because some rancher in his Dodge 4x4 rammed me head first into a ditch . . . Cyclists fight an ongoing war with guys in big trucks, and so many vehicles have hit me so many times, I've lost count . . . One minute you're pedaling along a highway, and the next minute you're face down in the dirt.''

For Lance Armstrong, for the leadership of the Downtown Austin Alliance and many people who have communicated from central Texas, let us adopt the Petri amendment.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I move to strike the requisite number of words.

I rise in strong support of this amendment to strike section 114 from the fiscal year 2004 transportation appropriations bill, and I want to thank the gentleman from Wisconsin (Mr. PETRI), my committee leader, for offering it, along with the gentleman from Massachusetts (Mr. OLVER).

This is obesity USA right now. And in Texas along with obesity, we have air pollution; and I believe that the enhancements funding, although small compared to the highway funding, contributes in a major way to building a healthy, active and community-based society. In the Dallas-Fort Worth region, we see families and kids out riding, walking, skating on the Katy Trail every weekend and often during the week. We see people riding bicycles to the park and ride areas to get on the DART area transportation system. The types of trails build a sense of community. They promote physical fitness and increase property values.

Enhancements also promote safe ways for kids to get to school. Studies show many more kids want to ride or walk to school, but there is insufficient money to promote safe routes to school. And we see overwhelming obesity in our young people now which leads us to have to spend a great deal more money for health care later. If transportation enhancement funds are cut, there will be virtually no incentives for States and communities to continue to create balanced integrated transportation systems. For more than 20 years through the transportation enhancement program, communities across the Nation have developed and implemented alternative forms of transportation that promote livability, connectivity, and a better quality of life. The vast majority of these projects are locally selected and are of tremendous value to the communities. We need substantial highway funding; but more importantly, we need a balanced transportation system.

I encourage my colleagues to support this amendment and restore funding for enhancements that contribute to a higher quality of life, personal health and livability in all of our communities.

Mr. CULBERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to speak in favor of the language in the bill and against the amendment. I point out to the Members that the Inspector General for the Department of Transportation, Kenneth Mead, testified to our Subcommittee on Transportation, Treasury and Independent Agencies appropriations that the highway trust fund has shown a decline in revenues of about $18 billion less this year than projections that were made originally in April of 2001, and as a result of the declining revenue coming into the highway trust fund that highway and transit programs will see continuing constraints on their ability to improve mobility, safety, and economic growth unless taxes are raised, a greater portion of the financing burden is shared by State and local governments, or greater reliance is placed upon the general fund to supplement highway trust fund receipts.

I strongly support the gentleman from Oklahoma's (Chairman ISTOOK) language in this bill because this simply allows Texans to run Texas. Governor George W. Bush, when he ran for Governor originally, I had the privilege of serving longer under Governor Bush than any other Governor I served under in the 14 years I served in the Texas legislature, and Governor Bush was elected Governor of Texas to let Texans run Texas. The language in the bill simply allows each State to choose on their own how to spend that revenue. The Nation today faces an ever-growing national debt that has now exceeded $7 trillion, which is absolutely inexcusable. We must pay it off. We face a growing national Federal deficit that we must balance. We simply must balance our Federal budget. I strongly support the gentleman from Oklahoma's (Chairman ISTOOK) constitutional amendment to require a balanced budget.

In light of our deficits at the State and local level, in light of deficits at the Federal level, in light of a declining highway trust fund, I think it is only prudent to give the States the option to choose how they will spend this 10 percent of these highway trust funds on hike and bike trails, as they may choose to do in the State of Oregon; or some other State may choose to decide to take some of that 10 percent and invest more of it into any other type of transportation project that they believe will help move people and reduce travel time and reduce congestion.

The bottom line is, I think, Mr. Chairman, this language that is in the bill will allow every State to make those decisions on their own through their State legislatures, through their State highway commissions. I think that the genius of our system of government is that it is built around the concept of letting each State make local decisions on their own, and this language in the bill does that. I strongly urge Members to vote against the amendment and support the gentleman from Oklahoma (Chairman ISTOOK) in voting ''no'' on the amendment and allowing Texans to run Texas and each State to make these decisions on their own.

Ms. LEE. Mr. Chairman, I move to strike the requisite number of words.

(Ms. LEE asked and was given permission to revise and extend her remarks.)

Ms. LEE. Mr. Chairman, today I rise in strong support of the amendment offered by the gentleman from Wisconsin (Mr. PETRI) and the gentleman from Massachusetts (Mr. OLVER) to restore guaranteed funding for the transportation enhancements program. With over 15,000 projects receiving funding nationwide, it is very clear that the benefits of this program have not been confined to any one district, State, or region. These projects are very critical in establishing and in maintaining livable communities.

In my district alone the transportation enhancements program has funded nearly 30 projects over the last 12 years at a cost of about $22.5 million, and these projects have provided a very big improvement to the quality of life for many of my constituents and the residents of the Bay Area as a whole, not to mention the thousands of tourists who come through our region every month. The program has funded projects ranging for something as simple as a bike locker at local BART stations to pedestrian and streetscape improvements throughout Berkeley, Oakland, San Leandro, and Fruitvale, to construction of the Oakland section of the very ambitious 400-mile San Francisco Bay Trail project that links 47 cities and nine Bay Area counties together.

Other projects include the acquisition of scenic shoreline in Oakland for beautification and recreational purposes, the berthing and preservation of several historic ships, the construction and upgrade of the Berkeley train stop, the construction of bicycle underpasses along the very busy I–80 freeway, as

well as a number of other landscaping and beautification projects throughout my district.

Mr. Chairman, our constituents really value each and every one of these projects, not only in my district but throughout our country, as I mentioned earlier, which the transportation enhancement program has really helped to pay for. And let me tell the Members that ever since word got out that this House was considering removing the dedicated funding for this program, I do not think that a day has gone by where I have not received a phone call, e-mail, fax, or letter from constituents which criticize this move. So we must make this bill right. We must pass this amendment so that we can continue to fund the construction of pedestrian and bicycle facilities, Rail to Trail conversions, the acquisition and preservation of historic land, and a host of other projects that have all contributed to the quality of life in our neighborhoods and really for the increased safety which people so deserve.

Once again, as I said earlier, these projects are so critical in establishing livable communities.

Mr. RADANOVICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of the Petri-Olver amendment which would strike language in this bill that eliminates dedicated funding for transportation enhancements. Transportation enhancement funds may be used for fundamental economic development in tourist-dependent communities, to ensure preservation of vital historic resources. These resources then become a draw to the visiting public. While many enhancement projects are small in size, they achieve enormous benefits in terms of promoting economic growth and development and developing historic tourism. The President has initiated a program called Preserve America to encourage historic tourism. This program is dependent on transportation enhancement funds.

The Advisory Council on Historic Preservation, headed by my good friend John Nau from Texas, has advised that we restore these funds in order to ensure the goals of Preserve America. A ''yes'' vote on the Petri-Olver amendment would help us do just that. So we are looking to preserve America.

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. OBERSTAR. Mr. Chairman, I rise in support of the Petri-Olver amendment. We are here today to discuss one of the cornerstones of ISTEA and TEA–21 of our current transportation program, a cornerstone that our current Secretary of Transportation not only supports, the administration supports it, the bill to extend the life of TEA–21, but our current Secretary of Transportation was chair of the Surface Transportation Subcommittee in 1991 when we fashioned the enhancements provisions of ISTEA. And what we did in 1991 was landmark legislation. We had come to the end of the interstate era, and now the debate focused on the future of transportation in America.

□ 1530

What would be the face of transportation in the post-interstate era? How would we best invest our dollars?

We assessed the quality of transportation and the quality of life in America in a long series of hearings, some of which I conducted as Chair of the Oversight Investigations Committee, as Chairman Mineta did in the surface subcommittee, as the gentleman from Wisconsin participated in, now the Chair of that subcommittee. And what we found was that Americans wanted more out of their transportation experience than simply getting from point A to point B. They wanted to use the interstate system to get to their destination, but then to enjoy a quality of life, to enjoy more of America's historic, archeological, cultural and scenic treasures, and the way to do that was to open a new vista within our transportation program, to use some of their dollars that those very travelers and visitors have invested in the Highway Trust Fund to improve and enhance the quality of life, projects that would initiate from the community, from the grassroots up, projects that had been proposed and undertaken, but frustrated because the dollars were not there to do them over a period of the previous series of transportation programs.

But those are highway programs. What we fashioned was a transportation concept; not only highways and not only bridges, but transportation. Part of that transportation experience is scenic America, the quality of life, the issues the gentleman from Illinois spoke about, of jogging and hiking, and bicycling, as the gentleman from Oregon spoke to, and things that I enjoy as a cyclist.

But those issues come from the people. The choice of how to invest those transportation dollars come from the people themselves, from all throughout America. And you can see the upwelling of spirit that has followed the issuance of this transportation appropriations bill, when the enhancements community, a wide spectrum of Americans, rose up and said, please, do not make this change.

There is a compact here between the citizens of America, between the people who use our highways, our transit ways, our enhancement ways, and our Federal Government and the States. State governments now have opted into this program. They have become partners. Citizens have taken control of their destiny and the quality of life that they want to see in America. Enhancement programs makes that possible.

We can cite the thousands of projects, but what really counts is those decisions that were made in each and every community to take a piece of that Highway Trust Fund and invest it in the future of America, in the quality of life in America, to enhance the life of those who come after us. And that is what enhancements does. That is what this program does. It is a citizens' bottoms-up investment in the quality of life of our transportation program.

It is not enough just to roll over the highways and roll over the bridges. It is more important to enhance the life of every community in America, and that is what the enhancements program has given us the opportunity to do.

Without the set-aside, it would not have happened. In the 20 years before ISTEA we invested only $40 million in building bicycle facilities across America. Since then we have invested $3.8 billion and enhanced the quality of life in America. Pass the Petri amendment.

Mr. Chairman, I rise in support of the Petri/Olver amendment to strike Section 114 from the bill.

Section 114 is nothing more than a backdoor attempt to kill the Transportation Enhancements Program initiated in 1991 under ISTEA and continued in 1998 under TEA 21. This boldfaced attempt to kill one of the most popular Department of Transportation programs ever enacted is reckless and misguided, and should be soundly defeated.

Section 114 would eliminate the mandatory requirement that each State use up to 10 percent of its Surface Transportation Program funding for the Transportation Enhancement program. Under existing law, States must use that 10 percent of STP funds for alternative transportation projects such as bike and pedestrian trails, streetscape renovations, rail-to-rail conversions, and other surface transportation-related activities that contribute to the revitalization of communities and local and regional economies.

Continuation of the existing Transportation Enhancements Program, as enacted in ISTEA and continued in TEA 21, is supported by more than 70 national organizations that make up the Transportation Enhancements Coalition. These include: The American Association of State Highway and Transportation Officials; National League of Cities; U.S. Conference of Mayors, Institute of Transportation Engineers; League of American Bicyclists; Rails to Trails Conservancy; and a wide variety of other environmental, preservation and recreational organizations.

Transportation, like all human activity, affects our communities and the environment. The Transportation Enhancements Program enables us to balance transportation improvements with the need to protect the environment and the character of our communities.

Although Section 114 does not make enhancements ineligible for funding, it removes the requirement that 10 percent of STP funds must be used for these purposes. It is clear that without the set-aside, many State Highway Departments would shift money now going to enhancements to larger traditional projects.

Before a set-aside was established in ISTEA in 1991, enhancements were eligible

for funding, but States did not fund them. In the 20 years before 1991, only $40 million was spent on bicycle and pedestrian projects. From 1991 through 2002, however, with the set-aside in place, over $2.2 billion was spent on bicycle and pedestrian projects, with 75 percent of the funds coming from the Transportation Enhancements Program. The total amount of funds for bicycle and pedestrian projects jumps to $3.8 billion for 8,526 projects nationwide when projects in the pipeline, as well as completed projects, are included in the totals. For all types of transportation enhancement projects nationwide, the grand total programmed since 1991 is an impressive $8.4 billion for 17,920 projects, less than $500,000 per project nationwide. Clearly, these kinds of results could not have been achieved in the absence of a dedicated Transportation Enhancements Program.

The enhancement program requires less than 2 percent of the entire program for surface transportation. This is a modest amount to spend on these projects, which bring substantial transportation benefits and are supported by a wide constituency.

Any Member who doubts the importance of the Transportation Enhancements Program need only look at the projects completed in his or her congressional district. If Section 114 is enacted, future enhancement projects in your congressional district will clearly be placed at risk. None of us should take that risk. I urge Members to vote for the Petri/Olver amendment to strike Section 114.

Mrs. LOWEY. Mr. Chairman, I rise in strong support of the Petri-Olver amendment, which would restore the set-aside for the transportation enhancements program.

Passed over a decade ago, when Congress recognized a serious shortcoming in the Nation's transportation system, the Transportation Enhancements program has ensured consistent funding for pedestrian- and bicycle-friendly transportation projects. Large Federal highway budgets over the past several decades were instrumental in creating an integrated transportation network. The absence of serious intercity transportation alternatives, however, increased reliance on cars, resulting in gridlock, longer travel times, additional pollution, and reduced quality of life. Federal transportation planners' preoccupation with interstate highway construction and seeming neglect of local challenges frustrated many mayors, especially in my area.

This is why the Transportation Enhancements program, which guaranteed a portion of Federal highway aid would go to multi-use paths, sidewalks, and bicycle lanes, is so important, and why the decision to eliminate the guaranteed funding component of this program in this year's transportation appropriations bill disappointed transportation analysts, environmental and public health advocates, and state and local leaders.

New York needs this funding. Although the State has spent $300 million on transportation enhancements since 1991, many of its needs remain unmet. Indeed, New York could afford to fund less than 30 percent of proposals received in the past 3 years, ultimately opting to use other Surface Transportation Program funds to pay for projects.

My own constituents are especially worried. Since the creation of the Transportation Enhancements program, over $13 million has flowed to municipalities in my district to construct river paths, renovate town parks, refurbish scenic promenades, preserve historic sites, and improve pedestrian safety. Between 2001 and 2003, only 16 percent of the 74 eligible mid-Hudson projects received funding, a testament to both the program's popularity and current funding constraints.

The benefits of the program are many and well known, but I would like to mention a few:

(1) Quality-of-life. Over the past several decades, the car has become the preferred method of movement, even for short distances. The resulting congestion has made everything from commuting to work to picking up groceries, genuine headaches. Multi-lane arterials now zig-zag through formerly quiet neighborhoods, exposing residents to noise pollution and threatening our children's safety. By financing construction of bicycle and pedestrian paths, the Transportation Enhancements program has provided individuals with serious transportation alternatives that can cut traffic, reduce accidents with cyclists and pedestrians, protect green spaces an create truly livable communities.

(2) Environment. Our reliance on cars, which produce acid rain and smog-forming chemicals, has harmed our environment and needlessly compromised public health. Transportation is responsible for 50 percent of all the air emissions that cause smog, which decreases lung capacity and triggers asthma attacks. Over one million New Yorkers have asthma and over 14 million State residents live in areas where smog levels exceed the Federal Government's health standard. Full funding of the Transportation Enhancements program would help to bring into compliance the many New York metro areas that fail to meet ozone standards.

(3) Obesity. Finally, the Centers for Disease Control recently identified obesity, particularly among children, as a top national health risk. The absence of walking and bicycling opportunities has played a major role in sky-rocketing obesity rates, which, according to the CDC, equal or exceed 20 percent in 30 states. Obesity, which can lead to heart disease, high blood pressure, and stroke, not only carries a tremendous health toll but also steep economic consequences. In 2001, indirect and direct economic costs were estimated at $117 billion. So, it is vital that opportunities to walk and bicycle grow rather than diminish. Restoring the funding guarantee for the Transportation Enhancements program is critical to making this happen.

Once again, I appreciate Congressman OLVER and Congressman PETRI's leadership on this issue and encourage my colleagues to support this amendment.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The question is on the amendment offered by the gentleman from Wisconsin (Mr. PETRI).

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

Mr. ISTOOK. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEWIS of California:

Under the heading ''Office of the Secretary, Salaries and Expenses,'' strike ''not to exceed $225,000 shall be available for the Office of Intelligence and Security'' and insert ''not to exceed $2,000,000 shall be available for the Office of Intelligence and Security'' and under the heading ''Office of the Chief Information Officer,'' strike ''$16,565,000'' and insert, ''14,565,000''.

Mr. LEWIS of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEWIS of California. Mr. Chairman, the amendment at the desk is an amendment that comes from the Secretary, Mr. Mineta. He essentially is urging the House to move a $2 million amount from the administrative funds to that piece of the work done in the Department of Transportation that involves intelligence and security matters.

There is willingness to accept this amendment on the part of the majority, as I understand it, and the minority. I will take no more of our time if that is the case.

Mr. ISTOOK. Mr. Chairman, if the gentleman will yield, I am willing to accept the amendment.

Mr. OLVER. Mr. Chairman, if the gentleman will yield, I am happy to accept the amendment as well.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California (Mr. LEWIS).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. LOBIONDO

Mr. LOBIONDO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. LOBIONDO:

Page 10, line 8, after the first dollar amount, insert the following: ''(reduced by $2,000,000) (increased by $2,000,000)''.

Mr. LOBIONDO. Mr. Chairman, I rise today to offer this amendment to increase funding for the Federal Aviation Administration William J. Hughes Technical Center located in Pomona, New Jersey. I understand that the committee chairman, the gentleman from Oklahoma (Mr. ISTOOK) is prepared to accept the amendment. I would like to see if that is still the case.

Mr. ISTOOK. Mr. Chairman will the gentleman yield?

Mr. LOBIONDO. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Chairman, I am willing to accept the amendment.

Mr. LOBIONDO. Mr. Chairman, reclaiming my time, I would like to thank the chairman very much. The Tech Center engages in matters of

aviation safety and security that impact the entire system.

Mr. Chairman, I had a second amendment that I had planned to offer today which I will not be offering. This second amendment would have restored funding for research and development. I have had conversations with the chairman about this. I know that there are tremendous pressures from the Aviation Trust Fund downturn as far as how these dollars would be distributed, but I would like to ask the chairman to please do everything he can in conference. This affects the Oklahoma Technical Center as well as the one in Pomona, New Jersey. These are dollars which would go to aviation safety and security.

Mr. Chairman, I hope the gentleman will work to help restore those dollars in conference.

Mr. ISTOOK. Mr. Chairman, if the gentleman will yield further, we will certainly work together in conference to do everything that it is possible to do within the funds available.

Mr. LOBIONDO. Mr. Chairman, reclaiming my time, I thank the chairman very much.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New Jersey (Mr. LOBIONDO).

The amendment was agreed to.

AMENDMENT NO. 26 OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. WATERS:

Page 15, after line 13, insert the following:

SEC. 108. (a) REVIEW.—The Secretary of Homeland Security shall conduct a review of the proposed project for construction of a remote passenger check-in facility at Los Angeles International Airport to determine whether the project as designed will protect the safety and security of air passengers and the general public.

(b) REPORT.—Upon completion of the review, the Secretary shall transmit to Congress and the Administrator of the Federal Aviation Administration a report containing the results of the review.

(c) PROHIBITION.—The Administrator shall not allow construction of the proposed project until such time, if any, as the Secretary has completed the review and determined that the proposed project as designed will protect the safety and security of air passengers and the general public and will offer greater protection than is currently available at the exiting facilities of Los Angeles International Airport.

Mr. ISTOOK. Mr. Chairman, I reserve a point of order against the amendment.

Ms. WATERS. Mr. Chairman, Los Angeles International Airport, which is located in my congressional district, is the third largest airport in the United States, with capacity to serve 78 million air passengers per year. The operator of LAX has proposed a rather controversial airport modernization project that would include the construction of a remote passenger check-in facility. The details of this proposal and the environmental impact report were released on July 9, 2003, and are now open for public comment. There is a strong coalition in the district opposed to this plan.

Supporters of the proposed project to construct a remote passenger check-in facility claim that the facility is necessary to improve the safety and security of LAX, and, they claim, to prevent terrorist attacks at LAX. However, it is even more likely that the concentration of passengers in a remote passenger check-in facility could actually reduce the safety and security of LAX.

The Rand Corporation conducted a security study of the proposed remote passenger check-in facility which was released May 14, 2003. The study concluded that the proposed project would not significantly improve the security of LAX. The study also suggested that concentrating passengers in the remote passenger check-in facility would make this facility the likely target of a terrorist attack. The study even suggested that concentrating passengers in a remote passenger check-in facility would exacerbate the effects of such an attack.

Mr. Chairman, this idea is not only opposed by many of the homeowner groups in the area, it is basically opposed by the coalition throughout southern California who is trying to get LAX to move to a regional response to passenger increase. The Rand study did conclude that limiting the capacity of the airport would reduce the overall vulnerability of LAX to terrorist attacks. However, this could be accomplished by maintaining LAX at its existing capacity with no additional airport construction projects.

My amendment would require the Secretary of Homeland Security to review the proposed project to construct a remote passenger check-in facility at LAX to determine whether the project, as designed, will protect the safety and security of air passengers and the general public. The amendment would also prohibit the construction of this project until such time as the Secretary of Homeland Security has completed the review and determined that the project will improve protection of the safety and security of air passengers and the general public.

We cannot afford to experiment with the safety and security of the American people.

Mr. Chairman, we have gone through 9/11 and we have created Homeland Security, and it seems to me that Homeland Security cannot be excluded from the review of these so-called expansion projects or reconfiguration projects, whatever name they come under, in the many airports in this country, if in fact we are concerned about the security of airports, and I know that we are, and I am certainly concerned about LAX. It has been said more than once that LAX is a target and that it is at risk.

We should not allow politicians to expand airports, to create construction projects. We should not allow politicians to do this without the benefit of the kind of review that will go even beyond what FAA has been doing in the past and would include the considerations of Homeland Security. Why did we develop a whole Department on Homeland Security if we cannot include in it the review of these proposed projects for reconfiguration and expansion by elected officials and politicians in all of these local areas?

I know that my colleague on the other side of the aisle has reserved a point of order, and I respect that; but I would just ask my colleagues to find some way to work with me, to take a look at these kinds of expansion or reconfiguration projects. Mine may be the one that is being brought to you today, but this is going to happen all over the country. What are these local city councils, what are the mayors, what are the Governors, what are they doing? Are they expanding construction in the name of politics, looking towards the next election, or do we have really security factors built in to these kinds of projects? I would ask you to find a way to work with me on this.

POINT OF ORDER

Mr. ISTOOK. Mr. Chairman, I make a point of order.

The CHAIRMAN pro tempore. The gentleman will state his point of order.

Mr. ISTOOK. Mr. Chairman, first, of course, the amendment is not germane to the bill. It relates to the Secretary of Homeland Security, which is not within the jurisdiction of this legislation.

Further, the amendment proposes to change existing law and constitutes legislation in an appropriations bill and therefore violates clause 2 of rule XXI, which states in pertinent part that an amendment to a general appropriation bill shall not be in order if changing existing law. This amendment gives affirmative direction, in effect, and I ask for a ruling from the Chair accordingly.

□ 1545

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). Does any Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The Chair finds that this amendment directly amends existing law. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained, and the amendment is not in order.

AMENDMENT NO. 25 OFFERED BY MR. TANCREDO

Mr. TANCREDO. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 25 offered by Mr. TANCREDO:

Page 17, line 16, after the dollar amount, insert the following: ''(increased by $320,000,000)''.

Page 39, line 1, after the dollar amount, insert the following: ''(reduced by $320,000,000)''.

Page 39, line 2, after the dollar amount, insert the following: ''(reduced by $120,000,000)''.

Page 39, line 3, after the dollar amount, insert the following: ''(reduced by $100,000,000)''.

Page 39, line 5, after the dollar amount, insert the following: ''(reduced by $100,000,000)''.

Mr. TANCREDO. Mr. Chairman, my amendment would transfer $320 million from Amtrak to the Federal Aid Highway Program, reducing Amtrak's total appropriation to $580 million for this year. This amount, by the way, is the original amount that the Transportation Appropriations bill called for prior to the adoption of an amendment in full committee.

Mr. Chairman, Amtrak has posted staggering losses in recent years, despite their continued promises to become self-sufficient. Time and time again, however, those promises have been broken as Amtrak continues to hemorrhage money and continues to come back to this body with outstretched hands.

Ironically, Mr. Chairman, Amtrak was originally established in 1971 as a, believe it or not, for-profit corporation by Congress. Over the last 30 years though, Amtrak has never once turned a profit. It has, however, racked up nearly $30 billion in operating losses and even managed to receive a $2 billion tax credit in 1997. That is despite the fact that the rail provider has never paid a penny in income tax.

Now, some of my friends who oppose this amendment will tell you that the service provided by this inefficient monopoly is invaluable to the traveling public, but the statistics do not bear that out. According to the American Association of State Highway and Transportation Officials, for example, the percentage of Americans who walk to work every day is roughly equal to the number that ride the train, about 5 percent.

In light of these statistics, one wonders as one political commentator noted, if it makes as much sense for Congress to subsidize Nike sneakers as it does for them to subsidize rail service.

Subsidies on some of the longest routes are so high, reaching about $250 per passenger in some cases, that many times it would actually be cheaper for the Federal Government to purchase plane tickets for passengers than to subsidize the purchase of their train ticket.

Not surprisingly, Amtrak is back again asking Congress to bail them out with yet one more $1 billion appropriation. And this is after the beleaguered rail carrier promised Congress financial solvency just a short time ago.

Mr. Chairman, the unhealthy relationship between Amtrak and the Congress has become a seemingly endless cycle of empty promises and bottomless government subsidies. This has to come to an end sometime. We must shut off the spigot of Federal funds and require the States, communities and organizations that purport to need Amtrak services, to foot a larger share of the bill.

Remember also that during the chairman's opening remarks and then subsequently through several responses, he has had two amendments that have been offered, he has reiterated the need for more funding for our highways. In fact, I think the figure he last used was a $400 billion deficit. We are $400 billion shy of what we need to maintain our highway systems and our bridges, $400 billion dollars. Now, I suggest that this is a relatively easy decision for Members to make. What is more important to their constituents?

Now, I recognize fully well that many Members here have worked for a long time to bring home a chunk of money to their constituents to keep this rail service subsidized, and I can say to them they have done a wonderful job, $30 billion over 20 years. They have brought home plenty of pork. It is not a matter that we should be worried about whether or not more is necessary. I think they can be proud of the fact that they have been able to do as well as they have done over the last 20 years, but really this has to come to a stop. And when we have such pressing needs as the chairman has laid out for us in the area of highways and road construction and bridge repair, it seems to me to be a fairly easy decision for us to make, to transfer the amount of money, the $320 million from Amtrak to Federal aid for highways.

Again, I want to reiterate the fact that what we are doing here is simply taking the appropriation down to the same level that the Committee on Appropriations, that the Transportation Appropriations bill called for originally, and then it got plussed up when it got to the full committee. But I think that the original amount was being very generous to this entity, to Amtrak, a private corporation, after all, that has simply had never had the ability to live up to the promises that have been made.

We are in tight financial times. There are not dollars flowing into the coffers of the government that can be distributed so liberally. So I ask when that time occurs to make a decision about what is more needy, vote for your highways and bridges and not for the Amtrak subsidy. I ask for an ''aye'' vote on the amendment.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first of all, I want to speak against that amendment, and I want to begin by thanking the gentleman from New York (Mr. QUINN) and the other 220 Members of the House of Representatives that sent a letter to the Committee on Appropriations seeking full funding for Amtrak. But the Republican leadership and this Bush administration do not care what we, the people, think. Just like the reauthorization of TEA–21, which would improve our crumbling transportation infrastructure and put millions of people back to work, the issue concerning Amtrak brings up a fundamental question as to where this Nation stands on public transportation.

We have an opportunity to improve a system that serves our need for passenger rail service, or we can let it fall apart and leave this country's travellers and business with absolutely no alternative forms of public transportation.

We could fund this Nation's entire passenger rail system for a year with the money that we spend in just one week in Iraq. Let me repeat that. We could fund this Nation's entire passenger rail system for a year with the money we spend in just one week in Iraq. But I guess the House leadership and the Republican administration have decided it is more important to fund the needs of the Iraqi people than the citizens right here in America. We continue to subsidize highways and aviation, but when it comes to our passenger rail system, we refuse to provide the money Amtrak needs to survive.

Last year alone, we provided $18 billion in direct funding to the airline industry. Let me repeat that. Last year alone, we provided $18 billion in direct funding to the airline industry.

On November 12, 2001, I was in New York when American Airlines flight 587 crashed shortly after taking off from JFK Airport, creating a national panic and shutting down the entire city. Fortunately for me and many Members of Congress who ended up at Penn Station that day, Amtrak was still running and returned us safely to Washington to deal with this latest tragedy. I realized, once again, just how important Amtrak is to the American people and how important it is for this Nation to have alternative modes of transportation.

This issue is bigger than just transportation. This is about safety and national security. Not only should we be giving Amtrak the money it needs to continue to provide services, we should be providing security money to upgrade their tracks and improve safety and security measures in the entire rail system.

Some people think the solution to the problem is to privatize the system. If we privatize, we would see the same thing we saw when we deregulated the airlines. Only the lucrative routes will be maintained, and routes in rural locations will be expensive and few.

Once again, we see the Bush administration's ''too little too late policy.'' I am surprised they have not suggested a tax cut to solve this problem. Instead, they are trying to take the money from the hard working Amtrak employees, who day and night work to provide top quality service to their passengers. These folks are trying to make a living for their families, and they do not deserve the shabby treatment from the President. It is time for

the Bush administration to step up to the plate and make a decision about Amtrak based on what is best for the traveling public and not what is best for the right wing of the Republican party and the bean counters at OMB.

This is not about fiscal policy. This is about providing a safe and reliable public transportation system that the citizens of this Nation need and deserve. Let us stop this crisis now before it is too late.

Mr. QUINN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am not going to belabor the point here or take extended amounts of time, but I feel compelled to rise and respond to my friend from Colorado in this amendment because in just two speakers, after the gentleman from Florida (Mr. HASTINGS), I will be offering an amendment to increase the aid for Amtrak.

While we have an opportunity to discuss this, I would like to point out that when we talk about money for rail passenger systems in this country, many of us do not consider that to be pork, no matter what kind of money we have brought back, to what kind of district, for what kind of rail transportation, we do not consider that pork. When people depend on that to get to work, to get to where they need to be, how much money over any number of years is not considered pork to many of us? So I need to disagree with the gentleman from Colorado (Mr. TANCREDO) a little bit.

I think we have given Amtrak, I have said this so many times, just enough money each year to make certain it fails, so that friends like the gentleman and others want to know why it does not work, because we have not funded it properly. The new president, David Gunn, has made significant changes at Amtrak. He has talked with us on the Subcommittee on Railroads. He has talked with the chairman of the subcommittee for Appropriations, and I think it would be in our best interest not to take money away but to give Mr. Gunn and others the tools they need to get the job done correctly.

So I respectfully will oppose the gentleman's amendment, and in a few short minutes offer an amendment to increase the funding.

Mr. OLVER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment that has been offered because this is ground that we have already been over. The bill that is before us provides $900 million for fiscal 2004 for Amtrak, and that, it turns out, is exactly what the President had recommended for Amtrak for fiscal year 2004.

In fact, we are covering old ground because this was settled at an earlier point. The Transportation Subcommittee had in fact made a recommendation to full committee for the number which the gentleman from Colorado (Mr. TANCREDO) has asked for. And it was one of those provisions that was changed in order to bring it to the full Committee on Appropriations in order to have enough votes to get that bill out of the full Committee on Appropriations to bring it back to the $900 million level that the President had asked for. In fact, I should remind Members that 220 Members of the House of Representatives had petitioned the Committee on Appropriations asking that the full funding requested by Amtrak should be provided for Amtrak and that was double what is already here.

So this is replowing the old ground that we in the Committee on Appropriations had to go through to bring this bill to the floor in the first place and would be reversing that movement. I think that is distinctly a wrong thing to do. Let me also point out that in regard to the $900 million appropriation which is included in the bill before us, and I am interested in the comment that my good friend, the gentleman from New York (Mr. QUINN) stated, the chairman of the Subcommittee on Railroads of the Committee on Transportation and Infrastructure has made about providing Amtrak just enough so that it would fail, when Ken Mead, the Department of Transportation's Inspector General was asked by me as to what would be the result of the appropriations of $900 million, and I intend to support the idea of increasing that appropriation farther down the road, but he sent a letter back to me, and I will quote from that letter. He sent a letter on July 10 in response to those questions about the impact of various funding levels. In regard to the $900 million level which the gentleman from Colorado's (Mr. TANCREDO) amendment would reduce substantially, he said, ''Because there would not be any funds remaining for other capital investments, operational reliability likely would suffer. None of the backlog of capital needs could be addressed at that funding level.''

□ 1600

So that puts us a step backward on the process of funding Amtrak at a level that would allow it to continue and continue safely as a provider of passenger rail service for this Nation. So I would urge Members to oppose this amendment by the gentleman from Colorado (Mr. TANCREDO).

Mr. CASTLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I too oppose this amendment, and I concur with those speakers who have spoken to that, and I will certainly support the amendment of the distinguished gentleman from New York State (Mr. QUINN).

We have really in this country the time has come to start looking at our transportation systems. If we look at our airlines, if we look at our airports and the entire air systems, if we look at our roads, if we look at our ports, we are going to find that America is at least competitive, if not ahead, of every other single country in the world. If we look at our rail systems in the United States of America, we will find we are behind almost every highly civilized country in the world, the European countries, Japan and a lot of others.

We have for years and years and years not funded rail to the extent that it is needed, and it is true that we fund it and it is true that it is so-called subsidized, but the bottom line is that we are dealing with tunnels going into Baltimore, built right after the Civil War, into New York City, or most close to that, and we are simply not making the improvements we have to make to get the speeds up to attract the ridership.

In spite of that, we have more people riding the rails now from New York City to Washington than are taking airlines from New York City to Washington. We pour tremendous money into our other infrastructure and into the upkeep costs of other forms of transportation.

Look at the air industry, for example. We pay, often locally and by States, we pay for the airports, a huge expense which is out there, and the FAA, we pay for the comptrollers. The Transportation Security Agency primarily is aimed at that. It cost billions of dollars to do all these things, much more than we are trying to put into rail, far more than we have ever put into rail before.

The infrastructure is absolutely needed. Obviously we put a lot of money into the concrete of our roads. We do get a return as far as gas money is concerned. I drive from Wilmington, Delaware to here from time to time. It is incredible how crowded those roads are, but it is also incredible to see how crowded the trains are and how we could use more trains.

So I will be the first to agree there need to be more efficiencies.

I would just say this to my good friend, the gentleman from Colorado. I hope he will talk to David Gunn. I do not know if he talked to him or not. He is the new CEO, relatively new, in the last couple of years at Amtrak. He really has some good ideas. He really has some good strategies in terms of how to make Amtrak, and I am not going to call it profitable because I am not sure that is right, but to reduce the subsidies which are necessary to provide this very important form of transportation for at least portions of the United States of America, obviously the eastern seaboard, the region around Los Angeles and around Chicago and various other areas. I am not suggesting we need to go across the country and go for 4 days, whatever it may be, but the bottom line is this is an extraordinarily important mode of transportation, and I think we need to sit down and recognize that and do all that we can.

I implore the White House, this committee, the Senate and everybody to try to do this. The Senate has spoken

to this, at least to a degree. They have raised their amount in subcommittee which is looking at it to $1.34 billion; 218 Members, that is a majority of this House, have signed a letter requesting the $1.8 billion. There are many people who recognize what we have to do.

I am, like everybody else, if there is fat there, sure, we want to squeeze that out and we want an efficient system, but we need a good rail system in America, and we cannot continue to underfund it so badly that we cannot make the capital improvements and do the other things which are necessary to keep it up. So I implore all of us to do this.

I do not know where these amendments are going, but obviously at some point this is going to be in conference, and very important decisions are going to be made about the future of rail in America, and I hope when that happens that we put together a good plan that really works, we listen to Mr. QUINN and others who are vitally interested in that.

I would encourage the defeat of the amendment. I would encourage support of the Quinn amendment, and hopefully when we get to conference we will really get the job done on rail in the United States of America.

Mr. SWEENEY. Mr. Chairman, I move to strike the requisite number of words.

I thank the chairman for recognizing me and want to rise in opposition to my good friend and classmate the gentleman from Colorado's (Mr. TANCREDO) amendment and preemptively rise in support of my other good friend and State mate the gentleman from New York's (Mr. QUINN) amendment that he will offer later on restoring full funding to the Amtrak system.

In doing so, I want to point out that we have had this debate in Congress for a decade at least, that it is almost unreasonable to expect that this transportation appropriation bill is going to be the bill, the vehicle in which we are going to be able to solve the many problems that we have in Amtrak; but in doing so, I want to recognize the diligence of my chairman, the gentleman from Oklahoma (Mr. ISTOOK) who worked and strove diligently throughout this process. As we marked up the bill in the subcommittee, the ranking member, the gentleman from Massachusetts (Mr. OLVER), pointed out that a number of us voted to support this bill so we could push it along the process and get it into the full committee and now on to the floor to talk about the intricacies and the many problems facing Amtrak today.

I support the notion that we restored to $900 million a portion of the White House's recommended portion of the funding but recognize that we are woefully short and recognize that this is a vital national interest with which we must soon address its needs, and in failing to do so, we further put at risk the viability of a system that, as was pointed out by a speaker before, served us ably and importantly and critically at a time when the airline industry could not. It has served us in the past when other means of transportation could not.

I want to go to the core of the Amtrak question, and that is the northeast corridor, and say simply that it faces imminent threat in terms of its reliability and utility, because as the gentleman from New York (Mr. QUINN) points out, I believe this Congress has undertaken a methodology in which we simply ensure its failure rather than its success if we continue to defer investment, and we risk losing service between Boston and Washington, which is at the hub of that core of service, if any service disruptions in Amtrak are experienced.

The northeast corridor is critical to our Nation and it is the heaviest traveled railroad in North America. It is not a simple luxury for many people. In fact, 1,700 trains operate over some portion of the Washington-to-Boston route each day in this Nation, providing people the opportunity to work, providing people the opportunity to carry on the business of this Nation and go to the places they need to go.

As the gentleman from Delaware (Mr. CASTLE) pointed out, the northeast corridor carries more from New York to Washington each day than both airlines in providing their shuttle service, combined, do. Pretty critical service that it provides. It carries more than 35,000 people a day, the entire corridor, and the Northeast is the only area in which Amtrak runs trains and owns tracks and I think provides us the greatest opportunity to build from within that railroad's experience.

As it relates to the notion that this is somehow pork, I want to point out to my good friend and others that this Congress has not been hesitant to subsidize private entities like airlines, has not been hesitant, as the gentleman from Delaware (Mr. CASTLE) pointed out, to provide other infrastructure subsidies throughout the system, and that to decide arbitrarily or subjectively that while Amtrak may not serve portions of the Nation, it is therefore not in the national interest, is simply wrong.

I want to again thank my friend, the gentleman from New York (Mr. QUINN), and involve my support for his amendment.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDO).

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

Mr. TANCREDO. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 4 OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. HASTINGS of Florida:

Page 5, line 21, after ''$45,000,000'' insert ''(decreased by $45,000,000)''.

Page 68, line 11, after ''$1,628,739,000'' insert ''(decreased by $165,000,000)''.

Page 91, line 1, after ''$495,000,000'' insert ''(increased by $232,000,000)''.

Page 108, line 23, after ''$35,914,000'' insert ''(decreased by $22,000,000)''.

Mr. HASTINGS of Florida. Mr. Chairman, I rise today to offer an amendment to H.R. 2989. This amendment increases the amount of funding provided in this bill for election reform.

When the 107th Congress overwhelmingly passed the Help America Vote Act, it made a commitment to the American public that we would restore reliability to America's elections system. Last year, Congress grossly underfunded its authorized commitment. Again, today, we are considering a bill that provides less than 50 percent of the amount authorized. The Help America Vote Act authorized more than $1 billion in funding for fiscal year 2004. Yet this bill appropriates only $500 million.

In less than 6 months, Mr. Chairman, Americans will begin traveling to the polls to vote in the Presidential primaries. The unfortunate reality is that they will be returning, in many respects, to the same system that failed them in many respects 3 years ago, simply because Congress has not followed through with its financial commitment to States, counties, and local governments.

The amendment I am offering today increases funding in the bill for the implementation of the Help America Vote Act by $232 million. This extra money for election reform funding today will improve local election systems while offsetting the increase with funds that might not be used for well over 2 years. This body has an opportunity to say to Americans across the country that we are committed to election reform. My amendment makes this commitment clear and takes us one step closer to a day when Americans will walk away from the polls knowing that their vote will not only be counted but will actually count. I would urge my colleagues to vote yes on this amendment.

I would also like to take a point of personal privilege to thank the gentleman from Maryland (Mr. HOYER), the gentleman from Ohio (Mr. NEY) and the many Members who have supported the Help America Vote Act in its present form, and assuredly all of us should bring ourselves to want to do what is right by all of our constituents as it pertains to voting.

Mr. ISTOOK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the gentleman from Florida's (Mr.

HASTINGS) amendment. I understand his concern with having more Federal funds for voter reform and voting systems reform in the country. We have the money of course in the bill, which frankly we have treated as inviolate. We have not sought to diminish the amount or invade the election reform dollars for the purpose of transportation or any other function. However, if we open up that Pandora's box, I think we would find a great many Members who would be interested in saying we need transportation more than we need to be subsidizing some States that have not reformed their system on their own.

The gentleman's amendment opens up that box. I am not trying to take the money we have in the bill for election reform and move it out elsewhere, but I think the money we have in the bill for the modernization of the IRS, for Department of Transportation, and for the National Archives should not be invaded to put money into the election reform pot to be sent around to States.

With the funding provided in the bill already, Congress will have appropriated $2 billion to date for reforming the election system in this country. I am well aware it is not the same as the authorized level, but $2 billion is still an enormous amount of money. Nearly 99 percent of that money has gone or will be going directly to the States for the improvement of voting systems, including the purchase of up-to-date, reliable ballot equipment; $650 million of that money has already been obligated.

The gentleman, though, wants to accelerate that process. In doing so, it eliminates the $45 million for the Department of Transportation headquarters, reduces by $165 million the critical and already long-overdue reform of the IRS information systems accounts so taxpayers can get honest, accurate, timely, reliable information about their tax status in this country, and the $22 million that he wants to pull out of the National Archives with their important preservation of the heritage of the country.

The Committee on Appropriations has decided to fund these programs at the levels which we have after very careful consideration and working closely with the authorizers.

□ 1615

We have funded at the level that was mutually agreed upon. I have not sought to invade that for transportation needs. Similarly, I would not want to invade the other portions of this bill for the election reform. I do not want that carefully crafted compromise to fall apart, as I believe the gentleman's amendment would cause it to do.

I know that the gentleman offers the amendment in good faith in an honest desire to improve more rapidly the election reform systems in the country, but we should not be hampering the modernization efforts of the other parts of government which are equally critical to every taxpayer in the country.

So I appreciate the gentleman's effort, but I do oppose his amendment.

Mr. CUMMINGS. Mr. Chairman, I rise today to ask my colleagues to support the Hastings amendment that will provide much needed money for election reform grants to states, which are to be used to update state election systems and replace obsolete voting equipment.

After the 2000 presidential election cycle, many Americans felt disenfranchised or even worse that their vote was not counted. These lingering problems mostly affected minority and poor neighborhoods. In response to the national outcry for reform, Congress overwhelmingly passed the Help America Vote Act (HAVA) establishing minimum federal standards for federal elections that include upgrading voting machines and registration processes. Passage of the bill provided an opportunity to reform outdated systems and show the American people and the world that fair and just elections are important and possible.

The HAVA authorized more than $3 billion over five years to improve our election systems, which includes improving voting technology. However, the bill before us today only appropriates $500 million, leaving states without resources to make critical systems updates for the upcoming elections this year and in 2004. States deserve the resources to make a real change. The amendment offered by the gentleman from Florida, Mr. HASTINGS goes a long way to make true election reform a reality.

The Hastings amendment increase funding for the implementation of HAVA by $232 million, which will be offset in accounts that do not need the money, this fiscal year. This money will help restore confidence in this country's election system.

Mr. Chairman, one of the reasons given for going to war in Iraq was to bring democracy to Iraq. We also must do all we can in this country to preserve the right to vote and provide the necessary funds to update voting procedures in the United States. Voting is not just a right but also a privilege. We must ensure that the voting mechanisms in America are fair and just.

The Hastings amendment will help put us on the correct path. The world will closely watch the next election to make sure our actions speak louder than our words. Let this body act with integrity and support the Hastings amendment and renew our commitment to establishing federal standards for federal elections and voting an outlined in HAVA.

As such, I urge all of my colleagues to support this worthwhile amendment.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

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

Mr. HASTINGS of Florida. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 16 OFFERED BY MR. QUINN

Mr. QUINN. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. QUINN:

Page 39, line 1, strike ''$900,000,000'' and insert ''$1,712,000,000''.

Page 39, line 2, strike ''$400,000,000'' and insert ''$668,000,000''.

Page 39, lines 3 through 6, strike ''$373,000,000 for quarterly grants for capital expenses along the Northeast Corridor Mainline, and $127,000,000 for quarterly grants for general capital improvements: *Provided*'' and insert ''$1,044,000,000 for quarterly grants for capital improvements: *Provided*, That the Secretary shall not obligate more than $544,000,000 for quarterly grants for general capital improvements before October 1, 2004: *Provided further*, That no payments of principal or interest shall be collected during fiscal year 2004 for the direct loan made to the National Railroad Passenger Corporation under section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822): *Provided further*''.

Page 157, after line 2, insert the following new section:

SEC. 742. Each amount appropriated or otherwise made available by this Act for the Department of the Treasury that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 4 percent.

Mr. ISTOOK. Mr. Chairman, I wish to reserve a point of order.

The CHAIRMAN pro tempore. The gentleman from Oklahoma reserves a point of order.

Mr. QUINN. Mr. Chairman, I want to begin this discussion by commending subcommittee Chairman ISTOOK for his diligence for bringing this bill to the floor today. He and his committee have done their level best with obviously limited resources that he was given to meet tremendous transportation needs and infrastructure needs throughout the country.

We need to build roads; there is no question about that. We need to repair bridges. We need to expand the capacity of our airports, but I do not believe that we can forget about our other major mode of transportation and that is passenger rail service.

Unfortunately, Mr. Chairman, there is not enough money to go around. In order to provide safe, efficient, and reliable passenger rail service, Amtrak president David Gunn has said the company needs $1.8 billion next fiscal year. This bill appropriates only half of that.

In my opinion, this will simply continue to do what we have done before, and I said it earlier this afternoon, we will provide Amtrak with just enough money to make sure that it fails. In this case, Mr. Chairman, I think with even worse results.

Our railroad subcommittee and the full Committee on Transportation and Infrastructure earlier this year passed an authorization of $2 billion. Following that, I organized and sent a letter with over 220 signatures to the appropriators asking for this same amount of money.

That bill coupled with our bonding proposal to develop high-speed rail corridors would create the type of passenger rail network that this country needs and has to have.

My amendment this afternoon would raise the level of funding for Amtrak to $1.7 billion and forgive them the $100 million loan that they received from the Department of Transportation 2 years ago. It would provide Amtrak with the necessary capital and funding to make those improvements along this popular northeast corridor that we have talked about today as well as track and bridge repairs throughout its entire system, not just the northeast corridor.

The Senate Transportation Appropriations Subcommittee just yesterday passed their version of this bill and included $1.3 billion for Amtrak. While this is a step in the right direction, I believe even more needs to be done.

Mr. Chairman, I am a firm believer that a national passenger rail system has to be in place. I intend to work with the gentleman from Oklahoma (Chairman ISTOOK) and the full committee chairman, the gentleman from Florida (Chairman YOUNG), to increase the funding for Amtrak in the conference negotiations with the Senate.

Mr. Chairman, if these numbers hold that we see today, I will predict disastrous consequences for passenger rail service next year as we know it.

Mr. Chairman, I would just like to ask a hypothetical question of Members on my side of the aisle that next August when the meeting is held in New York City I want to know who is going to answer the questions when there is no Amtrak service provided to get to the city and from the city and around the city.

POINT OF ORDER

Mr. ISTOOK. Mr. Chairman, I do make my point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill, therefore violating clause 2 of rule XXI.

That rule states in pertinent part, ''An amendment to a general appropriation bill shall not be in order if changing existing law.'' The amendment gives affirmative direction in effect, and I ask for a ruling from the Chair.

Mr. CASTLE. Mr. Chairman, if he would yield to let me speak to this for a couple of minutes.

The CHAIRMAN pro tempore. The gentleman from Oklahoma may continue to reserve his point of order.

Mr. ISTOOK. As long as my point of order is reserved, I have no objection if the gentleman from Delaware (Mr. CASTLE) would like to strike the last word.

The CHAIRMAN pro tempore. Point of order is reserved.

Mr. CASTLE. Mr. Chairman, I move to strike the last word. I do not want to wear out my welcome.

I did speak to this just a few minutes ago, but there are a couple of additional points. Obviously I agree with the amendment of the gentleman from New York (Mr. QUINN). We are not going to win this point. I understood the point of order of the gentleman from Oklahoma (Mr. ISTOOK) and notice he is a good friend and a good chairman and is doing the best job he can with this particular bill, which is difficult.

I just have to go back to what we are doing in transportation and just ask everybody in leadership and everybody that is going to be involved in the ultimate conference on this to really pay attention to what is happening to rail service in the United States of America and to other services in general.

I have already indicated in our airports, for example, that we have the comptrollers, we have the TSA, and we have billions of dollars of expenses; we put $15 billion, $15 billion, after 9–11 into stabilization for our airline industry in this country. The request here is $1.8 billion for a significant industry to allow them to do the infrastructure which they would have to do in order to be able to carry out a proper transportation system.

Let us look at what we have: not a single passenger rail system in the world which operates in a profitable way. Countries with well-developed rail systems with much smaller populations, such as Germany and Japan, invest $3 billion to $4 billion, while we are asking for $1.8 billion, $3 billion to $4 billion annually on passenger rail, which is over 20 percent of their total transportation spending.

What happens to the roads there? The roads free up and people go with the rail systems. That is what we want to do here in the United States of America. I honestly believe if we give this a long-term approach, with the capital improvements, with the maintenance which is necessary running the systems where it should, and with the decisions for efficiency where it is needed, that we will have a system of rail in this country for which we can always be proud. But frankly, if we continue to try to keep nickel and diming this operation by giving them, say, $900 million when indeed they need twice that amount of money to run this, unfortunately we will never get to that point.

We are not going to rescue this today. Unfortunately, we do not have a large enough body of votes here to be able to do that necessarily. But the bottom line is that at some point this Congress and this administration need to sit down and make that decision, and hopefully it will be a firm decision to make sure that rail is elevated so that it is at the point where it is absolutely competitive with other countries and other transportation systems in the United States of America. I do hope that we will be able to do that, and I would suggest that we would be best served if we did it, and the sooner the better.

So I am in support of the amendment, but also I am in support of making sure we resolve this problem.

Mr. QUINN. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN pro tempore. Without objection, the gentleman from New York is recognized.

There was no objection.

Mr. QUINN. Mr. Chairman, I want to thank the gentleman from Delaware (Mr. CASTLE) for his remarks, and I deeply appreciate the position of the gentleman from Oklahoma (Mr. ISTOOK). I realize that this is not the place for this discussion, not only where the discussion should take place but the decision made.

Mr. BACA. Mr. Chairman, I rise in support of the Quinn Amendment to the Transportation Appropriations bill for fiscal year 2004.

If we do not pass this amendment, Amtrak is guaranteed to close because of lack of funding. Amtrak is a valuable resource to this nation and to my home state of California. It carries millions of passengers every year and employes thousands of workers. This nation is not in the position to lose such a valuable resource. We must continue to fund Amtrak and fund it 100 percent.

Last year Amtrak shut down because of lack of funding. This bill is certain to close Amtrak's doors once again this year because it simply provides $900 million in funding. That is not enough to keep Amtrak operating. Amtrak needs $1.8 billion in survive.

Amtrak is a company that has not been fully funded since its creation in 1970. We have never given this company the full resources that it needs to survive and it is time to change this.

Amtrak provides a valuable resource to commuters and travelers all over this nation, and yet it only absorbs 1 percent of the federal transportation budget. 1 percent!

Amtrak last year covered nearly 65 percent of its own operating costs. No rail system in the world is that self funded! It is a good program and it must continue to keep its doors open.

We need more job creation right now, not job elimination. Amtrak employs over 20,000 workers. If we allow it to close, what will happen to these families? How will these families replace the loss of income and the loss of benefits? Our economy simply isn't in the position to keep closing doors on workers.

In California, 3.5 million people used Amtrak last year. That is 16 percent of its total ridership!

Amtrak employs over 4000 people in my state and represents over $100 million dollars in salaries. My state simply cannot afford to see anymore job loss and it cannot afford to see any more families lose their benefits.

We must think about the consequences of our actions today. We must think about what the abandonment of our national rail system will do to commuters, workers, and families in this nation. At a time when other nations are expanding their intercity passengers rail systems, we should not guarantee the shutdown of ours. At a time when Americans are traveling more than ever, we cannot turnour backs on affordable transportation. I urge my colleagues to support this amendment.

Mr. QUINN. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDMENT NO. 9 OFFERED BY MS. HOOLEY OF OREGON

Ms. HOOLEY of Oregon. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Ms. HOOLEY:

Page 2, line 8, after the first dollar amount insert the following: ''(increased by $500,000)''.

Page 83, line 7, after the first dollar amount insert the following: ''(reduced by $500,000)''.

Ms. HOOLEY of Oregon. Mr. Chairman, this amendment is simple and could go a long ways towards increasing the security of our States' drivers licenses, which are the primary means of photo identification in this country. These documents are too easily forged, counterfeited, stolen, or improperly distributed. In fact, the Inspector General for the Department of Transportation recently stated that a Maryland DMV employee had pleaded guilty to falsifying driver licenses for 10 people. How many of these could have ended up in the hands of terrorists or criminals seeking to steal the identity of law-abiding citizens?

Drivers licenses are literally the keys to the country's security. With a driver's license, when you show your identity, you can write a check. When you show your driver's license, you can get on a plane; when you show your driver's license, you can take a tour of the White House. In Oregon, a local woman is serving an 11-year sentence in prison because she was finally caught producing counterfeit drivers licenses right out of her home.

State DMVs must do a better job of securing our primary piece of identity, and this $500,000 in funding will allow the Secretary to direct the Department of Transportation to study and present recommendations on how we can better secure these crucial documents. I believe this study should have three major goals.

Number one, the study should determine the best practices that States can use to secure their drivers licenses from fraud and theft. Our government has already conducted a great deal of research on security measures such as biometrics and digital watermarks and other technology that could increase the security of state-issued photo identification. In fact, we think the technology is already there.

Second, the study should determine how best to encourage the States to put these measures into place. I understand the issuance of license and photo identification is the responsibility of the State, and I do not want to infringe on that right. However, given the increasing reliance on all levels of government and businesses on these documents, I believe we must act to ensure that false documents are not used by terrorists, criminals, or others who would normally be unable to obtain these credentials.

Finally, the study should determine the approximate cost for States to initiate these security features so we can determine the impact this would have on State budgets and the feasibility of various approaches from a cost perspective.

As a matter of national security, we must take steps to protect our primary source of identification both to protect our homeland from terrorist threats and to stem the growing tide of identity theft. This amendment would provide the necessary knowledge to accomplish this mission. The additional funding for the study is offset by a reduction of $500,000 out of the administrative account of the Office of Management and Budget. The CPO has scored this amendment as revenue neutral.

Again, this bill deals with drivers licenses. It looks at the best practices States can use to secure those drivers licenses, it looks at how we encourage States to put this in place, and it determines a cost. This is an antiterrorist amendment. This is an anti-identity theft amendment. I urge my colleagues to protect our citizens and our national security by supporting this important amendment.

Mr. ISTOOK. Mr. Chairman, I rise in opposition to the amendment. I certainly appreciate the good intentions of the gentlewoman from Oregon; however, I cannot support the amendment.

We already have, through the National Highway Safety program, a great number of efforts with States regarding their drivers license programs. There is funding already there. We do not need another $500,000 study. In fact, a number of States have already adopted provisions. For example, my State of Oklahoma has moved to biometric identifiers, fingerprints, on that. Other States have acted through their legislatures.

I think we would be behind the curve if we spent $500,000 of Federal money on another study at this point. States are already doing this. We already have money working with the States through appropriations in this bill on their drivers license improvement programs. And furthermore, we should not take money from the Office of Management and Budget, which has already been cut by $14 million in this bill from the fiscal year 2003 level.

So I think, frankly, that the amendment is behind what is already going on in the country. It is good, but a study is not going to make things happen any faster than they are already happening in the States, and it will cost $500,000 of Federal money we do not need to be spending. So I appreciate the efforts of the gentlewoman but rise in opposition to the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY).

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

Ms. HOOLEY of Oregon. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY) will be postponed.

AMENDMENT OFFERED BY MR. KENNEDY OF MINNESOTA

Mr. KENNEDY of Minnesota. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KENNEDY of Minnesota:

Page 39, line 1, after the dollar amount, insert the following: ''(reduced by $320,000,000)''.

Page 39, line 2, after the dollar amount, insert the following: ''(reduced by $40,000,000)''.

Page 39, line 3, after the dollar amount, insert the following: ''(reduced by $273,000,000)''.

Page 39, line 5, after the dollar amount, insert the following: ''(reduced by $7,000,000)''.

Page 61, line 9, after the first dollar amount, insert the following: ''(increased by $2,285,000)''.

Page 67, line 3, after the dollar amount, insert the following: ''(increased by $12,250,000)''.

Page 67, line 4, after the dollar amount, insert the following: ''(increased by $4,250,000)''.

Page 67, line 5, after the dollar amount, insert the following: ''(increased by $8,000,000)''.

Page 84, line 20, after the dollar amount, insert the following: ''(increased by $28,790,000)''.

Page 85, line 21, after the dollar amount, insert the following: ''(increased by $276,675,000)''.

□ 1630

Mr. KENNEDY of Minnesota. Mr. Chairman, my amendment is simple. It increases funding for some incredibly important programs within this bill. The amendment doubles funding for the Office of Terrorist Financing and Financial Crimes, the tax counseling for the elderly programs, low-income tax clinics, and the Office of National Drug Control Policy. It also increases funding for the high-intensity drug trafficking areas program. These increases are offset by restoring funding for Amtrak to the level originally approved by the committee.

We have heard a lot about Amtrak today, and I support intercity rail transit where it can be viable. The gentleman from New York (Mr. SWEENEY) said that the core of Amtrak was in the northeast corridor, and I am confident with regional support that northeast corridor can continue to thrive and be successful whatever we do at the national level. And where we have even close to the population density of Europe that makes sense, but there are too many lines where we are pouring money in as fast as we can in areas that will never be viable. Given the scarcity of our dollars, we should be focusing on things like high-speed rail or roads or other forms of transportation which make more sense.

The simple fact is that Federal subsidies to Amtrak are a poor investment that offer little return. Having done

some research, if we look at the Sunset Limited line from Orlando to Los Angeles, that costs $347; and I found 11 different flights that cost less than the average per passenger loss that the Federal Government subsidizes for that route. One of those flights was $232, so this means that the Federal Government would save $115 per passenger if it bought every Sunset passenger a round-trip plane ticket as opposed to subsidizing the long-haul route one way.

We can say the same about the Pennsylvanian which has a $292 loss per passenger to go from Philadelphia to Chicago; a plane ticket would cost $135. We would save $157 per passenger. The list goes on and on.

Members do not need to be a CPA to understand that when Amtrak's rate of return is twice that to pay for Amtrak as competing services, which would get people there quicker, this is not where we ought to be prioritizing Federal dollars.

If we look at the areas I am spending it in under my proposal, as indicated during debate on the rule and general debates, the Office of Terrorist Financing and Financial Crimes is a new entity within the Department of Treasury. Its purpose is to provide support to our efforts to combat the funding of terrorism and other crimes committed within the U.S. and abroad. We know that terrorism does not work unless the terrorists have money, and so it is important that we do more to deny those who wish to do us harm the means to carry out their intentions.

My amendment would also double funding for two programs which provide critical assistance to low-income and elderly Americans when they pay their taxes. The Federal Tax Code is made up of four huge volumes that are each thicker than the Bible. In fact, the Tax Code is over 7 million words long. These programs help people with a task that is far too burdensome and they need more resources.

My amendment also increases funding for the Office of National Drug Control Policy and the high-intensity drug trafficking program, two vital elements in our Nation's war on drugs. The principal purpose of the Office of National Drug Control Policy is to establish policies, priorities, and objectives to reduce the illicit drug trade, drug-related crime and drug-related health consequences. From enforcement of our drug laws to treatment of individuals by the tragic effects of substance abuse, this program plays a critical role in helping our country fight this terrible problem. As a father of four, I believe the importance of this work cannot be understated.

Finally, we need to do more to help States fight and win their local war on drugs. In Minnesota, police have been battling the devastating problem of methamphetamine production and use. They are in desperate need of assistance.

The high-intensity drug trafficking program is a Federal program that many of my colleagues know and respect. From Houston to Los Angeles to the Appalachian region, from Hawaii to New England and throughout the Midwest, this program has helped State and local official tailor highly specialized solutions to unique areas of need. Drug use is a national problem, and we need to fund national programs like the high-intensity drug trafficking program to fight it. My amendment will deliver those resources.

Mr. Chairman, the programs funded by my amendment will help the poor and the elderly with the confusing task of filling out their taxes, will help States battle illegal drug use, and help law enforcement officials cut off the financial resources terrorists need before they can act. These are broad, bipartisan programs and ones that every Member should support. I urge my colleagues to vote for my amendment and fund these vital national priorities at the highest level possible.

Mr. OLVER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the whipping boy today seems to be Amtrak on the part of one group; and there is another group that feels that the number that is there for Amtrak is totally inadequate. I am more a part of that group.

The amendment which has been offered by the gentleman from Minnesota (Mr. KENNEDY) again reverses the action taken by the Committee on Appropriations in full committee to provide the level of funding that the President had asked for for Amtrak. I happen to believe that is quite inadequate. The number that has been proposed now will strangle, and, by the way, is specifically intended to strangle the very idea of a national passenger rail system for America. I hope that will not be the direction that we take here today.

The proposals for increases of funding where $320 million are used, there are 6 of them, I guess, and each one has arguments that can be made in favor of it, but the cost of doing that is to reduce the funding for Amtrak to the point where it absolutely goes belly up. It is the very end, and is intended to strangle the passenger rail system.

As I have pointed out before, the level of $900 million is what the President requested. And even at that level, it is clear that it is not possible to make any inroads in the years of deferred maintenance and inadequate capital investment at Amtrak. The Inspector General for Transportation had pointed that at that $900 million level, none of the backlog of capital needs could be addressed at that funding level.

We have already heard that 220 Members of this House of Representatives had written the Committee on Appropriations asking for a higher number than the $900 million level. In fact, the number was $1.8 billion which Amtrak asked for, which the new president of Amtrak had asked for.

I just have to point out and remind Members that over the last 5 years Amtrak has received an average of $1.1 billion each year, and at that level of funding they have not been able to keep up with capital needs. They have had to defer important capital investments. They have a backlog of $3.8 billion on infrastructure, $1.1 billion for fleet, and $900 million for stations and facilities, so such a level would make it impossible to do anything of significance in capital needs. Again, the inspector general has estimated that Amtrak would need $1.5 billion annually for capital needs alone throughout the system.

The president of Amtrak, David Gunn, the new President and CEO, has cut waste, reduced expenses, increased revenues, improved Amtrak's operations, and he has said that he would need $1.4 billion to $1.8 billion each year to stabilize the system over the next 5 years. That includes the funding for upgrading track and bridges and tunnels in the northeast corridor, which is one piece of it which carries a huge number of passengers, and runs somewhere fairly close to break even, except for capital expenditures.

The fact here is the amendment is intended to terminate the idea of a passenger rail system in this country. I hope we would not adopt this amendment. I urge a no vote on this amendment.

Mr. MICA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I came to join the Amtrak debate. We have a great amendment before us, proposed by the gentleman from Minnesota (Mr. KENNEDY). I think he is well-intended. It shows the depth we have sort of sunk into when the debate on our national rail passenger service has a Member come forward and say we are subsidizing $350 a ticket on a losing route, which serves my area, and it would be better to put the money on a drug rehabilitation program, for which I probably concur.

I did not come to speak in favor of the amendment, but I think there is a lot of logic if we are going to throw money away on a losing proposition on Amtrak the way it is currently constituted, it would be better to put it on the proposal the gentleman from Minnesota (Mr. KENNEDY) has brought forth.

First, let me say I am not an opponent to national passenger rail service and increasing actually good service. What we have now is a Soviet-style partial government operation of our national passenger rail service. We have had reports for as long as I have served on the Committee on Transportation and Infrastructure and the Subcommittee on Railroads, for some 11 years, we have got to reform Amtrak.

The problem is not Amtrak. The problem is right here: Congress. Congress has failed to authorize a program under which we can provide good national passenger long-distance service, a program under which we can provide and catch up with the rest of the world in high-speed service.

□ 1645

Yes, we need to put the money into it. But do we want to put the money into a losing proposition that we would be better off putting it into a drug program? I heard the gentleman from New York (Mr. QUINN). He is very well intended, and he wants to up the amount to $1.8 billion. We just heard from the ranking member of the subcommittee that they have been losing $1.1 billion. The facts are that Amtrak has lost, as we heard, $1.1 billion in need of that subsidy in addition, but below that their debt now exceeds $5 billion each year for the past 4 or 5 years. They have gone into debt, they have hocked the whole system and even their real estate assets. So that the debt and the depth of problems with Amtrak is far greater than what is brought here today.

Mr. Gunn is a great administrator, but he has to administrate the law that Congress passed some 30 years ago to do everything as far as passenger service and high-speed service and other activities that Amtrak is involved in and nothing gets done well. So you can have the best manager and if Congress does not make the changes necessary, it will not run. He came to us at our subcommittee and said he needed $2 billion, first for 5 years, a total of $10 billion. Then he came back and he said he needed $2 billion for 3 years, a total of $6 billion. The maintenance backlog of Amtrak alone exceeds $6 billion. So if you think you are fixing Amtrak by throwing more money at the problem, you are wrong. It will not solve it because they are losing more than $2 billion a year if you add in the debt. Just their debt payment is a quarter of a billion dollars a year. Plus, they have a retirement fund obligation which exceeds $7 billion.

What we need to do is reorganize Amtrak, and Congress needs to organize it so we have high-speed service and long-distance service. And we do it right, we just do not throw money at the problem. I would favor $60 billion towards national passenger rail service and high-speed, or $100 billion, because we need that alternative. And in the end, it is cost effective to concrete and cement and roads and other alternatives that we are faced with. So it is cost effective, but who wants to give Amtrak more responsibility for high-speed service?

The Acela program, we gave them billions, billions of dollars, and they blew it. The contract is in litigation. They bought equipment that does not fit the chassis, and it runs 82 to 83 miles per hour. Is that high-speed service? Even under our national definition of high-speed rail, it does not meet that criteria. Let us reform Amtrak and let us solve the problem. Let us not throw money at the problem.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Kennedy of Minnesota amendment. I have listened to this debate now for more than an hour. I have certainly come to the conclusion that the fact of the matter is that the Transportation, Treasury and Independent Agencies Appropriations Act for fiscal year 2004 does not adequately fund the National Railroad Passenger Corporation that we call Amtrak. As a matter of fact, this bill provides $900 billion for continued assistance to Amtrak.

Last year, Congress provided just over $1 billion to keep Amtrak running through fiscal year 2003. Amtrak now estimates that it will need $1.8 billion to maintain existing operations in fiscal year 2004. The present bill before us is not sufficient to meet Amtrak's contractual obligations for commuter and intercity passenger rail service. If Amtrak is unable to continue its existing operations, many commuter railroads that are dependent upon Amtrak operations would be unable to continue to provide quality and reliable services to their customers.

Amtrak is a major part of the economy of the city where I live. I live in the city of Chicago, which we call the transportation capital of the Nation. Amtrak operates more than 50 trains into and out of the city of Chicago each and every day. These include an extensive network of long-distance trains that provide service to the east and west coasts, the Gulf of Mexico and Canada. Amtrak also operates dozens of regional corridor trains to most major cities in the Midwest. Last year, Amtrak carried two million passengers to or from Chicago. Nearly 600,000 more boarded Amtrak trains at other stations within Illinois.

Amtrak employs 2,075 individuals in Chicago. And of those employees, 897 were actually Chicago residents. In calendar year 2002, the total wages of Amtrak employees living in the city of Chicago were approximately $37.7 million. Should Amtrak not be able to continue its operations, imagine the negative impact this would have on the people of Chicago and the people who live in that region, the people who work for Amtrak, and the thousands of people all over the country who look to, expect and need Amtrak as their primary mode of transportation, even to and from work every day.

I oppose this amendment because I think it goes in the wrong direction, and I would certainly support the Olver amendment to increase Amtrak funding by $500 million rather than cut it in any way, shape, form or fashion.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The question is on the amendment offered by the gentleman from Minnesota (Mr. KENNEDY).

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

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

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

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MR. HOLT

Mr. HOLT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOLT:

Page 43, line 22, after the dollar amount, insert the following: ''(reduced by $2,000,000)''.

Page 43, line 23, after the dollar amount, insert the following: ''(reduced by $2,000,000)''.

Page 46, line 9, after the dollar amount, insert the following: ''(increased by $2,000,000)''.

Page 46, line 10, after the dollar amount, insert the following: ''(increased by $2,000,000)''.

Mr. HOLT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HOLT. Mr. Chairman, today I am offering an amendment that would help ensure adequate winter access to Yellowstone and Grand Teton National Parks.

Yellowstone, America's premier park, is being loved to death, and there are many Members here who are concerned about the effect of vehicular pollution, traffic, on Yellowstone Park. In fact, precisely half of the Members here recently voted to ban snow machines. This amendment, that I have before the body at the moment, would do nothing with the number or type of snowmobiles allowed in the park. It is not unrelated. As I point out, half of the House voted to ban snowmobiles, and all of those Members should support this amendment. Some, who voted otherwise because there was insufficient alternative transportation available, should also support this.

Since that discussion a few weeks ago, there is new information. The Environmental Protection Agency, having done tests shows that the new generation of snowmobiles approved for use in Yellowstone Park after being promoted as cleaner and quieter, in fact, emit more pollution. Said a spokesman for Yellowstone Park, ''We started all this in good faith. We based our decision on the fact that the machines would continue to be cleaner and quieter and the industry would work toward that end.'' In fact, none of the new machines tested by the EPA meet the park's standards. They are dirtier than before.

What I am trying to do is to see that we have adequate access to Yellowstone Park whether my colleagues support snowmobiles or not. There exists now some multipassenger vehicles for access in the snow, over the snow, into the park. They range from the old-fashioned, and I would say classy, red Bombardier vehicles to the newer models adapted from Ford Econoline vans.

Just this year, the new prototype of snow coaches has been unveiled. These new vehicles are environmentally friendly and can run on diesel, gas, compressed natural gas or ethanol. And they include big windows and a fabric top that folds back so passengers can get a good look around. What is more, the vehicles can be lowered to accommodate disabled individuals. This means that people who could not enjoy Yellowstone Park's winter beauty before can now fully experience these national treasures.

The Federal Transit Administration, in a private-public partnership along with the Heart Corporation of Michigan, Idaho National Engineering and Environmental Laboratory, the U.S. Department of Energy and the National Park Service have designed and developed this new prototype. My amendment is intended to provide $2 million for the Park Service to use 12 new coaches of this type.

As I said, this amendment, I believe, should be acceptable to everyone. Anyone here in this body who voted to ban snowmobiles from Yellowstone should support this. Anyone here who voted against the ban on snowmobiles should also support this because it provides alternative means of travel.

Mr. Chairman, I would ask that the committee consider approving this transfer of funds within the Federal Transit Administration for this important purpose in our major, premier national park.

Mr. ISTOOK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I certainly appreciate the efforts of the gentleman from New Jersey and his focus on this issue. I regret that I cannot agree to the amendment, because I know he has devoted a lot of time to it, but for a couple of reasons. One, of course, is that the National Park Service customarily has its appropriations through the Interior Department Appropriation bill. As much as some people may consider it mass transit in Yellowstone, I do not think that fits the normal definition of the work of the Federal Transit Administration. But I look forward to working with the gentleman to learn more about the issue and see what we might be able to improve on it and consider his request in whatever is the appropriate committee.

I also feel compelled to point out, it has come to my attention, an article reported today through the Los Angeles Times News Service, and I will just read the first sentence of that particular article, which says, ''A new generation of snowmobiles approved for use in Yellowstone National Park after being promoted as cleaner and quieter, emit more pollution than models produced 2 years ago, according to test data from the Environmental Protection Agency.'' I do not know on the particular vehicles that the gentleman is promoting whether they are actually covered by this particular study or not, maybe they are, maybe they are not. But I do not know the ramifications of it all, and I certainly would not want to be shifting around within a bill that has such tight funding as we have, $2 million to go out of the general transportation purposes and into a specialty use in Yellowstone National Park, although I think that is a good question for the Interior Committee.

But I am interested in learning more, working with the gentleman, and I think the whole House needs to consider his interest. But I cannot agree to support the amendment, unfortunately.

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

Mr. ISTOOK. I yield to the gentleman from New Jersey.

Mr. HOLT. It is precisely because those single-passenger and dual-passenger vehicles to which the chairman refers do not meet the environmental guidelines of the National Park Service that the Transit Administration and others have developed these multipassenger vehicles which do emit less pollution per passenger, per recreation enthusiast. So, in fact, they would be a substitute.

With regard to the point that this would be used in Yellowstone Park, yes, indeed they would. In fact, all mass transit is used somewhere, where people are, where people want to travel, and that is an appropriate use of, I think, the Transit funds. But with the chairman's assurance that we can continue this discussion, I would be pleased to withdraw my amendment at this time.

Mr. ISTOOK. I thank the gentleman.

The CHAIRMAN pro tempore. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. OLVER

Mr. OLVER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OLVER:

Page 39, line 10, insert before the colon the following:

: *Provided further,* That, in addition to the amounts otherwise provided under this heading, for grants to the National Railroad Passenger Corporation, $500,000,000: *Provided further,* That, in the case of taxpayers with adjusted gross income in excess of $1,000,000 for the tax year beginning in 2003, the amount of tax reduction resulting from enactment of the Jobs and Growth Tax Relief Reconciliation Act of 2003 (Pub. L. 108–27) shall be reduced by 2.8 percent.

□ 1700

Mr. OLVER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. ISTOOK. Mr. Chairman, I wish to reserve a point of order against the amendment.

Mr. OLVER. Mr. Chairman, my amendment is one of those that proposes to add $500 million or nearly that sum of money, in my case exactly $500 million, to this legislation for Amtrak and would bring their total funding to $1.4 billion. The amendment does this by reducing the size of the tax cut for those earning more than $1 million of taxable income by less than 3 percent, from an average of $88,000 to an average of $85,500 or about $2,500 on average, which represents less than 3 percent of the size of that tax reduction.

The chairman has already reserved a point of order, and I would like to just point out that I would have supported the amendment being offered by the gentleman from New York, who is the chairman of the Railroads Subcommittee of the Committee on Transportation and Infrastructure, had it not been for the way the offsets come.

So here we are with a substantial number of people, and it probably comes to all of those 220 Members, both Republicans and Democrats, a good smattering of both parties, who sent a letter to appropriators asking for support for requests of $1.8 billion for Amtrak; and the gentleman from New York (Mr. QUINN) and I in two different ways have offsets that neither he could support mine nor could I support his, but it goes to show that there is a substantial number of people who really do believe in the concept of a national passenger rail system, and that is not what we are going to have in the direction that we are going.

I just want to comment also that the gentleman from Florida (Chairman MICA) of the Subcommittee on Aviation has indicated, and I think this is what I heard, that he thinks it would be appropriate to do perhaps as much as a $90 billion program on high-speed rail, and I am a supporter of high-speed rail as well and will probably if we get the opportunity vote for that because high-speed rail in appropriate places is something that might well be done. But high-speed rail is never going to be a substitute for a national passenger rail system. That is not possible under high-speed rail, and I would point out that if we are talking about doing $90 billion in capital funding for a high-speed rail system, which under circumstances I certainly will support, we are now talking about instead being unable to provide merely the $1.5 billion per year which the transportation IG, Ken Mead, says is necessary to make our present effort at a national passenger rail system function.

So we have to keep in mind that we are talking about a huge sum of money for doing some high-speed rail when we cannot even figure out how to do a national passenger rail system which would on a per-year basis cost no more than 10 percent of what is being proposed for a high-speed rail program, a set of initiatives that will not come anywhere close to providing for such a national passenger rail system.

My amendment, with the increase to $1.4 billion a year, would provide money so that Amtrak can begin to

tackle the years of deferred maintenance and inadequate capital investment that has been the history of Amtrak for quite a number of years, and I would just point out that no large private or public intercity passenger rail system in the world has been profitable or been able to survive without substantial public subsidy. When national governors no longer want to support such intercity rail service, the rail service disappears; and Amtrak was created because private companies were unable to make a profit on passenger rail. And if we believe in a national passenger rail system, then we are going to have to start by dealing with a national passenger rail system.

Mr. MICA. Mr. Chairman, I move to strike the last word.

I had not planned to talk, but since my name was brought up in the debate in some comments about my comments, I thought it was important to respond.

First, again, I view myself as a strong advocate of national passenger rail system; but we need a system that makes sense, a system that serves areas that need to be served and require the service, and if we want to have losing routes across the country, there is no problem. We subsidize aviation. We subsidize roads. We subsidize every form of transportation. Let us have a transparent subsidization. Let us subsidize the transportation at the lowest possible cost to the taxpayer, and let us also bring in partners from those areas who want the service. If they want service and they want to subsidize it $350 a ticket, God bless them. They should have that service, and if they are willing to pay for part of that, maybe we will pay part of it too.

But we have to look at, for one thing, the taxpayers' pocketbook here. The fact is, again, I do not know how to make this any clearer to my colleagues, Amtrak was given by Congress the mandate to run national passenger service. They have had that mandate. They have gotten into high-speed service. Can we tell the finances of Amtrak? I would venture to say if we looked at the Enron report and Enron loss-of-investor money, we are talking about losses of taxpayers' billions of dollars, five point X billion dollars in the last 5, 6 years that they have lost, we cannot tell the finances. This committee cannot tell us the finances. I just asked the staff for information about the finances of Amtrak.

So I have identified the problem. The problem is Congress, because we have failed to put together a plan to provide national passenger service that makes sense. We have failed to put together corridors for high-speed service.

The question comes to us should we give Amtrak more money, and if we give them $1.4 billion, can they do the job? If we give them $1.8 billion, can they do the job? Two billion dollars, can they do the job? It is ''no,'' by any stretch of financial accounting. Just add it up. Their deferred maintenance is over $5 billion. What are we going to do in this, a couple hundred million dollars at most? Their debt is a quarter of a billion, plus they have been hocking the family jewels to keep this thing operating. So the problem is us.

I do not mind a high-speed corridor that makes sense. Honest to goodness, and I know a lot of people here are lawyers and we have got politicians and they cannot figure it out, but a route from Washington to New York that truly went high speed, 125 miles an hour as defined by law or whatever we have, that got people there in less than 2 hours, my goodness, even the people from Wall Street have said that is a winner. That will make money. They cannot figure that out in Washington. They want subsidization of a Soviet-style passenger service and impose it in a high-speed corridor. Does that make sense?

Yes, these projects can make sense if we look at them from a business standpoint or a taxpayer standpoint as to how we are spending the money. So let us take a deep breath. We are not going to solve Amtrak's problem with $1.1 billion, with $1.4 billion, or with $2.4 billion; and I guarantee the Members, and I have got all the reports from the last several years, we will be back here again with the same debate no matter how much money we give them today if we do not solve the basic fundamental organizational, administrative problems and service problems that Amtrak is facing. So that is the story, the long and the short of it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the gentleman's amendment, and it follows the discussion and my support for preserving dedicated funding for transportation enhancements with goals to ensuring that community-based projects are supported at the local level. And the reason why I tie the two together in our support for Amtrak is that all these projects point to the public responsibility for transportation. We know that on the floor of the House today we are not debating the involvement of the public sector. We want to be efficient. We want to be responsible as it relates to Federal dollars; but when we discuss matters on the floor of the House, we are suggesting what the public and Federal roles should be.

It is well known that transportation itself is a public entity and responsibility, whether it goes to fixing our freeways and highways and bypasses and bridges, which we all realize is an important component of now the Committee on Homeland Security, a committee on which I serve. Then we cannot doubt the fact that all aspects of transportation, whether it is trucking or when it is utilization of our highways and freeways by cars, of individuals who travel over Federal roadways, whether or not it is the airlines or whether or not it is the train system, if it is localized, it is controlled by local entities. But Amtrak happens to be a system that travels interstate. I cannot imagine, on the basis of jobs, on the basis of transportation, and on the basis of security that we would not want to be responsible in funding Amtrak.

I realize that these are difficult questions. I will be on the floor shortly with a very difficult question. But the question should be answered in favor of the people. I believe my amendment should be answered in favor of the people who have voiced their opinions. Amtrak has a constituency that in many instances cannot do without it.

I happen to be some distance away from the eastern corridor, but I can assure the Members that in Texas, the Texas 21 organization that has any number of Texas transit organizations involved happens to have a very favorable position on Amtrak and the need for passenger travel. In fact, in Texas, where we are very far away in our different cities and hamlets and counties because we are a very big State, sometimes rail travel may be the only vehicle. It does not mean in any way that we intend to diminish our very able intra, which is now interstate, airlines or locally based airlines.

I happen to think the world of Southwest Airlines that was based initially on travel within our State, but I believe they could be complementary to the extent that we can find an effective and efficient way to ensure that Amtrak uses Federal dollars correctly but that we do not sacrifice the needs of the public because we are not willing to participate in our responsibility.

I think this is a reasonable approach. This is where we should be debating this question. The resources are resources that we can find, Mr. Chairman, simply by repealing the President's tax cut and investing in the infrastructure of this country. We already realize that infrastructure is crumbling, as evidenced by the very serious blackout that we had just a couple of weeks ago. That is infrastructure. Public transit is infrastructure. And it would make a lot of sense to reinvest in infrastructure.

I support this amendment, and I would hope my colleagues would find a way to err on the side of supporting passenger travel by rail.

□ 1715

Ms. DELAURO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Olver amendment. Let me talk about my home State of Connecticut, where Amtrak service is a vital component of daily life, as it is to thousands of cities and towns. The same is true all along the East Coast.

Over 1 million Connecticut citizens rely on Amtrak annually; 411,000 in my hometown of New Haven. People rely on Amtrak to commute to work to New York City. They rely on Amtrak to

bring commerce and tourism into cities without a commuter airline service.

In the Northeast, people travel Amtrak because it quite simply is the most convenient and time-efficient method of traveling from city to city, alleviating heavy rush-hour traffic which is faced by so many commuters today. In doing so, it is a major contributor in reducing emissions that contribute to respiratory illnesses like asthma, and it helps to keep the air clean and our children healthy.

If you have ever been on the I–95 corridor, you will know that it does not make any difference what time of day you are traveling that road by car, it is always jammed. For us, being able to alleviate some of that problem by putting people on trains would be well worth an investment.

Amtrak means jobs as well. Nearly 700 employees are in Connecticut. Amtrak owns and operates a rail yard in New Haven, Connecticut where maintenance and equipment repair take place. Given the continual underfunding of Amtrak, over 100 cars in the fleet remain sidelined waiting for repair due to inadequate capital.

Deferred maintenance on all Amtrak locomotives and passenger cars has reduced reliability, revenue, and raised costs, further hindering overall financial performance.

I speak from experience as a dedicated Amtrak traveler. For 13 years I have frequently commuted between Connecticut and Washington, D.C. Amtrak represents the best of what public transportation has to offer: convenience, comfort and efficiency.

Sadly, though, for over 3 decades, funding for America's passenger railroad has barely been enough to keep the system operating on a year-to-year basis, which prevents it from meeting its longer-term public service mission, not to mention its capital obligations.

Mr. Chairman, this country and its transportation system was created and its vision was a bold and daring vision, where people invested in infrastructure and made it possible for people to go from coast to coast, from city to city, by rail, to transmit goods by rail, and it was visionary on the part of those who invested in that effort.

That needs to happen with this institution. It needs to be visionary in understanding what the infrastructure needs are with regard to rail travel. Pruning or eliminating the long-distance network will not make Amtrak profitable. Failure to provide the necessary funds will not only mean the suspension of Amtrak service in the busy northeast corridor, but the likely permanent loss of its long-distance trains. It will not only strand thousands of commuters around the Nation, it will also mean the loss of production, the loss of millions of dollars for communities and companies in the areas it services. That simply is unacceptable. It should be unacceptable. We need to embark on that bold vision that those folks of yesteryear had in putting in the dollars needed for rail travel and its maintenance.

Support Amtrak and vote for the Olver amendment.

Mr. MENENDEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the distinguished ranking member's amendment for a critical part of the Nation's transportation infrastructure. There are so many ways in which one could look at the preservation of Amtrak in terms of national interests. I would like to talk first about one of those, and that is on security.

After September 11, we learned very clearly on that fateful day, and my district sits right across from midtown Manhattan, that it was the redundancy of different transportation modes when everything else was shut down that ultimately allowed people to escape from that tragedy, because we had a redundancy of transportation modes.

We saw that again very recently again in the blackout; that but for the redundancy of transportation modes, people would not have been able to get home and to be safe.

So, at a time in which corporate America looks to have redundancy in their corporate headquarters and operations, we as a government should be looking at how do we have a redundancy of transportation modes in order to ensure the vitality of our country and the safety of its citizens. Amtrak is one of those elements of that vitality and of that redundancy, and we need to ensure that it is preserved.

Now, under the appropriations bill that is before the House, if it were to become law, in essence that would result in the immediate shutdown of Amtrak, which would be catastrophic for rail passengers that rely on Amtrak's operation in the northeast corridor, as well as those passengers who use Amtrak for long-distance intercity travel. The Nation faced that prospect during the summer of 2002, and it was narrowly averted by a Federal loan and supplemental appropriation. We do not need to suffer such a needless transportation crisis again.

The long-term effects of Amtrak's demise would be just as severe. The States and municipalities who benefit, for example, the northeast corridor service, would have to scramble to replace it at a time when those States are in fiscal distress. The communities only served by Amtrak's long-distance trains would lose service altogether, with no realistic chance of that service's restoration.

Put simply, the shutdown of Amtrak is something that cannot be allowed to happen, and the way that this bill funds Amtrak clearly would lead to that reality if it became law with this appropriation.

Now, in addition to security and having different modes of transportation to get people to their destinations in a time of heightened security concerns, we also look at, as we are trying to languish with coming up with a highway bill, a major transportation bill, the toll that the lack of such rail passenger service would have on our highways, on our bridges, on our roads. The consequences would be enormous. That is not factored into the value that Amtrak provides us; the commerce that takes place by those who travel through passenger rail, to be able to conduct commerce and research and development as those companies along the northeast corridor participate throughout the corridor and visit and do business; for those in the financial services community; and the consequence on the environment as well from adding all of those other forms of transportation that would have to take the place of passenger rail, the more cars, and that which is produced through Amtrak that may in fact have to be carried by trucking.

So, ultimately, this has a series of effects on the Nation's economy, on the Nation's security, on the environment and the quality of life for people who are served by Amtrak.

Mr. Chairman, we have those Members who just simply do not understand that this is as crucial as subsidies are to agricultural parts of the country, as dams may be to some parts of the country. This is crucial to significant elements of the country for its security, for its transportation needs, for its commerce, for its environment.

That is why the gentleman's amendment makes eminent sense. He moves an amount just sufficient to keep Amtrak alive in doing so, and he does so by taking from those who already have so much and who were given so much more, taking a small amount to ensure that the many who need this transportation service can achieve it.

I urge a ''yes'' vote on the amendment.

Mr. CULBERSON. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. CULBERSON. I yield to the gentleman from Florida.

Mr. MICA. Mr. Chairman, I just want to put into the RECORD, since we are having this Amtrak debate, a couple of facts relating to the service of Amtrak, and I will be very brief.

Amtrak's long-distance service record, just one example: From Boston to Albany, in 1936 the B&M Minuteman, it took 4 hours 50 minutes to go from Boston to Albany. That is before Amtrak. In 2003, Amtrak Lakeshore Limited goes from Boston to Albany in 5 hours.

Then I just wanted to also make certain that we have in this debate, we talked about subsidizing the losses. This is the Amtrak Reform Council, which we put in place in 1997 I believe it was, to look at reforming Amtrak, coming up with a proposal, which has so far been ignored, for restructuring the five routes with the most losses and the amount estimated per rider

loss: From Los Angeles to Chicago is a $236.76 subsidy, a loss; from Chicago to New York we lose $244.69 per passenger; from San Antonio to Chicago, we lose $258.25; from Chicago to Philadelphia, we only lost $292.34 cents; and from Los Angeles to Orlando, to serve my area, we only lose $347.45.

I thought that would be appropriate to read into the RECORD at this time.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Oklahoma insist on his point of order?

Mr. ISTOOK. Mr. Chairman, I do insist upon my point of order, because the amendment proposes to change existing law and constitutes legislation in an appropriation bill, therefore violating clause 2 of rule XXI. The amendment modifies existing powers and duties.

I ask for a ruling from the Chair.

The CHAIRMAN. Does any other Member wish to speak on the point of order?

If not, the Chair is prepared to rule.

The Chair finds that this amendment indirectly amends existing law. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

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: The amendment offered by Mr. PETRI of Wisconsin; Amendment No. 25 offered by Mr. TANCREDO of Colorado; Amendment No. 4 offered by Mr. HASTINGS of Florida; Amendment No. 9 offered by Ms. HOOLEY of Oregon; and the amendment offered by Mr. KENNEDY of Minnesota.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. PETRI

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

The Clerk will designate the amendment.

The Clerk designated 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 327, noes 90, not voting 17, as follows:

[Roll No. 469]

AYES—327

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Bartlett (MD)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burns
Burr
Buyer
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chocola
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Deal (GA)
DeFazio
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Duncan
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hastings (FL)
Hayes
Hefley
Hill
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Knollenberg
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Norwood
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (MI)
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wolf
Wu
Wynn
Young (FL)

NOES—90

Aderholt
Akin
Ballenger
Barrett (SC)
Barton (TX)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Brady (TX)
Brown-Waite, Ginny
Burton (IN)
Cannon
Cantor
Chabot
Coble
Cole
Collins
Cox
Crenshaw
Culberson
Davis, Jo Ann
Davis, Tom
DeLay
DeMint
Doolittle
Dreier
Dunn
Emerson
Everett
Feeney
Flake
Franks (AZ)
Garrett (NJ)
Goss
Hart
Hastings (WA)
Hayworth
Hensarling
Herger
Hobson
Istook
Johnson, Sam
Jones (NC)
King (IA)
Kingston
Kline
Kolbe
Lewis (CA)
Manzullo
McKeon
Miller (FL)
Murphy
Musgrave
Neugebauer
Northup
Nunes
Nussle
Ose
Otter
Oxley
Paul
Pearce
Pombo
Putnam
Rehberg
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Royce
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Smith (MI)
Smith (TX)
Sweeney
Tancredo
Tauzin
Taylor (NC)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Weldon (FL)
Wicker
Wilson (SC)

NOT VOTING—17

DeGette
Gephardt
Janklow
John
Kucinich
Linder
Mollohan
Myrick
Payne
Pickering
Rangel
Regula
Rodriguez
Roybal-Allard
Waxman
Woolsey
Young (AK)

□ 1749

Mr. BONILLA, Mrs. EMERSON, and Messrs. MURPHY, COX, and BURTON of Indiana changed their vote from ''aye'' to ''no.''

Messrs. GIBBONS, FORBES, ALEXANDER, BURR, and BALLANCE changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the remainder of this series will be conducted as 5-minute votes.

AMENDMENT NO. 25 OFFERED BY MR. TANCREDO

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 25 offered by the gentleman from Colorado (Mr. TANCREDO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 90, noes 322, not voting 22, as follows:

[Roll No. 470]

AYES—90

Aderholt
Akin
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Blunt
Brady (TX)
Burgess
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Collins
Cox
Crane
Cubin
Culberson
Cunningham
DeLay
DeMint
Diaz-Balart, M.
Duncan
Everett
Flake
Franks (AZ)
Gingrey
Goss
Graves
Green (WI)
Gutknecht
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hostettler
Hunter
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kingston
Kline
Lewis (KY)
Linder
McCotter
McCrery
McInnis
Miller (FL)
Miller, Gary
Musgrave
Neugebauer
Northup
Otter
Paul
Pearce
Pence
Peterson (PA)
Petri
Pombo
Radanovich
Ramstad
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Shadegg
Smith (MI)
Smith (TX)
Sullivan
Tancredo
Terry
Thornberry
Toomey
Vitter
Wamp
Wicker
Wilson (SC)

NOES—322

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Ballance
Ballenger
Bass
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green (TX)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hayes
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pitts
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wolf
Wu
Wynn
Young (FL)

NOT VOTING—22

DeGette
Eshoo
Feeney
Gephardt
Janklow
John
Kucinich
Lipinski
Lynch
Mollohan
Myrick
Payne
Pickering
Rangel
Regula
Rodriguez
Roybal-Allard
Sessions
Tiahrt
Waxman
Woolsey
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1757

Mr. GINGREY changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. LYNCH. Mr. Chairman, on rollcall No. 470 had I been present, I would have voted ''no.''

AMENDMENT NO. 4 OFFERED BY MR. HASTINGS OF FLORIDA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. HASTINGS) 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 CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 186, noes 228, not voting 20, as follows:

[Roll No. 471]

AYES—186

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Beauprez
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
Deutsch
Diaz-Balart, L.
Dingell
Doggett
Dooley (CA)
Doyle
Duncan
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Fattah
Filner
Foley
Frank (MA)
Frost
Gillmor
Gonzalez
Goodlatte
Gordon
Green (TX)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Houghton
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kline
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Murtha
Nadler
Napolitano
Neal (MA)
Owens
Pallone
Pascrell
Paul
Pelosi
Peterson (MN)
Rahall
Ramstad
Ros-Lehtinen
Ross
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Shaw
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Waters
Watt
Weiner
Wexler
Wu
Wynn

NOES—228

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capuano
Cardin
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLauro
DeLay
DeMint
Diaz-Balart, M.
Dicks
Doolittle
Dreier
Dunn
Ehlers
Emerson
English
Everett
Farr
Feeney
Ferguson
Flake
Fletcher
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons

Gilchrest
Gingrey
Goode
Goss
Granger
Graves
Green (WI)
Greenwood
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
King (IA)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Larson (CT)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rothman
Royce
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spratt
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—20

Berman
Cannon
DeGette
Ford
Gephardt
Janklow
John
Kucinich
Mollohan
Myrick
Payne
Pickering
Rangel
Regula
Rodriguez
Roybal-Allard
Watson
Waxman
Woolsey
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

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

□ 1805

Mr. LARSON of Connecticut changed his vote from ''aye'' to ''no.''

Mr. DOGGETT changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 9 OFFERED BY MS. HOOLEY OF OREGON

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY) 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 CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 213, noes 203, not voting 18, as follows:

[Roll No. 472]

AYES—213

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

NOES—203

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

NOT VOTING—18

Berman
Cannon
DeGette
Gephardt
Janklow
John
Kucinich
Mollohan
Myrick
Payne
Pickering
Rangel
Regula
Rodriguez
Roybal-Allard
Waxman
Woolsey
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

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

□ 1813

Mr. DUNCAN changed his vote from ''aye'' to ''no.''

Mr. TANCREDO and Mr. ROYCE changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. KENNEDY OF MINNESOTA

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

The Clerk will designate the amendment.

The Clerk designated 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 89, noes 325, not voting 20, as follows:

[Roll No. 473]

AYES—89

Akin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Blackburn
Brady (TX)
Burgess
Burr
Cantor
Carter
Chabot
Chocola
Coble
Collins
Cox
Crane
Cubin
Culberson
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Everett
Flake
Fletcher
Franks (AZ)
Gingrey
Graves
Green (WI)
Gutknecht
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hostettler
Hunter
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kline
Lewis (KY)
Linder
McCotter
McCrery
McIntyre
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Neugebauer
Northup
Osborne
Ose
Otter
Pence
Peterson (PA)
Petri
Pombo
Ramstad
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Smith (MI)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor (MS)
Terry
Thornberry
Tiahrt
Wamp
Weldon (FL)
Wicker
Wilson (SC)

NOES—325

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Bass
Becerra
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burton (IN)
Buyer
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goss
Green (TX)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hayes
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Peterson (MN)
Pitts
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Waters
Watson
Watt
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wolf
Wu
Wynn
Young (FL)

NOT VOTING—20

Berman
Cannon
DeGette
Gephardt
Gordon
Granger
Janklow
John
Kucinich
Mollohan
Myrick
Payne
Pickering
Rangel
Regula
Rodriguez
Roybal-Allard
Waxman
Woolsey
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1821

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. There being no further amendments to this portion of the bill, the Clerk will read.

The Clerk read as follows:

JOB ACCESS AND REVERSE COMMUTE GRANTS

Notwithstanding section 3037(l)(3) of Public Law 105–178, as amended, for necessary expenses to carry out section 3037 of the Federal Transit Act of 1998, $17,000,000, to remain available until expended: *Provided,* That no more than $85,000,000 of budget authority shall be available for these purposes: *Provided further,* That up to $200,000 of the funds provided under this heading may be used by the Federal Transit Administration for technical assistance and support and performance reviews of the Job Access and Reverse Commute Grants program.

POINT OF ORDER

The CHAIRMAN. For what purpose does the gentleman from Florida (Mr. MICA) rise?

Mr. MICA. Mr. Chairman, I wish to raise a point of order on this section.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MICA. Mr. Chairman, I make a point of order against the phrase, in quotes, Notwithstanding section 3037(l)(3) of Public Law 105–178, as amended, end quotes, beginning on page 51, line 12. This phrase waives the statutory distribution of funds specified in TEA–21 for the job access and reverse commute grants program. In doing so it makes possible report language earmarking of projects that under section 3037(g) of TEA–21 must be selected on a competitive basis.

In addition, it negates the formula allocation of the program based on community size as is required by section 3037(l)(3) of TEA–21. This blanket waiver is legislative in nature and in violation of rule XXI.

The CHAIRMAN. Do any Members wish to be heard on the point of order?

Mr. ISTOOK. Mr. Chairman, we would concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained. The cited language is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

GENERAL PROVISIONS—FEDERAL TRANSIT AUTHORITY

SEC. 160. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 161. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under ''Federal Transit Administration, Capital investment grants'' for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2006, and other recoveries, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 162. Notwithstanding any other provision of law, any funds appropriated before October 1, 2003, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 163. None of the funds in this Act shall be made available for the design, construction, or maintenance of any segment of a light rail system in Houston that has not been specifically approved by a majority of the participating voters in the Houston Metropolitan Transit Authority service area in a referendum.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas.

Beginning on page 52, strike line 22 and all that follows through page 53, line 2.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank my colleagues for indulging us on what I believe is a point that can be embraced by all of my friends and colleagues and Members of this body on both sides of the aisle. It is a simple point, Mr. Chairman, that we are asking for, and I

might in this very costly bill which I happen to support, let me suggest to my colleagues that I am not asking for any money nor am I asking for any Member to intrude in local matters.

In fact, this has to do with the Houston rail system that many Members who have been here for a period of years have had the pleasure of hearing debated over a long, extended time frame.

I could have come to the floor of the House of Representatives and offered an amendment to change the framework which has been established in the local community. Right now we have a plan that will be put on a November 4, 2003 ballot, an election plan, that indicates that the first stage of building a rail in Houston would be 22 miles.

I could have offered an amendment to suggest to instruct my local authority to have it be 39 miles. But I prefer, Mr. Chairman, to go to my local authority and engage in debate and discourse and work it through the community. Why is that? Because the local Metro board has proceeded through the community and engaged all of the voters on a very simple question, the question of whether or not we will have rail in Houston, Texas, and whether or not we will secure or attempt to secure Federal funding.

□ 1830

All of what has occurred over the last year should be a compliment and a tribute to local involvement. The Houston Metro Board, chaired by Arthur Schecter, has held a number of hearings throughout the community. They have held a number of board meetings of which they have voted on a 72-mile program for the Houston/Harris County area.

Again, let me emphasize to my colleagues, I ask you for nothing but to remove the language that is a limitation that suggests that no action can be taken unless Houston/Harris County has a referendum. Mr. Chairman, we have already agreed to have a referendum. There is a time certain and a date certain upon which that referendum will be held, November 4, 2003.

The chairman of the committee, Mr. Chairman, Chairman Schecter, said the entire community must address this issue now, that is transit. The community can no longer afford to be divided. Chairman Schecter stated that other areas in the Nation are making significant strides in transit development and we must do the same. He noted that by the way of a resolution, 99–105, the Metro Board adopted a 21st century, high-capacity transit vision which provided a conceptual framework of development of high-capacity transit in our major travel corridors.

In addition, we will have a specific and direct ballot issue on the November election. I would also like to say that the Houston Partnership, our chamber has just yesterday agreed to be supportive of this effort and reiterated that we will have a referendum. All I am asking my colleagues to do is to eliminate the redundant language in this legislation, section 163, that has no basis in purpose. It is not instructive because we have already agreed by board authority, by ordinance, the requirement to have a referendum. All this does is confuse both Members of Congress and agencies that will ultimately have to interpret this language and try to understand what they were saying in Houston, Texas. Are we divided, are we confused, and that is not the case. The voters of Houston/Harris County in the State of Texas will have the authority of going forward at that time.

There was a point made at one of the board meetings, Mr. Chairman, where there was an issue regarding when the referendum would be held, whether there was a rush to have a referendum. It was responded to by the very proponent that there is no Federal requirement causing Metro to rush toward a referendum. By the very same token, there is no Federal requirement for language to be in this appropriations bill dealing with a local issue such as the Houston Metro plan. There is no Federal requirement to have language instructing us to have a referendum when we have already decided to do so. Again, my colleagues, I have come not to ask for more money. I hope that we will get in a posture to do so. I have come not to implode the decisions of the local community because I will choose, as many of my colleagues will choose to do, to work locally with the mayor, the county government, the Metro Board and the business community on that issue as well as the citizens of that area.

I would simply say that I would ask my amendment to be accepted by my colleagues because of the necessity of this legislation.

Mr. ISTOOK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate the gentlewoman from Houston and her arguments. However, I rise in opposition to the amendment. If a referendum is scheduled in Harris County, then if the voters in Harris County approve it, they have satisfied the requirements of the language in the bill. However, if we remove the language in the bill and the voters say no, then they are not protected from anyone seeking to do an end run. The language in the bill merely assures that the will of the voters will prevail. If the voters have a referendum and the referendum says yes, they have satisfied the conditions in the bill, and there is no limitation. However, if the voters have a referendum and they say no, then all that the language in the bill does is to give meaning to what the voters said and to give assurance that the will of the people will prevail.

I oppose the amendment by the gentlewoman from Texas and ask that it be defeated.

Mr. DELAY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. I understand why the proponent of the amendment has offered it. Most of the proposed rail in Houston would be built in her district to the exclusion of most of the suburbs and the rest of the region participating in the rail system. So this is a very controversial issue, and this bill tries to make sure that the people on the local level will have a voice in what will be proposed and ultimately will ask for Federal funds.

Section 163 of this bill actually prohibits Houston Metro from using funds to build a light rail system until a specific plan is approved in a local referendum. After all, the city's people will bear the brunt of the multi-billion-dollar price tag, so they should have a say in whether the project moves forward.

This is a huge financial burden for the people of the Houston area, many of whom I represent. The project's ultimate usefulness is still uncertain. That is why the Transportation Appropriations bills for each of the last 4 years, which this amendment's author voted for, have included similar provisions to guarantee affected residents the right to have their voice heard in this matter. It is also why the gentleman from Texas (Mr. CULBERSON) and I worked closely with officials at Houston Metro when we were writing this provision to give Metro flexibility should the voters approve the light rail project.

The referendum that we are talking about is scheduled for this November, and the current proposal on the ballot begs many questions. For instance, if, as studies conclude, new jobs and people are moving in droves to the Houston suburbs, why would we spend billions of dollars on a centralized, downtown rail system? Is a multi-billion-dollar light rail system the best use of our resources when studies conclude that new roads, highway lanes and busing systems have been less costly and more effective than light rail around the country? With an ever-sprawling population, will light rail be convenient enough to attract commuters?

And finally, an important question Metro has not answered yet, how does a massively expensive light rail system, accounting for a small fraction of area trips, fit into Houston's long-term 100 percent mobility plan?

I do not have all the answers, but neither does the author of the amendment. Patience has been our policy for 4 years, and I think it makes sense for another 2 months.

Vote ''no'' on the amendment and make sure that the people of Houston have their voices heard.

Mr. BELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to ask what I think is a very fair question. Why is the Federal Government telling the city of Houston that it has to have yet another referendum on rail in order to get Federal rail funding that has been offered without any type of election to

every other major American city? We have already had one referendum in Houston on rail, and we are going to have another in November as mandated by Texas State law. There is simply no need whatsoever to have similar language included in this Transportation Appropriations bill we are considering here today. So I am rising in support of this amendment which strikes that language.

Why is it necessary to continue to single out the city of Houston on rail funding issues in Federal legislation? It makes absolutely no sense. I think it is a travesty that anyone would go out of his way to add language to the Appropriations bill that specifically targets Houston and try once again to deny our community the Federal funding it desperately needs to break the gridlock. What happened to the concept of local control that we hear the Republicans so often trumpet as their greatest cause in life?

In the end, this amendment is not about whether or not you support rail. It is about local control. Let us give the city of Houston the local control it deserves to determine its own course just as we give every other city in the United States that right. The language in this bill is unnecessary and solely designed to impede the enormous efforts made by Houston community leaders to get light rail working for the city of Houston. Enough is enough. The referendum is on the November ballot, and I believe it will pass. It is time to stop playing games with the very real problems of one of our country's largest cities and let Houston get on with business, unencumbered by Federal interference.

Mr. Chairman, as we pass this Transportation Appropriations bill, let us be serious about local control. Let us be serious about allowing American cities like Houston to find real transportation solutions. Stand up for local control of our cities and vote for this important amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. BELL. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I appreciate the gentleman's comment. I might share with his point of view on local control to reemphasize that this is not a plan that is district-based. It is a plan that crosses a multitude of congressional districts, though we are not the prime arbiter of how the plan is to be designed. This goes into counties beyond Harris County. It includes Fort Bend. The small city representatives on the board were enthusiastic about the 72.8-mile plan and as well the Greater Houston Partnership, which is our chamber, voted on September 3, 2003, to acknowledge that the plan that will be on the ballot includes local and express bus service, buses, new transit centers, additional park and rides and other bus-related facilities and 72.8 miles of rail projects as delineated on a map attached to the resolution, a very expansive, if you will, effort by our community.

I think this impacts all of us and the decision should be left to those of whom will be impacted.

Mr. BELL. Mr. Chairman, the gentlewoman is absolutely correct. It is all about local control. If we are going to be serious about being in favor of local control, then this amendment definitely deserves a ''yes'' vote.

Mr. CULBERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to join the chairman and our majority leader in opposition to this amendment because the language in the Appropriations bill, which this amendment would strike, simply guarantees the people of Houston the opportunity not only to vote and approve any rail system in Houston, but this language also assures the people of Houston that they will be told on the ballot where specifically the rail lines would be built.

I worked this language, developed and wrote this language in careful cooperation with the Metro authorities. Metro's representative here in Washington signed off and approved of this language. They were comfortable with it. I did it in careful consultation with them. Indeed, State law in Texas does require an election for bonding authority, but State law in Texas has no requirements, there are no guidelines in Texas law on what the ballot should look like. So this Federal language is an essential part of the equation in Houston for voters in Houston to have a good, clear understanding of not only how much this rail line is going to cost us as taxpayers, but, more importantly, where it is going to be built.

The language in the bill is very reasonable, and as the gentleman from Oklahoma (Mr. ISTOOK) has said, it is an essential, we think, first step for, frankly, any transit system anywhere in the country to be able to move forward with a plan that would cost billions of dollars. In fact, this rail system in Houston will ultimately cost, if the voters approve it this November, $5.8 billion. That would make this rail system in Houston the Nation's second most expensive transportation project, second only to the Big Dig, the tunnel project in Boston.

The amendment would seek to strike language which would give the taxpayers of Houston the right to approve by majority vote this rail project. The amendment would strike the right of the people of Houston to see where, specifically, the rail lines are going to be built. I would urge, as the majority leader and the chairman have done, the Members to vote against the amendment. This is not the place to debate the merits of this rail line.

I note that the author of the amendment, the gentlewoman from Texas, has expressed her support for this rail line. I would welcome an opportunity and, in fact, invite her to debate me in Houston on the merits of this rail plan.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. CULBERSON. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, the gentleman made a point of cost and made a point that this amendment would strike the referendum. Let me correct the record. The community board, Metro Board, has voted to have a duly authorized election and referendum on November 4, 2003. This is redundant and unnecessary, and we have collaborated in Houston, as my good colleague and friend knows, where we have even generated the support of the Partnership, we have given the voters a chance to make their own decision, and I invite my friends on the other side of the aisle to vote for local emphasis and local impact and local decision.

Mr. CULBERSON. If I could, reclaiming my time, this is not the place to debate the merits of this plan. Would the gentlewoman debate me in Houston on the merits of this plan?

Ms. JACKSON-LEE of Texas. I think that we will have that opportunity as the election proceeds.

Mr. CULBERSON. I look forward to that opportunity.

Ms. JACKSON-LEE of Texas. I will be happy to debate in the course of the election, in the forums of my choosing.

Mr. CULBERSON. Reclaiming my time, this language was worked out with the assistance and cooperation of Metro. I urge my colleagues to vote ''no'' against the amendment to guarantee Houston voters the right to approve this plan.

□ 1845

Mr. LAMPSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I too rise in support of this amendment that has been put forth by the gentlewoman from Texas (Ms. JACKSON-LEE). This amendment would provide the citizens of Houston the opportunity to decide their fate regarding the construction of light rail. This is something that is local. It is something that makes a difference to Houston. We ought to be making those decisions for ourselves. For far too long this Congress has arbitrarily revoked the rights of Houstonians to make significant infrastructure decisions. Quite frequently I have heard many of my colleagues on both sides of the aisle rise in support of allowing significant decisions which affect localities to be made at the local level. Communities should have the opportunity to determine what is in their best interests.

Houston is a city which is rapidly growing. It is spliting at the seams because of lack of necessary infrastructure. The citizens of Houston have attempted for years to build light rail, but they have been stymied at almost every attempt. And as a member of the Committee on Transportation and Infrastructure, I certainly recognize the importance of having multiple modes

of transportation available to metropolitan areas.

Houston now suffers some of the worst highway congestion in the Nation. The average commute for Houstonians is over an hour. Mr. Chairman, Congress should not and must not be in the business of micromanaging the politics of localities. The city of Houston has asked for and they should receive the same treatment as any other metropolitan areas that have been granted access to Federal funds for light rail. Let us do what is right for Houston. Interestingly enough, they have reached across party lines; they have reached out across ideological lines. They came together in a compromise that is putting this issue on the ballot on November 4. They have done an extraordinary effort to do what is right for themselves, and all we are asking for is that we leave them alone and let them make the decisions for Houston. Let us do what is right for Houston. And I do urge a ''yes'' vote for this amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Mr. LAMPSON. I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Chairman, I understand Houston is a very special place, but is there some reason why it is so special that it is apparently the only city in the entire 50 States, in the entire United States, that has been singled out for this special treatment?

Mr. LAMPSON. Mr. Chairman, that is what we understand. We also understand it is the single largest city that does not have this kind of infrastructure that the citizens themselves have chosen to put into place and definitely want to have.

Mr. DOGGETT. Mr. Chairman, there is a group down, I think, in San Antonio but they are just against all public transportation. They have an ideological commitment that they do not believe in public anything, I think; but they certainly do not believe in public transportation or public rail transportation. They are just against it as a matter of principle. If we had one of these extremist groups come in, could they use this as a precedent to apply to Beaumont and to Austin and to other cities across Texas and across the United States?

Mr. LAMPSON. Mr. Chairman, I imagine when a precedent is set, it could be used in other places. It would be the wrong direction for us to go in for this.

Mr. DOGGETT. Mr. Chairman, we have had a referendum in the city of Austin; and by about a percentage point, a 1 percent point, the idea of a light rail system was defeated, and I am actually interested in seeing what the citizens of Austin think if this issue comes up again; but we do not have any Federal law requirement telling us if we do not approve it again that we will never be eligible for Federal funds, and in fact, we have some Federal planning funds that are in the transportation authorization this last time, and I expect there is a good chance they will be in there again. But this would be the kind of precedent that could restrict people who want public transportation who do not agree with these right wing ideologues and extremists that are against all public transportation. This would be a precedent where they could come in and interfere with the people in my district.

Mr. LAMPSON. Mr. Chairman, we truly do not want to restrict the rights or interests of a community to be able to choose for themselves what they want, and in this case Houston has said let us bring it to the people on November 4. They have the referendum set. They are going to speak. They want to do for themselves what they can do and then reach out to the Federal Government for the assistance that is there for other communities. We do not want the kind of precedent that the gentleman is speaking about set.

Mr. DOGGETT. Mr. Chairman, if I understand the history of this, this would not be the first time that a Federal-elected official had interfered in the desire of the people of Houston, the support of the business community in Houston to get public transportation; but it would be the first time that instead of just one individual going down and interfering in it, it was written into Federal law where the full force and effect of Federal law would interfere with the will of the people of Houston.

Mr. LAMPSON. Mr. Chairman, we do not want any Federal officials impacting. We want to reach out and make sure the people of Houston have their own say in this matter.

Mr. BRADY of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I understand my colleague from Houston's strong advocacy for light rail, but I am afraid that at this late date this amendment is at best immaterial and perhaps, I think, undermines the voices of the voters in our Houston region. Today on the House floor we are rehashing a delegation disagreement about the need for a referendum that has been really rendered moot. As we speak, a referendum on light rail is being held, scheduled for just a few weeks from now. For more than a year, the community has undergone and continues a detailed and highly public debate about the scope and the merits of light rail for the Houston region. Seemingly every corner in every neighborhood and every party interested in this issue has offered input, and soon an informed electorate will head to the polls to make their voices known about this issue.

Who in our region would dispute that this has been a healthy debate on an important issue that will impact the region for decades to come? It has been a welcomed debate based solely because of existing language in Federal law. But under this amendment today, what we will tell Houston voters is, if they approve light rail, it can go forward. If they reject light rail, it can go forward as well. We have made this referendum meaningless. On the eve of this election to attempt to nullify or dismiss this very healthy public referendum it will have the effect of disenfranchising tens of thousands of Houston area voters who simply wish to have their voices heard. Let us trust the voters. We certainly have the choice of who should represent them in Congress. We need to let the referendum go forward and let it matter. The voters deserve no less.

Mr. GREEN of Texas. Mr. Chairman, I move to strike the requisite number of words.

First of all, let me say to all of our colleagues, we are almost going to hear from every Member who represents a section of Harris County and the city of Houston. As we can tell, there is difference of opinion, but there is also some misinformation. Let me correct what has been said. There is a referendum on the ballot for November. No matter what we do today, there will be a referendum on the ballot. The ballot language may be changed in a couple of weeks, but the issue of bonds under State law is what our local Metro board has to do. They have to have a referendum. And that referendum will be about a plan, at least the first installment, we hope, of a plan that will really bring more light rail to Houston.

It will serve more than what is already planned. We already have a 7.5 mile segment that is built with local money because of the original amendment in this bill that serves from downtown out to our football stadium and the Astrodome and serves the medical center and Rice University and lots of areas in between; but to serve areas in my district, we have to have a referendum. To serve northside and east end of Houston, we have to have a referendum, and that is why we do not need this language in the bill.

It is important that Houston is the only city in the country that has been held to this higher standard. Granted, the amendment that is in the bill by the gentleman from Texas (Mr. CULBERSON) is better than the original language, but we are still spelling out that they have to put the projects in the referendum. We do not do that for any other city, in fact, cities that are much smaller than the fourth largest city in the country. That is why it is unfair to do this. I was an opponent of heavy rail because I think in Houston we are so geographically diverse, and for years as a legislator I opposed it; but I watched how other cities in the country have used light rail, and it hurts me as a Houstonian to say that even the city of Dallas is successfully using light rail and Federal dollars to expand without jumping through the hoops that we would require them to do if the original language in this bill is done.

That is why I rise in support of the gentlewoman from Texas's (Ms. JACKSON-LEE) amendment. Again, two of those lines that are on the ballot that will be approved come to my area. They are not all in district 18. They serve an area near east end.

I represent a district that is very urban and also suburban; so I realize we need light rail along with lots of highway construction; and for years it have been known that I love to build highways, but I also know we cannot build them fast enough in Houston to solve the problems of transit any more than Dallas could, any more than any other part of the country, any other urban area in the country can do it. That is why we need to take all the language out of the bill and let the Houstonians and the people who are in that metro area pass this bond election in November and expand the light rail with Federal funding like many cities that are much smaller than us.

Unfortunately, this legislation prohibits the use of Federal funds for planning, designing and building this light rail unless it is itemized in there. And as much as I would like to see my two projects in my area itemized, the city of Houston or any city does not list in their bond what water projects they are going to do. They are going to do as many as they can because they need to have that local flexibility. But I will tell the Members what, if Metro does not do the plan that they have, I would be the first one back up here to say wait a minute, they fooled the voters of Houston and they will be punished for that. They should not do that.

Do not hold the city of Houston and my constituents to a higher standard than we hold Dallas, than we hold any other city in the country, including many that are much smaller. We have a referendum plan. The voters will make that decision this November, and let us let the voters make that decision with their Federal tax dollars to help with light rail, and that is why I support the Jackson-Lee amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Texas. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman, having been a former State senator, for the clarification of State law. I think that is extremely important. And I want to just hold up for my colleagues the minutes of Metro board over the last 30 days which affirm the very points that the gentleman from Texas (Mr. GREEN) has made. They voted an overall plan that is 72.8 miles. Ultimately, the segments will have to be bonded. That requires an election. Those miles will be designed to go into urban and suburban and even somewhat rural areas because that is the configuration and the geography of the Houston/Harris County metroplex area. My good friends that are here will have the opportunity to have light rail in their respective communities. In fact, the small city representatives on the board that represent the Fort Bend area, for example, are enthusiastic about a rail system that would come to a city like Sugarland. But the point is that the board did vote to have a referendum, and it is not necessary to be in this bill.

Mr. OLVER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the gentlewoman's amendment. Mr. Chairman, I think this Congress really should leave local decisions with local communities. We really should not try to run Houston as if we were the City Council for Houston or the Houston Metro Authority. That would put Houston in the same unenviable position that our own capital city where this body sits is in, and that would be inappropriate.

The Texas Metro Board has already held the public hearings that are necessary under the law. Furthermore, the referendum required by the language of section 163 has already been scheduled for November 4. So section 163 is clearly unnecessary. The referendum is already scheduled for the entire Houston area. I would urge an ''aye'' vote on the Jackson-Lee amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. OLVER. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, first of all, I want to thank the ranking member very much for his ability to dissect the language. And I want to make the point that this is not, though it may seem, likely a discussion of those who are for or against rail.

□ 1900

That is not the debate here. I would not draw my colleagues into that kind of personalized debate.

The test is simply, as the gentleman from Massachusetts (Mr. OLVER) has indicated: The local governing authorities, including Harris County, the City of Houston, led by Mayor Lee P. Brown, our civic community, the partnership, the actual Metro board that has representatives of county government, city government, and small surrounding cities, have already acted, and their act is that we will have a referendum on November 4, 2003, and subsequently will have other referendums as the light rail would be expanded, if approved by the voters.

What we are suggesting, as my good friend from Austin said, we are the only city in this Nation where this intrusive language, this really restrictive language that has no basis in fact or substance, it is redundant, repetitious and unnecessary, what we are suggesting to my friends and colleagues, I cannot imagine why both ends of the spectrum could not support eliminating this language, particularly when we all have some respect for the 10th amendment, which really suggests that there are certain items that should be left to the States and local communities. That is all we are asking to do, is simply strike this language.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as a former elected official at the local level and knowing the importance of joint powers of authority, I rise to support the Jackson-Lee amendment.

I cannot understand why Houston should be held to a higher standard than any other city in this Nation. As a senior member on the Committee on Transportation and Infrastructure, I am cognizant of the fact that light rail is the driving force in cities across this country. It is important that light rail becomes part of the Houston intermodal transportation because of the rapid increase in population in Houston.

So we should not leave the fate of the Houston light rail system to the Houstonians and the stakeholders of Harris County? The people of Houston have been fighting for years to develop a light rail system that will help to reduce traffic congestion. We know the importance of reducing congestion now, and this is one of the reasons in the Committee on Transportation and Infrastructure we are fighting to try to bring about light rail, because of the congestion and to maximize regional mobility and ensure adequate funding for transportation improvements to maintain Houston's status as an attractive place to live.

It is important that we look at cities like Houston in trying to move the congestion by bringing on light rail. This is why the Texas Metro Board has held public hearings to obtain the input of the voting public of Harris County in Houston, Texas. A referendum will be held on November 4, 2004, to cover the entire Houston Metropolitan Transit Authority service area.

Mr. Chairman, it is just absolutely unconscionable that one would try to circumvent Houston local authorities from having the authority to control their own fate in terms of light rail. I am adamant about this particular amendment, trying to be hijacked. I support the Jackson-Lee amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentlewoman yield?

Ms. MILLENDER-MCDONALD. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, may I inquire of the gentlewoman, and I appreciate very much, having come from local government, her leadership in local government; as a local elected official, has she had the experience of having the long arm of the Federal Government intrude upon decisions made by either her local boards, if these decisions, of course, were with the input and the impact of a local community? Is that the way that local government chooses to operate, by having the long arm of the Federal Government instruct how to be

constructive and positive in maybe transit issues or water issues or whatever issues might be relevant at that time?

Ms. MILLENDER-MCDONALD. Mr. Chairman, reclaiming my time, to the contrary, local governments have tried to ensure and to maintain their local control, thereby not asking the Federal Government to intrude at all. In my experience as a mayor of a city, I know firsthand how joint powers of authority work independent of Federal Government, and this is the way it should be in Houston, as it is in other cities around the country.

Ms. JACKSON-LEE of Texas. Mr. Chairman, if the gentlewoman would yield further, I hope this amendment will be supported by my colleagues on both sides of the aisle, because I restate the fact that I have come to do nothing more than to strike language. I am not asking for money, I am not asking to add any language.

I could have come here with an amendment responding to neighborhoods crying for light rail. Why is not Acres Home not more expanded with the light rail? Why is it not more in our rural areas or suburban areas at this point, because it is geared to going there? Why is Northeast not included at this time? What is the status of Harrisburg?

All of those issues we are going to work on locally. I do not intend to give up on them, but I believe we will do that locally with Members of Congress, county governments, city government, the business community and, of course, the voters.

My point here, listening to the gentlewoman, appears to be reinforced, that what we are doing with this language, the only city in the Nation, is undermining what the local officials have done. And as I understand what the gentlewoman has just suggested, that is clearly an intrusion that is not welcomed by local government that works so very hard.

I thank the gentlewoman for yielding. I hope that out of her, if you will, solicitation, that we will be able to have our colleagues supporting us on both sides of the aisle. The Committee on Transportation and Infrastructure has been very, very receptive and warm to our needs in Houston, and the Committee on Appropriations. The gentleman from Massachusetts (Mr. OLVER) and, of course, the chairman, have been very welcoming to the mobility needs we have had.

I would simply say, being supportive of local needs, I have supported roads and toll roads, as have my other colleagues. But yet when it comes to light rail, we allow this to be so divisive. This language should be stricken, we should never see it again, and we should stop this decisive debate on the floor of the House when the community has actually come together.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) will be postponed.

Mr. ISTOOK. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HAYES) having assumed the chair, Mr. DREIER, 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. 2989) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes, had come to no resolution thereon.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested a bill of the House of the following title:

H.R. 6. An Act to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 6) ''An Act to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes'' and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints under authority of the order of July 31, 2003, Mr. DOMENICI, Mr. NICKLES, Mr. CRAIG, Mr. CAMPBELL, Mr. THOMAS, Mr. GRASSLEY, Mr. LOTT, Mr. BINGAMAN, Mr. DORGAN, Mr. GRAHAM of Florida, Mr. WYDEN, Mr. JOHNSON, and Mr. BAUCUS, to be the conferees on the part of the Senate.

LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 2989, TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 2989 in the Committee of the Whole, pursuant to House Resolution 351, no amendment to the bill may be offered except pro forma amendments by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate; the amendments printed in the CONGRESSIONAL RECORD and numbered 1, 6, 11, 14 and 24; the amendment printed in the CONGRESSIONAL RECORD and numbered 2, which shall be debatable for 15 minutes; the amendment printed in the CONGRESSIONAL RECORD and numbered 15, which shall be debatable for 20 minutes; an amendment by Mr. HASTINGS of Florida regarding OMB Circular A–76, which shall be debatable for 30 minutes; one proper amendment by Mr. SANDERS regarding a district court memorandum and order addressing IBM's pension plan, which shall be debatable for 1 hour; an amendment by Ms. KAPTUR regarding the Help America Vote Act; an amendment by Mr. VAN HOLLEN regarding OMB Circular A–76, which shall be debatable for 30 minutes; one proper amendment by Mr. FLAKE regarding Cuba travel, which shall be debatable for 1 hour; an amendment by Mr. HONDA regarding San Jose light rail; an amendment by Mr. COOPER, Ms. DELAURO, or Ms. KILPATRICK regarding tax law enforcement, which shall be debatable for 1 hour; an amendment by Mr. DAVIS of Florida regarding educational exchanges with Cuba; an amendment by Mr. MICA regarding the National Railroad Passenger Corporation; an amendment by Mr. FARR regarding locality pay; an amendment by Mr. MORAN of Kansas regarding essential air service program.

Each amendment may be offered only by the Member designated or a designee, or the Member who caused it to be printed, or a designee; shall be considered as read; shall not be subject to amendment; and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. Except as specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

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

Mr. OBEY. Mr. Speaker, reserving the right to object, under my reservation I would ask the gentleman if this agreement is entered into, what would be the schedule for the remainder of the day and tomorrow?

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

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

Mr. ISTOOK. Mr. Speaker, as I understand the intent, we will proceed tonight for approximately 1 hour further, after which time any votes that have been rolled will be held. After that time consideration of this bill would cease until next Tuesday, when we would complete consideration of the bill under the unanimous consent agreement.

Mr. OBEY. And tomorrow?

Mr. ISTOOK. Tomorrow, not being in charge of the schedule, I can only tell

you my understanding. It is my understanding that tomorrow we would proceed to the District of Columbia appropriations bill.

Mr. OBEY. So, to repeat, we would be finished with consideration of this bill until Tuesday after the votes on amendments are taken in approximately 1 hour?

Mr. ISTOOK. That is correct.

Mr. OBEY. And then tomorrow it is the gentleman's understanding that the District of Columbia appropriation bill would be considered?

Mr. ISTOOK. Yes. Of course, there might be other further business before the House in addition to that. I do not know the exact schedule.

Mr. OBEY. I had thought that there would be one additional matter which would be before the House. My understanding is that we were going to have the naming of energy conferees tomorrow, as well as a motion to instruct.

Mr. ISTOOK. I was just so advised that the gentleman is correct.

Mr. OBEY. I am corrected. I am told the energy conference debate would occur tonight.

Mr. ISTOOK. I am told there is the possibility that the chairman and ranking member are discussing the timing of that right now. That is what I am told.

Mr. OBEY. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

GENERAL LEAVE

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2989, and that I may include tabular and extraneous material.

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

There was no objection.

TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. Pursuant to House Resolution 351 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2989.

□ 1915

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2989) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes, with Mr. DREIER in the chair.

The Clerk read the title of the bill.

□ 1915

The CHAIRMAN. When the Committee of the Whole rose earlier today, a request for a recorded vote on the amendment by the gentlewoman from Texas (Ms. JACKSON-LEE) had been postponed.

Pursuant to the order of the House of today, no amendment to the bill may be offered except:

Pro forma amendments by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

The amendments printed in the CONGRESSIONAL RECORD and numbered 1, 6, 11, 14 and 24;

The amendment printed in the CONGRESSIONAL RECORD and numbered 2, which shall be debatable for 15 minutes;

The amendment printed in the CONGRESSIONAL RECORD and numbered 15, which shall be debatable for 20 minutes;

An amendment by the gentleman from Florida (Mr. HASTINGS) regarding OMB Circular A–76, which shall be debatable for 30 minutes;

One proper amendment by the gentleman from Vermont (Mr. SANDERS) regarding a district court memorandum and order addressing IBM's pension plan, which shall be debatable for 1 hour;

An amendment by the gentlewoman from Ohio (Ms. KAPTUR) regarding the Help America Vote Act;

An amendment by the gentleman from Maryland (Mr. VAN HOLLEN) regarding OMB Circular A–76, which shall be debatable for 30 minutes;

One proper amendment by the gentleman from Arizona (Mr. FLAKE) regarding Cuba travel, which shall be debatable for 1 hour;

An amendment by the gentleman from California (Mr. HONDA) regarding San Jose light rail;

An amendment by the gentleman from Tennessee (Mr. COOPER), the gentlewoman from Connecticut (Ms. DELAURO) or the gentlewoman from Michigan (Ms. KILPATRICK) regarding tax law enforcement, which shall be debatable for 1 hour;

An amendment by the gentleman from Florida (Mr. DAVIS) regarding educational exchanges with Cuba;

An amendment by the gentleman from Florida (Mr. MICA) regarding the National Railroad Passenger Corporation;

An amendment by the gentleman from California (Mr. FARR) regarding locality pay;

And an amendment by the gentleman from Kansas (Mr. MORAN) regarding essential air service program.

Each amendment may be offered only by the Member designated, or a designee, or the Member who caused it to be printed, or a designee; shall be considered as read; shall not be subject to amendment; and shall not be subject to a demand for a division of the question. Except as specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

Mr. ISTOOK. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 157, line 2 be considered as read, printed in the RECORD and open to amendment at any point.

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

There was no objection.

The text of the bill from page 53, line 3, through page 157, line 2 is as follows:

SEC. 164. Section 5323(j) of title 49, United States Code, is amended—

(1) by adding at the end of paragraph (1) the following: ''The term 'manufactured goods' as used in this paragraph means each individual item specified in each line item of a procurement. If the individual items to be procured are listed in the bill of materials and specifications rather than a line item, the term 'manufactured goods' shall apply to each such item. The definition of 'manufactured goods' shall not be applicable to the procurement of rolling stock as set forth in paragraph (2)(C).'';

(2) by redesignating paragraphs (3) through (7) as paragraphs (4) through (8), respectively;

(3) by inserting after paragraph (2) the following:

''(3) When issuing a waiver based upon a public interest determination under paragraph (2)(A), the Secretary shall produce a detailed written justification as to why the waiver is in the public interest. The Secretary shall publish this justification in the Federal Register and provide the public a reasonable period for notice and comment.''; and

(4) by adding at the end the following:

''(9) APPLICATION OF WAIVERS.—The Secretary may grant a waiver under paragraph (2) for a microprocessor, but not for microcomputer equipment. For purposes of this paragraph 'microprocessor' means a computer processor on a microchip.

''(10) ADMINISTRATIVE REVIEW.—A party adversely affected by an agency action under this subsection shall have the right to seek review under section 702 of the Administrative Procedure Act, title 5, United States Code.''.

SEC. 165. Notwithstanding any other provision of law, funds made available for the Roaring Fork Transportation Authority, Colorado, under Public Laws 106–69 and 106–346 shall be made available for the Roaring Fork Valley Bus Rapid Transit project.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations and maintenance of those portions of the Saint

Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $14,700,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $98,700,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $105,897,000, of which $22,000,000 shall remain available until September 30, 2004, for salaries and benefits of employees of the United States Merchant Marine Academy; of which $13,000,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy; of which $9,063,000 shall remain available until expended for the State Maritime Schools Schoolship Maintenance and Repair; of which $500,000 shall remain available until expended for the evaluation and provision of the fourteen commercially strategic ports; and of which $1,000,000 shall remain available until September 30, 2005, for Maritime Security Professional Training in support of Section 109 of the Maritime Transportation Security Act of 2002.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, $14,000,000, to remain available until expended.

GENERAL PROVISIONS—MARITIME ADMINISTRATION

SEC. 170. Notwithstanding any other provision of this or any other Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefore shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be deposited into the Treasury as miscellaneous receipts. No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior Appropriations Act.

SEC. 171. Chapter 10 of title I of the Emergency Wartime Supplemental Appropriations Act (Public Law 108–11) is amended by striking ''For the cost of guaranteed loans, as authorized, $25,000,000, to remain available until September 30, 2005:'' and inserting ''For the cost of guaranteed loans and associated administrative expenses, as authorized, $25,000,000, to remain available until September 30, 2005, of which up to $4,498,000 may be used for associated administrative expenses:''.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For expenses necessary to discharge the functions of the Research and Special Programs Administration, $47,018,000, of which $645,000 shall be derived from the Pipeline Safety Fund, and of which $2,437,000 shall remain available until September 30, 2006: *Provided*, That up to $1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $64,054,000, of which $9,000,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2006; of which $55,054,000 shall be derived from the Pipeline Safety Fund, of which $21,786,000 shall remain available until September 30, 2006.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5127(c), $200,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2006: *Provided*, That not more than $14,300,000 shall be made available for obligation in fiscal year 2004 from amounts made available by 49 U.S.C. 5116(i), 5127(c), and 5127(d): *Provided further*, That none of the funds made available by 49 U.S.C. 5116(i), 5127(c), and 5127(d) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $55,000,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3) to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: *Provided further*, That the funds made available under this heading shall be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $19,521,000: *Provided*, That notwithstanding any other provision of law, not to exceed $1,050,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further*, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2004, to result in a final appropriation from the general fund estimated at no more than $18,471,000.

TITLE II—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $3,000,000, to remain available until September 30, 2005 for information technology modernization requirements; not to exceed $150,000 for official reception and representation expenses; not to exceed $258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate, $175,809,000: *Provided*, That no less than $21,855,000 is for the Office of Foreign Assets Control: *Provided further*, That of these amounts $2,900,000 is available for grants to State and local law enforcement groups to help fight money laundering: *Provided further*, That of these amounts, $3,393,000, to remain available until September 30, 2005, shall be for the Treasury-wide Financial Statement Audit Program, of which such amounts as may be necessary may be transferred to accounts of the Department's offices and bureaus to conduct audits: *Provided further*, That this transfer authority shall be in addition to any other provided in this Act.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, $36,653,000, to remain available until September 30, 2006: *Provided*, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, not to exceed $2,000,000 for official travel expenses, including hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; and not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, $12,792,000.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; not to exceed $6,000,000 for official travel expenses; and not to exceed $500,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration, $128,034,000.

AIR TRANSPORTATION STABILIZATION PROGRAM

For necessary expenses to administer the Air Transportation Stabilization Board established by section 102 of the Air Transportation Safety and System Stabilization Act (Public Law 107–42), $2,538,000, to remain available until expended.

TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Treasury Building and Annex, $25,000,000, to remain available until September 30, 2006.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, $57,571,000, of which not to exceed $4,500,000 shall remain available until September 30, 2006; and of which $8,152,000 shall remain available until September 30, 2005: *Provided,* That funds appropriated in this account may be used to procure personal services contracts.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $228,558,000, of which not to exceed $9,220,000 shall remain available until September 30, 2006, for information systems modernization initiatives; and of which not to exceed $2,500 shall be available for official reception and representation expenses.

ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

SALARIES AND EXPENSES

For necessary expenses of carrying out section 1111 of the Homeland Security Act of 2002, including hire of passenger motor vehicles, $80,000,000; of which not to exceed $6,000 for official reception and representation expenses; not to exceed $50,000 for cooperative research and development programs for Laboratory Services; and provision of laboratory assistance to State and local agencies with or without reimbursement.

UNITED STATES MINT

UNITED STATES MINT PUBLIC ENTERPRISE FUND

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments. The aggregate amount of new liabilities and obligations incurred during fiscal year 2004 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed $40,652,000. From amounts in the United States Mint Public Enterprise Fund, the Secretary of the Treasury shall pay to the Comptroller General an amount not to exceed $375,000 to reimburse the Comptroller General for the cost of a study to be contracted for by the Comptroller General on the potential and cost-effectiveness of expanded use of pre-made ''blanks'' by the U.S. Mint in the production of circulating coins. The amounts reimbursed to the Comptroller General pursuant to this paragraph shall be deposited to the appropriation of the General Accounting Office then available and remain available until expended.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $178,052,000, of which not to exceed $2,500 shall be available for official reception and representation expenses, and of which not to exceed $2,000,000 shall remain available until expended for systems modernization: *Provided,* That the sum appropriated herein from the General Fund for fiscal year 2004 shall be reduced by not more than $4,400,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2004 appropriation from the General Fund estimated at $173,652,000. In addition, $40,000 to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

For necessary expenses of the Internal Revenue Service for pre-filing taxpayer assistance and education, filing and account services, shared services support, general management and administration; and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $4,037,834,000, of which $4,250,000 shall be for the Tax Counseling for the Elderly Program, of which $8,000,000 shall be available for low-income taxpayer clinic grants, and of which not to exceed $25,000 shall be for official reception and representation expenses.

TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; providing litigation support; conducting criminal investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; conducting a document matching program; resolving taxpayer problems through prompt identification, referral and settlement; compiling statistics of income and conducting compliance research; funding essential earned income tax credit compliance and error reduction initiatives; purchase (for police-type use, not to exceed 850) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $4,221,408,000, of which not to exceed $1,000,000 shall remain available until September 30, 2006, for research, and of which not to exceed $10,000,000 may be used to reimburse the Social Security Administration for the costs of implementing section 1090 of the Taxpayer Relief Act of 1997 (Public Law 105–33).

INFORMATION SYSTEMS

For necessary expenses of the Internal Revenue Service for information systems and telecommunications support, including developmental information systems and operational information systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $1,628,739,000, of which $165,000,000 shall remain available until September 30, 2005.

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service, $429,000,000, to remain available until September 30, 2006, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by 5 U.S.C. 3109: *Provided,* That none of these funds may be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11 part 3; (2) complies with the Internal Revenue Service's enterprise architecture, including the modernization blueprint; (3) conforms with the Internal Revenue Service's enterprise life cycle methodology; (4) is approved by the Internal Revenue Service, the Department of the Treasury, and the Office of Management and Budget; (5) has been reviewed by the General Accounting Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

HEALTH INSURANCE TAX CREDIT ADMINISTRATION

For expenses necessary to implement the health insurance tax credit included in the Trade Act of 2002 (Public Law 107–210), $35,000,000, to remain available until September 30, 2005.

GENERAL PROVISIONS—DEPARTMENT OF THE TREASURY

SEC. 201. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 202. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

SEC. 203. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

SEC. 204. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased manpower to provide sufficient and effective 1–800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1–800 help line service.

SEC. 205. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 206. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices—Salaries and Expenses, Office of Inspector General, Financial Management Service, Alcohol and Tobacco Tax and Trade Bureau, Financial Crimes Enforcement Network, and Bureau of the Public Debt, may be transferred between

such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 207. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 208. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the $1 Federal Reserve note.

SEC. 209. The Secretary of the Treasury may transfer funds from ''Salaries and Expenses'', Financial Management Service, to the Debt Services Account as necessary to cover the costs of debt collection: *Provided,* That such amounts shall be reimbursed to such Salaries and Expenses account from debt collections received in the Debt Services Account.

SEC. 210. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the House Committee on Financial Services and the Senate Committee on Banking, Housing, and Urban Affairs.

SEC. 211. For fiscal year 2004 and each fiscal year thereafter, there are appropriated to the Secretary of the Treasury such sums as may be necessary to reimburse financial institutions in their capacity as depositaries and financial agents of the United States for all services required or directed by the Secretary of the Treasury, or the Secretary's designee, to be performed by such financial institutions on behalf of the Department of the Treasury or other Federal agencies, including services rendered prior to fiscal year 2004.

PROHIBITION ON CONTRACTS WITH CORPORATE EXPATRIATES

SEC. 212. (a) IN GENERAL.—The Secretary may not enter into any contract with a foreign incorporated entity which is treated as an inverted domestic corporation under subsection (b), or any subsidiary of such entity.

(b) INVERTED DOMESTIC CORPORATION.—For purposes of this section, a foreign incorporated entity shall be treated as an inverted domestic corporation if, pursuant to a plan (or a series of related transactions)—

(1) the entity has completed the direct or indirect acquisition of substantially all of the properties held directly or indirectly by a domestic corporation or substantially all of the properties constituting a trade or business of a domestic partnership,

(2) after the acquisition at least 80 percent of the stock (by vote or value) of the entity is held—

(A) in the case of an acquisition with respect to a domestic corporation, by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation, or

(B) in the case of an acquisition with respect to a domestic partnership, by former partners of the domestic partnership by reason of holding a capital or profits interest in the domestic partnership, and

(3) the expanded affiliated group which after the acquisition includes the entity does not have substantial business activities in the foreign country in which or under the law of which the entity is created or organized when compared to the total business activities of such expanded affiliated group.

(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(1) RULES FOR APPLICATION OF SUBSECTION (b).—In applying subsection (b) for purposes of subsection (a), the following rules shall apply:

(A) CERTAIN STOCK DISREGARDED.—There shall not be taken into account in determining ownership for purposes of subsection (b)(2)—

(i) stock held by members of the expanded affiliated group which includes the foreign incorporated entity, or

(ii) stock of such entity which is sold in a public offering related to the acquisition described in subsection (b)(1).

(B) PLAN DEEMED IN CERTAIN CASES.—If a foreign incorporated entity acquires directly or indirectly substantially all of the properties of a domestic corporation or partnership during the 4-year period beginning on the date which is 2 years before the ownership requirements of subsection (b)(2) are met, such actions shall be treated as pursuant to a plan.

(C) CERTAIN TRANSFERS DISREGARDED.—The transfer of properties or liabilities (including by contribution or distribution) shall be disregarded if such transfers are part of a plan a principal purpose of which is to avoid the purposes of this section.

(D) SPECIAL RULE FOR RELATED PARTNERSHIPS.—For purposes of applying subsection (b) to the acquisition of a domestic partnership, except as provided in regulations, all partnerships which are under common control (within the meaning of section 482 of the Internal Revenue Code of 1986) shall be treated as 1 partnership.

(E) TREATMENT OF CERTAIN RIGHTS.—The Secretary shall prescribe such regulations as may be necessary—

(i) to treat warrants, options, contracts to acquire stock, convertible debt instruments, and other similar interests as stock, and

(ii) to treat stock as not stock.

(2) EXPANDED AFFILIATED GROUP.—The term ''expanded affiliated group'' means an affiliated group as defined in section 1504(a) of the Internal Revenue Code of 1986 (without regard to section 1504(b) of such Code), except that section 1504(a) of such Code shall be applied by substituting ''more than 50 percent'' for ''at least 80 percent'' each place it appears.

(3) FOREIGN INCORPORATED ENTITY.—The term ''foreign incorporated entity'' means any entity which is, or but for subsection (b) would be, treated as a foreign corporation for purposes of the Internal Revenue Code of 1986.

(4) OTHER DEFINITIONS.—The terms ''person'', ''domestic'', and ''foreign'' have the meanings given such terms by paragraphs (1), (4), and (5) of section 7701(a) of the Internal Revenue Code of 1986, respectively.

(d) WAIVER.—The President may waive subsection (a) with respect to any specific contract if the President certifies to Congress that the waiver is required in the interest of national security.

(e) EFFECTIVE DATE.—This section shall take effect one day after the date of this bill's enactment.

TITLE III—POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $65,521,000, of which $36,521,000 shall not be available for obligation until October 1, 2004: *Provided,* That mail for overseas voting and mail for the blind shall continue to be free: *Provided further,* That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further,* That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further,* That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2004.

TITLE IV—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102, $450,000: *Provided,* That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code: *Provided further,* That none of the funds made available for official expenses shall be considered as taxable to the President.

WHITE HOUSE OFFICE

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President, $66,057,000: *Provided,* That $8,650,000 of the funds appropriated shall be available for reimbursements to the White House Communications Agency.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $12,501,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: *Provided,* That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: *Provided further,* That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: *Provided further,* That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: *Provided further,* That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: *Provided further,* That the Executive Residence shall ensure

that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: *Provided further,* That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: *Provided further,* That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: *Provided further,* That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: *Provided further,* That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: *Provided further,* That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, $4,225,000, to remain available until expended, for required maintenance, safety and health issues, and continued preventative maintenance.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisors in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), $4,000,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $4,109,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $9,000,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, $82,826,000, of which $17,470,000 shall remain available until expended for the Capital Investment Plan for continued modernization of the information technology infrastructure within the Executive Office of the President.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109 and to carry out the provisions of chapter 35 of title 44, United States Code, $62,772,000, of which not to exceed $1,500 shall be available for official representation expenses: *Provided,* That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: *Provided further,* That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further,* That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or the Committees on Veterans' Affairs or their subcommittees: *Provided further,* That the preceding shall not apply to printed hearings released by the Committees on Appropriations or the Committees on Veterans' Affairs: *Provided further,* That none of the funds appropriated in this Act may be available to pay the salary or expenses of any employee of the Office of Management and Budget who, after February 15, 2003, calculates, prepares, or approves any tabular or other material that proposes the sub-allocation of budget authority or outlays by the Committees on Appropriations among their subcommittees.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.) as amended; not to exceed $10,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, $28,790,000; of which $2,850,000 shall remain available until expended, consisting of $1,350,000 for policy research and evaluation, and $1,500,000 for the National Alliance for Model State Drug Laws: *Provided,* That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Counterdrug Technology Assessment Center for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.) as amended, $40,000,000, which shall remain available until expended, consisting of $18,000,000 for counternarcotics research and development projects, and $22,000,000 for the continued operation of the technology transfer program: *Provided,* That the $18,000,000 for counternarcotics research and development projects shall be available for transfer to other Federal departments or agencies.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $226,350,000, for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which no less than 51 percent shall be transferred to State and local entities for drug control activities, which shall be obligated within 120 days of the date of the enactment of this Act: *Provided,* That up to 49 percent, to remain available until September 30, 2005, may be transferred to Federal agencies and departments at a rate to be determined by the Director, of which not less than $2,100,000 shall be used for auditing services and associated activities, and at least $500,000 of the $2,100,000 shall be used to develop and implement a data collection system to measure the performance of the High Intensity Drug Trafficking Areas Program: *Provided further,* That High Intensity Drug Trafficking Areas Programs designated as of September 30, 2003, shall be funded at no less than the fiscal year 2003 initial allocation levels unless the Director submits to the Committees on Appropriations, and the Committees approve, justification for changes in those levels based on clearly articulated priorities for the High Intensity Drug Trafficking Areas Programs, as well as published Office of National Drug Control Policy performance measures of effectiveness: *Provided further,* That no funds of an amount in excess of the fiscal year 2004 budget request shall be obligated prior to the approval of the Committee on Appropriations.

OTHER FEDERAL DRUG CONTROL PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For activities to support a national anti-drug campaign for youth, and for other purposes, authorized by (21 U.S.C. 1701 et seq.) as amended, $230,000,000, to remain available until expended, of which the following amounts are available as follows: $150,000,000 to support a national media campaign; $70,000,000 for a program of assistance and matching grants to local coalitions and other activities, as authorized in chapter 2 of the National Narcotics Leadership Act of 1988, as amended; $4,500,000 for the Counterdrug Intelligence Executive Secretariat; $2,000,000 for evaluations and research related to National Drug Control Program performance measures; $1,000,000 for the National Drug Court Institute; $1,500,000 for the United States Anti-Doping Agency for anti-doping activities; and $1,000,000 for the United States membership dues to the World Anti-Doping Agency: *Provided,* That such funds may be transferred to other Federal departments and agencies to carry out such activities: *Provided further,* That of the amounts appropriated for a national media campaign, no less than 77 percent shall be used for the purchase of advertising time and space for the national media campaign.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, $1,000,000.

SPECIAL ASSISTANCE TO THE PRESIDENT AND THE OFFICIAL RESIDENCE OF THE VICE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, $4,461,000.

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurnishing, improvement, and to the extent not otherwise provided for, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, $331,000: *Provided,* That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

TITLE V—INDEPENDENT AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended $5,401,000: *Provided,* That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses, to be available for the purpose of this account.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) $76,679,000, of which not to exceed $2,000 may be used for official reception and representation expenses.

EMERGENCY FUND

For necessary expenses of the National Transportation Safety Board for accident investigations, $600,000, to remain available until expended: *Provided,* That these funds shall be available only to the extent necessary to restore the balance of the emergency fund to $2,000,000 (29 U.S.C. 1118 (b)).

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92–28, $4,725,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, $50,440,000, of which no less than $6,389,900 shall be available for internal automated data processing systems, and of which not to exceed $5,000 shall be available for reception and representation expenses.

ELECTION ASSISTANCE COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the Help America Vote Act of 2002, $5,000,000.

ELECTION REFORM PROGRAMS

For necessary expenses to carry out a program of requirements payments to States as authorized by Section 257 of the Help America Vote Act of 2002, $495,000,000: *Provided,* That no more that 1/10 of 1 percent of funds available for requirements payments under Section 257 of the Help America Vote Act of 2002 shall be allocated to any territory.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, $29,611,000: *Provided,* That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further,* That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefore, as authorized by 5 U.S.C. 5901–5902, $18,471,000: *Provided,* That not to exceed $2,000 shall be available for official reception and representation expenses.

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

(FEDERAL BUILDINGS FUND)

(LIMITATIONS ON AVAILABILITY OF REVENUE)

(INCLUDING TRANSFER OF FUNDS)

For an additional amount to be deposited in, and to be used for the purposes of, the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 592), $247,350,000. The revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $6,557,518,000, of which: (1) $406,168,000 shall remain available until expended for construction (including funds for sites and expenses and associated design and construction services) of additional projects at the following locations:

New Construction:
California:
San Diego, Border Station, $34,211,000
Georgia:
Atlanta, Tuttle Building Annex, $10,600,000
Maine:
Jackman, Border Station, $7,712,000
Maryland:
Suitland, United States Census Bureau, $146,451,000
Michigan:
Detroit, Ambassador Bridge Border Station, $25,387,000
New York:
Champlain, Border Station, $31,031,000
Texas:
Del Rio, Border Station, $23,966,000
Eagle Pass, Border Station, $31,980,000
Houston, Federal Bureau of Investigation, $58,080,000
McAllen, Border Station, $17,938,000
Washington:
Blaine, Border Station, $9,812,000
Nonprospectus Construction, $9,000,000:

Provided, That each of the foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts included in an approved prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further,* That all funds for direct construction projects shall expire on September 30, 2005, and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date; (2) $1,010,454,000 shall remain available until expended for repairs and alterations, which includes associated design and construction services:
Colorado:
Denver, Byron G. Rogers Federal Building—Courthouse, $39,436,000
District of Columbia:
320 First Street, $7,485,000
Eisenhower Executive Office Building, $65,757,000
Federal Office Building 8, $134,872,000
Main Interior Building, $15,603,000
Fire & Life Safety, $68,188,000
Georgia:
Atlanta, Richard B. Russell Federal Building, $32,173,000
Illinois:
Chicago, Dirksen Courthouse & Kluczynski Federal Building, $24,056,000
Springfield, Paul H. Findley Federal Building—Courthouse, $6,183,000
Massachusetts:
Boston, John W. McCormack Post Office and Courthouse, $73,037,000
New York:
Brooklyn, Emanuel Celler Courthouse, $65,511,000
North Dakota:
Fargo, Federal Building—Post Office, $5,801,000
Ohio:
Columbus, John W. Bricker Federal Building, $10,707,000
Washington:
Auburn, Building 7, Auburn Federal Building, $18,315,000
Seattle, Henry M. Jackson Federal Building, $6,868,000
Special Emphasis Programs:
Chlorofluorocarbons Program, $5,000,000
Energy Program, $5,000,000
Glass Fragmentation Program, $20,000,000
Design Program, $41,462,000
Basic Repairs and Alterations, $365,000,000:

Provided further, That of the funds provided in this Act for the repair of the Eisenhower

Executive Office Building, $30,757,000 is not available for obligation until 15 days after the Executive Office of the President submits a report to the Committees on Appropriations regarding the use of non-Federal funding in renovation and furnishing efforts for the Eisenhower Executive Office Building: *Provided further,* That funds made available in any previous Act in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount identified for each project, except each project in any previous Act may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further,* That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: *Provided further,* That the amounts provided in this or any prior Act for ''Repairs and Alterations'' may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: *Provided further,* That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading ''Repairs and Alterations'', may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further,* That all funds for repairs and alterations prospectus projects shall expire on September 30, 2005 and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further,* That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading ''Repairs and Alterations'' or used to fund authorized increases in prospectus projects; (3) $169,745,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) $3,308,187,000 for rental of space which shall remain available until expended; and (5) $1,608,708,000 for building operations which shall remain available until expended: *Provided further,* That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: *Provided further,* That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: *Provided further,* That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 592(b)(2)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: *Provided further,* That revenues and collections and any other sums accruing to this Fund during fiscal year 2004, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 592(b)(2)) in excess of $6,557,518,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

GENERAL ACTIVITIES

GOVERNMENTWIDE POLICY

For expenses authorized by law, not otherwise provided for, for Government-wide policy and evaluation activities associated with the management of real and personal property assets and certain administrative services; Government-wide policy support responsibilities relating to acquisition, telecommunications, information technology management, and related technology activities; and services as authorized by 5 U.S.C. 3109, $56,383,000.

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, for Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; telecommunications, information technology management, and related technology activities; providing Internet access to Federal information and services; agency-wide policy direction and management, and Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed $7,500 for official reception and representation expenses, $79,110,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, $39,169,000: *Provided,* That not to exceed $15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further,* That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ELECTRONIC GOVERNMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in support of interagency projects that enable the Federal Government to expand its ability to conduct activities electronically, through the development and implementation of innovative uses of the Internet and other electronic methods, $1,000,000, to remain available until expended: *Provided,* That these funds may be transferred to Federal agencies to carry out the purposes of the Fund: *Provided further,* That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further,* That such transfers may not be made until 10 days after a proposed spending plan and justification for each project to be undertaken has been submitted to the Committees on Appropriations.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95–138, $3,393,000: *Provided,* That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

GENERAL PROVISIONS—GENERAL SERVICES ADMINISTRATION

SEC. 501. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 502. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 503. Funds in the Federal Buildings Fund made available for fiscal year 2004 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: *Provided,* That any proposed transfers shall be approved in advance by the Committees on Appropriations.

SEC. 504. No funds made available by this Act shall be used to transmit a fiscal year 2005 request for United States Courthouse construction that: (1) does not meet the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan: *Provided,* That the fiscal year 2005 request must be accompanied by a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 505. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 506. Funds provided to other Government agencies by the Information Technology Fund, General Services Administration, under section 110 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757) and sections 5124(b) and 5128 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1424(b) and 1428), for performance of pilot information technology projects which have potential for Government-wide benefits and savings, may be repaid to this Fund from any savings actually incurred by these projects or other funding, to the extent feasible.

SEC. 507. From funds made available under the heading ''Federal Buildings Fund, Limitations on Availability of Revenue'', claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

SEC. 508. None of the funds in this Act may be used by the General Services Administration to develop or implement a mandatory system without exceptions that requires agencies government-wide to use a specific electronic travel solution or the eTravel Service: *Provided,* That this section shall also apply to the Department of Transportation in any development of electronic travel solutions for its modal administrations.

SEC. 509. (a) The Administrator of General Services shall carry out the authority of the Election Assistance Commission to make election assistance payments under subtitle D of title II of the Help America Vote Act of 2002, including the authority under such subtitle to receive statements and applications from entities seeking such payments and reports from entities receiving such payments.

(b) The authority of the Administrator of General Services under subsection (a) shall apply with respect to amounts appropriated

for fiscal year 2004 and amounts appropriated for fiscal year 2003 which remain unobligated and unexpended at the end of fiscal year 2003, except that this authority shall expire upon the earlier of—

(1) the expiration of the 3-month period which begins on the date on which all members of the Election Assistance Commission are appointed; or

(2) June 30, 2004.

(c) Upon the appointment of all members of the Election Assistance Commission, the Administrator of General Services shall transmit to the Commission all statements, applications, and reports received by the Administrator in carrying out this section.

SEC. 510. None of the funds made available in this Act may be used by the General Services Administration to establish a quick response team processing center on East Brainerd Road in Chattanooga, Tennessee.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, $32,877,000, together with not to exceed $2,626,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY TRUST FUND

For payment to the Morris K. Udall Scholarship and Excellence in National Environmental Policy Trust Fund, pursuant to the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.), $1,300,000, to remain available until expended of which $100,000 shall be used to conduct financial audits pursuant to the Accountability of Tax Dollars Act of 2002 (Public Law 107–289) notwithstanding sections 8 and 9 of Public Law 102–259: *Provided*, That up to 70 percent of such funds may be transferred by the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for the necessary expenses of the Native Nations Institute.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, $1,300,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives and Records Administration (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, $255,191,000: *Provided*, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to provide adequate storage for holdings: *Provided further*, That, of the funds provided in this paragraph, $600,000 shall be for the preservation of the records of the Freedmen's Bureau.

ELECTRONIC RECORDS ARCHIVE

For necessary expenses in connection with the development of an electronic records archive, to include all direct project costs associated with research, analysis, design, development, and program management, $35,914,000, of which $22,000,000 shall remain available until September 30, 2006.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $6,458,000, to remain available until expended, of which $500,000 is for the Military Personnel Records Center requirements study.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, $10,000,000, to remain available until expended.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $10,738,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $119,498,000, of which $2,000,000 shall remain available until expended for the cost of the enterprise human resources integration project, $2,500,000 shall remain available until expended for the cost of leading the government-wide initiative to modernize federal payroll systems and service delivery, and $2,500,000 shall remain available through September 30, 2005 to coordinate and conduct program evaluation and performance measurement; and in addition $126,854,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs, of which $27,640,000 shall remain available until expended for the cost of automating the retirement recordkeeping systems: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), 8909(g), and 9004(f)(1)(A) and (2)(A) of title 5, United States Code: *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2004, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $1,498,000, and in addition, not to exceed $14,427,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: *Provided*, That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771–775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

HUMAN CAPITAL PERFORMANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For a human capital performance fund, $2,500,000: *Provided*, That such amount shall not be available for obligation or transfer until enactment of legislation that establishes a human capital performance fund within the Office of Personnel Management: *Provided further*, That such amounts as determined by the Director of the Office of Personnel Management may be transferred to federal agencies to carry out the purposes of this fund as authorized: *Provided further*, That no funds shall be available for obligation or transfer to any federal agency until the Director has notified the relevant subcommittees of jurisdiction of the Committees on Appropriations of the approval of a

performance pay plan for that agency, and the prior approval of such subcommittees has been attained.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), as amended, the Whistleblower Protection Act of 1989 (Public Law 101–12), as amended, Public Law 103–424, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $13,504,000.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $40,187,000: *Provided,* That travel expenses of the judges shall be paid upon the written certificate of the judge.

WHITE HOUSE COMMISSION ON THE NATIONAL MOMENT OF REMEMBRANCE

For necessary expenses of the White House Commission on the National Moment of Remembrance, $250,000.

TITLE VI—GENERAL PROVISIONS

THIS ACT

(INCLUDING TRANSFERS OF FUNDS)

SEC. 601. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 602. Such sums as may be necessary for fiscal year 2004 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 603. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 604. None of the funds in this Act shall be available for salaries and expenses of more than 110 political and Presidential appointees in the Department of Transportation: *Provided,* That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 605. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 606. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 607. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 608. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 609. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), no department or agency shall withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 610. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's ''Federal-Aid Highways'' account, the Federal Transit Administration's ''Transit Planning and Research'' account, and to the Federal Railroad Administration's ''Safety and Operations'' account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 611. Notwithstanding any other provision of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 612. None of the funds in title I of this Act may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration other than the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; or (3) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: *Provided,* That no notification shall involve funds that are not available for obligation.

SEC. 613. For the purpose of any applicable law, for fiscal year 2004, the city of Norman, Oklahoma, shall be considered to be part of the Oklahoma City Transportation Management Area.

SEC. 614. None of the funds in this Act may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 615. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 616. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 617. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of Transportation to a third party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments; and

(2) to pay contractors for services provided in recovering improper payments: *Provided,* That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: *Provided further,* That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify the House and Senate Committees on Appropriations of the amount and reasons for such transfer: *Provided further,* That for purposes of this section, the term ''improper payments,'' has the same meaning as that provided in section 2(d)(2) of Public Law 107–300.

SEC. 618. The Secretary of Transportation is authorized to transfer the unexpended balances available for the bonding assistance program from ''Office of the Secretary, Salaries and expenses'' to ''Minority Business Outreach''.

SEC. 619. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

SEC. 620. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 621. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the ''Buy American Act'').

SEC. 622. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2004 from appropriations made available for salaries and expenses for fiscal year 2004 in this Act, shall remain available through September 30, 2005, for each such account for the purposes authorized: *Provided,* That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further,* That these requests shall be made in compliance with reprogramming guidelines.

SEC. 623. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not

more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 624. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office pursuant to court approval.

SEC. 625. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

SEC. 626. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefits program which provides any benefits or coverage for abortions.

SEC. 627. The provision of section 626 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 628. For the purpose of assisting State-supported intercity rail service, in order to demonstrate whether competition will provide higher quality rail passenger service at reasonable prices, the Secretary of Transportation, working with affected States, shall develop and implement a procedure for fair competitive bidding by Amtrak and non-Amtrak operators for State-supported routes: *Provided,* That in the event a State desires to select or selects a non-Amtrak operator for the route, the State may make an agreement with Amtrak to use facilities and equipment of, or have services provided by, Amtrak under terms agreed to by the State and Amtrak to enable the non-Amtrak operator to provide the State-supported service: *Provided further,* That if the parties cannot agree on terms, the Secretary shall, as a condition of receipt of Federal grant funds, order that the facilities and equipment be made available and the services be provided by Amtrak under reasonable terms and compensation: *Provided further,* That when prescribing reasonable compensation to Amtrak, the Secretary shall consider quality of service as a major factor when determining whether, and the extent to which, the amount of compensation shall be greater than the incremental costs of using the facilities and providing the services: *Provided further,* That the Secretary may reprogram up to $5,000,000 from the Amtrak operating grant funds for costs associated with the implementation of the fair bid procedure and demonstration of competition under this section.

SEC. 629. None of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2004, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates a new program;

(2) eliminates a program, project, or activity;

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress;

(4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose;

(5) augments existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less; or

(6) reduces existing programs, projects, or activities by 10 percent—

unless the House and Senate Committees on Appropriations are notified at least 15 days in advance of such reprogramming.

SEC. 630. None of the funds made available in this Act may be used to require a State or local government to post a traffic control device or variable message sign, or any other type of traffic warning sign, in a language other than English, except with respect to the names of cities, streets, places, events, or signs related to an international border.

SEC. 631. EXEMPTION FROM LIMITATIONS ON PROCUREMENT OF FOREIGN INFORMATION TECHNOLOGY THAT IS A COMMERCIAL ITEM.—(a) EXEMPTION.—Notwithstanding any other provision of law, in order to promote Government access to commercial information technology, the restriction on purchasing nondomestic articles, materials, and supplies set forth in the Buy American Act (41 U.S.C. 10a et seq.), and the prohibition on acquiring foreign products under section 302(a)(1) of the Trade Agreements Act of 1979 (Public Law 96–39; 19 U.S.C. 2512(a)(1)), shall not apply to the acquisition by the Federal Government of information technology (as defined in section 11101 of title 40, United States Code, that is a commercial item (as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).

(b) DEFINITION.—Section 11101(6) of title 40, United States Code, is amended—

(1) in subparagraph (A), by inserting after ''storage,'' the following: ''analysis, evaluation,''; and

(2) in subparagraph (B), by striking ''ancillary equipment,'' and inserting ''ancillary equipment (including imaging peripherals, input, output, and storage devices necessary for security and surveillance), peripheral equipment designed to be controlled by the central processing unit of a computer,''.

SEC. 632. It is the sense of the House of Representatives that empowerment zones within cities should have the necessary flexibility to expand to include relevant communities so that empowerment zone benefits are equitably distributed.

SEC. 633. It is the sense of the House of Representatives that all census tracts contained in an empowerment zone, either fully or partially, should be equitably accorded the same benefits.

SEC. 634. None of the funds made available in this Act may be used to finalize, implement, administer, or enforce—

(1) the proposed rule relating to the determination that real estate brokerage is an activity that is financial in nature or incidental to a financial activity published in the Federal Register on January 3, 2001 (66 Fed. Reg. 307 et seq.); or

(2) the revision proposed in such rule to section 1501.2 of title 12 of the Code of Federal Regulations.

SEC. 635. It is the sense of Congress that, after proper documentation, justification, and review, the Department of Transportation should consider programs to reimburse general aviation ground support services at Ronald Reagan Washington National Airport, and airports located within fifteen miles of Ronald Reagan Washington National Airport, for their financial losses due to Government actions after the terrorist attacks of September 11, 2001.

SEC. 636. It is the sense of the House of Representatives that public private partnerships (PPPs) could help eliminate some of the cost drivers behind complex, capital-intensive highway and transit projects. The House of Representatives encourages the Secretary of Transportation to apply available funds to select projects that are in the development phase, eligible under title 23 and title 49, United States Code, except 23 U.S.C. 133(b)(8), and that employ a PPP strategy.

TITLE VII—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 701. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 702. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2004 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 703. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $8,100 except station wagons for which the maximum shall be $9,100: *Provided,* That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: *Provided further,* That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further,* That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles.

SEC. 704. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

SEC. 705. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of the enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese

Student Protection Act of 1992: *Provided,* That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further,* That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: *Provided further,* That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further,* That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

SEC. 706. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 707. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13101 (September 14, 1998), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 708. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided,* That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 709. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 710. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 711. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a and 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 712. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 713. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2004, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by the comparable section for the previous fiscal years until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2004, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section; and

(2) during the period consisting of the remainder of fiscal year 2004, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2004 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2004 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in the previous fiscal year under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2003, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2003, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2003.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 714. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations. For the purposes of this section, the term ''office'' shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 715. Notwithstanding section 1346 of title 31, United States Code, or section 710 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 716. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Department of Homeland Security, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

SEC. 717. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for the current fiscal year shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

SEC. 718. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 719. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or ''new age'' belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 720. No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: ''These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.'': *Provided*, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

SEC. 721. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 722. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 723. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations.

SEC. 724. No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 725. Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties: *Provided*, That in this section the term ''agency''—

(1) means an Executive agency as defined under section 105 of title 5, United States Code;

(2) includes a military department as defined under section 102 of such title, the Postal Service, and the Postal Rate Commission; and

(3) shall not include the General Accounting Office.

SEC. 726. Notwithstanding 31 U.S.C. 1346 and section 710 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Joint Financial Management Improvement Program (JFMIP), shall be available to finance an appropriate share of JFMIP administrative costs, as determined by the JFMIP, but not to exceed a total of $800,000 including the salary of the Executive Director and staff support.

SEC. 727. Notwithstanding 31 U.S.C. 1346 and section 710 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse the ''Governmentwide Policy'' account, General Services Administration, with the approval of the Director of the Office of Management and Budget, funds made available for the current fiscal year by this or any other Act, including rebates from charge card and other contracts. These funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director (including the Chief Financial Officers Council and the Joint Financial Management Improvement Program for financial management initiatives, the Chief Information Officers Council for information technology initiatives, and the Procurement Executives Council for procurement initiatives). The total funds transferred or reimbursed shall not exceed $17,000,000. Such transfers or reimbursements may only be made 15 days following notification of the Committees on Appropriations by the Director of the Office of Management and Budget.

SEC. 728. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 729. Nothwithstanding section 1346 of title 31, United States Code, or section 710 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: *Provided*, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science; and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 730. Any request for proposals, solicitation, grant application, form, notification,

press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds, the Catalog of Federal Domestic Assistance Number, as applicable, and the amount provided. This provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 731. Subsection (f) of section 403 of Public Law 103–356 (31 U.S.C. 501 note) is amended by striking ''October 1, 2001'' and inserting ''October 1, 2004''.

SEC. 732. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF PERSONAL INFORMATION ON USE OF INTERNET.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregate list, derived from any means, that includes the collection of any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregate list, derived from any means, that includes the collection of any personally identifiable information relating to an individual's access to or use of any nongovernmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to the rendition of the Internet site services or to the protection of the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term ''regulatory'' means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term ''supervisory'' means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

SEC. 733. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO; and

(B) OSF Health Plans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 734. The Congress of the United States recognizes the United States Anti-Doping Agency (USADA) as the official anti-doping agency for Olympic, Pan American, and Paralympic sport in the United States.

SEC. 735. Not later than 6 months after the date of enactment of this Act, the Inspector General of each applicable department or agency shall submit to the Committee on Appropriations a report detailing what policies and procedures are in place for each department or agency to give first priority to the location of new offices and other facilities in rural areas, as directed by the Rural Development Act of 1972.

SEC. 736. Each Executive department and agency shall evaluate the creditworthiness of an individual before issuing the individual a government travel charge card. The department or agency may not issue a government travel charge card to an individual that either lacks a credit history or is found to have an unsatisfactory credit history as a result of this evaluation: *Provided*, That this restriction shall not preclude issuance of a restricted-use charge, debit, or stored value card made in accordance with agency procedures to (a) an individual with an unsatisfactory credit history where such card is used to pay travel expenses and the agency determines there is no suitable alternative payment mechanism available before issuing the card, or (b) an individual who lacks a credit history. Each Executive department and agency shall establish guidelines and procedures for disciplinary actions to be taken against agency personnel for improper, fraudulent, or abusive use of government charge cards, which shall include appropriate disciplinary actions for use of charge cards for purposes, and at establishments, that are inconsistent with the official business of the Department or agency or with applicable standards of conduct.

SEC. 737. Notwithstanding section 1346 of title 31, United States Code, or section 710 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of the National Oceanographic Partnership Program Office, authorized by 10 U.S.C. 7902, and the Coastal America program, which benefit multiple Federal departments, agencies, or entities: *Provided*, That the Department of Commerce shall provide a report describing the budget of and resources connected with the National Oceanographic Partnership Program Office and the Coastal America program to the House and Senate Committees on Appropriations, the House Committee on Science, and the Senate Committee on Commerce, Science, and Transportation 90 days after the enactment of this Act.

SEC. 738. Section 640(c) of the Treasury and General Government Appropriations Act, 2000 (Public Law 106–58; 2 U.S.C. 437g note 1), as amended by section 642 of the Treasury and General Government Appropriations Act, 2002 (Public Law 107–67), is amended by striking ''December 31, 2003'' and inserting ''December 31, 2005''.

SEC. 739. Section 304(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)) is amended as follows:

(1) in clauses (a)(2)(A)(i) and (a)(4)(A)(ii) by striking the parenthetical ''(or posted by registered or certified mail no later than the 15th day before)'' and inserting in its place, ''(or posted by any of the following: registered mail, certified mail, priority mail having a delivery confirmation, or express mail having a delivery confirmation, or delivered to an overnight delivery service with an on-line tracking system, if posted or delivered no later than the 15th day before)''; and

(2) by striking paragraph (a)(5) and inserting in its place,

''(5) If a designation, report, or statement filed pursuant to this Act (other than under paragraph (2)(A)(i) or (4)(A)(ii) or subsection (g)(1)) is sent by registered mail, certified mail, priority mail having a delivery confirmation, or express mail having a delivery confirmation, the United States postmark shall be considered the date of filing the designation, report or statement. If a designation, report or statement filed pursuant to this Act (other than under paragraph (2)(A)(i) or (4)(A)(ii), or subsection (g)(1)) is sent by an overnight delivery service with an on-line tracking system, the date on the proof of delivery to the delivery service shall be considered the date of filing of the designation, report, or statement.''.

SEC. 740. (a) The adjustment in rates of basic pay for employees under the statutory pay systems that takes effect in fiscal year 2004 under sections 5303 and 5304 of title 5, United States Code, shall be an increase of 4.1 percent, and this adjustment shall apply to civilian employees in the Department of Defense and the Department of Homeland Security and such adjustments shall be effective as of the first day of the first applicable pay period beginning on or after January 1, 2004.

(b) Notwithstanding section 713 of this Act, the adjustment in rates of basic pay for the statutory pay systems that take place in fiscal year 2004 under sections 5344 and 5348 of title 5, United States Code, shall be no less than the percentage in paragraph (a) as employees in the same location whose rates of basic pay are adjusted pursuant to the statutory pay systems under section 5303 and 5304 of title 5, United States Code. Prevailing rate employees at locations where there are no employees whose pay is increased pursuant to sections 5303 and 5304 of title 5 and prevailing rate employees described in section 5343(a)(5) of title 5 shall be considered to be located in the pay locality designated as ''Rest of US'' pursuant to section 5304 of title 5 for purposes of this paragraph.

(c) Funds used to carry out this section shall be paid from appropriations, which are made to each applicable department or agency for salaries and expenses for fiscal year 2004.

SEC. 741. Not later than December 31 of each year, the head of each agency shall submit to Congress a report on the competitive sourcing activities performed during the previous fiscal year by Federal Government sources that are on the list required under the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 31 U.S.C. 501 note). The report shall include—

(1) the number of full time equivalent Federal employees studied for competitive sourcing;

(2) the total agency cost required to carry out its competitive sourcing program;

(3) the costs attributable to paying outside consultants and contractors to carry out the agency's competitive sourcing program;

(4) the costs attributable to paying agency personnel to carry out its competitive sourcing program; and

(5) an estimate of the savings attributed as a result of the agency competitive sourcing program.

POINTS OF ORDER

Mr. MICA. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MICA. Mr. Chairman, I make a point of order against section 164 which begins on page 53, line 3 and ends on page 54, line 12. This section amends the Buy America requirements for transit capital purchases of steel, iron, manufactured goods, and rolling stock. The amendments made by section 164 are meant to strengthen Buy America, but the Department of Transportation

analysis has determined that there will be serious unintended consequences that will significantly slow the purchase and construction of transit system components and systems and also will result in more foreign-made products being purchased by transit agencies. This provision is legislative in nature and also in violation of rule XXI.

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

Mr. ISTOOK. Mr. Chairman, we would concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained, and this section is stricken from the bill.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I raise a point of order against section 212 on the grounds that the section changes existing law in violation of clause 2(b) of House rule XXI and is therefore legislation included in a general appropriations bill.

The CHAIRMAN. Do any Members wish to be heard on the point of order?

Mr. ISTOOK. Mr. Chairman, we would concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained, and this section is stricken from the bill.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I raise a point of order against section 621. This section changes existing law in violation of clause 2(b) of House rule XXI and is therefore legislation included in a general appropriations bill.

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

Mr. ISTOOK. Mr. Chairman, we would concede that point of order.

The CHAIRMAN. The point of order is conceded and sustained, and that section is stricken from the bill.

Mr. BRADY of Texas. Mr. Chairman, I raise a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BRADY of Texas. Mr. Chairman, I raise a point of order against the words ''notwithstanding any other provision of law'' on page 126, lines 15 and 16, and beginning with the words ''the prohibition'' on page 126, line 20 through ''2512(a)(1)'' on line 23 on the grounds that this provision violates clause 2(b) of House rule XXI because it is legislation included in a general appropriations bill.

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

Mr. ISTOOK. Mr. Chairman, we would concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained and the language is stricken from the bill.

AMENDMENT OFFERED BY MR. COOPER

Mr. COOPER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. COOPER:

Page 67, line 23, after the first dollar amount insert ''(reduced by $75,000,000) (increased by $75,000,000)''.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Tennessee (Mr. COOPER) and a Member opposed will each control 30 minutes.

Mr. ISTOOK. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Oklahoma (Mr. ISTOOK) will control the time in opposition.

The proponent of the amendment, the gentleman from Tennessee (Mr. COOPER), is recognized for 30 minutes in support of his amendment.

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

Mr. Chairman, the purpose of the amendment that I am offering tonight along with the distinguished gentlewoman from Michigan (Ms. KILPATRICK) and the gentlewoman from Connecticut (Ms. DELAURO) is to decrease funding for very ill-considered and heavy-handed IRS enforcement effort that tries to precertify working poor families for the earned income tax credit or the EITC.

The amendment we are proposing will reduce funding by $75 million for the IRS's precertification proposal and it would in turn increase funding by $75 million for investigation and audit of large and mid-size corporations. The amendment would continue to allow $25 million for implementation of the precertification program.

I certainly understand the Treasury's concerns about high error rates associated with the EITC. And as a proponent of good government, I am eager to reduce any waste, fraud or abuse in government. But the Treasury's proposal will create, probably, an even more burdensome bureaucracy than they realize, and it is a clumsy and heavy-handed attack on the poor.

Even the IRS realizes this because in a recent announcement they decided to delay and decrease their precertification program. EITC compliance accounts for about 3 percent of the estimated total taxes that go uncollected, about 3 percent. But in contrast, according to the General Accounting Office, individuals who under report business income on their taxes are defrauding the government by about $40 billion a year or about 12 percent of uncollected taxes, more than the cost of the entire EITC program. Yet, guess what? There is no major effort to target these taxpayers even though it is a much larger amount.

I suggest we follow the Willie Sutton rule, the famous bank robber, who when asked why he robbed banks, he said, ''That's where the money is.''

Instead, the IRS has requested a 68.5 percent increase in EITC enforcement while barely increasing their other enforcement efforts. In my mind, this represents a gross misallocation of resources, especially in view of declining overall tax enforcement by the IRS.

I am willing to bet that the administrative costs of precertification will far outstrip any potential savings, especially if the IRS goes forward with the plans to eventually expand the precertification process to as many as two million taxpayers. That is why our amendment would direct $75 million toward much more sensible and cost-effective compliance efforts, where the money is, toward auditing and investigating mid-size and large corporations. Because according to the IRS, 7,000 corporations that should be audited every year are not. This translates into a direct loss to the Treasury of $6.5 billion a year in tax revenues.

Moreover, according to a recent report by former IRS Commissioner Rossotti, the IRS lacks the resources to carry out nearly a third of the corporate audits it should be accomplishing each year.

So why is the administration focusing on the few dollars of poor working families under the EITC and not on the big dollars of these companies? Why is the U.S. Government trying to make this vital tax credit so hard to claim? I am afraid the real IRS motive may not be just a desire to curb waste, fraud and abuse. It may be gross insensitivity to the needs of working poor families, simple hard-heartedness and lack of compassion for these hard-pressed American families.

In the national metropolitan area which makes up the heart of my congressional district, approximately 14 percent of my constituents rely on the EITC every year, receiving a credit of about $1,500. In total, this credit puts about $87 million a year into these families and into the national economy. Nationally, the EITC is directly responsible for lifting some four million people every year above the poverty line, including two million children. Precertification programs, as proposed by the IRS, will discourage many of these families from even applying for the EITC.

Under the precertification proposal, the IRS now says it will now want to prove that children claimed under the credit have been living with the claiming taxpayer for the required six months. The practical obstacles posed by this requirement are mind boggling. Although the IRS would allow a landlord or property manager to submit an affidavit, what landlords would testify on penalty of perjury to the intimate living arrangements of their tenants? Neighbors and relatives who are, in fact, in the best position to know these arrangements, are forbidden under the IRS approach from providing supporting documentation.

I also object to the discriminatory treatment of lower income tax payers that would result from precertification. For those subject to the process of precertification, this effectively means a 100 percent chance of

audit in advance of even filing your tax return. No other taxpayers in America face a comparable burden. Why is the IRS not also demanding precertification for taxpayers claiming credits for dependent care expenses, educational expenses, or charitable contributions? There is significant evidence that these credits are a widespread source of exaggeration and noncompliance and abuse, yet no one is requiring these other taxpayers to file receipts in advance for day care expenses or donations of such things as used automobiles or clothing.

I fear that rather than reducing errors, the IRS proposal would, in fact, intimidate people into not using the EITC at all, and that would be a severe injustice to these people.

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

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

Mr. Chairman, people are easily confused about what we are talking about here. And it is a very strange amendment that is being offered because, frankly, the amendment does not really do anything. It is an opportunity for people to get up and speak, but I will read, Mr. Chairman, what the text of the amendment says. It says: Take the dollar amount on page 67, line 23 and first reduce it by $75 million and then increase it by $75 million.

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Well, the net effect of that is zero. The amendment makes no change in the amount of the money in the bill for the IRS to enforce the tax laws. No change whatsoever. It is simply an opportunity for people to get up and talk about it.

It deserves to be opposed as something that is senseless and, for that matter, that blocks reform. Because although it is labeled as a, quote, tax credit, the EITC, earned income tax credit, is not a tax credit program. It is an assistance program designed for people with low income that says you tell us how much you made, and if it is not enough we are going to send you a check. It is a public assistance program.

Now, any other public assistance program, you have to go through a process of showing that you are eligible. If you want food stamps, you go through a process to be certified that you are eligible for it. If you want housing subsidies, you go through a process to be certified that before you get this money from taxpayers that you are actually eligible for it, you qualify. If you want temporary assistance to needy families, you are certified in advance as being eligible.

The big problem with the EITC is it is a public assistance program where there is no oversight. There are 19 million, let me repeat that figure, 19 million Americans each year that file an income tax return and say send me a check, I claim this. It is not a tax refund. It is a check over and beyond whatever you may have paid in in your income taxes.

And it has been proven over the years that a fourth to a third of all those claims are for people who do not qualify. It is costing taxpayers $10 billion a year. That is not small change.

That is not harassing people as the gentleman from Tennessee (Mr. COOPER) I believe represented. That is saying if we are going to have $35 billion and $10 billion of it goes to people who do not qualify under the program going out of the Treasury, not a refund, not getting a refund for taxes you paid in, but a form of public assistance, maybe we ought to pay attention to whether people are actually eligible before we spend this much money.

The program that the IRS is putting into place will not affect 80 percent of these 19 million people, but it is targeted to those that the IRS has reason to believe are the ones that are most likely to be part of that $10 billion a year that we are paying out that should not be paid out.

We are saying we need you to do some verification to show to us that you are entitled to this taxpayer money just the same as you would do if you are asking for a government check for anything else. That is not burdensome. That is not too much.

It really bothers me to hear the way that some of this rhetoric is being tossed about as though we are picking on people. No. People want the government to give them the check. If they qualify under the government program, then they have it coming. But they would not say I am just going to walk in off the street and say I ought to get food stamps, and that is it, and nobody ever checks to see if you are eligible.

That is why we have this error rate, because we do not have anybody checking up on it. The IRS is trying to establish a system for the first time of doing some checking on this.

Some people are more concerned about shoveling money out of the Federal Treasury faster, rather than saying we ought to be good stewards and prudent watchdogs of the taxpayers' money. That is all the IRS has tried to put into place.

It really is rather silly to say that somehow we are even talking about or addressing this situation with an amendment that says add $75 million to this tax enforcement program and then take $75 million of it away. It is a wash. It does nothing.

The IRS is trying to do something. It is trying to be good stewards of our money. And it is not only going after the people in the EITC that are not eligible for it, it is going after the corporate scofflaws. It is going after the big businesses or small businesses or whatever they may be that are not being honest in how they file with the IRS and treat their taxes.

The provision of the bill that we are talking about on page 67 makes it clear that this overall figure is for necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; providing litigation support; conducting criminal investigation and enforcement activities; securing unfiled tax returns, collecting unpaid accounts; conducting a document matching program; resolving taxpayer problems through prompt identification, referral and settlement; compiling statistics of income and conducting compliance research; funding essential earned income tax credit compliance and error reduction initiatives and services as authorized by law. All of these, one big catch-all figure.

The gentleman has not singled out in his amendment the earned income tax initiative or compliance of it. He has taken all of the enforcement activities of the IRS, a $4.2 billion account, and said from that $4.2 billion, subtract $75 million and then add $75 million. Total net change, zero.

The amendment does not do what the gentleman has represented that it would do because it is not specific to EITC, but furthermore, the IRS needs to be going forward with this enforcement program. Those that say the government should send me a check above and beyond what may be a refund on my income taxes, they should have a little bit of burden of proof when the IRS says they ought to substantiate this; they ought to show something so that we can separate the honest people from the dishonest people that are costing taxpayers $10 billion a year.

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

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

The gentleman from Oklahoma has been quite unfair in his characterization, first in the nature of the amendment. We drafted this with the advice of the Parliamentarian as the only way to affect this important area in the bill without being subject to a point of order. I think the gentleman really thinks a more explicit amendment would have been subject to a point of order, which is exactly what the gentleman from Oklahoma would have preferred.

Second point, picking on poor people. If my colleague is going to do it, at least be fair about it. Remember, under this bill we would still allow $25 million to be spent to implement the IRS precertification. Remember, again, that even the IRS has admitted that their prior efforts have gone too far because they, IRS, on their own initiative has delayed and canceled their program because even they have realized they were insensitive to the needs of these families.

Another mischaracterization, the program was put into place, as I recall, years ago before my time by a Republican President, and I think it was Richard Nixon, because he and many Americans realized the detrimental effect of a high marginal rate of taxation. As a person works and moves out of poverty, they are subject to an extraordinarily high and punitive tax

rate. The EITC is designed to bring that back to a decent, bearable level for these hardworking families.

So it is basically a Republican program we are talking about here. No one wants it to be abused. But I would suggest to the gentleman that there are other, fairer ways to police this program, and guess what, this and prior Congresses have already thought up several of them because, guess what, the study that the gentleman cited about waste or abuse in the program is from a 1999 study, and this Congress has already implemented several reforms to improve administration of this program. No study has been conducted since 1999. So let us at least find out the true facts before we jump to conclusions, especially when at the same time we are jumping on the backs of the poor.

This is an important opportunity to balance IRS enforcement, to allow the IRS to go where the money really is. As I mentioned, the average recipient in my district, at least of this money, gets $1,500. There are many other places the IRS could go to really retrieve big dollars for the taxpayer. The IRS has listed them. We are allowing $75 million to go help the IRS in these efforts while we still preserve $25 million for this precertification program.

So if the gentleman were more careful with his facts and more sensitive to the needs of the working poor, he would not simply dismiss this as a public assistance program. This is an example, if my colleague wants to use it, of compassionate conservatism, but unfortunately in this Congress we are seeing very little compassion.

Let us have some compassion for the working poor, and this amendment is an opportunity to show it.

Mr. Chairman, I yield 5 minutes to the gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK. Mr. Chairman, I thank my colleague very much for bringing forth this very well-thought-out amendment in the time that we have, and I do know that he worked with the Parliamentarian to make it germane.

Let me back up just a moment here before I get started. In the early seventies when the earned income tax credit was started, it was a Republican initiative, and the reason they put it forth and it was adopted is because they said if we give people who earn income, low income, I might tell my colleagues, with children, $34,600 and less, with children, if they will remain working, we will give them an earned income tax credit so that they can keep working and not go onto the welfare rolls. That was the reason for the earned income tax credit as it passed this Congress in the early seventies by Republican initiatives, and I think it was good then and it is certainly good now.

As the gentleman from Tennessee (Mr. COOPER) states, this is a hit at those who can least afford it. Statistics show that this may recoup some $9 billion, and we need to go back for that. We need to go and look for the $9 billion for those people who have used the earned income tax credit and are not to get it, that they do not take that from the Treasury. We do need to go back on that, and I think we all feel that.

We also ought to go after the $132 billion that individual taxpayers cheat on their tax forms with. We also need to go for the $70 billion that offshore corporations steal from our Federal Government, and we also need to go for the $46 billion that corporations cheat our Federal Government for.

Our point is that in this budget, where I am proud to serve as a member of the Subcommittee on Transportation, Treasury and Independent Agencies with my esteemed chairman and ranking member, $100 million is allowed to go after 45,000 low-income people who work every day and earn less than $34,000 with children, one or more children. Why not go back where the money is?

We have got the biggest deficit our country has ever seen. We need to go back and recoup some of that money. I am standing here in the well of the House tonight to tell my colleagues that money, yes, go get it from those people from the earned income tax credit who are cheating our government; but, more importantly, go after the big corporations, those offshore corporations and other high income and other individuals who cheat our country. This is not the time to again put a black eye and to go after those families who are working every day trying to raise their children. The earned income tax credit is a great program, and we ought not go after it to decimate it.

So what our amendment says is of the $100 million that has been appropriated in this budget, leave $25 million there and go after them, try to find those low-income people who are using the system to cheat our government. We hope that we find them. But with the $75 million that is left of the $100 million, go after the offshore corporations who cheat our country, over $170 billion worth. Go after those corporations who cheat our citizens out of $46 billion. So we want to make it even. Go after those in the earned income tax credit who may be making those claims, and not justifiably, appropriately, for them.

This line in our budget, enforcement compliance in the EITC has increased 68 percent over last year's budget. Do we need to increase it that much or should we go after where the big money is? That is all the Congressman is doing, and I surely support the Congressman and commend him for bringing the amendment forward. I am happy to be a cosponsor with it.

The working poor deserve our support during these difficult times. Many of the working poor have sons and daughters who are fighting offshore. I have some of those in my district. I want to try to help them keep their families together, keep their children safe. And the EITC is just one small thing that this government gives them so that they continue to work, yes, many times with no health insurance, earning less than $35,000 a year, raising their families so that they do not go on welfare.

□ 1945

Of course we can do this, and we offer this amendment to say work with the low-income families. They are not asking for a handout. They just need a hand. And we are the Congress that can do that for them. So I support the gentleman from Tennessee (Mr. COOPER). I think he has done an outstanding job here. I am proud to be a cosponsor. Let us go after the big cheats. That is what that $75 million is there for.

All of us want to encourage policies that encourage tax compliance among tax filers, but we know 100 percent compliance is impossible to obtain. Part of the problem is that the IRS does not have the resources to perform the investigations and audits in just about all filing categories.

However, over the years Congress has concentrated its emphasis on tax compliance efforts at the working poor. None of us wants to encourage tax scofflaws, but focusing greater tax compliance solely on the working poor who qualify for the earned income tax credit demonstrates the mistaken tax priorities of this administration.

Former IRS Commissioner Charles Rossotti has offered the estimate that the IRS assesses almost $30 billion of taxes that is cannot collect because of tax fraud. That is a big problem, especially when our government is going to generate a budget deficit of $480 billion and possibly even more by the end of the fiscal year.

This bill provides more money for increase tax compliance efforts. But where does it focus its efforts at greater tax compliance: fraud and mistakes in the Earned Income Tax Credit Program. The administration is shocked by that the EITC has an error rate that is estimated between 27 and 32 percent. According to the IRS, the avoidance costs amount to $7.8 billion or 2.8 percent of the tax compliance problem. Now that's going after the big bucks.

If you looked at the tax compliance mandate contained in this, you would come away with the impression that the working poor are the number one tax scofflaw problem facing the nation. This bill increases provides $100 million in the EITC enforcement budget, over a 68.percent increase. Never mind the fact that 56 percent of the non-compliant taxpayers have incomes in excess of $100,000, and yet they are in the income category that is less likely to be audited.

Simply put, the tax compliance priorities contained in this bill is a misallocation of funds.

The Cooper, DeLauro, Kilpatrick amendment scales back the EITC precertification pilot program to $25 million and intends to restore greater balance in our tax compliance efforts by making more money available for investigating and auditing large and medium sized businesses. That's where the money is. That's where the greater incidence of tax cheating occurs.

The amendment allows the IRS to move forward with the precertification program, but it also encourages the IRS to go after the big tax dodgers like major tax shelters such as corporate trusts, offshore accounts, other abusive corporate tax shelters.

This amendment says lets go after tax cheats poor and rich, and represents a departure from the administration's policy of increasing the tax burden on the poor.

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

The error rate we are discussing regarding the EITC is not an old number. This was something that a special task force was formed within the IRS and the Treasury Department, and their most recent comprehensive survey was January of last year, January of 2002, where they established the EITC error rate is between 27 and 32 percent. If we compare that with other major social benefit programs, such as temporary assistance to needy families, food stamps, Social Security, disability, and Medicaid, they have the error rates below 10 percent, whereas the EITC error rate is 27 to 32 percent. Three times as many mistakes. Why? Because we do not have any checking up on people.

And we are not just checking up on this program. We have, in the IRS budget, an increase of $160 million going after upper-income taxpayers, people that may be scofflaws and trying to bend or twist or distort our tax laws. We are trying to go after this across the board, but we need to have verification and documentation for people that expect the taxpayers to be doing this for them.

Under the EITC, a person can receive a check from the Federal Treasury for as much as $4,204. That is above and beyond whatever they might or might not have paid in income taxes. On average, for these 19 million people, on average they receive $1,705 above and beyond what they paid in income taxes. Is it asking too much for someone that expects the taxpayers to write them a check for an average of $1,700 to do a little bit of documentation in 20 percent of the cases to show that they actually qualify? That is not asking much.

In fact, it is not picking on the poor either, because more than a third, about 35 percent, more than a third of the EITC recipients exceed the poverty guidelines in their income. This is a program that goes beyond just helping the poor because it has become so easy for people to falsely or fraudulently, and, yes, sometimes mistakenly get this money from the Federal Treasury. We should not close the door on efforts to try to stop a wrongful outflow of $10 billion a year out of the Federal Treasury. We should oppose the amendment.

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

Mr. COOPER. Mr. Chairman, I yield myself such time as I may consume to note once again that my friend, the gentleman from Oklahoma, is being unfair. We are not trying to stop enforcement of EITC. We are trying to do it in a fair and balanced way so that the IRS can go after where the big money is as well as where the small money is.

And the gentleman is unfair as well because it is not just a little bit of paperwork. They have to find folks who will certify that their own children have been living with them for 6 months, and they disqualify relatives and neighbors and building managers. So who else can they turn to, people who do not know them? And under penalty of perjury, they want an absentee landlord to sign a piece of paper saying someone's kids have been living with them? Why not a simpler approach? Why not say, in the situation of a divorce or legal separation, why not go to the court and find out who has custody of the children and get a certificate there and make that work? That would be a simple, fair way to do it. But, no, the IRS has not chosen that path.

There are other simpler ways of solving this problem, and that is all that we ask. Even the IRS acknowledges that. That is why they have, on their own initiative, delayed and downsized their proposed program.

Mr. Chairman, I yield 5 minutes to the gentlewoman from Connecticut (Ms. DELAURO), my good friend and colleague and cosponsor of this key amendment.

Ms. DELAURO. Mr. Chairman, I cannot tell you how proud I am to stand tonight with the gentleman from Tennessee (Mr. COOPER) and the gentlewoman from Michigan (Ms. KILPATRICK) to offer this amendment, which in essence just says let us redirect. It does not close any doors. Let us redirect some of the funds intended for the IRS's EITC precertification program to increase tax compliance for mid- and large corporations. In fact, what this new IRS rule is all about is creating a two-tiered tax enforcement system, one for high-income Americans and one for low-wage workers that is far more burdensome.

My colleague from Tennessee pointed out child care records, school records, medical records, leases, religious records, a letter on letterhead from a member of the clergy, child care providers, employers, health care providers, landlords, utility managers, third-party affidavits. That is what they are asking of low-wage workers. No other group of taxpayers has got to go through those kinds of gyrations.

But it is what we could anticipate. This is the same crowd that says no to a child tax credit for people who make $10,500 a year to $26,000 a year. They are workers, hard workers; they just happen to make low wages, so let us go after them. That is what this new rule is about. We know their problems with the EITC.

No one here is defending overclaims, but let us not forget a 2001 GAO report found that about 4.3 million eligible households did not claim the EITC in 1999. Overall, we know that every year we lose about $30 billion through underpayment of taxes. Only a very small proportion of this comes from the EITC. The vast majority is high-income earners and corporations. And it is worth repeating what my colleagues have said tonight. The estimate of taxes that the IRS says are avoided, evaded or not paid by individuals, $132 billion, offshore accounts $70 billion.

Let us remember offshore accounts. Only a few minutes ago on this floor the gentleman from Virginia got up and said we should not take up the issue of expatriates. These are companies that go offshore to avoid paying taxes then come back to the Federal Government to get contracts to further their own business interests. They do not want to discuss that. Seventy billion dollars is lost on taxes by those corporations who go offshore just specifically for the purpose of not paying taxes to the U.S. Government. Where is the task force, where is the task force that is going after that $70 billion? They do not want to go down that route.

Partnership investors. Thirty billion dollars is lost. The fact of the matter is that the number that my colleague uses of $10 billion is a 1999 number as well. There have been subsequent changes to the tax law that would reduce that. We are talking about $6.5 billion, yes, that undeserved EITC tax credits paid, nowhere near what individuals or offshore accounts do. The government loses $6.5 billion in direct tax revenue annually from mid- and large corporations not audited due to the fact that the IRS does not have enforcement dollars to go after them.

According to an end-of-term report by former IRS Commissioner Rossotti, the IRS lacks the resources to address 28 percent of the mid- and large corporation workload that should be accomplished each year. This amendment would begin to address that problem. It redirects $75 million of funding from the EITC precertification initiative towards the investigation of high-yielding tax compliance activities. It does not stop the EITC initiative from moving forward. It will provide $25 million for that program in addition to the $150 million that is already there to take a look at this issue.

It simply ensures, quite frankly, that we will focus our interests on the area that gives us more bang for the buck. None of us wants to see fraud go unpunished; but let us be fair, my friends. Let us not require the lowest-income Americans to meet precertification standards that no one else is required to meet while at the same time failing to crack down at all on fraud in businesses and higher-income taxpayers.

Support the Cooper-DeLauro-Kilpatrick amendment.

Mr. COOPER. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. CLYBURN).

Mr. CLYBURN. Mr. Chairman, I thank the gentleman for yielding me

this time and for bringing this amendment forward.

I want to say something about this issue that has to do with the broader impact that it has on the people of my State of South Carolina. If you were to look at the fact that according to GAO about 3 percent of the estimated total taxes that go uncollected for noncompliance compares with the fact that the underreporting of business income for taxes in fraud are over $40 billion a year, which is around $10 billion a year more than the EITC program is all together. I think the program is around $31 billion. Now, if we were to look at this and take into account what kind of fraud is taking place, one of the things we are going to see is what was just talked about, and that is about $70 billion a year going to offshore companies.

I have a real problem with that because in my State one of the industries that the people who are eligible for the earned income tax credits, one of the categories of work that they have relied on for years, working in the textile and apparel industry, has gone offshore to the tune of 50 percent in South Carolina. Ten years ago we had 126,000 textile jobs in our State. Today, 63,000 textile jobs are going offshore. So not only do we see the money going offshore, we also see the jobs that these people have to rely upon going offshore.

So I think this is a very good amendment because it will work to help us focus protection.

Mr. COOPER. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. OLVER), the ranking member of the subcommittee.

Mr. OLVER. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of his amendment.

The IRS has started, has already started an earned income tax credit pilot program that will require 45,000 EITC recipients in the 2003 taxable year to precertify their eligibility before they can claim the tax credit. Without examining the results of that pilot and whatever impacts that precertification program would have on the participation in the program, and in fact the IRS has now slowed down their pilot project because of controversies it has raised, the IRS has included $100 million, and this budget includes that in their budget, so they can precertify not 45,000, but 2 million, households, and later increase that, ramp it up to 4 or 5 million households thereafter.

Under the IRS proposal, 25 to 30 percent of all low-income working families that receive the EITC would be subject to the precertification. Well, that sounds like being guilty until you can prove yourself innocent to me. Clearly, this money would be better spent investigating high-yielding audits of midsize and large corporations.

Let me remind my colleagues that the EITC is a tax credit program for the working poor, a program which former President Ronald Reagan called our most effective program to fight poverty. It is not a welfare program. No other group of tax filers is required to precertify 6 months before filing their taxes for tax credits and deductions.

□ 2000

We do not require precertification for families and individuals that claim the child tax credit, home mortgage deductions, student loan deductions, lifetime learning credits, or any other tax program. Why target the working poor? Well, there is no question we should reduce illegitimate payments in the EITC. The highest estimates peg EITC overpayments at between $8 and $10 billion. Those estimates do not even take into account the tax changes in 2001 which are expected to reduce the overpayments by at least $2 billion.

Finally, the alleged overpayments are a pittance compared to $132 billion in lost tax revenue for individuals, the $70 billion in lost tax revenue for offshore accounts, and the $46 billion in lost tax revenues for corporations. Again I ask, why target the working poor? Let us put our enforcement resources where we get the highest return. I urge an aye vote for the Cooper amendment.

Mr. COOPER. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland (Mr. HOYER).

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

Mr. Chairman, I remain concerned that the proposed funding for the EITC compliance activities will create an undue burden on our most vulnerable citizens. The bill includes $100 billion to make it more difficult for hardworking families with low incomes to apply for the credit. That does not sound to me like the opportunity of society which the majority party talks so long and often about.

If we must spend that much on EITC compliance, and all of us want to ensure that there is not fraud in the system, we agree on that. However, it would be better spent on hiring more customer service and assistant personnel to make sure that those who President Reagan thought ought to be helped were helped in a positive way by giving them a tax credit as opposed to a handout.

Statistics illustrate that the focus on low-income filers rather than higher-income filers may be unwarranted. Audit rates are not consistent for different income levels. On 4–27 the New York Times said 1 of every 175 individual tax returns was audited in 2002; 1 of every 64 EITC claimants was audited; but 1 of every 120 taxpayers with annual incomes over $100,000 was audited. In other words, we are doing one sixty-fourth in terms of poorer people, and we are doing half of that for wealthier people.

One in about every 400 partnerships were audited. Under the EITC precertification proposal, which is essentially a preaudit, between 1 out of every 4 to 8 EITC claimants would be audited.

That is a big expenditure for very small returns. Approximately 70 percent of all EITC claimants receive tax return assistance from commercial tax preparers. Among taxpayers with incomes above $100,000, the chance of being audited fell 26 percent last year to an all-time low, yet this group is most likely to have income that is easiest to hide.

The overwhelming majority of Americans, whether rich or poor, cooperate and are honest in filing their taxes; but clearly the people with the most income have the most incentive not to disclose income because they have the much greater savings, and in fact they have ways and means to hide it better.

Since 1996, the number of revenue agents has dropped by 14,949 to 11,752 in 2002. The number of collection revenue officers has dropped from 5,537 in 1996 to approximately 3,500 today.

What is the point of all this? The point is if we are going to put resources in, as the chairman has suggested, and I might say the chairman has had a focus on EITC since becoming the chairman, but it is ironic in my opinion that a party that talked about opportunity for hardworking Americans is being so hard on those hard- working Americans.

If there is fraud, we need to ferret it out; but we need to ferret it out whether you are making $10,000 or $100,000 or $1 million. And we ought to do it fairly, across the board, and not target the least among us.

Mr. COOPER. Mr. Chairman, I yield myself the balance of my time to close.

Mr. Chairman, if it is just a little bit of paperwork, if it is not much hassle, if it is easy to comply with precertification, then I would suggest that the gentleman from Oklahoma in the next Congress apply the same rulings and regulations to all of the other taxpayers in this country.

I think the gentleman will find that these paperwork requirements are indeed burdensome, unfair, and are indeed insensitive to the working poor, the folks we should be trying to help in this Congress, as they lift themselves out of poverty, using a Republican-borne program which has helped millions of Americans and their families escape the poverty trap, and it does so by allowing them to avoid the punitive marginal tax rates that the working poor face.

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume in closing.

Mr. Chairman, if someone wants taxpayer money to assist them with temporary assistance to needy families, they would fill out the paperwork and show they are eligible before they received it; 100 percent would go through that process.

If someone wants Social Security disability, for taxpayers to write a check

for your disability, you would go through a precertification process 100 percent.

If someone wanted Medicaid, if they wanted food stamps, they would, 100 percent of the citizens that want that assistance, would go through a process in advance.

Here we have a program that on average writes a check of $1,700 beyond whatever they paid on their income taxes, writes a check on average for $1,700, and it goes out to 19 million Americans. And we are talking about saying maybe we ought to have at least a few thousand of them, of the people that are in the most questionable circumstances, go through a process of certification before they receive this taxpayers' money. And the $1,700 is an average. It goes up to $4,200.

Only a fraction of the people under this program will be put through a certification, but maybe if we had more people going through the process, we would not have this error rate of a fourth to a third of the applicants, $10 billion a year, getting money to which they are not entitled. That is 3 times the error rate of these programs where they put 100 percent of the applicants through a certification process.

We do not pick on people when we say they ought to show they are eligible before they ask for a check to be written out of the Treasury. We are not picking on anybody, and we are putting a lot more resources into going after the upper-income taxpayers. There is $4 billion for tax compliance efforts in this bill, and the other side of the aisle is complaining because we are spending a couple of hundred million on trying to keep $10 billion from walking out the door.

We are not talking about people who are failing to send income to the Treasury, we are talking about people who are getting a check from the United States Government. It is common sense. It is just common sense to say that we ought to be doing a better job of making sure that people are eligible. It is not imposing on people that have to go through a lot more onerous requirements for other social assistance programs than this is asking a small fraction of those 19 million of those people to go through. This is common sense.

And the amendment is saying well, we are going to reduce $75 million in this account and then add $75 million back in, and then claim they are accomplishing something. Talk about cosmetics, we do not need a cosmetic approach to this problem. We need a realistic approach to the problem. That is what the IRS is trying to do and that is why we are trying to help them do it.

Mr. Chairman, hardworking people do not want people who are not qualified taking some of their hard-earned money, $10 billion a year, out of the U.S. Treasury. I ask that this amendment be defeated.

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

The CHAIRMAN pro tempore (Mr. SESSIONS). The question is on the amendment offered by the gentleman from Tennessee (Mr. COOPER).

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

Mr. COOPER. Mr. Chairman, I demand a recorded vote.

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

Mr. OLVER. Mr. Chairman, I move to strike the last word.

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

Mr. OLVER. I yield to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I thank my colleague for giving me the opportunity to talk for a moment about the issue of corporate expatriates.

I would like to express a serious opposition to the point of order that was offered by the gentleman from Virginia earlier tonight which removed the corporate expatriates contracting ban from this bill. I would like to point out the hypocrisy of what my friends on the other side of the aisle are doing here this evening.

This is like deja vu for me. The same thing happened in June when we debated the homeland security appropriations bill. The Committee on Appropriations accepted my amendment by voice vote, only to turn around and use a legislative technicality to justify stripping it from the bill.

In fact, the gentleman from Florida (Chairman YOUNG), for whom I have the utmost respect, promised during the committee consideration that he would support protecting this amendment when it went to the Committee on Rules.

This amendment, let me just be honest, is a simple one; very, very simple. Quite frankly, some of what we are talking about here tonight would simply prohibit the Treasury Department from contracting with corporate expatriates. These are companies that operate here in the United States but they set up a shell corporation overseas for the express purpose of avoiding paying their taxes. They do not want to pay their taxes; and once again, we have not set up any kind of special task force within the IRS or anywhere else to investigate these folks. No one is doing that. It is the height of irony.

Even the IRS, the agency that we have been talking about here tonight, which is looking at low-income wage earners and enforcement of low-income wage earners and what they ought to be doing to pay their taxes and not take any taxpayer dollars without precertifying, the IRS, the agency charged with collecting taxes, has willingly contracted with a company that has moved overseas in an effort to avoid paying their taxes.

□ 2015

I think we have an obligation to address this issue. American companies, particularly those contracting with our government, ought to pay American taxes just like every citizen in this country. By this action, the Republican majority is once again demonstrating that they do not hold these same values.

Recent data show that corporate expatriates have actually increased the amount of Federal contracts they receive. Despite abandoning our country and costing our government $5 billion in lost tax revenue, corporate expatriates reaped $1.4 billion in Federal contracts last year alone. They do not pay their taxes; they go overseas and they get the largesse of the Federal Government to the tune of $1.4 billion, funds sorely needed particularly in the current fiscal climate. One example: While the committee has provided $900 million in funding for Amtrak, that funding level is far below the $1.8 billion requested by Amtrak and which is sorely needed to address a backlog of capital repairs. It is long past time that we stopped hiding behind procedural sleight-of-hand to disguise the fact that some in this body want to condone this practice.

I will not call for a vote at this time, but I want to make clear that this issue is not going to go away. It is time that we draw a line in the sand and tell these corporate expatriates that they will no longer be rewarded with government contracts for taking and putting their business overseas, expressly for the purpose of not paying taxes in the United States. Let us be honest about what we do in this body and who ought to be paying their taxes if they expect to reap the benefits of Federal contracts. Let us not go after low-wage workers and have this two-tiered enforcement practice and allow these folks to get away without paying their taxes and come back and get billions in taxpayers' dollars that we so earnestly do not want to allow to low-income wage workers but are willing to squander billions to those who care not to pay their taxes to the United States Government while they make their profits here.

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

Mr. OLVER. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I thank the gentleman for yielding. The gentlewoman from Connecticut is exactly correct. The chairman did state that he would ask the rule to protect the amendment. The chairman did just that in a written request to the Committee on Rules to protect all of the amendments adopted during the full committee markup.

So the gentlewoman is correct. The Committee on Rules chose not to agree with my request.

Ms. DELAURO. I thank the chairman for his efforts.

The CHAIRMAN pro tempore (Mr. SESSIONS). The time of the gentleman

from Massachusetts (Mr. OLVER) has expired.

(By unanimous consent, Mr. OLVER was allowed to proceed for 30 additional seconds.)

Mr. OLVER. Mr. Chairman, I would just like to reiterate what had been said earlier today by my colleague from Massachusetts on this same point of the expatriate taxation, that what was won within the Committee on Appropriations and what the chairman of the Committee on Appropriations attempted to protect was in fact lost by the actions of the Committee on Rules at a later point. I think that is unfortunate.

AMENDMENT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. KAPTUR:

Page 106, insert after line 4 the following:

SEC. 511. Section 257(a) of the Help America Vote Act of 2002 (42 U.S.C. 15407(a)) is amended by striking ''the following amounts'' and all that follows and inserting ''an aggregate amount of $3,000,000,000 for fiscal years 2003 through 2005''.

Mr. ISTOOK. Mr. Chairman, I reserve a point of order.

The CHAIRMAN pro tempore. The point of order is reserved.

Pursuant to the order of the House of today, the gentlewoman from Ohio (Ms. KAPTUR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Ohio (Ms. KAPTUR).

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

I begin by saying nothing is more sacred than our citizens' right to vote. The amendment that I seek to offer this evening would preserve the $3.65 billion in Federal funds that this Congress authorized over the next 3 years under the Help America Vote Act for upgrading election systems across our country. We originally passed this over 2 years ago, and I make this effort to preserve these funds because the Bush administration has not provided the necessary funds as authorized, and it is also 320 days late in appointing the election commission that was supposed to establish the Federal standards and guidelines to prevent fraud and abuse in these new electronic election technologies.

The national election debacle that we witnessed as a country in the year of 2000 simply cannot ever happen again. That is why we passed the Help America Vote Act. Already, $650 million has gone out to the States, but only for the hardware. $3 billion that should be out there in the hands of the States is not there in order to buy the proper equipment, provide the training, register the voters, and really provide a revolution in new technology at the polls.

Importantly, the election commission authorized by the Help America Vote Act has not been appointed. Indeed, the President is 320 days late in sending the nominees to the Senate, to the other body, for approval. That means there are no Federal standards and guidelines to prevent fraud and abuse. And so the States are floundering around out there being besieged by various companies trying to offer machines that they say are the greatest in the world when in fact they really are not.

What this amendment seeks to do is to preserve the funds that we said were necessary and to preserve them over the 3-year period. Unless this amendment is adopted, the funding will expire, which means the States will even be in a worse position than they are today. The President should have had his nominees to the Federal Election Commission appointed February 26 of this year. That has not been done. That means there are no Federal standards or guidelines for election technologies.

In my own State of Ohio, for example, we assembled a computer security team and sent them down to our State House to review the various election technologies. There was not one set of technologies that came back as either excellent or very good in the two most important categories of judgment, first, security of the system, the ability to prevent fraud and abuse in the software; and, secondly, ease of use by the voter. No system qualified. We have to get the money down there to these States and localities. There have to be Federal standards. Right now, less than half of the money that we should have appropriated has been provided in the 2004 bill; and in this year of 2003, the money has not arrived. Less than half the money is there. What are we doing? We are setting ourselves up for another failure. So at least my amendment attempts to preserve the funds that were originally authorized.

Mr. Chairman, I yield to the gentleman from Maryland (Mr. HOYER) who understands this issue so well.

Mr. HOYER. I thank the gentlewoman for yielding, and I thank her for her amendment. I believe the amendment is not at all harmful to the objective of putting in place an election system that works for every American and is accurate and accessible and trustworthy. Her suggestion that the money not lapse, that it moves forward, I think is an excellent suggestion. I strongly support her amendment and thank her for her work in this effort.

Ms. KAPTUR. I thank the gentleman for his leadership in this in trying to provide an election system across this country that has integrity, dependability and sufficient funds to assure those qualities. What we are being given are half measures, empty promises and what is becoming more and more confusing at the local county level. No State standards, no Federal standards, and not enough money. America really deserves better. If we can afford to spend $4 billion a month in Iraq to secure democracy, can we not afford to spend $3 billion over 3 years in our own country to help secure our democratic voting systems here in this Republic? I think it is really an important question for the Congress. In hopes of resolving this issue amicably, I will withdraw my amendment at this point in hopes that we might be able to deal with it in the upcoming supplemental.

Mr. Chairman, I include the following material for the RECORD:

[From the Cleveland Plain Dealer, Aug. 28, 2003]

VOTING MACHINE CONTROVERSY

(By Julie Carr Smyth)

COLUMBUS.—The head of a company vying to sell voting machines in Ohio told Republicans in a recent fund-raising letter that he is ''committed to helping Ohio deliver its electoral votes to the president next year.''

The Aug. 14 letter from Walden O'Dell, chief executive of Diebold Inc.—who has become active in the re-election effort of President Bush—prompted Democrats this week to question the propriety of allowing O'Dell's company to calculate votes in the 2004 presidential election.

O'Dell attended a strategy pow-wow with wealthy Bush benefactors—known as Rangers and Pioneers—at the president's Crawford, Texas, ranch earlier this month. The next week, he penned invitations to a $1,000-a-plate fund-raiser to benefit the Ohio Republican Party's federal campaign fund—partially benefiting Bush—at his mansion in the Columbus suburb of Upper Arlington.

The letter went out the day before Ohio Secretary of State Ken Blackwell, also a Republic, was set to qualify Diebold as one of three firms eligible to sell upgraded electronic voting machines to Ohio counties in time for the 2004 election.

Blackwell's announcement is still in limbo because of a court challenge over the fairness of the selection process by a disqualified bidder, Sequoia Voting Systems.

In his invitation letter, O'Dell asked guests to consider donating or raising up to $10,000 each for the federal account that the state GOP will use to help Bush and other federal candidates—money that legislative Democratic leaders charged could come back to benefit Blackwell.

They urged Blackwell to remove Diebold from the field of voting-machine companies eligible to sell to Ohio counties.

This is the second such request in as many months. State Sen. Jeff Jacobson, a Dayton-area Republic an, asked Blackwell in July to disqualify Diebold after security concerns arose over its equipment.

''Ordinary Ohioans may infer that Blackwell's office is looking past Diebold's security issues because it CEO is seeking $10,000 donations for Blackwell's party—donations that could be made with statewide elected officials right here in the same room,'' said Senate Democratic Leader Greg DiDonato.

Diebold spokeswoman Michelle Griggy said O'Dell—who was unavailable to comment personally—has held fund-raisers in his home for many causes, including the Columbus Zoo, Opera Columbus, Catholic Social Services and Ohio State University.

Ohio GOP spokesman Jason Mauk said the party approached O'Dell about hosting the event at his home, the historic Cotswold Manor, and not the other way around. Mauk said that under federal campaign finance rules, the party cannot use any money from its federal account for state-level candidates.

''To think that Diebold is somehow tainted because they have a couple folks on their board who support the president is just unfair,'' Mauk said.

Griggly said in an e-mail statement that Diebold could not comment on the political contributions of individual company employees.

Blackwell said Diebold is not the only company with political connections—nothing that lobbyists for voting-machine makers read like a who's who of Columbus' powerful and politically connected.

''Let me put it to you this way: If there was one person uniquely involved in the political process, that might be troubling,'' he said. ''But there's no one that hasn't used every legitimate avenue and bit of leverage that they could legally use to get their product looked at. Believe me, if there is a political lever to be pulled, all of them have pulled it.''

Blackwell said he stands by the process used for selecting voting machine vendors as fair, thorough and impartial.

As of yesterday, however, that determination lay with Ohio Court of Claims Judge Fred Shoemaker.

He heard closing arguments yesterday over whether Sequoia was unfairly eliminated by Blackwell midway through the final phase of negotiations.

Shoemaker extended a temporary restraining order in the case for 14 days, but said he hopes to issue his opinion sooner than that.

[From the Toledo Blade, Sept. 3, 2003]

THE DIEBOLD DILEMMA

Did the head of an Ohio company hoping to land a big job with the state to supply upgraded electronic voting machines for the 2004 elections simply commit a faux pax? Or did the high-level fund-raising activity Diebold's CEO has undertaken for the Bush re-election campaign give his company a calculated edge in securing a lucrative state contract?

Either way the actions of chief executive Walden O'Dell and the response of Ohio's Republican Secretary of State Ken Blackwell raise inevitable and troubling questions about the influence of money and politics on government decisions—especially ones as sensitive as the operation of election systems.

Mr. O'Dell is not just a contributor to GOP campaigns; he's at the top of the fund-raising food chain. Recently, according to published reports, he attended a strategy session at the president's Crawford, Texas, ranch with other top Bush benefactors known as ''Rangers'' or ''Pioneers,'' depending on the impressive amount of campaign money raised for the Bush war chest.

No doubt inspired by his inclusion in the elite circle of wealthy Bush backers, Diebold's CEO sent an impassioned fund-raising letter to Ohio Republicans declaring that he is ''committed to helping Ohio deliver its electoral votes to the President next year.'' The bad judgment from the head of a firm trying to sell voting machines to the state is obvious.

Moreover, in his note to party members pledging to deliver Ohio to the President, Mr. O'Dell invited partisans to a $1,000-a-plate fund-raiser at his Columbus area mansion and nudged them to also consider donating or raising an additional $10,000 each for the state of GOP's use on federal campaigns.

Interestingly the missive was mailed the day before Secretary of State Blackwell was due to name Diebold as one of three firms eligible to sell voting machines to Ohio counties. The Blackwell announcement was delayed by a court challenge over the fairness of the state's bidding process by one of the disqualified contenders.

Mr. Blackwell, who insists that state voting machine vendors were selected fairly and impartially, downplayed the political connections of Diebold's chief executive as par for the course in legitimate Columbus lobbying for influence and attention.

That may be so, but the appearance of conflict is clear when a company that is spending money to influence the outcome of an election also wants to help count the votes.

Democratic lawmakers in Ohio say that's disturbing enough to warrant disqualifying Diebold from selling voting machines in this state. Two months ago Republican state Sen. Jeff Jacobson from Dayton asked Mr. Blackwell to do the same thing when security concerns were raised about some of Diebold's equipment.

Now critics are wondering if Mr. Blackwell's office overlooked problems with Diebold because its CEO had prominent GOP connections. It is premature to urge Diebold's disqualification from the field of eligible vendors, but the issue warrants the state's careful attention.

[From the Cleveland Plain Dealer, Sept. 1, 2003]

TAKING SIDES AT DIEBOLD

In a perfect world, companies that make voting equipment would be apolitical. But it's not a perfect world.

Still, you would think that the CEO of a company that wants to make a lot of money selling voting machines to Ohio would see the value of at least pretending impartiality. Instead, Diebold Chief Executive Walden O'Dell committed himself in a recent fund-raising letter to work to ''deliver [Ohio's] electoral votes'' to President George W. Bush.

The letter accompanied invitations to a $1,000-a-plate fund-raiser at O'Dell's Upper Arlington mansion—an invitation issued days after he attended a strategy session with major contributors at Bush's ranch in Crawford, Texas.

O'Dell's firm public commitment to work for a particular candidate—while Diebold is engaged in a vigorous competition to provide voting machines to Ohio—gives Democrats powerful ammunition to use against his company.

Ohio, like many other states, decided it was time to retire its punch-card machines after the Florida voting debacle during the 2000 presidential election. And allegations have been rampant recently that Ohio Secretary of State Ken Blackwell would like to see the contract go to Canton-based Diebold.

That's going to be harder sell now.

Makers of voting equipment routinely give to political parties and candidates even as they are seeking lucrative public contracts. That's bad enough. But O'Dell is setting himself up as an integral part of Bush's re-election apparatus. That's too close for comfort.

If Diebold just made ATM's and industrial safes, his actions would not be an issue. But Diebold wants Ohioans to trust it to be fair and accurate in recording and tabulating their choices at the polls. That requires impartiality. And in the wake of O'Dell's letter, impartiality is not a trait anyone can associate with Diebold at the moment.

The CHAIRMAN pro tempore. Without objection, the gentlewoman's amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. FARR

Mr. FARR. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FARR:

Page 157, after line 2, insert the following:

SEC. 742. It is the sense of the Congress that none of the funds made available in this Act should be used to disestablish any pay locality (as defined by section 5302 of title 5, United States Code).

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from California (Mr. FARR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I yield myself such time as I may consume. I would like to thank Chairman ISTOOK and Ranking Member OLVER for accepting my sense of Congress amendment. Let me just quickly explain what it does. Every 10 years after the national census is taken, the Office of Management and Budget redefines and redesignates metropolitan statistical areas, known as MSAs. Then the Office of Personnel Management uses those MSA definitions to overlay their own geographic boundaries for so-called locality pay areas.

This year the Office of Management and Budget came out with new definitions in June, but they radically changed their methodology to a point where the Office of Personnel Management said that the Office of Management and Budget definitions no longer were usable for purposes of determining locality pay boundaries. The Office of Personnel Management has begun the process of determining how to draw locality pay boundaries. The agency is more or less under the gun to do so by this October 7 so as to have this decided by the 2005 budget cycle. But the Office of Personnel Management held its first hearing on the issue only yesterday, September 3. The issue is too complex and too sensitive to figure out in a month. Thousands of Federal employee paychecks and consequently Federal agency missions hang in the balance.

My amendment essentially states that Congress believes current locality pay areas should be held harmless over the next year. We ask that OPM not eliminate any current locality pay area, but we do not object to OPM adding any new areas. In the interim, the Office of Personnel Management has time to do the research right and to draw up a fair and defensible plan for locality pay boundary designations.

I commend the chairman of the subcommittee for his leadership on this issue and thank him for accepting the amendment.

Mr. ISTOOK. Mr. Chairman, as the gentleman has represented, I am agreeable to accepting the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California (Mr. FARR).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those

amendments on which further proceedings were postponed in the following order: an amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) and an amendment offered by the gentleman from Tennessee (Mr. COOPER).

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

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 188, noes 222, not voting 24, as follows:

[Roll No. 474]

AYES—188

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

NOES—222

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

NOT VOTING—24

Abercrombie
Ackerman
Clay
DeGette
Gephardt
Janklow
John
Keller
Kucinich
McCrery
Meehan
Mollohan
Myrick
Payne
Pickering
Rangel
Regula
Rodriguez
Roybal-Allard
Ryan (WI)
Thomas
Waxman
Woolsey
Young (AK)

□ 2048

Messrs. GUTKNECHT, NEY, GILCHREST and EHLERS changed their vote from ''aye'' to ''no.''

Messrs. SPRATT, MURTHA, KANJORSKI, LUCAS of Kentucky and SKELTON changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

Pursuant to clause 6 of rule XVI, any record vote on this next question will be a 5-minute vote.

AMENDMENT OFFERED BY MR. COOPER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Tennessee (Mr. COOPER) 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 CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 192, noes 219, not voting 23, as follows:

[Roll No. 475]

AYES—192

Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)

Pomeroy
Price (NC)
Rahall
Reyes
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Weiner
Wexler
Wu
Wynn

NOES—219

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

NOT VOTING—23

Abercrombie
Ackerman
Clay
Davis, Tom
DeGette
Gephardt
Janklow
John
Keller
Kucinich
Meehan
Mollohan
Myrick
Payne
Pickering
Rangel
Regula
Rodriguez
Roybal-Allard
Sherman
Waxman
Woolsey
Young (AK)

□ 2057

Mr. LIPINSKI changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. ISTOOK. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. DREIER, 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. 2989) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes, had come to no resolution thereon.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2877

Mr. CRANE. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2877.

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

There was no objection.

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

Mr. RUPPERSBERGER. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1308, the child tax credit bill. The form of the motion is as follows:

Mr. Speaker, I move 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:

Number 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.

□ 2100

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 tax credit based on earnings of the individual serving in the combat zone.

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

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

APPOINTMENT OF CONFEREES ON H.R. 6, ENERGY POLICY ACT OF 2003

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6) to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes, with a Senate amendment thereto, disagree to the amendment, and agree to a conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. DINGELL.

Mr. DINGELL. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. Dingell moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 6 be instructed to resolve by September 12, 2003, the differences between the House and Senate regarding the electric reliability provisions contained in the House bill (section 16031 of the House bill) and the corresponding provisions contained in the Senate amendment (section 206 of the Senate amendment).

The SPEAKER pro tempore. Pursuant to clause 7(b) of rule XXII, the gentleman from Michigan (Mr. DINGELL) and the gentleman from Louisiana (Mr. TAUZIN) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I yield myself 5½ minutes.

Mr. Speaker, the motion is quite simple, and I would hope that my colleagues on both sides of the aisle will support it. It simply states that the conferees should be instructed to resolve their difference on the electric reliability provisions of the legislation in the next week.

This is not a difficult task. In fact, it is very simple. The language in both

the Senate and the House bills are very similar, and we have reached tentative agreement on the outlines of the provision in the last Congress. If we can reach agreement quickly on this matter at this time as I expect, we can bring a bill to the floor in a matter of days that contains these provisions and have those provisions on the desk of the President for signature immediately. Then the conferees can turn to the more contentious matters in the legislation.

The people of my district, as well as 50 million other Americans, were affected by the August blackout, and they are looking to us for action to see that this does not occur again. They do not want common sense answers to be delayed or held hostage as we debate unrelated controversial provisions that have had the practical effect of killing this legislation for the last 8 or 9 years.

As I have said on other occasions, what we need to do today, and in this conference, is to kill the snake closest to us, and that is the question of the failure of our electric reliability system. I do not contend that the reliability provision alone would have prevented the August blackout. We are still looking into the cause of the blackout, and just as it would be wrong to suggest that the more controversial provisions in this bill would have prevented the blackout, I can make no such claims about these provisions. But the reliability provisions of this bill will certainly do much good. And in the hearings of the last two days before the conference committee, they have proven to be the kind of provisions that would do much to prevent the kind of situation we saw last August 14. They are not in contention, nor are they contentious.

Both President Clinton and President Bush have endorsed the proposals. And Democrats like my colleague, the gentleman from Maryland (Mr. WYNN) and Republicans have introduced these proposals. Unfortunately, each year they have been caught up in larger electricity matters such as deregulation and the repeal of the Public Utilities Holding Company Act, matters of intense controversy. We can get to these more controversial provisions later. But they are the same provisions as I have noted that prevented us from passing a comprehensive energy bill for 8 long years.

Let me explain briefly why these reliability provisions are important. Following the blackouts of 1965, the electric industry established the North American Electric Reliability Council, NERC, to establish reliability standards for the operation of the electricity grid. These are voluntary standards and, unfortunately, they are not always followed as we have found out in the hearings yesterday and today.

According to NERC, last year there were over 500 violations of the rules that could have been subject to some $9 million in fines had they been authorized. The practical effect of the reliability provisions would be to codify the NERC as the electric reliability organization charged with setting reliability standards and enforcing them through appropriate penalties and other actions. Since we are all in basic agreement over the reliability provisions, all we need to do is to finalize the agreement and to bring them to the floor under suspension and then continue the conference on more controversial matters.

As a conferee, I am prepared to do my part to work on all of these matters. I note that our chairman of last year did an excellent job in developing the conference agreements in many areas, and I expect similar progress this year.

There is no need to take the reliability of our electric grid hostage to other controversial provisions. Many of the controversies are not of a partisan nature. For example, recently Republican Senators and the administration announced an agreement on language to stall regulations establishing standard market design for utilities.

While many of our colleagues in the House disagree, we will find that some of the provisions could make problems worse. Last year, when we failed to reach agreement on the entire bill, we decided to pass the pipeline safety provisions separately from the rest of the legislation, a good and a sensible approach to a difficult problem. That bipartisan, bicameral agreement was supported by both the industry and public interest groups.

The reliability provisions also have broad appeal amongst the utility industry regulators and consumer advocates.

I urge my colleagues to vote for this motion, and let the American people know that we will, we have, and we do take important steps to prevent blackouts while debating other issues. I urge my colleagues to support the motion.

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

Mr. TAUZIN. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in the strongest opposition possible to this motion to instruct. It is rather cleverly worded. It is cleverly worded because as we would expect from someone as talented as my friend, the gentleman from Michigan (Mr. DINGELL), in parliamentary terms it says separate this issue from the rest of the energy bill and pass this issue, leaving to limbo, perhaps, the rest of the comprehensive energy bill.

It does precisely what we should never do and that is to ignore the fact that the blackout is just part of an awful energy situation that exists in this country. Oh, yeah, we just had a big blackout in the Northeast, but do not forget that just recently Alan Greenspan made four or five trips to this Hill to warn us of a natural gas crisis facing this country this winter.

We are paying twice as much for natural gas as we did this time last year. Petrochemical plants in my district are beginning to lay off workers and threatening to move their production to offshore facilities in other countries because we pay twice as much for natural gas in America as we do anywhere else in the world.

Has anybody noticed the price at the pump lately? Have my colleagues noticed the awful situation with gasoline prices? Do you think for a second that the problem in the Northeast is just a single, isolated problem in the whole energy situation our country faces?

On the contrary, the situation in the Northeast is just one of many enormous problems in our energy marketplace. Also, as my colleagues might recall exhibited was the awful situation of the California energy crisis just a few years ago.

In this country we face the possibility of huge natural gas price cost increases to consumers as winter approaches. We face the situation where low-income beneficiaries whom we are trying to help with LIHEAP funds may not be able to pay their energy costs this winter. We saw the price spikes in gasoline.

To strip off one piece of this bill for political expediency would not only be foolish, it would be disastrous.

The House and Senate have both finally passed comprehensive energy bills after a great deal of deliberation. The Senate passed the bill they passed last year. We improved our product. The conferees have just been named, and we have agreed to go to conference.

But my colleagues should know on the day the Senate passed that bill by unanimous consent, our staffs and the Senate committee and the House committee began work immediately, conforming the two bills.

And now that the conferees are appointed, we are going to bring in a conference report before the end of this month and vote on it on this House floor. We are going to pass the comprehensive energy title.

It will include, by the way, all the improvements that have been recommended in the transmission grids following the New York and Northeast blackouts. Those improvements were passed last April on this House floor and are contained in the comprehensive bill.

They include transmission incentives to build new transmission systems. They include new provisions on siting to make sure the Federal Government is involved in interstate siting of transmission lines so States cannot block interstate improvements to transmission facilities. It will eliminate the artificial barriers to the new investment grid called the Public Utility Holding Company Act. It will change the transmission tax treatment to create more favorable tax treatments to encourage people to invest in improvements in transmission grids so we do not have the problems we saw in California and now in the Northeast.

We passed, in this comprehensive energy bill, massive improvements in energy efficiency and conservation all designed to help reliability of our systems. Do my colleagues want to throw those away tonight?

Of course, H.R. 6 addresses all the urgent needs of the energy sector by increasing the production of oil and gas and other energy resources, particularly renewables, by dramatically increasing LIHEAP funding, by making significant investments in energy research and development including the President's Freedom Car Initiative.

Mr. Speaker, my committee has just conducted two very full days of hearings on the August blackouts. With the testimony from nearly 30 witnesses working with our Secretary of Energy, Mr. Abraham, and others, we will get to the bottom of what happened just a few weeks ago. But the overwhelming message I got from those hearings is that abundant, reliable energy sources are the lifeline of our economy.

If we walk away from all the policy improvements that this bill provides, we will be turning our backs on the people of this country, our economy, and a reliable and secure energy future for this country.

So I urge my colleagues to defeat this motion to instruct. While it is not binding, it is a wrong signal. It needs to be defeated tonight.

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

Mr. DINGELL. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, I thank the gentleman from Michigan for yielding time.

Mr. Speaker, I rise in support of the motion to instruct conferees offered by my friend and colleague the gentleman from Michigan (Mr. DINGELL).

As the distinguished chairman of the Committee on Energy and Commerce has stated, for the past two days, we sat in hearings on the full Committee on Energy and Commerce on the reasons for the blackout that paralyzed a huge portion of the Northeast and the upper Midwest including my home State of Michigan.

□ 2115

One thing that witnesses in those hearings agree on is that there must be mandatory reliability standards for the transmission grid in this country with some real enforcement authority.

The distinguished chairman talked about this may be a political expedient bill or motion. The gentleman from Michigan (Mr. DINGELL) has had this bill for close to 8 years. For 8 years we have been trying to get reliability, mandatory reliability standards with real enforcement.

Every witness we heard, every witness we heard agreed with the Dingell motion, that we have to have mandatory reliability standards, there has to be accountability and who is responsible. What we have seen for the last 2 days is everybody pointing their fingers at everybody else and everyone saying it is not my fault. These are not my words. Witnesses, including Secretary of Energy Spencer Abraham, Governors Granholm of Michigan and Taft of Ohio, to State public service commissioners and operators of the regional transmission organizations and electric power generators and transmission companies all agreed. We need some mandatory reliability standards, what we have in this motion to instruct.

The present system of voluntary standards does not provide enough assurance of reliability.

The House bill, H.R. 6, allows the North American Electric Reliability Council, NERC as we call it, to set and enforce mandatory standards for cooperation among utilities. No enforcement, no fines, no penalties if they violate these standards. NERC is a voluntary compliance, not mandatory.

NERC was created after the massive 1965 blackout when Congress, and I was not here then, but Congress back then said this should never happen again. So they created NERC. Measures taken then have not been enough to prevent the disastrous consequences that affected more than 50 million people on August 14th with the August blackout.

In Michigan alone there were more than $20 million in losses to public entities, 70 manufacturing plants that had to shut down and more than $1 billion in expected losses to business when it is all totaled up.

There are genuine and serious differences about other provisions in the House and Senate energy bills that have to be worked out in the conference. There is little dispute about the need for mandatory reliability standards for the aging electricity transmission grid in our country.

The motion to instruct, this motion by the gentleman from Michigan (Mr. DINGELL), joined by many of us on this side of the aisle, will ensure that electricity reliability is not held hostage to what may be a long, drawn-out process on the energy bill as a whole.

In the last 2 years, this House has passed comprehensive energy legislation. It has never made it to the conference. It has never been passed by the Senate. We do not want a situation where once again this goes to a conference and it dies as we adjourn for the year. We have this aged electrical transmission power grid out there. Everyone talks about a way we can improve it. Right now we have to talk about how can we get some reliability into it right now.

All the incentives in H.R. 6, all the things that are put forth in H.R. 6 will not take place for years. Let us put some reliability into the system now.

This motion to instruct will do that. Let us not hold reliable energy hostage in the conference report. Vote yes on the motion to instruct.

Mr. TAUZIN. Mr. Speaker, I yield myself 30 seconds.

That was a wonderful speech, but what was not very clear and should be made clear is that enforceable reliability standards are in the House bill that was passed in this House 254 to 175, with 40 Democrat votes joining us and we passed it. It is in the Senate bill. It is already in the conference. We passed it last April.

Secondly, I want to remind my friend this is not the end of the conference. This is the first year of a 2-year Congress. We are going to get this bill done in the next few weeks.

Mr. Speaker, I yield 1 minute to the gentleman from New Hampshire (Mr. BASS), my friend, a great gentleman from the Northeast, who knows a lot about energy because he is on the Committee on Energy and Commerce.

Mr. BASS. Mr. Speaker, I rise in opposition to the motion to instruct. Clearly the Northeast is deeply affected by this blackout, and there are provisions in the energy bill that is currently in conference that need to be included and will be included. We have had 2 days of hearings and there has been one clear message, and that is, if there is any message, that we need mandatory reliability standards, and as the Chairman just said, they are in the energy bill.

What is going on now is an effort to totally eviscerate the energy bill in the name of this one particular provision.

I voted against the energy bill on the floor of the House, but there have been changes worked on and made in conference that may make this bill considerably more attractive to Members like me, and I think it is mistaken, premature, and misguided to vote for a motion that entirely eviscerates this effort to develop a national energy strategy in the name of preserving a provision that is already in the bill. This is not the time for this motion. Vote it down.

Mr. DINGELL. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, let me begin by thanking my colleague, the distinguished ranking member from Michigan, for allowing me this time.

I rise in strong support of the motion to instruct conferees on the energy bill. This motion instructs the conferees to promptly agree on a measure to provide mandatory electricity reliability standards that would help avert the type of widespread blackout we just saw in August.

Very interesting, my colleague just used the term eviscerate the energy bill. We are not trying to eviscerate the energy bill. What we are saying is simply this: There are provisions that we agree on, Democrats and Republicans, and that is that we need mandatory reliability standards. If we agree on both of these on this issue, why not pass it? Why not do what is doable?

That is not to say that we should not discuss a comprehensive bill. It is not to say we should not try to reach a

comprehensive bill on drilling in Alaska, on natural gas, on alternative energy sources, but the issue is that the blackout in the Northeast had nothing to do with ANWR, nothing to do with Alaska. It had nothing to do with natural gas prices. It has nothing to do with solar energy and alternative energy. It had to do with problems with our electricity grid.

If there are measures that we can take, and this is not the final measure, but if there are measures we can take now to address this problem, I think we ought to do it.

Currently, we do not have an electricity grid that meets the requirements of a 21st century economy. In fact, our electricity grid is overburdened, outdated and underfunded.

It is critical that Congress focus on reliability standards for the national electricity grid. In fact, today we had a panel testify, an industry panel testify before the Committee on Energy and Commerce, and that panel said unanimously we need mandatory reliability standards to avoid the kinds of problems we have experienced.

Yesterday, my colleague, the gentleman from Michigan (Mr. DINGELL) introduced legislation to provide for mandatory reliability standards, but I would note and emphasize that this approach has bipartisan appeal.

Earlier this year, several months prior to the blackout, the gentleman from North Carolina (Mr. BURR) from the Republican side and myself introduced H.R. 1370, an interstate transmission act, which also requires mandatory electricity reliability standards.

We need an electric reliability organization with Federal Energy Regulatory Commission oversight. This would facilitate the development and enforcement of mandatory reliability rules and standards that are binding on all electric companies and market participants.

These standards would include, first of all, technical standards relating to the maintenance and operation of electrical systems; performance standards for electrical systems; and preparedness standards related to the ability of those managing the electrical system to respond to anomalies or unexpected events on the grid.

For example, we must require working and compatible hardware that monitors our transmission systems for faults and disturbances in order to contain problems and keep electrical systems up and running. These monitoring systems should, at selected switch yards and substations, include the installation of dynamic disturbance recording equipment and fault recorders to provide data that would enable the verification of power flow and provide warnings of a disturbance in the bulk power system.

Importantly, these monitoring systems must be compatible so that we can report and analyze disturbances in the system quickly and concisely. A compatible transmission monitoring system over interconnected regions can help contain the problems we have experienced recently.

Finally, mandatory reliability standards would provide the Federal Government with the tools to sanction companies that do not comply with reliability standards. This language in the Burr-Wynn bill and the Dingell reliability bill would accomplish these goals.

As we are moving toward a conference, if we can agree on a comprehensive bill, I certainly will be supportive of that; but if we cannot, I submit that we should do that which is within our grasp immediately to address a problem that is confronting this country, and that is, we need mandatory reliability standards now. There is agreement. We ought to act on it. I urge the adoption of the instructions to the conferees.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Illinois (Mr. SHIMKUS), a distinguished member of our Committee on Energy and Commerce, who is also a lieutenant colonel.

Mr. SHIMKUS. Mr. Speaker, I thank the chairman for this time.

I sat in 2 days of hearings, too, and I would agree that most all of the panels said we need mandatory reliability standards, but 99 percent of them said we also need an empowered FERC. They also said we needed the ability to site. Even the Governors from Ohio and Michigan said if the States cannot get engaged in the siting of transmission after a date certain, we need a Federal authority to site transmission power, and they all said that. They also said there has to be a return on the investment so that capital will flow to the grid. Yes, they said mandatory reliability standards, but they said much, much more, and that is why I oppose this motion.

What has been the biggest concern on electricity in the last couple of years? It is an issue that is because of a constrained grid, because we need to expand the grid. Whether it is market manipulation, because of supply and demand issues in California, if they had an expanded grid that would not have been a problem. If it bottlenecks in the Northeast, they call it a cascade, and a power outage. If we would have had an expanded grid, that probably would not have been a problem.

Illinois needs a national energy plan. We need an expanded grid. We need to have our coal mines reopened and electricity generation. We need to keep our marginal oil wells open. We need to make sure that we decrease our reliance on foreign oil by enacting an ethanol standard, 5 billion renewable fuel standard for ethanol.

The Speaker and the chairman enacted a natural gas task force. Why? We are doubling demand for natural gas, and we are not doing anything on the supply end. So producers are stopping to produce fertilizer for our farmers. The price to dry corn has doubled, and it is disastrous for the agriculture community.

Do we want to continue to be reliant on foreign imported fossil fuel? The answer is no. I spoke in the hearings. I said this reliability issue is a Band-Aid. We need more than a Band-Aid. We need a healing. We need structural reform and a national energy plan. That is why any attempt to do anything other than this is really an attempt to kill a national energy bill. That is what it is. That is what we have identified, and Illinois cannot afford not to move on coal generation, transmission, ethanol, nuclear power, a transmission grid, and any other attempt to split this bill apart and not move now is an attempt to kill the bill.

I thank the Chairman for the time.

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

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California (Mr. POMBO), the distinguished chairman of the Committee on Resources of the House of Representatives.

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

It is interesting to listen to this debate here tonight, and some of what my colleague was saying earlier I agree with; that in terms of the blackout that they had in the Northeast, it had very little to do, if anything, to do with the other parts of the bill, and I agree with him on that. But when we got into this process several years ago, the reason that we did was because we had so many challenges in terms of delivering a reliable source of energy for the people in this country that we had so many different things that we had to take on.

We had a problem with reliability and ability to deliver natural gas at an affordable price to our constituents, and that is one part of the bill. We had problems with gaining access for power lines and gas lines across public lands, and that is one part of the bill. We have a problem with an overdependence on foreign sources for our energy in this country, and that is a part of the bill. All of the different parts of the energy bill, as they moved through the Committee on Resources and the Committee on Energy and Commerce, were all about trying to deal with all of these definite challenges and all of these problems and trying to come up with a way in a balanced approach to deal with those problems.

Electricity is one problem and that is part of the bigger balanced energy package that passed this House for the second time this last April, and hopefully when going into conference it is something that we can gain bipartisan support on, as we had in the House, and move it quickly through and begin to address all of these different problems.

□ 2130

It appears to me that because of the blackout we are now using that as an

excuse not to do all of the other things. How else are we going to deal with the natural gas crisis that has developed in this country? The lack of an affordable, reliable supply of natural gas is a very real problem. And in a couple of months, when we hit the wintertime and everybody is using natural gas, the constituents are going to be screaming about that, and we have to address that.

Now, this bill does not solve all the problems, but it does go a long way in terms of dealing with all of these challenges that have built up because this country has not had an energy policy for so many years. It is hard to do. It is difficult to put all this together in a package, but it is something that this country desperately needs. Electricity is part of it, natural gas is part of it, access and right-of-way issues are part of it, and production is part of it. Production has to be part of supplying for our future.

So I do believe that this is an extremely important bill. Unfortunately, I will have to oppose the Dingell motion to instruct conferees.

Mr. DINGELL. Mr. Speaker, I yield 4 minutes to the distinguished gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I rise in strong support of the motion to instruct conferees offered by the distinguished gentleman from Michigan. The gentleman is not only well suited to offer this motion because of his position as the ranking Democrat on the Committee on Energy and Commerce; but in addition, his district was one of those most affected by the August 14 blackout.

On August 14 I was in Israel watching CNN International very late at night when the first blackout was announced. And as one city after another was mentioned as being affected and thousands and thousands more people were being affected, my first thought, and I am sure that is true of many Americans, was, oh no, this feels like it was another terrorist attack. And while I was relieved, as many people were, of course, to find out that that was not the case, I was not really comforted then or now.

Life as we know it virtually stops when we have this kind of catastrophic event. Life stops as we know it when the power goes out. Commerce and industry stop, elevators stop, subways stop, home respirators stop, water from the tap stopped in many places. And though Americans rose to the occasion, the vulnerability of our entire economy, our health and our safety was made devastatingly clear to each and every one of us. It became clear that our very national security is now depending on an unreliable electricity grid.

Now, that is the bad news. The good news is that even before we know exactly every detail on how it happened, there are steps that we can take to make our system more reliable and our people more secure. And the further good news is that this is not bad news, this is good news; that there is a broad consensus around what to do. So let us do it.

I do not find compelling at all that this is not the total answer to everything; that we have to worry about gas prices; that we have to worry about gasoline prices. Yes, we do. But we are facing a crisis that could cripple us right now. So let us do it. This is a simple, noncontroversial, constructive solution. And it does not mean that we have to deal with what we know to be controversial issues. Drilling in the Alaska wilderness is not going to prevent the kind of blackouts that can cripple our country. So why not deal with something clear and simple and constructive right now?

So I would urge my colleagues to put aside what may be very partisan differences on things that we cannot agree on. We will deal with those. I am convinced that we can come to an agreement on those, and, yes, separate out now that which we can deal with that may avert a catastrophe that could cripple our Nation, jeopardize our security, and the health of our people. I urge a ''yes'' vote on the motion to instruct that the gentleman from Michigan (Mr. DINGELL) has offered.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Oregon (Mr. WALDEN), a distinguished member of the Committee on Energy and Commerce from the Northwest.

Mr. WALDEN of Oregon. Mr. Speaker, I thank the gentleman for yielding me this time. I find the gentlewoman's comments disturbing for this reason. What we really heard her say, and what we are hearing on this motion is, we are only going to deal with something when it is a crisis. And that is all we are going to deal with is what is the crisis of the moment. That is a poor way to do public policy.

In fact, when the other side of the aisle had the opportunity to offer an alternative to the energy bill, they did not include these reliability standards in the opportunity that was offered in the committee, nor the second time when it was offered on the floor, nor the third time when they offered an alternative on the motion to recommit. So three chances, and then their lights went out. Now we have a crisis, and now this is all we are going to deal with, when it was not something they wanted to deal with in the bill to begin with from their side.

Why would we jettison additional funding for LIHEAP when we know that natural gas prices are going through the roof and the poorest among us are going to have trouble paying their heating bills this winter? Are we going to wait for a crisis then deal with LIHEAP then, when we can deal with it here in this bill? If this motion to instruct were held, we would not be dealing with it.

Why would we get rid of the provisions in this bill that deal with market transparency requirements that require increased FERC enforcement authority to prevent anticompetitive practices in electricity markets? Why would we not deal with that? Is there controversy over that? No, but there is no crisis at the moment. There was in 2001 in the West, when we had rolling brownouts and blackouts in California and prices through the roof. Why do we not solve that here? Why would we walk away? Because the crisis is behind us? I do not think that makes sense.

What we found after our blackouts in 1996 and after 2001 is that the grid needed investment and improvement. We came to the Congress, those from the Northwest, and we came to the President, and the President agreed and the Congress agreed to give Bonneville additional borrowing authority so we could begin constructing the additions that were needed in our grid. We needed to invest. That has been done.

That is what is needed around the country; and this legislation, H.R. 6, has provisions in it both to encourage research and development of new technology to make the wires more capable of transmitting more power as well as incentives to help expand the grid so it has the capacity to carry the power where it is needed when it is needed. Those provisions, if this motion were to prevail and be followed by the committee, would all be stricken. All we would deal with is the reliability standards, and that does not make sense to me.

There are many other provisions in this bill to help in natural gas, to help with domestic production of oil that we should deal with. They are separate, yes. They are getting domestic oil production up and domestic gas production up and gas and oil where we need it and when we need it to keep prices in check. Those are important. And, no, they are not related to the blackout. Of course not. But they are related when you pull up to the pump and pay $2.10 per gallon, or when you turn on your heater or your hot water tank and you are paying $3, $4, $6, and $7 for natural gas.

We need to deal with energy policy for this country in a comprehensive and thorough manner. This legislation does that. I ask my colleagues to vote against the motion to instruct.

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

Mr. TAUZIN. Mr. Speaker, may I inquire how much time remains on both sides?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Louisiana (Mr. TAUZIN) has 15½ minutes remaining, and the gentleman from Michigan (Mr. DINGELL) has 13 minutes remaining.

Mr. TAUZIN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Indiana (Mr. BUYER), a member of our committee.

Mr. BUYER. Mr. Speaker, I cannot support the motion to instruct offered

by the gentleman from Michigan (Mr. DINGELL) because I am not going to permit politics to override substance. The gentleman from Oregon (Mr. WALDEN) was correct that when the gentleman had an opportunity during the committee when he offered a substitute that he did not bring up this issue. When it came to the House floor on the motion to recommit, the gentleman's recommittal motion addressed hydropower, not mandatory reliability standards. And as a matter of fact, many of the Democrats did not support this bill in committee and did not support the bill on the floor. But now, when we go through a blackout, all of a sudden we need to pull this out of the national energy bill and pass this? No, I do not believe we can permit politics to override substance.

H.R. 6 is an extremely important bill that the gentleman from Louisiana (Mr. TAUZIN) has spent a lot of time on. The national energy bill is about a national energy policy. And the United States, as the sole remaining superpower, needs a broad-based and diversified portfolio with regard to our energy sources. So it is about coal, and we need to make an investments in clean coal technology. It is about oil. Yes, we have our imports, but we have to also do domestic drilling, exploration and drilling. It is about natural gas. Boy, have we messed this one up.

The Democrats controlled Congress in 1990 when they passed the Clean Air Act. They want us to move from coal-powered generation to natural gas, and at the same time they passed these laws to lock up the lands. We cannot gain access to natural gas, whether it is off the Eastern Shore, whether it is out of the gulf, whether it is off the Pacific or in the western States or in Alaska. So we move to a demand for the increased utilization of natural gas and at the same time cut off access to natural gas. And people wonder why there is a natural gas shortage. Congress created it.

This bill addresses that. There are also issues on nuclear power. The Federal Government has not even authorized a permit to build a nuclear facility in over 20 years. There is more computing power in our automobiles than what was in the Apollo mission to the Moon. We can do much better today.

The issues also deal with renewables, whether it is in wind or solar or hydrogen or fuel cell technologies. This bill is comprehensive. We should not go and try to pick and choose, pull something out of the bill and then turn to the American people as if we have done something. There is an electrification portion of this bill. My Democrat colleagues on the committee did not like that this was part of the bill. I think it was pretty smart that the gentleman from Louisiana (Mr. TAUZIN) made this part of that bill. Very telling.

We said the power grid was frail and outdated, and guess what happened? Congress was not the Nostradamus, because we knew this grid was outdated. There are utility companies that are undercapitalized. This bill gives those incentives to do things smartly with regard to our infrastructure, not only by trying to bring transparency to the grid but on how we move and distribute that power. Very important.

So I hope that Chairman TAUZIN, as he goes to that conference, that he is able to address the issues on natural gas and the other issue dealing with the discussion today at his hearing on the need for interconnection standards on distributed energy.

So, Mr. Speaker, I have to oppose the motion of the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Speaker, the fact is that if the efforts of the gentleman from Michigan (Mr. DINGELL) had been successful in years past, it is very possible that August 16 would not have happened. It is a simple fact, and I want my colleagues to listen to this, the American people are watching, that if we reject this amendment, they have a right to know who is responsible if a blackout occurs next year and we have not yet taken action on this measure.

Now, I listened to my colleague from Illinois, and he is a good friend of mine, I respect him a lot, and he talked about a lot of things. He talked about ethanol. He talked about coal and natural gas. And he talked about nuclear energy and about renewables. And I support all of these things. We all do. But the fact is that some of the provisions regarding these aspects of the energy bill are controversial.

Now, our chairman says that this reliability provision is in the energy bill. It is. But does he actually believe that that bill is going to get through the Senate and be sent to the President and be signed into law? I think that is very questionable. It has not happened in the recent past. We have a responsibility to do what we can do, and what we can do is agree on reliability standards.

Now, others of my Republican colleagues implied that somehow this effort was an attempt to dismantle the energy bill, to jettison, that word was used, to jettison provisions or to dismantle provisions. Quite to the contrary. All we are trying to do is to separate from the larger energy bill this portion that we can agree on and that we can actually pass and have signed into law and give the American people some confidence that this Chamber has the ability to do something that they need to have done.

□ 2145

Mr. Speaker, that is all we are asking for. Now I believe that they are attempting to take this provision that is popular, that is well established as a need, and use it to try to accomplish something in the energy bill that they cannot accomplish without it. I think that is what is happening. I hope the American people are paying attention. We ought to accept this amendment. We ought to get on with separating this issue out, passing it here in the House, encouraging the conference to proceed with their work.

We are not encouraging the conference to jettison any part of the energy bill at this point. We are simply asking for a reasonable action on the part of this House. I support this bill. We need a stand-alone piece of legislation that deals with reliability. August 14 happened. Lives were in jeopardy, economies were injured, and we can fix this problem.

Mr. Speaker, I ask the gentleman from Louisiana (Mr. TAUZIN) to reconsider his position and accept this amendment for the merit it deserves, and let us move forward.

Mr. TAUZIN. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. SHADEGG), a distinguished member of our committee.

Mr. SHADEGG. Mr. Speaker, I rise in opposition to the motion to instruct. The reality is that the motion to instruct will in fact stop all of the other reforms in this bill, in H.R. 6, that we have worked on so hard through the years to get to this point and focus the entire issue on reliability. That might be important if we had reached a point where the conference was not resolving the issues. If this conference had met for months and had not been able to resolve the other provisions in the bill, perhaps we would have to say we have to focus on one issue that we can pass. But the conference committee has not even met yet.

I want to comment on another issue of this debate. The point here is what we are being urged to do is to focus only on reliability because that is the crisis of the moment. Again as the gentleman from Oregon (Mr. WALDEN) pointed out, if we only legislate on the emergency of the moment, that is a poor way to construct public policy, and it is the way to create the precise kind of circumstance that led to the blackout we just experienced. The reality is it requires forethought, and the reality is reliability is a problem, but it is not the only problem.

If this legislation did not include reliability provisions, perhaps it would make some sense to focus on that issue; but no one here, no one is arguing that we should not deal with reliability. Indeed, the bill does deal with reliability. What is being argued is if we adopt this motion to instruct, we drop everything else.

Well, I have a flash for my colleagues on the other side: In Arizona the crisis is not a blackout. That blackout did not strike my State. The crisis in my State of Arizona is gasoline. We had gasoline prices spike 2 weeks ago in Arizona to over $3.99 a gallon. We had people sitting in lines to buy gasoline because they could not get gasoline because a pipeline broke.

There are other issues involved in the energy issue than simply reliability,

and my constituents in Arizona absolutely do not want us at this early stage in the process to throw out all of the important reforms in the legislation. They are concerned about the natural gas shortage, and they are happy that H.R. 6 will encourage natural gas supplies. They recognize that we are more and more reliant upon natural gas. Indeed, many more new natural gas plants have been built in Arizona, and more and more of our energy is coming from natural gas. We had better do something about the production of natural gas. That would be thrown out with this motion to instruct.

My colleagues are deeply concerned about renewable fuels and improving energy conservation. They want to promote renewable energy and alternative energy. They do not want that thrown out.

One of the interesting things in this debate is that it was hydropower that enabled the blackout to end in less time than it otherwise would have. If we focus solely on reliability issues, we will throw out the important provisions in this legislation that deal with hydropower. It simply is pennywise and pound foolish not to deal with a comprehensive energy bill. I urge my colleagues to reject the motion to instruct.

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

Mr. TAUZIN. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. GILLMOR).

Mr. GILLMOR. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in opposition to the motion to instruct.

The gentleman from Michigan and I agree on having reliability standards. We both represent districts affected by the blackout; but the need for reliability standards is why we already included language in both the House and Senate versions of the bill passed earlier this year. A reliability provision is not a substitute for a robust energy package that we urgently need to address fundamental infrastructure production and conservation issues that are critical to our Nation's energy security.

I think it is interesting as we go through this process, after the blackout many of the same people who are saying the only thing we ought to focus on are reliability standards are exactly the same people that before the blackout, when it was important, voted against legislation that had reliability standards in it. But just passing reliability standards would not have prevented the blackout of August 14. There was a lot more to it than that.

We have to look at what has been happening in energy, in electricity in the last few decades. Electrical use has been growing significantly and steadily, and it has been growing at a faster rate than transmission capacity. We are putting more and more power into an older grid that is less and less able to handle it. Why? Because we have not had a good energy policy. The problem is going to get worse if all projections are correct, and simply passing reliability standards will not correct it.

We need to solve the problem. We need the things that are in H.R. 6. We need conservation to take some of the load off the grid. We need to encourage as a country renewable fuels. That is also part of H.R. 6. We need to increase our energy supply. If we do not increase the supply to keep our economy growing, to keep jobs, we can post reliability standards on every wall in America and people will have a lot of time to read them because they are not going to have any energy to have jobs. We need the provisions in H.R. 6, reliability standards, conservation, renewable fuels and increased supply. For that reason we ought to vote no on the motion to instruct.

Mr. TAUZIN. Mr. Speaker, I am delighted and honored to yield 5 minutes to the gentleman from Texas (Mr. BARTON), a subcommittee chairman, and one of the principal architects of this comprehensive energy plan we are trying to save tonight.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, natural gas prices at the wellhead are over $5 or approaching $5 a thousand cubic feet. The motion to instruct by the gentleman from Michigan (Mr. DINGELL) does absolutely nothing about that problem. Gasoline prices are averaging $1.50 a gallon all over the country, and in some parts they are over $2 a gallon. The motion to instruct does nothing about that.

The President's hydrogen fuel cell initiative, which we all applauded when the President was before us during the State of the Union and which I know the gentleman from Michigan (Mr. DINGELL) supports, there is nothing in the motion to instruct that does anything about that.

Many of my friends on the minority side of the aisle very strongly support an R&D clean coal technology program in the bill which passed the House last April. There is nothing to instruct conferees on that particular issue.

Everybody I know of is for hydropower and hydro reforms in the House-passed bill awaiting conference with the Senate. There is nothing in the gentleman's motion to instruct about hydro licensing reform.

If we only want to focus on electricity, the gentleman's motion on reliability standards does not say anything at all about the need for a regional transmission organizational policy, does not do anything at all for siting authority which is desperately needed, does not do anything at all to create any new incentives to build and operate transmission.

In fact, if all we did was pass the reliability provisions the gentleman from Michigan (Mr. DINGELL) has put before the body this evening, if that is all we did, we would not even solve the problem of the blackout that happened on August 14 in the Northeast, because if we only do reliability standards and we do nothing else structurally in electricity, you can have all of the mandatory standards that you want and if you flip that switch and there is no electricity to go through that switch, the lights are not going to come on.

The only way, even if we have mandatory enforceable reliability standards, that we are really going to prevent the kind of problem that happened on August 14 is if we do a comprehensive energy bill, which we did on this floor I believe on April 9 of this year, where we did address the natural gas issue. We did address the oil issue and the gasoline issue. We did address the hydrogen fuel initiative and clean coal technology. We did address hydro licensing reform, and we did address a comprehensive electricity title that does include mandatory standards for reliability, that does include an RTO policy, that does include a Federal backstop for siting and does include incentives to build and operate new transmission. I could on and on.

There is nothing wrong with the gentleman from Michigan's motion to instruct conferees to do reliability. We have done it. We did it on April 9, but we need to do more than that. We need a comprehensive energy bill that is integrated and interconnected. The House has passed it on a bipartisan basis. We are going to nominate conferees to go to conference with the Senate.

As the chairman of the full committee has so aptly pointed out, we can have a comprehensive energy bill conference report back before this body and the other body by the end of this month if we work together in a good-faith, bipartisan fashion. I invite the gentleman from Michigan (Mr. DINGELL) to do that. I am sure he will be a conferee. And let us be sure that we do not just do a little bit that does not really solve the problem. Let us do a comprehensive bill that solves the problem. To quote a famous sports shoemaker, let us just do it. Let us just do it. Do it right, do it now, do it together.

Mr. TAUZIN. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker, it was February 2001 that I was honored to assume the role of chairman of the Committee on Energy and Commerce of this great House. It was in August of that same year that our Committee on Energy and Commerce, together with the Committee on Ways and Means, Committee on Resources, Committee on Science, numerous committees of this body, helped to report to the floor a comprehensive energy bill for our country following the disaster in California, recognizing the disasters to come in the Northeast. It took the Senate almost 2 years to finally pass their version at the end of the conference when it was too late to finish the conference report.

This year in this Congress, this House had the wisdom to pass this bill as early as April of the first year of the Congress, and the Senate in just 7 short months has passed their version and now joins us tonight in a conference to finish the work.

□ 2200

Many, many votes have gone by since August of 2001. In fact, prior to that in committee, many votes were taken. I find it strange that on the night we finally appoint the conferees to finish this awesome task, on this night, my friend, the gentleman from Michigan, who was the main opponent of the comprehensive energy bill on the floor when we brought it here in April of this year, brings this motion to take one small piece of that bill and to leave, in fact, the rest behind. That is the game.

Is it a coincidence that every person who spoke on the other side voted against the comprehensive energy bill when we brought it to the floor? I do not think so. I think this is an effort to help derail the final passage of that great bill. We are not going to let them get away with that because this country cannot do without this comprehensive energy bill. It is critical for this country.

We had 13 recorded votes on the floor tonight. Thirteen times we came to this floor and we put our card into the electronic voting machine and we made a decision for this country. We are two votes away on the floor of this House and in the other body, one in this House, one in the other body, we are two votes away from finishing the most comprehensive energy package to help this country on its way again than we have ever been. When this conference brings its conference report before the end of the month to this floor and to the Senate, we are two votes away from putting it on the President's desk for final signature.

I know those of you who voted against it, those of you who were in the 175-Member minority who voted against the passage, would probably not like to see us finish, but this country wants us to finish. People in the Northeast who went through that blackout want us to do a comprehensive bill. The people in the Northwest, in California who had their problems a few years ago want us to do this bill. Americans who suffer with high energy prices want us to do this bill.

Let us reject this motion to do away with this bill and to simply pick it to death. I urge my colleagues to reject this motion to instruct.

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

Mr. Speaker, I love my colleagues on the other side. I know they are sincere and I understand and I sympathize with them because they have difficulty in understanding the parliamentary situation.

We have been grappling around with the business of passing a comprehensive energy bill now for about 8 years. I have listened to my colleagues on the other side promise us that we would have a bill on the floor in 2 weeks, or we would have a bill passed by the end of the session. None of those promises have been good. We are still grappling around with a piece of legislation. The Senate, it could not pass a bill, so they took the bill that they had passed last year and they passed it and they went to conference. The Member of the Senate who says he will be the senior Member of the Senate body considering this legislation says they are going to write the bill in conference.

What bill are they going to write? I do not know. But I have written several large energy bills, and I would note to my colleagues that the time of the writing of these, including the time in conference, was somewhere between 18 months and 2 years, the full period of a session in the Congress and the second session besides.

I would remind my colleagues that what happened in this country on August 14 was we had the biggest blackout that we have had, one of three which have affected major areas of the country, but a number of others which have affected smaller regions such as parts of the Midwest and the Far West and the Northwest, areas which supposedly were rich in electric power.

We are not trying to foreclose the consideration of all of the items in this overall comprehensive energy bill that my Republican colleagues want, but we want to pass a bill which will address the most immediate and serious energy problem which this country confronts and that is the problem of blackouts and shutdowns of electrical utility service to the consumers of this country. Such an event occurred on August 14. Elevators stopped between floors; subway cars stopped in subways; factories shut down; explosions occurred in refineries; steel mills shut down; huge losses occurred to business; huge losses occurred to manufacturing; thousands of businesses shut down; millions of Americans were without electric service. Fortunately, the one good thing that can be said is no one died. But everybody was put at risk in the Northeast.

One of the problems about the situation is that we do not exactly know what all caused this, but we know that one of the major problems was the fact that there are no enforceable standards to enforce reliability upon the system. This is something upon which there is broad agreement in this body and in the Senate. It goes across the lines of partisanship. It is something on which everybody agrees, and it is something which can be quickly and easily done.

What I say is not to kill the whole bill, but to pass expeditiously those portions which will address the immediate and serious problem which this country confronts. Let us move towards breaking those portions out, putting them speedily on the floor, putting them speedily on the floor in the Senate, and sending them to the President so that he may sign them and Americans may understand that we will have a decent program for the protection of the American consuming public and American industry with regard to reliability of electrical service.

There is no difference in view between me and my good friend, the chairman of the committee, about whether or not we ought to go forward with a comprehensive energy bill. This can be done at the same time. But we can speedily move forward the question of reliability and afford Americans the comfort, the safety and the security of that step by providing assured safety for them in their electric utility service.

What all is involved in this comprehensive energy bill? Clean air and clear skies are now going to be put in in the conference, we hear, a matter which is neither germane nor is it within the new matter rule. They are going to talk about drilling in the Arctic Wildlife Refuge, a matter which has triggered filibusters in the Senate; tax credits for oil and gas and matters of that kind; repeal of the Public Utility Holding Company Act; renewable fuels; royalty relief for people in the energy production business; funding for ethanol; MTBE liability relief, an extremely controversial question; global warming on which the Senate voted 95 to nothing against, fuel efficiency in automobiles; and scores of other questions.

Those are matters which will take much time in conference. These are not matters which can be addressed easily and which can be on the floor in 2 weeks as my good friend the chairman of the committee tells us. Much though he might want that and much though I might want it, it is not something which is easily done. We agree that the country needs an electric reliability bill. This motion to instruct the conferees makes that possible.

Mr. Speaker, the chairman of the committee and I both agree the country needs a comprehensive energy bill to diversify our supplies, to create energy independence as much as we can, and to increase the energy security of this country. All that this motion advocates is that we do promptly what we can do to prevent another blackout. It avoids long, tedious discussions which will delay the probability of legislation being enacted quickly and before we might confront this same problem which could occur again even as we speak.

I would point out to my Republican colleagues that I do not seek the perfect solution to energy problems. We have been working on energy problems since I came to this place many years ago. We have consumed enormous amounts of time of the Congress in working on energy supply, energy sufficiency, and other questions of that sort. We can roll up our sleeves and work on those matters while we are moving this other legislation forward

quickly and put reliability legislation on the floors of the Congress and on the desk of the President to assure safety and security for the American people.

I would remind my Republican colleagues of the old legislative axiom that the perfect good is the enemy of the good. It may be a perfect good to wrestle around and wrangle around about a piece of legislation which will deal with every imaginable energy problem, which will evoke the support and the enthusiasm of every special interest in this town and in this country, but it is not the way to assure that we do the things which we can do quickly and well while we work upon the other more difficult and controversial questions.

I would point out we have not yet appointed conferees. The Senate does not yet have even the vaguest idea of what it is upon which they may agree. They had to send to conference a curious concoction of last year's energy bill with the simple statement that the chairman of the Senate conferees is going to write the bill as the matter is considered in conference, hardly an open and transparent and intelligent way in which we might legislate.

I would urge my colleagues, let us do that which we can do quickly and let us do that which will take us longer with more deliberate and careful and thoughtful effort which will lead us to a quicker and better solution to the problems we confront.

I urge the adoption of the motion to instruct conferees. It is consistent with our responsibilities. It is consistent with the public interest. It gives protection to the American people in a fashion on matters that greatly concern them about their safety, about the well-being of themselves and their families and about the well-being and the efficiency and the capability of the American economy to provide the things that are necessary for us all.

Let us deal with those things which can quickly be addressed, and let us then work more slowly in the conference on other matters. And if they can be moved as fast as my good friend, the chairman of the committee, says, then we will have something on the floor in the next couple of weeks. If not, then there is nothing lost because we will be able to wrangle around interminably on these matters as we have for so long.

Mr. MARKEY. Mr. Speaker, I rise in support of the motion to instruct that is being offered by the gentleman from Michigan (Mr. DINGELL).

Our constituents want to know what caused the August 14th blackout, and what we are going to do to prevent it from happening again.

Unfortunately, the testimony the Energy and Commerce Committee received from the Department of Energy and the Federal Energy Regulatory Commission yesterday, indicates that the Bush Administration remains pretty much in the dark about the causes of the blackout.

At the same time, the Bush Administration continues to press for the immediate adoption of an energy bill that contains language that would make sweeping deregulatory changes in electricity law and launch a wide-ranging assault on our environment in the name of increasing oil and gas production. The Administration is essentially saying that these radical proposals are needed to prevent the recurrence of an event whose causes they say remain unknown. But if we don't know what caused the blackout in the first place, how can we know whether the proposed cure is worse than the disease? That's like a doctor telling you he has no idea what caused you to black out, but he'd like to see you in the morning for brain surgery. When you hear that, you know it's time to get a second opinion.

And the gentleman from Michigan has very helpfully offered a second opinion. Instead of a full frontal electricity lobotomy, he proposes a more modest initial course of treatment. His motion essentially says that we should quickly reach agreement on the consensus reliability language, and put the rest of the electricity title on hold for a later day. This solution, if adopted by the conferees would allow this Congress to solve a very real problem that we already know exists—the fact that existing electric utility reliability standards are purely voluntary and unenforceable. We know this is a problem. It very well may have contributed to the August 14th blackout. We should deal with it quickly, and not hold its ultimate resolution hostage to a resolution of the very complex and contentious issues of PUHCA-repeal, Regional Transmission Organizations, Native Load protection, incentive ratemaking, renewable portfolio standards, and a whole host of other entirely unrelated energy issues that are in the House and Senate bills.

We should set aside all of these issues now, at the very least until we've heard back from the U.S.-Canada Task Force on the causes of the blackout. Instead, we should just pass a clean, stand alone reliability bill, and do it now. If we get further recommendations from the Task Force after it completes its work, we can decide if more legislation is needed.

But right now, we should, reject once and for all this ridiculous notion that drilling in the Arctic Wildlife Refuge is somehow needed to prevent future blackouts. Oil is for cars and trucks, not for air conditioners, refrigerators, ovens or light bulbs. Only about 3 percent of the oil our nation consumes is used for electricity.

What stopped working during the blackout? Our lights, our cooling, our refrigerators, our ovens.

Our cars and SUVs ran just fine.

It is ridiculous to use the blackout as an argument for drilling in the Arctic Refuge and other pristine public lands, and it exposes those who make the argument desperate for an outcome, driven by ideology, not facts.

The only relationship between the electricity blackout and gasoline is that several refineries shut down temporarily, which the oil industry used as an excuse to raise the price of gasoline to record-breaking levels nationwide over the Labor Day weekend.

I don't think that was justified, but at least the relationship is clear—electricity doesn't depend on reliable oil—oil depends on reliable electricity.

That is why we should stop searching in Alaska for solutions to the blackout. The problem is not in Alaska, it is in Ohio. The solutions won't be found above the Arctic Circle, but below Lake Erie.

Yesterday, Energy Secretary Abraham and FERC Chairman Pat Wood essentially told our Committee ''we'll get back to you later'' with some answers about what caused the blackout. So right now, we really don't have all the answers. We do know, however, that this $7–10 billion dollar hit to the economy could happen again tomorrow. Before we enact comprehensive energy legislation, we should know what caused the blackout.

We can, as a first step, pass by consensus reliability language that is in both the House and Senate bills, and defer action on the broader issues of FERC oversight, PUHCA and other issues that are just too contentious to resolve quickly. After we've gotten some answers, we can then come back and consider whether we should do other things. But is we legislate right now, we are just firing a shot in the dark—a shot that could hit our constituents and our economy with very severe consequences.

I urge adoption of the Dingell motion to instruct.

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

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Michigan (Mr. DINGELL).

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

Mr. DINGELL. 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 question will be postponed.

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

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

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

The Clerk read as follows:

Mr. COOPER 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:

1. 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.

2. 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.

3. 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.

4. 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.

5. 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.

Mr. COOPER (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 7(b) of rule XXII, the gentleman from Tennessee (Mr. COOPER) and the gentleman from Pennsylvania (Mr. ENGLISH) each will control 30 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. COOPER).

Mr. COOPER. Mr. Speaker, I yield myself such time as I may consume. Tonight we are about to have an hour of debate on whether, in fact, Republicans in the U.S. House of Representatives are the compassionate conservatives that they claim to be. Is there any compassion in their bones?

We are not debating whether the U.S. Senate is compassionate, because they have already voted by a bipartisan vote of 94 to 2 to do the right thing. We are not debating whether President Bush and the Republican White House is compassionate because they have already urged House Republicans to do the right thing and do it quickly. But it has been 93 days that House Democrats have been waiting, that the President has been waiting, and that Senate Republicans have been waiting; and still there is no action from the other side of the aisle.

What is the issue? The issue is the child tax credit. If you are going to be a compassionate conservative, if you are going to be compassionate at all, surely you will take care of the children in our society. Surely you will take care of the children whose parents are relatively poor, parents who earn between about 10 and $20,000 a year. That is the issue at stake. That is what the American people have been waiting for for 93 days. The other side could take action. In fact, we could probably pass it tomorrow if they would finally act. But the Republican leader has been quoted as saying, it ain't going to happen. Other Republican leaders have been saying things to indicate what has in fact happened, that the conference on this has not even bothered to meet. They have not even bothered to pretend that they care.

So that is what is at stake in this debate, and that is why we are bringing it to the attention of the American people.

Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. HOYER), the distinguished minority whip.

□ 2215

Mr. HOYER. Mr. Speaker, I thank the gentleman for his leadership on this important issue. I just came in a little bit late, but I heard his comments. Eighty-four days since the President of the United States, through his press secretary, said we ought to pass this legislation, 84 days that we have been fiddling while, figuratively speaking, those who would be entitled to this child tax credit, 6½ million families, 12 million children, have been burned while we fiddle around here in Washington. The majority is proud of the fact that it can move legislation when it wants to. They have demonstrated that ability. There is therefore no doubt, that the words of the President's press secretary 84 days ago saying that we ought to take care of these families, we ought to take care of these children, we ought to give this tax credit to those families who are the neediest families in America. This is not unique.

The gentleman from Tennessee (Mr. COOPER) brought an amendment to the floor dealing with the earned income tax credit, some of the lowest wage earners in America. And guess what? We are going to get them. That is what happened in the ITC amendment. Now, here with the child tax credit in the dead of night, the conferees, indeed the chairman of the Committee on Ways and Means, to be more specific, removed this provision from the conference report included by the Senate, which, Mr. Speaker, then resulted in the President's press secretary saying the President wants us to pass this legislation just as soon as possible. That was 11 or 12 weeks ago.

Mr. Speaker, it is unconscionable that we have not acted because in the interim we have talked about giving very large tax breaks to wealthy corporations and wealthy individuals.

Mr. Speaker, I am hopeful that this instruction will pass, but much more importantly than that, I am hopeful, as the gentleman from Tennessee (Mr. COOPER) has indicated, that the conference will meet, the conference will act.

I talked about 200,000 military families that are affected by this failure of the Republican majority to act. But let me say the military is being disadvantaged on many tax measures whether it deals with their $6,000 that they get for a death benefit, $3,000 of which is now taxable which we all want to exempt, 100 percent of us want to exempt that. It lies languishing, it lies languishing, I tell my friend from Pennsylvania, for failure of the Committee on Ways and Means and the Committee on Finance to act. Moving costs for our military personnel, our National Guard, our Reserves when we have asked them to move, when they have to sell their home, moving expenses, capital gains consequences, it languishes, I tell my friend from Pennsylvania, distinguished member of the Committee on Ways and Means. It languishes because the majority has failed to act. How sad it is that 12 million children did not get the assistance that others got just so recently.

I thank the gentleman from Tennessee (Mr. COOPER) for his leadership in this effort. I thank him for yielding me this time. And I am hopeful that the House and the majority will finally act to give the relief that the President of the United States was so adamantly urging us to pass 84 days ago.

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

Mr. COOPER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the great State of Georgia (Ms. MAJETTE) who has been a real leader on these issues, in fact, on all issues having to do with protecting our Nation's children.

Ms. MAJETTE. Mr. Speaker, I thank the gentleman from Tennessee for yielding me this time.

Mr. Speaker, I rise today to speak in support of the gentleman from Tennessee's (Mr. COOPER) motion to instruct conferees on the child tax credit. Quite frankly, I cannot believe this continues to be an issue. We need to just do the right thing.

Back in May this House passed a tax cut bill, but those refunds were not for everyone. Americans who work for a living were denied refunds. The people who have the very least influence on this body did not get a tax cut. That is cold hearted. That is unfair, and that is just plain wrong. That bill gave no relief to those who need it the most right now, 6.5 million working families, families whose entire household income is between $10,000 and $26,000. Approximately 40,000 families in my district, Georgia's fourth district, did not get a refund check like millions of other Americans did. Some people received checks in July like Christmas in July, but there were 40,000 families in Georgia who got zapped by the Grinch factor. A couple of hundred bucks may not seem like a lot to some, but to a family living in poverty, it is much needed relief. That is money to buy winter coats for children. That is money to buy school supplies. That is money to pay for dentist bills.

Just yesterday the census released new figures showing that the number of families and children living below the poverty line rose by 1.3 million last year, 1.3 million more families than last year. In my home State of Georgia, those same poor families are preparing for the brunt of some harsh

budget cuts, some harsh State budget cuts and Federal proposals, cuts in Medicaid, cuts in child care services, cuts in education. And yet this House still refuses to include the people who are hurting the most. And let me tell the Members, these are hard-working folks, and they will be the ones who will bring our economy back. It is their sweat and their determination that fuels America's economic engine. It is their labor that makes our lives more comfortable and safer.

I do not rise to speak out on every single issue. It is my nature, as a former judge, to listen and to gather information and to try to make wise decisions. But I have heard and listened to enough, and my faith and my convictions have pulled me to my feet tonight because this issue is far too important to far too many people to let me rest. So I urge my colleagues who talk about compassionate conservatism to walk the walk and put their money where their mouth is. I urge the conferees to do the right thing, to extend the child tax credit to America's working families and our poorest children, for they are the ones who are struggling and hurting and getting hit from every direction right now. We cannot afford to play politics at their expense because they literally cannot afford it. We need to show the Nation and the world that we take care of our own, and we need to treat them the way we would want to be treated, with malice toward none and with charity for all.

So I support the Cooper motion to instruct the conferees on the child tax credit. I urge my colleagues to do the same.

Mr. COOPER. Mr. Speaker, I thank the gentlewoman from Georgia for her remarks. I appreciate her contribution to this debate.

Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. RYAN) for his remarks.

Mr. RYAN of Ohio. Mr. Speaker, I thank the gentleman as well for his leadership on this issue.

This is a very tired issue for us. It has been 80 some days, and we have been talking for quite some time, and many of us who are new to this Chamber, as the previous speaker said, who have not been in politics all that long cannot figure out why we are just not doing the right thing. Because this is not a Democratic issue, and this is not a Republican issue. This is not a partisan issue. This is about helping 12 million kids.

And Labor Day, last Monday, I was fortunate enough to have the President of the United States in the State of Ohio. And as he took his motorcade through the gated communities of the suburbs of Richfield, Ohio and had the audacity to talk about compassion, the audacity to talk about working poor, the audacity to talk about helping kids, 500,000 children in the State of Ohio will not be eligible for this tax credit because this body has refused to take it up.

But I can guarantee that if this group of people, this 6½ million working families, 12 million children, if they had millions of dollars to donate to the Republican party, they would make it on the agenda like that. It is pay to play in Washington, D.C., and we have young children in this country, the wealthiest country in the world, who are not eligible for this, and the big excuse is they do not pay income tax. These families pay sales tax. These families pay property tax. And just because they are poor, we are not going to take care of them. And these are not poor people asking for a handout, as the gentleman from Tennessee makes that point very often. These are not people who are looking for a handout. These are people who go to work every day. And what happened to those values that if they work hard, they play by the rules, we are going to take care of them, we are going to make sure that this Government works on their behalf? Not under this administration. If they do not live in a gated community, if they do not make big money, if they do not donate to the Republican party, their agenda is not brought before this Congress.

The Republicans control the House. The Republicans control the Senate. There is a Republican family that lives in a house right up the street, and if they wanted to take care of this issue, they could. It is a matter of priority. And we are going to sit here, and we are going to stand at this until the wee hours of the morning until this happens, and there will be an election that comes up, and there will be families who should be eligible for this tax credit, who are not, that will be going to the polls very soon.

I think it is crazy when we live in a country where the IRS has a better chance at auditing someone who gets the earned income tax credit than they do for someone who makes $1 million a year. I think that illustrates where we are today in our governmental process. This system is broke. It is a money game. And if they do not have the money that they are dipping into the campaign coffers, their agenda is not brought before this body.

I want to thank the gentleman again for yielding me this time. I also want to thank the gentleman from Texas for all his leadership on this issue. We are going to stand here, and we are going to keep talking until we are blue in the face because these people deserve it. And when our voices are not being heard, it is the voices of millions and millions of children who need our help.

Mr. COOPER. Mr. Speaker, I thank the gentleman from Ohio for his comments. The gentleman is the youngest Member of Congress, an honor I held about 20 years ago this day. We appreciate his eloquence on this important issue.

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

Mr. Speaker, it has been painful for me to sit here and listen to some of the partisan rhetoric, which I think has trivialized a very serious issue. If this is about compassion, the House has already gone on record in a very compassionate way. The issue here, I would suggest to the gentleman from Tennessee, is really one of a more immediate nature, whether his party is going to continue to stand for maintaining a high level of taxation on working families. I am sad to say with this instruction to conferees, they are clearly going on record in favor of more taxes.

Mr. Speaker, accordingly, I rise in opposition to the motion to instruct the conferees. First, I want to set the record straight and commend the chairman of the Committee on Ways and Means and the Republican leadership for already taking swift and meaningful action on the expansion of the child tax credit in June.

My freshman colleague from Ohio may have overlooked the fact that we have already voted on this issue. Contrary to what the minority has been arguing here tonight, the House took clear action on this issue and moved specific legislation forward in order to maximize the number of families that benefit from the jobs and growth plan.

□ 2230

The motion to instruct before us actually takes several steps back from the policy that we already adopted in June. It reduces the tax benefits and it reduces the number of working families that would benefit accordingly.

The motion, for example, calls for the child credit to drop, to be reduced from $1,000 to $700 after the 2004 election. Now, I have to think that is a coincidence. But under their motion, millions of low- and middle-income families will receive a smaller child tax credit right after the elections.

The House-passed bill ensures that the child credit remains at the $1,000 level throughout the decade. That is not only compassionate, it is good tax policy. This is a necessary and, in my view, reasonable element of the House-passed bill because it locks in the Federal commitment to this policy for future years.

If we truly support compassionately helping families with the costs of raising their children, then let us extend this policy beyond next year.

When debating the jobs and growth plan, I listened with interest to my colleagues on the other side howl that the child tax credit was set to expire in 2004. I was pleased to hear that they expressed such strong support for long-term tax relief. Now I am sorry to see the truth becomes clear. They are singing a very different tune.

Furthermore, Mr. Speaker, the motion to instruct does not eliminate the marriage penalty and the child credit until 2010. Even then it only does so for 1 year. Now you see the tax relief, now you do not.

Under the motion, millions of children will be denied the child credit

simply because their parents are married. The House-passed bill benefits middle-income families by eliminating the child credit immediately. That is compassion, Mr. Speaker.

I want to make one more thing very clear because this has been raised previously. The House-passed bill does not deny the child credit to military families. That is a matter clearly in the record. Military families, including those who are deployed abroad today, are already receiving a refundable child credit and will continue to receive a refundable child credit under the House-passed bill.

The 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. And that, in my view, is something we need to remain committed to in the House of Representatives.

These provisions have passed the House on numerous occasions and are awaiting action in the Senate. I believe our tax system imposes too high a burden, not only on our military families, but also working families in places like Erie, Pennsylvania. This imposes a real and substantial social cost. And at a time when we are in an economic slowdown, I think it clearly applies a very substantial economic cost.

The House-passed All American Tax Relief Act, which the other side has conveniently forgotten about, proposes a direct solution to the needs of families struggling with the burden of dependence by offering a comprehensive expansion of the child tax credit.

The motion to instruct wrecks the House-passed bill. It guts it and it should be defeated convincingly to show that we are still on record in support of relief for working families.

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

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

I would hope that the listeners could see through the rather emphatic rhetoric of my good friend from Pennsylvania, because may I remind him that the conference committee has not even bothered to meet on this issue. The Senate is controlled by Republicans, the House is controlled by Republicans, and they have not found time in the last 93 days to meet on this issue.

Let me read the quote from the White House Press Secretary: ''The President wants to sign the Senate legislation,'' not the House legislation, the Senate legislation, ''and hopes that Congress will get it to him quickly.'' This was on June 9 of this year. ''The President believes that what the Senate has done is the right thing to do, a good thing to do, and he wants to sign it.''

So cut through all the rhetoric, cut through all the b.s. I have not seen a Committee on Ways and Means majority member carrying this much heavy water since they tried to defend the police action taken by a member of that committee a month or so ago, only to have the chairman of the committee come to this floor to apologize for his action.

Do the right thing. Do what the White House has asked you to do. Do what the Senate has passed 94 to 2.

Are Republicans compassionate? Can they govern this country? Can they be decent to our own children? That is the issue we are debating tonight.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Texas (Mr. BELL), a genuine leader on this issue.

Mr. BELL. Mr. Speaker, I thank the gentleman very much for yielding and for his leadership on this issue and again bringing the child tax credit before the American people.

I listened to the distinguished gentleman from Pennsylvania talk about how it pains him to listen to the debate. I certainly understand that, because oftentimes the truth does hurt. As I stand here it becomes so apparent, and all I can think about is that old saying that the more things change, the more things stay the same.

As many will recall, we were here night after night leading up to the recess period asking for a motion to instruct on the child tax credit. Some people may have forgotten during the recess period. Certainly our colleagues on the other side of the aisle would like for the American people to forget.

But we are not going to forget. We are not going to forget about those we represent. We are not going to forget about those who are in the greatest need of a tax credit.

All the Republicans would have to do, if they are sincere, is join with the other body and pass the bill that was passed out of the other body calling for an $11 billion child tax credit.

But I would like to take people back to June, because that is how you really can identify the insincerity of the arguments on the other side, when we had the debate regarding the child tax credit and we really saw the hollowness of ''compassionate conservatism'' on display, on open display, as they talked about wanting so greatly a child tax credit, but knowing that the bill that they were putting forward calling for an $80 billion child tax credit would have absolutely no chance, no chance, of being agreed to by the other body. They knew precisely what they were doing.

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

Mr. BELL. No, the gentleman has his own time, and I am not going to yield.

That is precisely what has taken place. And now 93 days have gone by, just as we predicted they would, and the conference committee has not met a single time to try to work out a child tax credit, despite, despite the contentions made by the other side of the aisle that they so greatly wanted this child tax credit.

But, see, some of the real feelings from the other side of the aisle began to slip out after that day back in June, and the majority leader let forth his true feelings when he said, ''It ain't going to happen,'' and he made it clear that he believes the working poor in this country do not deserve a tax credit because they do not pay income tax.

Well, they do pay sales tax, and they wake up every day and they go to work and they have needs, sometimes greater needs, than those long-suffering millionaires who the Republicans seem to always be able to find tax relief for, and we need to do something to take care of these families, and that is what this child tax credit is all about.

At no time was that more clear than during this district work period when I had a chance to go back home and sponsor a back-to-school fair for one of the low-income neighborhoods in my district. The greatest excitement that came during the course of that evening was when a local merchant had offered to give away backpacks, a backpack, something that has become a basic school supply for almost every school child in America. But the excitement was because many of these kids had not been able to afford them.

All I can think is how much that $400 child tax credit would have meant to those families when they were preparing to send their kids back to school, how much it would have meant to them.

That is why it is important, and that is why we challenge the other side of the aisle, that is why we challenge the Republicans in this body night after night to stand behind your words that you stated back in June, stand behind what you claimed was a sincere, compassionate need to help working families in this country.

Go to the conference committee, agree with the other body, and let us bring forth a child tax credit that will put money in the hands of those who need it most in this country. Let us pass this motion to instruct and let us pass a child tax credit.

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

Mr. Speaker, I would like to engage the last speaker. Since he refused to yield for a question, perhaps if he could briefly answer a question on my time. I would yield myself such time as necessary, if he will answer that question.

The gentleman made in his statement the claim that he knew that the House bill, or we should have known that the House bill, which was far more generous than the instruction provides for as a policy, that provides far more tax relief to working families, that provides much more well-rounded tax policy than is contained in their motion to instruct or in the Senate version, he said that we were in some way culpable because in passing this bill already and acting on this issue already, we should know that the Senate is not going to act accordingly.

May I ask the gentleman, how does he know that as a freshman?

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

Mr. ENGLISH. I yield to the gentleman from Texas.

Mr. BELL. Mr. Speaker, this has absolutely nothing to do with being a freshman. Things become rather apparent around here quite quickly, and when the other body has engaged in a lengthy debate and has offered a child tax credit which has been paid for and has identified funding for that, it will not go above that mark, and has made it very clear they will not go above that mark, certainly if you come back and pass a child tax credit that calls for some $69 billion and does not identify any funding for that bill, you know that the other body, common sense would tell you that the other body is not going to agree to it.

We stated that at the time, and what has played out is exactly what we said would play out. The conference committee has not met.

Mr. ENGLISH. Mr. Speaker, reclaiming my time, the gentleman is really not being responsive.

May I say, I believe the House has adopted the correct policy. What this motion would do is gut that policy and remove some of the tax relief that I believe is essential for working families, particularly those who are the object supposedly of compassion on the other side.

Mr. Speaker, I think the important thing to understand here is that the House has already acted. We have already laid out and I have laid out in my remarks exactly what the House position is. The gentlemen are advocating a policy that would roll back that tax policy, and all of the remarks so far have not been responsive to my arguments.

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

Mr. COOPER. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New Jersey (Mr. PALLONE), who has been not only a leader on this issue, but on so many issues in this House of Representatives. Where the gentleman gets his energy, I do not know, but I am proud of him.

Mr. PALLONE. Mr. Speaker, I thank the gentleman for those comments. I appreciate it.

But I have to respond to the Republican gentleman from Pennsylvania, because as much as I respect him, and I do, he is clearly trying to rewrite history in terms of what happened here with this issue.

The bottom line is, and I think he has forgotten, the Republicans passed this huge tax cut that essentially ballooned the deficit. We are up to like a $500 or $600 billion deficit right now. And, lo and behold, all the checks were going to go out. The President got up and said we are going to send the checks out to all these people, a lot of them wealthy, some middle class. But all of a sudden everybody realized that the working poor, those families that were making between $10,500 and $26,000 a year, that their children, their 12 million children, were not getting the increased child tax credit.

So, what happens? The President is embarrassed. The Senate is embarrassed. The other body immediately says, ''Well, let's do something real fast. We will give these kids and their families the extra child credit, but we do not want to balloon the deficit because we know the deficit is way out of control because of the Republican tax cut policies. So we will just lengthen a customs excise tax to pay for it,'' I think it was.

□ 2245

They said, Look, we will do this but we will not increase the deficit and we are certainly not going to go for even more taxes to make the deficit even worse. Well, they passed it.

Now, we figure, okay, the House will take it up and pass it too because the President of the United States said, This is a good thing. I agree with what the Senate did. It will not cause more problems for the deficit. It will just help these poor families. But what does the House do? The House passes this other big bill that will balloon the deficit even more, give more money primarily to wealthy people, and now my colleague from Pennsylvania says, well, the House bill is better.

The bottom line is the House bill is never going to pass. We know that. Why will it not pass? Because it will increase the deficit. The Senate rightly will not pass the House bill because they know it is not just addressing the problem at hand which is the real problem that needs to be addressed to these poor children and these poor families, these working families, but rather just give more tax credits, more tax cuts to other people who do not need it and balloon the deficit even more.

Mr. Speaker, I like the gentleman. I respect my Republican colleague from Pennsylvania, but he knows darn well this House bill is going nowhere. That is why there is no conference. I do not know if they have appointed the conferees, but the conferees never met. Why? Because the House Republican leadership has no intention of passing this bill. If they had any intention of passing it, they would have had the conference.

I respect the gentleman a great deal, and I know he really believes that this House bill is the right way to go, and I respect him for that. But the gentleman knows it is never going to pass. The gentleman knows it will never go to conference. The gentleman knows it will never go to the President's desk. The President has said he wants to send a bill because he knows it is the only bill that will pass. So do not kid around here.

I understand the gentleman really earnestly believes in it, but procedurally it will not happen. If it was going to happen, then the majority leader, the Speaker, would say, let us have a conference and let us try to work out the differences, try to persuade the Senate to pass something if they want. But they are not doing that. They are just ignoring it.

What we are saying as Democrats is we are not going to let you ignore it. A promise was made by the President. A promise was made by the Republican leadership that they will address this issue, and they are not doing it. And it is irresponsible because these poor families need the money. If they got the money, they would go out immediately and spend it on basic necessities: food, clothing, whatever. It would be an economic stimulus. But that is not even the issue. It is an issue of equity.

Why in the world should those poor families who are paying taxes, whether it is payroll, sales, property tax or whatever, why should they not get the money? They were getting the original tax credit. Why should they not get the increase like everybody else? Why should they not get the check in the mail? I got the check in the mail. I think it was $1,200 because I have three kids.

Now, I do not really need it. I would rather see that it was going to poor families, to working families that have low income. It is just not right. It shows dramatically that the Republicans do not care. They are not compassionate conservatives. They may be conservatives, but they are not compassionate at all.

I respect the gentleman a great deal, my colleague from Pennsylvania, but do not kid us and say this House bill is going anywhere. It is going nowhere. That is why we are not having the conference. The leadership is not taking it up. They told us it was dead, but we are not going to let them get away with it.

Mr. ENGLISH. Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore (Mr. CARTER). The gentleman from Pennsylvania (Mr. ENGLISH) has 21 minutes remaining. The gentleman from Tennessee (Mr. COOPER) has 4 minutes remaining.

Mr. ENGLISH. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. SMITH), one of my most distinguished colleagues.

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman for yielding me time.

I will do a Special Order tonight on Social Security, that we need to deal with Social Security. And maybe it should be made clear to everybody what the motion to instruct does is in effect saying that those individuals that do not pay income tax should still have the child tax credit. I wonder if there might not be another solution.

In my Social Security bill that I am introducing next week, I say for those private investment accounts that are safe investments, and we will not get into the debate on whether that is advisable or not, but what I do is for

those individuals making less than $34,000, I add money to their personal retirement fund that they own to help give them a chance to accrue increased benefits that is going to give them maybe even a better income and retirement than they had in their working years.

So maybe instead of suggesting we should have a child tax credit relief for those individuals that do not pay any income tax, maybe we should be talking about some relief for those low-income individuals paying into Social Security. Because after all, 75 percent of Americans working now pay more in the Social Security tax, the FICA tax, the withholding tax than they do in the income tax. So I think rather than confusing the issue saying let us give an additional, you might call it, some people would dislike having it called a welfare payment, but if it is for individuals as an income tax rebate for individuals that do not pay any income tax, then it could be conceived that way. So I wonder if maybe it is not a more fair and reasonable debate for those 75 percent of Americans who pay more in the FICA tax than they do in the income tax to talk about reducing their FICA tax and still giving them some kind of credit for retirement.

So I oppose the motion to recommit because I think it confuses the issue.

Mr. COOPER. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. DAVIS), an eloquent speaker, a colleague and friend of mine who, in fact, represents the congressional district I used to represent.

Mr. DAVIS of Tennessee. Mr. Speaker, child tax credit. What is it? It is not a refund because you paid income tax. That is a misnomer we are talking about.

This bill passed in the House and was excluded, there were certain numbers of people excluded as a result of tax cuts that were passed. And this body, Members of this Chamber, the majority side decided that we ought to cut folks out who make between 12 and $25,000 a year. We are not talking about something new. This has already passed for everyone else except for those who earn between 12 and $25,000 a year. You excluded those individuals. You said if you have children and you are working, it does not matter.

I walked this past Monday in a Labor Day parade; and as I was walking down in Whitwell, Tennessee, the gentleman knows what I am talking about, as I walked down that Labor Day parade route, probably 5 or 6,000 people on the sides of the road, somebody came out and hollered at me, Tell the President, and I will not repeat what she said, what he can do with his tax cut.

I think we can redeem ourselves. Mr. President, what I am calling on you tonight to do is just what you did to the Senate. I talked to the Republican-controlled Senate and said pass a child tax credit that includes those folks who earn between 12 and $25,000 a year. They did. He said we have left them out when we passed the income tax proposal. He called the House. I am sure he called the majority leader or maybe the Speaker and said, Pass the bill because those folks deserve it. He said he was a compassionate conservative. I believe him.

Let us redeem ourselves to this lady who is saying, you left me out. I work every day. I am a single mom and you left me out, Mr. President. Do not do that to us, Mr. President. We are not talking about whether they pay income tax or not. We are not talking about giving a tax refund because they paid in. We are talking about stimulating the economy and giving someone $400 per child who works every day and pays the gasoline tax when they drive to that factory where they work or the shopping center where they work selling hamburgers.

So do not tell me they have not earned this. They have. And it is a shame that this House has not done what the President asked them to do. Mr. President, let us redeem ourselves with those folks who work every day harder than any of us and earn between $12,000 and $25,000 a year. It is time that America stood up for what is right, Republicans and Democrats. I am tired of it.

Mr. ENGLISH. Mr. Speaker, I have one speaker remaining, and I believe the gentleman has the right to close.

Mr. COOPER. Mr. Speaker, I have one speaker remaining in addition to myself. How much time remains on my side?

The SPEAKER pro tempore. The gentleman from Tennessee (Mr. COOPER) has 1½ minutes remaining.

Mr. COOPER. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman very much for yielding me time.

There is only one point that I want to make and to suggest that what we are doing here, our inertia and inaction is a crime. It is a crime on families that clearly deserve the equity of a child tax credit just like any other working family.

I leave this floor with this thought I hope will be lasting, and I thank the distinguished gentleman from Tennessee (Mr. COOPER). Our military hospitals across the Nation and around the world are teeming with the wounded from Iraq and Afghanistan, teeming. And because of that, they leave or they have families back home who today cannot receive a tax credit because this body will not act. The question for the Republicans is whether or not they will pay the appropriate tribute to their sacrifice and pass the earned income tax credit now, the one passed by the Senate, now.

Mr. COOPER. Mr. Speaker, I have the right to close, and I reserve the balance of my time.

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

Mr. Speaker, as I have listened to the debate I am afraid that the speakers on the other side from over and over again overlooked some basic points.

First, they talk as if the House had not acted, but the House in timely fashion has acted and has passed a bill to extend the child tax credit to these families. Second of all, we have done what the President asked for and more. And we are now in a position to move forward I think and make a compelling argument to the Senate at a time when the economy is slow that they should be considering, in fact, more relief. And what is more, one of things that I pointed out in my remarks and none of the speakers chose to address on the other side, was the fact that after all, this motion to recommit would effectively cut back on the tax benefits that the House has already chosen to extend. And to put that into context and allow people to judge the relative compassion, to use the other side's rhetoric, let me just suggest the following examples:

Under our bill we would extend the $1,000 child credit immediately and for good. But under their proposal in the year 2005, that $1,000 child tax credit would drop down to $700. That is a tax increase on working families after the election. And that is a fact that the other side has not chosen to engage on. That is a very significant tax increase for working families. When you consider that in Erie, Pennsylvania, a cop with three dependents would see his taxes go up or her taxes go up $900 dollars in the year 2005 under their proposal relative to ours. Two young teachers with two very young dependent children would see their taxes go up $600 in the year 2005.

I know people in these circumstances. I know people in my neighborhood who have had to face this tax burden and are facing exactly those circumstances trying to raise their kids with limited resources. What this motion to recommit does is force a tax increase on them after the 2004 election. I think that is bad social policy and it is bad economic policy. And I am immensely proud that this House has already gone on record in favor of addressing this issue, has done so eloquently. And I hope tomorrow when we have an opportunity to vote finally on this recommittal motion that the House will clearly go on record opposing this motion to recommit.

I thank the gentleman for his eloquence tonight. It has been a great debate.

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

□ 2300

Mr. COOPER. Mr. Speaker, I yield myself the remainder of my time.

As I began the debate, are House Republicans compassionate? Unwittingly they have proven for the 93rd day they are not, because they will not even agree with their President or with the Republican majority in the Senate to

govern, to do the right thing for our Nation's children.

I would urge this House to vote yes on the motion to instruct. It is a vote on compassion. It is a vote on whether we care, and this is the chance to prove it.

For the second time tonight, the Republican majority in the House has proved they do not have any compassion. First we debated the earned income tax credit, now this one. Vote yes on this motion to instruct.

The SPEAKER pro tempore (Mr. CARTER). The gentleman's time has expired.

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 Tennessee (Mr. COOPER).

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

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

The yeas and nays were ordered.

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

COMMUNICATION FROM CONGRESSIONAL AIDE OF HON. ELTON GALLEGLY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from NiCole Dolski, Congressional Aide of the Honorable ELTON GALLEGLY, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 24, 2003.

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

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a criminal trial subpoena for testimony issued by the Superior Court for Ventura County, California.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena would be consistent with the privileges and rights of the House.

Sincerely,

NICOLE DOLSKI,
Congressional Aide.

COMMUNICATION FROM DISTRICT DIRECTOR OF HON. ELTON GALLEGLY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Paula Sheil, District Director of the Honorable ELTON GALLEGLY, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 24, 2003.

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

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a criminal trial subpoena for testimony issued by the Superior Court for Ventura County, California.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena would be consistent with the privileges and rights of the House.

Sincerely,

PAULA SHEIL,
District Director.

COMMUNICATION FROM CONGRESSIONAL AIDE OF HON. ELTON GALLEGLY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Tina Cobb, Congressional Aide of the Honorable ELTON GALLEGLY, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 24, 2003.

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

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a criminal subpoena for testimony issued by the Superior Court of Ventura County, California.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena would be consistent with the privileges and rights of the House.

Sincerely,

TINA COBB,
Congressional Aide.

COMMUNICATION FROM CONGRESSIONAL AIDE OF HON. ELTON GALLEGLY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Terry Hiser, Congressional Aide of the Honorable ELTON GALLEGLY, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 24, 2003.

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

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a criminal trial subpoena for testimony issued by the Superior Court for Ventura County, California.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena would be consistent with the privileges and rights of the House.

Sincerely,

TERRY HISER,
Congressional Aide.

COMMUNICATION FROM CHIEF OF STAFF OF HON. PAUL E. KANJORSKI, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Karen M. Feather, Chief of Staff of the Honorable PAUL E. KANJORSKI, Member of Congress:

CONGRESS OF THE UNITED STATES,
Washington, DC, July 31, 2003.

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

DEAR MR. SPEAKER: The purpose of this letter is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony and documents issued by the Court of Common Pleas of Northampton County, Pennsylvania.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

KAREN M. FEATHER,
Chief of Staff.

COMMUNICATION FROM THE HON. PAUL E. KANJORSKI, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable PAUL E. KANJORSKI, Member of Congress:

CONGRESS OF THE UNITED STATES,
Washington, DC, July 31, 2003.

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

DEAR MR. SPEAKER: The purpose of this letter is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony and documents in a civil action in which I am not a party, issued by the Court of Common Pleas of Northampton County, Pennsylvania.

I will make the determinations required by Rule VIII.

Sincerely,

PAUL E. KANJORSKI,
Member of Congress.

COMMUNICATION FROM ASSOCIATE ADMINISTRATOR, OFFICE OF HUMAN RESOURCES, OFFICE OF CHIEF ADMINISTRATIVE OFFICER

The SPEAKER pro tempore laid before the House the following communication from Kathy A. Wyszynski, Associate Administrator, Office of Human Resources, Office of the Chief Administrative Officer of the House of Representatives:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,
Washington, DC, August 15, 2003.

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

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for documents issued by the Superior Court of the State of California.

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

Sincerely,

KATHY A. WYSZYNSKI,
Associate Administrator, Office of Human Resources.

SPECIAL ORDERS

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

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

(Mr. MORAN of Kansas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

PUBLICATION OF THE GMPs

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

Mr. PALLONE. Mr. Speaker, I rise on the House floor this evening to express my appreciation for the publication of the proposed rule for dietary supplement current good manufacturing practices, or GMPs. After many years of delay and inquiry, I am pleased that the Food and Drug Administration finally put forth this proposed rule earlier this year as required by the Dietary Supplement Health and Education Act, also know as DSHEA. This is truly a step forward in health care and will help to ensure that the public has access to high-quality, safe dietary supplements.

Overall, Mr. Speaker, I have found that the FDA's proposed rule works in favor of both consumers and the industry. The public should expect nothing less than safe and effective supplements, and it is encouraging to witness the government and industry joining together to provide consumers great confidence that supplements are free from contamination, accurately labeled and effective in improving personal health.

The GMPs also provide guidelines that assist the dietary supplement industry in manufacturing safe, effective, unadulterated products. The industry fully appreciates the economic consequences of these proposed regulations and is prepared to invest in the future of the natural products that they sell.

However, there are some concerns that will be expressed by both the public and the industry during the comment period, and I am hopeful that the FDA will be responsive, given the FDA's shared commitment to deliver products with only optimum health benefits. For example, Mr. Speaker, although the GMPs steer dietary supplement manufacturers down the right path, there are several outstanding issues that must be raised.

Mr. Speaker, I am concerned about finished product testing and the scientifically validated measures to be used. It is crucial that the FDA and the dietary supplement industry agree on the methods and scientific criteria required of product testing in order for consumers to compare products based upon the same standards.

I recognize that the best standards are those developed from scientific and clinical research, and I have always supported efforts to promote research and development of dietary supplement products. It is imperative that the GMPs include incentives for stimulating clinical and scientific research. This research is important for establishing scientifically validated methods for dietary supplement testing and for providing uniform standards that can be accessed and utilized by consumers when comparing the health benefits of supplements.

In addition, Mr. Speaker, the economic pressure that the GMPs will place on small companies, manufacturers and raw material suppliers with less than 500 employees, troubles me. Analysis shows that the cost of compliance for small companies is estimated at $100,000 the year of implementation and $61,000 the following years. The intent of this financial burden is to rid the market of unscrupulous players. However, small companies and mom-and-pop shops comprise approximately 90 percent of the dietary supplement industry, and I fear that many operations will be forced to go out of business due to the high cost of compliance.

As currently proposed, it is estimated that up to 50 percent of the very small companies could go out of business and that product prices could increase by 35 percent. Retailers, small business manufacturers and consumers will ultimately have to absorb these costs, which will most likely result in fewer consumers being able to purchase dietary supplements.

Mr. Speaker, I would also like to note that GMPs also place a fair amount of pressure, economic or otherwise, on the FDA once they are finalized. Enforcement of the rules will be costly. One way for the U.S. Government to minimize these costs will be to allow independent, third-party organizations to conduct inspections and certify establishments as if they were government inspectors.

This is not a unique concept. For instance, the Joint Commission on Accreditation of Health Care Organizations accredits nearly all the hospitals in the United States.

Another good example of industry and government cooperation is the memorandum of understanding that was established between the American Council for Food Safety and Quality, formerly the Dried Food Association of California, and the FDA. The MOU allows the association to inspect member facilities as if they were government inspectors. The program has paid benefits for all involved. The agency would realize reduced administrative cost burdens as inspection costs could be borne by the manufacturer, while also providing expertise and guidance, thereby allowing manufacturers to come into compliance with the new GMP regulations.

Again, Mr. Speaker, I am pleased with the FDA for finally coming forth with this proposed rule, and I remain hopeful that the benefits will include improved health as a result of better access to quality dietary supplements. It is imperative that the FDA use the instructive recommendations it receives during the comment period and that the public and the industry play a significant role in ensuring improved access to safe and effective dietary supplement products.

□ 2310

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

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. RYAN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. MCCOTTER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. EMANUEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. SHUSTER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2004 AND THE 5-YEAR PERIOD FY 2004 THROUGH FY 2008

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

Mr. NUSSLE. Mr. Speaker, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 2004 and for the 5-year period of fiscal years 2004 through 2008. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act and section 501 of the conference report on the concurrent resolution on the budget for fiscal year 2004 (H. Con. Res. 95). This status report is current through September 3, 2003.

The term ''current level'' refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set forth by H. Con. Res. 95. This comparison is needed to enforce section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for fiscal years 2004 through 2008, because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority and outlays for discretionary action by each authorizing committee with the ''section 302(a)'' allocations made under H. Con. Res. 95 for fiscal year 2004 and fiscal years 2004 through 2008. ''Discretionary action'' refers to legislation enacted after the adoption of the budget resolution. A separate allocation for the Medicare program, as established under section 401(a)(3) of the budget resolution, is shown for fiscal year 2004 and fiscal years 2004 through 2013. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 2004 with the ''section 302(b)'' suballocations of discretionary budget authority and outlays among Appropriations subcommittees. The comparison is needed to enforce section 302(f) of the Budget Act because the point of order under that section equally applies to measures that would breach the applicable section 302(b) suballocation.

The last table gives the current level for 2005 of accounts identified for advance appropriations under section 501 of H. Con. Res. 95. This list is needed to enforce section 501 of the budget resolution, which creates a point of order against appropriation bills that contain advance appropriations that are: (i) not identified in the statement of managers or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2004 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 95

[Reflecting action completed as of September 3, 2003—on-budget amounts, in millions of dollars]

	Fiscal year 2004	Fiscal years 2004–2008
Appropriate Level:		
Budget Authority	1,880,555	(1)
Outlays	1,903,502	(1)
Revenues	1,325,452	8,168,933

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2004 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 95—Continued

[Reflecting action completed as of September 3, 2003—on-budget amounts, in millions of dollars]

	Fiscal year 2004	Fiscal years 2004–2008
Current Level:		
Budget Authority	1,101,447	(1)
Outlays	1,424,936	(1)
Revenues	1,331,075	8,377,042
Current Level or (+)/under/ (−) Appropriate Level:		
Budget Authority	−779,108	(1)
Outlays	−478,566	(1)
Revenues	5,623	208,109

[1] Not applicable because annual appropriations Acts for fiscal years 2005 through 2008 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing new budget authority for FY 2004 in excess of $779,108,000,000 (if not already included in the current level estimate) would cause FY 2004 budget authority to exceed the appropriate level set by H. Con. Res. 95.

OUTLAYS

Enactment of measures providing new outlays for FY 2004 in excess of $478,566,000,000 (if not already included in the current level estimate) would cause FY 2004 outlays to exceed the appropriate level set by H. Con. Res. 95.

REVENUES

Enactment of measures that would result in revenue reduction for FY 2004 in excess of $5,623,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by H. Con. Res. 95.

Enactment of measures resulting in revenue reduction for the period FY 2004 through 2008 in excess of $208,109,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by H. Con. Res. 95.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR DISCRETIONARY ACTION, REFLECTING ACTION COMPLETED AS OF SEPTEMBER 3, 2003

[Fiscal years, in million of dollars]

House Committee	2004		2004–2008 total		2004–2013 total	
	BA	Outlays	BA	Outlays	BA	Outlays
Agriculture:						
Allocation	0	0	0	0	(1)	(1)
Current Level	0	0	0	0	(1)	(1)
Difference	0	0	0	0	(1)	(1)
Armed Services:						
Allocation	70	34	70	70	(1)	(1)
Current Level	0	0	0	0	(1)	(1)
Difference	−70	−34	−70	−70	(1)	(1)
Education and the Workforce:						
Allocation	39	47	201	245	(1)	(1)
Current Level	0	0	0	0	(1)	(1)
Difference	−39	−47	−201	−245	(1)	(1)
Energy and Commerce:						
Allocation	−170	−170	439	439	(1)	(1)
Current Level	1,325	100	685	795	(1)	(1)
Difference	1,495	270	246	356	(1)	(1)
Financial Services:						
Allocation	0	375	0	1,250	(1)	(1)
Current Level	−1	−1	−2	−2	(1)	(1)
Difference	−1	376	−2	−1,252	(1)	(1)
Government Reform:						
Allocation	−1	0	−3	−1	(1)	(1)
Current Level	0	0	0	0	(1)	(1)
Difference	1	0	3	1	(1)	(1)
House Administration:						
Allocation	0	0	0	0	(1)	(1)
Current Level	1	1	3	3	(1)	(1)
Difference	1	1	3	3	(1)	(1)
International Relations:						
Allocation	0	0	0	0	(1)	(1)
Current Level	0	0	0	0	(1)	(1)
Difference	0	0	0	0	(1)	(1)
Judiciary—						
Allocation	19	19	95	95	(1)	(1)
Current Level	0	0	0	0	(1)	(1)
Difference	−19	−19	−95	−95	(1)	(1)
Resources:						
Allocation	24	24	522	342	(1)	(1)
Current Level	0	0	0	0	(1)	(1)
Difference	−24	−24	−522	−342	(1)	(1)

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR DISCRETIONARY ACTION, REFLECTING ACTION COMPLETED AS OF SEPTEMBER 3, 2003—Continued

[Fiscal years, in million of dollars]

House Committee	2004		2004–2008 total		2004–2013 total	
	BA	Outlays	BA	Outlays	BA	Outlays
Science:						
Allocation	0	0	0	0	(1)	(1)
Current Level	0	0	0	0	(1)	(1)
Difference	0	0	0	0	(1)	(1)
Small Business:						
Allocation	0	0	0	0	(1)	(1)
Current Level	0	0	0	0	(1)	(1)
Difference	0	0	0	0	(1)	(1)
Transportation and Infrastructure:						
Allocation	9,256	0	41,134	0	(1)	(1)
Current Level	0	0	0	0	(1)	(1)
Difference	−9,256	0	−41,134	0	(1)	(1)
Veterans' Affairs:						
Allocation	0	0	0	0	(1)	(1)
Current Level	0	0	0	0	(1)	(1)
Difference	0	0	0	0	(1)	(1)
Ways and Means:						
Allocation	20,626	20,054	24,079	23,876	(1)	(1)
Current Level	18,141	18,150	22,972	23,007	(1)	(1)
Difference	−2,485	−1,904	−1,107	−869	(1)	(1)
Medicare:						
Allocation	0	0	(1)	(1)	0	0
Current Level	0	0	(1)	(1)	0	0
Difference	0	0	(1)	(1)	0	0

(1) Not applicable.

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2004—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

[In millions of dollars]

Appropriations Subcommittee	302(b) suballocations as of July 22, 2003 (H. Rpt. 108–228)		Current level reflecting action completed as of September 3, 2003		Current level minus suballocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development	17,005	17,686	14	5,036	−16,991	−12,650
Commerce, Justice, State	37,914	41,009	0	14,197	−37,914	−26,812
National Defense	368,662	389,221	17	137,684	−368,645	−251,537
District of Columbia	466	464	0	51	−466	−413
Energy & Water Development	27,080	27,211	0	9,198	−27,080	−18,013
Foreign Operations	17,120	20,185	0	13,804	−17,120	−6,381
Homeland Security	29,411	30,506	215	12,678	−29,196	−17,828
Interior	19,627	19,400	36	6,244	−19,591	−13,156
Labor, HHS & Education	138,036	134,766	21,378	91,973	−116,658	−42,793
Legislative Branch	3,512	3,662	0	671	−3,512	−2,991
Military Construction	9,196	10,282	0	7,680	−9,196	−2,602
Transportation-Treasury	27,502	71,360	31	41,247	−27,471	−30,113
VA-HUD-Independent Agencies	90,034	95,590	2,698	51,610	−87,336	−43,980
Grand total	785,565	861,342	24,389	392,073	−761,176	−469,269

Statement of FY2005 advance appropriations under section 501 of H. Con. Res. 95 reflecting action completed as of September 3, 2003

[In millions of dollars]

	Budget authority
Appropriate Level	23,158
Current Level:	
Interior Subcommittee: Elk Hills	0
Labor, Health and Human Services, Education Subcommittee:	
Employment and Training Administration	0
Education for the Disadvantaged	0
School Improvement	0
Children and Family Services (head start)	0
Special Education	0
Vocational and Adult Education	0
Treasury, General Government Subcommittee: Payment to Postal Service	0
Veterans, Housing and Urban Development Subcommittee: Section 8 Renewals	0
Total	0
Current Level over (+)/ under (-) Appropriate Level	−23,158

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 4, 2003.

Hon. JIM NUSSLE,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2004 budget and is current through September 3, 2003. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2004. The budget resolution figures incorporate revisions submitted by the Committee on the Budget to the House to reflect funding for the fiscal year 2003 supplemental appropriations act and the tax relief act of 2003. These revisions are authorized by sections 421 and 507 of H. Con. Res. 95, respectively. In addition, per section 502 of H. Con. Res. 95, amounts designated as an emergency are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes outlays of $262 million from funds provided in the Emergency Supplemental Appropriations for Disaster Relief Act of 2003 (Public Law 108–69).

Since my last letter, dated June 16, 2003, the Congress has cleared and the President has signed the following acts that changed budget authority, outlays, or revenues for 2004:

The Welfare Reform Extension Act of 2003 (Public Law 108–40);

The Burmese Freedom and Democracy Act of 2003 (Public Law 108–61);

The Smithsonian Facilities Authorization Act (Public Law 108–72); and

An Act to Amend Title XXI of the Social Security Act (Public Law 108–74).

In addition, the Congress has cleared the following legislation for the President's signature: the Chile Free Trade Agreement Implementation Act (H.R. 2738) and the Singapore Free Trade Agreement Implementation Act (H.R. 2739).

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

FISCAL YEAR 2004 HOUSE CURRENT LEVEL REPORT AS OF SEPTEMBER 3, 2003

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous sessions:			
Revenues	0	0	1,466,370
Permanents and other spending legislation	1,089,029	1,061,356	0
Appropriation legislation	0	345,754	0
Offsetting receipts	−366,436	−366,436	0
Total, previously enacted	722,593	1,040,674	1,466,370
Enacted this session: (excluding emergencies [1])			
Emergency Wartime Supplemental Appropriations Act of 2003 (P.L. 108–11)	215	27,349	0
American 5-Cent Coin Design Continuity Act of 2003 (P.L. 108–15)	−1	−1	0
Unemployment Compensation Amendments of 2003 (P.L. 108–26)	4,730	4,730	145
Jobs and Growth Tax Relief Reconciliation Act of 2003 (P.L. 108–27)	13,312	13,312	−135,370
Welfare Reform Extension Act of 2003 (P.L. 108–40)	99	108	0
Burmese Freedom and Democracy Act of 2003 (P.L. 108–61)	0	0	−10
Smithsonian Facilities Authorization Act (P.L. 108–72)	1	1	0
An Act to Amend Title XXI of the Social Security Act (P.L. 108–74)	1,325	100	0
Total, enacted this session	19,681	45,599	−135,235
Cleared, pending signature:			
Chile Free Trade Agreement Implementation Act (H.R. 2738)	0	0	−5
Singapore Free Trade Agreement Implementation Act (H.R. 2739)	0	0	−55
Total, cleared, pending signature	0	0	−60
Entitlements and Mandatories: Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	359,173	338,663	0
Total Current Level [1, 2]	1,101,447	1,424,936	1,331,075
Total Budget Resolution:	1,880,555	1,903,502	1,325,452
Current Level Over Budget Resolution	0	0	5,623
Current Level Under Budget Resolution	−779,108	−478,566	0
Memorandum:			
Revenues, 2004–2008;			
House Current Level	0	0	8,377,042
House Budget Resolution	0	0	8,168,933
Current Level Over Budget Resolution	0	0	208,109

[1] Per section 502 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2004, amounts designated as an emergency are exempt from enforcement of the budget resolution. As a result, the current level excludes outlays of $262 million from funds provided in the Emergency Supplemental Appropriations for Disaster Relief Act of 2003 (P.L. 108–69).

[2] For purposes of enforcing section 311 of the Congressional Budget Act in the House, the budget resolution does not include outlays of $508 million from prior appropriations for Social Security administrative expenses. As a result, the current level excludes these items.

Notes.—P.L.=Public Law.

Source: Congressional Budget Office.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

(Ms. LEE addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. STRICKLAND addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Ms. JACKSON-LEE of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. JEFFERSON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mrs. CHRISTENSEN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

SOCIAL SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Michigan (Mr. SMITH) is recognized for half the time until midnight.

Mr. SMITH of Michigan. Mr. Speaker, tonight, while we discuss issues, there are two global forces proceeding on a collision course. The first is the aging of society. This does not mean that each one of us is getting older, which is true, but rather that the elderly population is increasing more rapidly than the population as a whole. The second is that Social Security systems which provide most elderly people financial support are not sustainable as they are recently structured because as people are getting older the birthrate is also decreasing.

The paths of these forces ultimately will affect most countries of the world, both developed and lesser developed. The wages of employees and workers will be going down and the security of the elderly and the people's very economic well-being will be disrupted.

I would suggest, Mr. Speaker, that much is at stake and the challenges are real, but the opportunities are also unprecedented. As few as 6 years ago it was very unpopular to discuss Social Security and the problems of the solvency of Social Security and the fact that Social Security was going broke because it was so, for lack of a better word, demagogued in political campaigns.

When I introduced my first Social Security bill, 9 years ago now, my opponents in the next election said, well, the gentleman from Michigan (Mr. SMITH) is trying to harm Social Security and your Social Security is in danger. And of course seniors, better than half of whom depend on Social Security for over 90 percent of their retirement income, were concerned. And so it took a lot of speeches on my part, I gave 200 speeches in my district in my first 4 years in Congress, explaining what the problems of Social Security are. So the people in the 7th Congressional District of Michigan understand the charts that I am going to go through tonight and the predicament that Social Security faces and the fact that it is going to be insolvent very shortly.

Social Security is a pay-as-you-go system. And unlike privately invested savings accounts, where contributions are invested in wealth-producing assets for retirement, Social Security benefits, the taxes that come in to pay your Social Security, are immediately sent out as benefits. So it is a generation transfer of wealth. Younger workers today are paying in their FICA tax, their Social Security tax, and almost immediately by the time it gets to the Social Security Administration that money is sent out in benefits for existing retirees.

And of course it is sort of like a chain letter. If you can imagine, government is saying, well, look, you pay to the names at the top of this list, you add your name to the bottom of the list, and then in later years, all of the people under you on that list will be sending you money. Well, the success of a pay-as-you-go system like Social Security is predicated on the fact that there is going to be a growing worker population, or at least the worker population as a percentage of the number of retirees is not going to dwindle. And of course right now the number of workers per senior in many countries of the world is going down.

We can talk about the extreme problems that are now facing Japan and Italy and France and Germany. In France, for example, Mr. Speaker, their payroll tax in France is 51 percent of the paycheck that they earn. Now that means that the company is deducting that 51 cents from their pay, and what they cannot deduct from the pay because they cannot hire employees, then they have to increase in the price of their product. So two things happen: the worker earns less than they might otherwise earn and the price of the product goes up. So that particular company is less competitive than other countries that do not have that kind of huge burden of accommodating their senior population.

Germany is approaching a 40 percent payroll tax deduction. In the United States we have a 15 percent payroll deduction. We have 12.4 for Social Security and the remainder is for Medicare and Medicaid, the Medicare part A and Medicare part B.

I put this first chart up to sort of review the history of the United States and how Social Security first got started. We went through the very severe depression of the late 1920s and early 1930s, and Franklin Delano Roosevelt said, look, there needs to be some kind of a forced savings program so that old people do not have to go over the hill to the poor house and live in poverty. There should be some kind of security for these people. So he suggested a forced savings plan while people were working, to take some of those earnings and, in effect, put it aside so we had that social security, those benefits that could be paid out in retirement.

When Franklin Roosevelt created the Social Security program over 6 decades ago, he wanted it to feature a private sector component to build retirement income. Social Security was supposed to be one leg of a three-legged stool to support retirees. It was supposed to go hand in hand with personal savings and private pension plans.

Researching the archives of some of the debate in the House and the Senate was very interesting. Back in 1934 and 1935, as it turned out, the Senate proposal, and of course what we do here is the Senate passes one bill, the House passes another, then it goes to conference committee for the final compromise before we send it to the President. The Senate said, look, it should be privately owned accounts. We are going to force people to take a portion of their earnings and put it in a savings account, an investment account, for their future retirement, but it is going to be owned by the workers. The House, on the other hand, passed legislation that suggested that, look, government would handle all of this money coming in and then government would keep that money and pay it out when the time came for these retirees to retire.

In the conference committee, the argument from the House was very strong. They said, look, we just went through this terrible depression; we need government to control this money instead of having individuals maybe investing in something they should not invest in. So let us have the government control it. So it ended up with a compromise of what we have today as Social Security with workers paying into the Social Security System, the government taking all this money, and then paying it out when somebody would retire.

□ 2320

Now, since 1983 when we had the huge tax increase on Social Security, the Greenspan commission said well, Social Security is going broke, we are going to cut benefits and increase taxes, so we had a huge tax increase. Since 1983, there has been extra surplus money coming in from the FICA tax, and part of the problem is instead of that extra surplus money being invested and gaining returns, this Chamber, the Senate, the President, has spent that money every year for some other purpose. In the pretense of having a lockbox in a couple of the good years, we borrowed that money from Social Security and we paid down some of the public debt, the Wall Street debt, but we still used it. It was gone instead of being invested.

I wanted to show a pie chart of how we spend the revenues coming into the Federal Government to demonstrate just how big Social Security is as a total part of total government expenditures that are now approaching $2.2 trillion. And I am not sure Members can read the numbers, but Social Security is 22 percent of the total Federal budget compared to defense. Even with Iraq and Afghanistan at 18 percent, other domestic discretionary spending, all of the 13 appropriations bills which go through this Chamber that we spend half the year arguing about, those 13 appropriations bills for discretionary spending only amount to 19 percent. The point I am trying to make is Social Security is the largest part of the total budget and the problem is that if we have seniors living longer, that part of the pie is getting bigger and bigger.

If we add prescription drugs to Medicare, then the green-eyeshade predictors are predicting that within 50 years Medicare will be a larger expense than Social Security, but essentially taking up to over half of all Federal revenues spent for Social Security and Medicare.

Because Social Security solutions are complicated by other spending, I want to demonstrate with this chart what is happening to Federal spending. It was President Reagan that said we are spending worse than drunken sailors and the sailors were offended, but government has been growing at 2 and 3 times the rate of inflation, so government is getting bigger and bigger. And we are doing that not with tax revenues coming in, because it is unpopular to raise taxes, so it is sort of a tricky system which has been devised which will simply borrow the money so people back home cannot really see that that extra borrowing affects their lives, nothing like what they see when they pay their tax bill, so we have continued borrowing. So the debt of this country is now growing very rapidly. We now have a debt of $6.8 trillion, and the total debt is approaching $10 trillion in the next 10 years.

This middle green line is the debt held by the public. That has been going up. We had a little downside during the good years of 1999 and 2000 and 2001, but even that is going to continue to increase. But the dramatic increase is the bottom purple line, and that is the amount that we are borrowing from Social Security. So we continue to borrow from Social Security, and that means that the total debt, what we are borrowing from Wall Street, and now so much of that borrowing is from other countries. Because of our trade deficit, they invest their money in this country and now they own more of this country than I think we should be comfortable with, but that is another debate. But the total debt of this country is the sum of what we are borrowing on Wall Street plus what we have borrowed from Social Security, and it is approaching $10 trillion.

The Congressional Budget Office just made their predictions last Friday which is that for this year, 2003, the deficit spending, how much more we are spending than what we are taking in, if we include what we are borrowing from Social Security, is $560 billion in 2003, $640 billion in 2004.

Is that bad? Is that a lot of money? Maybe putting it in perspective, what are we, 227 years old as a country. In the first 200 years of this country, we amassed a debt of $500 billion, and now we are going over $500 billion deeper in debt every year. I think it is important to remember that those current taxpayers and citizens do not feel the pain of this extra borrowing and extra debt. The deficit is how much we overspend in 1 year over and above the revenues that are coming in, and debt is the accumulation of those annual deficits. But debt and deficit is the promise of future taxes. Who is going to pay these future taxes? It is our kids and grandkids that we are imposing this burden on, saying we think our problems are so great today that we are going to borrow this money that you have to pay back somehow in future years because we think our problems

are so important today that we are going to make you pay back the cost of this overspending that this Congress, this House, this Senate, this President, the last President, the President before him, have decided it is reasonable to put you deeper in debt.

Right now every man, woman, and child in this country owe over $26,000. A baby is born, that baby has a debt of $26,000 burden for the rest of his life that sometime is going to have to be accommodated.

Here is my one-glance chart. The red means how deep we are going to be in trouble with Social Security in future years. The short purple-blue here is the surplus, the extra money, the money that is greater than the benefits being paid out that is coming in in FICA taxes and Social Security taxes right now. And the only reason again that we have this extra amount coming in, as it turns out it was a mistake in 1983. They calculated the increased tax on Social Security that was needed. They calculated higher than they actually needed, so we have had huge surpluses coming in because those surpluses are going to run out simply because the baby boomers are going to start retiring in the next few years, and those baby boomers that are at the top of their earning, paying in maximum Social Security taxes, are going to go into the receiving side of Social Security and taking out maximum benefits.

It is a tremendous challenge. The unfunded liability is estimated between $9 trillion and $10 trillion today. If we are going to keep Social Security solvent for the next 75 years, it would take between $9–10 trillion today to put into an investment fund to accommodate the shortage of revenues as opposed to promised benefits.

□ 2330

This chart represents the problems of fewer workers being responsible to pay the retirement benefits of our retirees in this country. In 1940 there were 38 workers working for every person over age 65. By the year 2000, it was three workers. The projection by the actuaries at the Social Security Administration is that by 2025, there will only be two workers working and paying in their Social Security tax for every retiree. If we are to give those retirees the same amount, you can see that taxes have to be increased. And so I have another chart that is coming up pretty soon on how every time we have been in trouble in this country since we started Social Security, every time we started running low on funds, we increased the tax rate or the tax base, how much the tax rate is on so many dollars that you might earn.

This is not a new situation in terms of knowing it was a problem. Let me read you a few quotes, starting with 1991 from the former commissioner of Social Security, Dorcus Hardy, at that time. He said, and I quote:

''The crisis is coming fast in the lifetime of a few already retired and of almost all those now under age 55. The stakes are high, trillions of dollars.'' That is 1991.

The next quote is from 1994: ''Failing to take prompt action on Social Security will burden our children and our grandchildren with benefit cuts and crippling taxes.'' That was Representative NICK SMITH. When I came to Congress in 1993, I already had my first Social Security bill. So every 2-year session I have introduced another Social Security bill. Since 1994, they have all been scored by the Social Security Administration to keep Social Security solvent. I came to Congress and went on the Budget Committee, in my first year, freshman year in Congress, I introduced a budget that balanced the budget for this country because I felt so strongly as a farm kid from Michigan that government should act like we ask families to act, that they cannot just go deeper and deeper into debt and never pay it back. Somehow there has to be some kind of a plan where eventually you start paying back all the debt you earn. Right now we have the interest on the debt, if we were to go back to that pie chart, is approaching $300 billion, but this is at record low interest rates. If interest goes back to normal, then the servicing of that debt, the interest payment on that debt, is going to almost be a much more dramatic part of the whole Federal Government spending.

And what do we do to pay the interest on that debt? Do we just simply borrow more money, pretending that sometime in future years our kids and our grandkids will magically come up with the productivity and the competitiveness internationally to pay off this debt that we are accumulating today? I think we should be ashamed of ourselves.

I get off the track here, but let me go through a few more of these quotes which I am trying to simply demonstrate that we have known for a long time that it has been a problem. This is in 1996 and it is the former Secretary of Commerce and the Concord Coalition President, Peter Peterson: ''Will America grow up before it grows old? Will we make the needed Social Security transformation early, intelligently and humanely or procrastinate until delay exacts a huge price from those least able to afford it?''

1998: ''We face a crisis in the Social Security system and we can no longer wait to put it on a sound footing. We need to move from the unreliable pay-as-you-go system to one based on benefitting from real investment.'' That was representative Tim Penny, Democrat from Minnesota, 1998.

In 1999: ''Time is the enemy of Social Security reform and we should move without delay.'' Actually that came from a bipartisan Social Security task force that I chaired where Democrats and Republicans agreed that we cannot delay and put off any longer a solution to make Social Security solvent because we knew and Americans know that Social Security is an important program to so many Americans, current and future retirees, that we simply should not overlook it.

I just am so discouraged that there has been little reaction from the House or the Senate in developing solutions to Social Security. By my count, there have only been 26 Members since I came to Congress in 1993, only 26 Members that have signed on to the Social Security solution bill that would keep Social Security solvent.

Let me move ahead with the charts. Insolvency is certain. We know how many people there are and we know when they are going to retire. We know that people will live longer in retirement. We know how much they will pay in and how much they will take out. Payroll taxes will not cover benefits starting in 2017 and the shortfalls will add up to $120 trillion between 2017 and 2075. $120 trillion over those years is the same as putting that nine to $10 billion in a savings account today.

If we are to increase taxes to cover these deficits, again that means that the taxes come out of the hide of those workers for less income or it means higher prices that that company charges when they sell their products. So somehow people are paying that tax. Doing nothing means tax increases of some kind in the future.

I thought this was a fun chart, Mr. Speaker. This is how many years it takes over the past 60 years that you have to live after retirement to break even on the Social Security taxes that you have sent to government. If you were lucky, in 1940 since that was just the beginning, you could get back all you and your employer put in in 2 months. By 1980, you had to live 4 years after retirement. In 1995, you had to live 16 years after retirement. It keeps going up because we keep over these years increasing the taxes that you pay in, so you are paying in more money, benefits are not increasing proportionally that much so you end up having to live longer to break even on Social Security. The purpose of this chart is to try to start sending the message that Social Security is not a good investment for retirement. By 2015, it goes to 26 years that you have to live after you reach 65 to break even on the money you have sent in to Social Security.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CARTER). Under the Speaker's announced policy of January 7, 2003, the gentleman from Michigan (Mr. SMITH) is recognized for the remainder of the time before midnight.

Mr. SMITH of Michigan. Mr. Speaker, I will not take all the time. I will cut my speechmaking down a little bit, but allow me to go quickly through these charts. If you know everything that is on these charts, then I would suggest, Mr. Speaker, the people that might be watching would be more informed on the problems of Social Security than probably many Members of the House and the Senate.

The Social Security trust fund, when I started making my 200 speeches in my district to explain Social Security, people thought if government would just keep its fingers off the Social Security trust fund, not taking that surplus money, that Social Security would be okay. This chart represents how much is in the trust fund, how much government has borrowed and owes to the trust fund, government does not know how it is going to pay it back, but on the books government owes $1.3 trillion to the Social Security trust fund. The shortfall that we talked about earlier between nine and $10 trillion is the shortfall that we need today in an investment account receiving interest rate returns to accommodate the shortfalls in Social Security. By shortfalls, I mean how much is needed over and above the dollars coming in from the FICA tax.

A system stretched to its limits. Seventy-eight million baby boomers begin retiring in 2008. Social Security spending exceeds tax revenues in 2017. And Social Security trust funds go broke in 2037. What that means, Social Security trust funds go broke, that is assuming, and I think it is a fair assumption, that somehow government is going to borrow more money or reduce benefits to pay back, but eventually it is going to pay back what it has borrowed.

□ 2340

The challenge is where does that money come from? Do we lower benefits to save some of the money? Do we lower spending on other programs, or do we increase the income tax? Do we increase user fees, or do we increase the payroll tax?

This is an interesting chart, Mr. Speaker. The real return of Social Security is less than 2 percent for most workers, and it shows a negative return for some compared to over 7 percent of the market. If they are very low income and they do not have good food and they do not have the kind of health care they should, then often they are going to die before age 65. So they pay in money, and then they do not get that money back because they do not reach 65. The average return is just under 2 percent, about 1.7 percent, but the Wilshire 5000 index, an index fund of 5,000 of the leading stocks in this country over the last 10 years, and that includes the last 3 bad years of the Dow in the stock market, the average for the Wilshire fund over and above inflation is 7 percent. So is there some way that we can decide that here is some kind of a safe investment, it is going to be in the worker's name so that government in these cases, in the cases of individuals that might die before they reach 65, that money still goes into their estate to go to whoever they choose that it might go to rather than government saying they died too early and they do not get anything.

Social Security is a challenge. We have got to face up to it. I went over to the White House a few weeks ago. I talked to the President about it. I talked to Karl Rove about it. They agreed that it has got to be one of the main issues that we talk about in next year's campaign. And so, Mr. Speaker, I would hope that everybody that is interviewing candidates that are running for the U.S. House of Representatives or running for the United States Senate or running for President to say, look, what are your plans to save Social Security? And do not go along with this hogwash rhetoric of saying, boy, Social Security is important and we are going to save it. Ask a follow-up question: How are you going to do that? Do you know that Social Security has a liability right now of $10 trillion? Where are you going to come up with the money? How are you going to do that?

So I think it is important that we pin every candidate down to make them develop and come up with a plan that is going to save Social Security instead of simply glossing over with rhetoric that it is an important program and, by gosh, we are going to save it.

The U.S. trails other countries in saving its retirement system. In the 18 years since Chile offered PRAs, personal retirement accounts, 95 percent of Chileans have created accounts. Their average rate of return has been 11.3 percent a year. Among others, Australia, Britain, Switzerland offer personal retirement accounts.

There is no Social Security account with their name on it. I like this quote from the Office of Management and Budget: ''These (trust fund) balances are available to finance future benefit of payments and other trust fund expenditures but only in a bookkeeping sense. They are claims on the Treasury that, when redeemed, will have to be financed by raising taxes, borrowing from the public, or reducing benefits or other expenditures.''

There have been two cases that have gone before the Supreme Court of the United States with people that did not receive Social Security benefits but they said, Look, we paid into Social Security, we deserve those benefits. In two different decisions, the Supreme Court of the United States said there is no entitlement to Social Security benefits just because they paid into the Social Security system. So there should be an acknowledged, a realized danger that if worse comes to worst, government can say we are not going to pay all those benefits because we do not have the money and after all we are doing all these other important things; so they need to sacrifice with the rest of the Nation. But if they are in their own personal accounts and if we go to a fixed contribution with guaranteed returns, the bill I am going to introduce next week, and my press conference is in room 2200 over in the Rayburn building announcing the bill that I am going to introduce on Social Security, it has been scored by the Social Security Administration and it is keeping Social Security solvent forever, and takes the kind of actions of making it optional if one wants to have a private savings account earned by them as the worker; but it also guarantees that they will get as much back as they would out of Social Security for people who choose not to invest in personal savings accounts.

Economic growth will not fix Social Security. We hear quite often when the economy gets back on its feet, then there is no problem. The problem is Social Security benefits are indexed to wage growth; and when the economy grows, workers pay more in taxes but also will earn more in benefits when they retire. So temporarily we have more taxes coming in, but because there is a direct relation between the earnings that they have and the taxes they pay in to the benefits that they eventually get out, we dig a deeper hole later. Growth makes the numbers look better now, but leaves a larger hole to fill later.

I think the important point, Mr. Speaker, is that we have got to do something. It is just unconscionable, and I feel embarrassed that I have not been able to excite more of our Members. I mean, there are important things going on from Iraq to Afghanistan to how do we deal with prescription drugs and Medicare. But to put off and not face up to the largest financial crisis that we see down the road that is going to affect such an important program for Americans is not fair. It is not fair to our kids. It is not fair to retirees. It is not fair to our workers. The biggest risk is doing nothing at all.

Social Security has a total unfunded liability of over $9 trillion. It looks like about $9.6 trillion. The Social Security trust fund contains nothing but IOUs. To keep paying promised Social Security benefits, the payroll tax will have to be increased by nearly 50 percent or benefits will have to be cut by 30 percent. Probably politically we will not cut benefits. That means that the other option is to increase taxes on somebody; but here again our businesses, we are losing our manufacturing base. What bothers me even more as chairman of the Subcommittee on Research of the Committee on Science is we have lost 500,000 jobs in the last 3 years, the high-tech jobs; and if we start putting an extra 50 percent price on the products that we are selling trying to compete in the world or if we cut the pay of workers, either way it has a tremendous effect on our ability to compete.

Increasing payroll taxes, I suggest, is not the answer. In 1940 the rate was 2 percent on a base of $3,000; so one could pay $60 a year. By 1960 we were running out of money again; so we tripled the rate to 6 percent on the first $4,800 base for $288 a year. In 1980 we upped it to 10.16 percent of the first $25,900 for a $2,600 possible tax per year. In 2000 we upped it to 12.4 percent on $76,000, but the $76,000 was indexed for inflation; so now it is 12.4 percent on the first $84,000. So here again just to demonstrate that what we can expect in

the future if we continue to put off Social Security, the longer we put off the solution, the more drastic the solution has to be; and I know that because this is my fifth Social Security bill that I am introducing next week.

I thank our pages this late at night. Let me just wrap this up. Our two pages working this late in the evening, one from New Jersey and one from Arizona. So I thank the pages, and I am about to conclude.

□ 2350

Seventy-eight percent of families pay more in payroll taxes than in the income tax. The percentage of families that pay less in payroll taxes than income taxes is 22 percent, so the reciprocal is 78 percent. We have raised Social Security taxes so much on the workers that 78 percent pay more in the Social Security tax than they do in the income tax.

Personal retirement accounts, they do not come out of Social Security. They become part of your Social Security retirement benefits. A worker will own his or her own retirement account and is limited to safe investments that will earn more than the 1.9 percent paid by the Social Security. Actually it is 1.7 percent.

The findings of the House Committee on the Budget Task Force on Social Security that I chaired several years ago, 4 years ago, after we heard all of the testimony over a period of a year, we all agreed, Republicans and Democrats, that we have got to do something, that Social Security is going broke, that we need to have some guidelines to guide us in how we revise Social Security, and the guidelines essentially boiled down to three statements. Number one was that we should not affect existing retirees; number two, that workers should be able to be even better off with retirement benefits than they are today; and the third proposition is that somehow the changes should not damage our economy in America, but actually improve the economy. That is why savings and investment is so important.

Mr. Speaker, I urge all my colleagues to be prepared when their constituents ask them what are they going to do about solving the Social Security problem.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ACKERMAN (at the request of Ms. PELOSI) for today after 7:00 p.m. and the balance of the week on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. RYAN of Ohio, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. DOGGETT, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. JEFFERSON, for 5 minutes, today.

Mrs. CHRISTENSEN, for 5 minutes, today.

(The following Members (at the request of Mr. SMITH of Michigan) to revise and extend their remarks and include extraneous material:)

Mr. SHUSTER, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes, September 9 and 10.

Mr. NUSSLE, for 5 minutes, today.

ADJOURNMENT

Mr. SMITH of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 52 minutes p.m.), the House adjourned until tomorrow, Friday, September 5, 2003, at 9 a.m.

NOTICE OF PROPOSED RULEMAKING

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, September 4, 2003.

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

DEAR MR. SPEAKER: Pursuant to Section 303(b) of the Congressional Accountability Act of 1995 (2 U.S.C. 1384(b)), I am transmitting on behalf of the Board of Directors the enclosed notice of proposed procedural rulemaking regulations under Section 303 of the Act for publication in the Congressional Record.

The Congressional Accountability Act specifies that the enclosed notice be published on the first day on which both Houses are in session following this transmittal.

Sincerely,

SUSAN S. ROBFOGEL,
Chair.

OFFICE OF COMPLIANCE

The Congressional Accountability Act of 1995: Proposed Amendments to the Rules of Procedure.

Introductory Statement: Shortly after the creation of the Office of Compliance in 1995, Procedural Rules were adopted to govern the processing of cases and controversies under the administrative procedures established in Title IV of the Congressional Accountability Act of 1995 (''CAA,'' 2 U.S.C. 1401–1407). Those Rules of Procedure were slightly amended in 1998. The existing Rules of Procedure are available in their entirety on the Office of Compliance's web site: www.compliance.gov. The web site is fully compliant with section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d).

Pursuant to section 303(a) of the CAA (2 U.S.C. 1383(a), the Executive Director of the Office has obtained approval of the Board of Directors of the Office of Compliance regarding certain amendments to the Rules of Procedure. Having obtained the Board's approval, the Executive Director must then ''publish a general notice of proposed rulemaking . . . for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal.'' (Section 303(b) of the CAA, 2 U.S.C. 1383(b).)

NOTICE

Comments regarding the proposed amendments to the Rules of Procedure of the Office of Compliance set forth in this NOTICE are invited for **a period of thirty (30) days** following the date of the appearance of this NOTICE in the Congressional Record. In addition to being posted on The Office of Compliance's section 508 compliant web site (www.compliance.gov). This NOTICE is also available in the following alternative formats: Large Print, Braille. Requests for this NOTICE in an alternative format should be made to Bill Thompson, Executive Director or Alma Candelaria, Deputy Executive Director, Office of Compliance, at 202/724–9250 (voice) or 202/426–1912 (TDD).

Submission of comments must be made in writing to the Executive Director, Office of Compliance, 110 Second Street, S.E., Room LA–200, Washington, D.C. 20540–1999. It is requested, but not required, that an electronic version of any comments be provided on an accompanying computer disk. Comments may also be submitted by facsimile to the Executive Director at 202–426–1913 (a non-toll-free number.) Those wishing to receive confirmation of the receipt of their comments are requested to provide a self-addressed, stamped post card with their submission.

Copies of submitted comments will be available for review at the Office of Compliance, 110 Second Street, S.E., Washington, D.C. 20540–1999, on Monday through Friday (non-Federal holidays) between the hours of 9:30 a.m. and 4:30 p.m.

Supplementary Information: The Congressional Accountability Act of 1995 (CAA), PL 104–1, was enacted into law on January 23, 1995. The CAA applies the rights and protections of 11 federal labor and employment statutes to covered employees and employing offices within the Legislative Branch of Government. Section 301 of the CAA (2 U.S.C. 1381) establishes the Office of Compliance as an independent office within that Branch. Section 303 (2 U.S.C. 1383) directs that the Executive Director, as the Chief Operating Officer of the agency, adopt rules of procedure governing the Office of Compliance, subject to approval by the Board of Directors of the Office of Compliance. The rules of procedure establish the process by which alleged violations of the 11 laws made applicable to the Legislative Branch under the CAA will be considered and resolved. The rules include procedures for counseling, mediation, and election between filing an administrative complaint with the Office of Compliance or filing a civil action in U.S. District Court. The rules also include the process for the conduct of administrative hearings held as the result of the filing of an administrative complaint, and for appeals of a decision by a hearing officer to the Board of Directors of the Office of Compliance, and for an appeal of a decision by the Board of Directors to the United States Court of Appeals for the Federal Circuit. The rules also contain other matters of general applicability to the dispute resolution process and to the operation of the Office of Compliance.

These proposed amendments to the Rules of Procedure are the result of the experience of

the Office in processing disputes under the CAA during the period since the original adoption of these rules in 1995.

Explanation regarding the text of the proposed amendments: The text of the proposed amendments shows *[*deletions within italicized brackets*]*, ***and added text in italicized bold.*** **Only subsections of the rules which include proposed amendments are reproduced in this NOTICE. The insertion of a series of small dots (. . . . .) indicates additional, unamended text within a section has not been reproduced in this document. The insertion of a series of asterisk (* * * * *) indicates that the unamended text of entire sections of the Rules have not been reproduced in this document. For the text of other portions of the Rules which are not proposed to be amended, please access the Office of Compliance web site at www.compliance.gov.**

Proposed Amendments

PART I—OFFICE OF COMPLIANCE

OFFICE OF COMPLIANCE RULES OF PROCEDURE

As Amended—February 12, 1998 (Subpart A, section 1.02, "Definitions"), and as proposed to be amended in 2003.

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§ 1.03 Filing and Computation of Time.

(a) *Method of Filing.* Documents may be filed in person or by mail, including express, overnight and other expedited delivery. ***When specifically authorized by the Executive Director, any document may also be filed by electronic transmittal in a designated format.*** Requests for counseling under section 2.03, requests for mediation under section 2.04 and complaints under section 5.01 of these rules may also be filed by facsimile (FAX) transmission. . . . .

. . . . .

(d) Service or filing of documents by certified mail, return receipt requested. Whenever these rules permit or require service or filing of documents by certified mail, return receipt requested, such documents may also be served or filed by express mail or other forms of expedited delivery in which proof of delivery to the addressee is provided.

* * * * *

1.05 Designation of Representative.

(a) An employee, other charging individual or party, a witness, a labor organization, an employing office, an entity alleged to be responsible for correcting a violation wishing to be represented by another individual must file with the Office a written notice of designation of representative. The representative may be, but is not required to be, an attorney. ***During the period of counseling and mediation, upon the request of a party, if the Executive Director concludes that a representative of an employee, of a charging party, of a labor organization, of an employing office, or of an entity alleged to be responsible for correcting a violation has a conflict of interest, the Executive Director may, after giving the representative an opportunity to respond, disqualify the representative. In that event, the period for counseling or mediation may be extended by the Executive Director for a reasonable time to afford the party an opportunity to obtain another representative.***

* * * * *

2.03 Counseling.

(a) *Initiating a Proceeding; Formal Request for Counseling.* In order to initiate a proceeding under these rules, an employee shall *[*formally*]* ***file a written*** request ***for*** counseling *[*from*]* ***with*** the Office regarding an alleged violation of the Act, as referred to in section 2.01(a) above. All *[*formal*]* ***requests*** for counseling shall be confidential, unless the employee agrees to waive his or her right to confidentiality under section 2.03(e)(2), below.

. . . . .

(c) *When, How, and Where to Request Counseling.* A *[*formal*]* request for counseling ***must be in writing, and*** *[*: (1)*]* shall be *[*made*]* ***filed with the Office of Compliance at Room LA–200, 110 Second Street, S.E., Washington, D.C. 20540–1999; telephone 202–724–9250; FAX 202–426–1913; TDD 202–426–1912,*** not later than 180 days after the alleged violation of the Act.*[;] [*(2) may be made to the Office in person, by telephone, or by written request; (3) shall be directed to: Office of Compliance, Adams Building, Room LA–200, 110 Second Street, S.E., Washington, D.C. 20540–1999; telephone 202–724–9250; FAX 202–426–1913; TDD 202–426–1912.*]*

. . . . .

(l) *Conclusion of the Counseling Period and Notice.* The Executive Director shall notify the employee in writing of the end of the counseling period, by certified mail, return receipt requested, ***or by personal delivery.*** The Executive Director, as part of the notification of the end of the counseling period, shall inform the employee of the right and obligation, should the employee choose to pursue his or her claim, to file with the Office a request for mediation within 15 days after receipt by the employee of the notice of the end of the counseling period.

. . . . .

(m) *Employees of the Office of the Architect of the Capitol and the Capitol Police.*

(1) Where an employee of the Office of the Architect of the Capitol or of the Capitol Police requests counseling under the Act and these rules, the Executive Director may recommend that the employee use the grievance procedures of the Architect of the Capitol or the Capitol Police. The term 'grievance procedures' refers to internal procedures of the Architect of the Capitol and the Capitol Police that can provide a resolution of the matter(s) about which counseling was requested. Pursuant to section 401 of the Act and by agreement with the Architect of the

Capitol and the Capitol Police Board, when the Executive Director makes such a recommendation, the following procedures shall apply:

. . . . .

(ii) After having contacted the Office and having utilized the grievance procedures of the Architect of the Capitol or of the Capitol Police Board, the employee may notify the Office that he or she wishes to return to the procedures under these rules:

(A) within [10] ***60*** days after the expiration of the period recommended by the Executive Director, if the matter has not been resolved; or

(B) within 20 days after service of a final decision resulting from the grievance procedures of the Architect of the Capitol or the Capitol Police Board.

* * * * *

2.04 Mediation.

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(e) *Duration and Extension.*

(1) The mediation period shall be 30 days beginning on the date the request for mediation is received, unless the Office grants an extension.

(2) The Office may extend the mediation period upon the joint ***written*** request of the parties ***to the attention of the Executive Director.*** The request [may be oral or] ***shall be*** written and [shall be noted and] filed with the Office no later than the last day of the mediation period. The request shall set forth the joint nature of the request and the reasons therefor, and specify when the parties expect to conclude their discussions. Request for additional extensions may be made in the same manner. Approval of any extensions shall be within the sole discretion of the Office.

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(i) *Conclusion of the Mediation Period and Notice.* If, at the end of the mediation period, the parties have not resolved the matter that forms the basis of the request for mediation, the Office shall provide the employee, and the employing office, and their representatives, with written notice that the mediation period has concluded. The written notice to the employee will be sent by certified mail, return receipt requested, ***or will be hand delivered,*** and it will also notify the employee of his or her right to elect to file a complaint with the Office in accordance with section 5.01 of these rules or to file a civil action pursuant to section 408 of the Act and section 2.06 of these rules.

* * * * *

2.06 Filing of Civil Action.

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(c) Communication Regarding Civil Actions Filed with District Court.

(1) The party filing any civil action with the United States District Court pursuant to sections 404(2) and 408 of the Act should simultaneously provide a copy of the complaint to the Office.

(2) No party to any civil action referenced in paragraph (1) shall request information from the Office regarding the proceedings which took place pursuant to sections 402 or 403 related to said civil action, unless said party notifies the other party(ies) to the civil action of the request to the Office. The Office will determine whether the release of such information is appropriate under the Act and the Rules of Procedure.

* * * * *

§4.16 Comments on Occupational Safety and Health Reports. The General Counsel will provide to responsible employing office(s) a copy of any report issued for general distribution not less than seven days prior to the date scheduled for its issuance. If a responsible employing office wishes to have its written comments appended to the report, it shall submit such comments to the General Counsel no later than 48 hours prior to the scheduled issuance date. The General Counsel shall either include the written comments without alteration as an appendix to the report, or immediately decline the request for their inclusion. If the General Counsel declines to include the submitted comments, the employing office(s) may submit said denial to the Board of Directors which, in its sole discretion, shall review the matter and issue a final and nonappealable decision solely regarding inclusion of the employing office(s) comments prior to the issuance of the report. Submissions to the Board of Directors in this regard shall be made expeditiously and without regard to the requirements of subpart H of these rules. In no event shall the General Counsel be required by the Board to postpone the issuance of a report for more than five days.

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§5.03 Dismissal, *Summary Judgment,* and Withdrawal of Complaints.

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(d) Summary Judgment. A Hearing Officer may, after notice and an opportunity to respond, issue summary judgment on some or all of the complaint.

([d]***e***) *Appeal.* A [dismissal] ***final decision*** by the Hearing Officer made under section 5.03(a)–(c) or 7.16 of these rules may be subject to appeal before the Board if the aggrieved party files a timely petition for review under section 8.01.

([e]***f***) . . . . .

([f]***g***) . . . . .

* * * * *

§7.02 Sanctions

(a) The Hearing Officer may impose sanctions on a party's representative for inappropriate or unprofessional conduct.

(b) The Hearing Officer may impose sanctions upon the parties under, but not limited to, the circumstances set forth in this section.

([a]***1***) *Failure to Comply with an Order.* When a party fails to comply with an order (including an order for the taking of a deposition, for the production of evidence within the party's control, or for production of witnesses), the Hearing Officer may:

([1]***a***) . . . . .

([2]***b***) . . . . .

([3]***c***) . . . . .

([4]***d***) . . . . .

* * * * *

§8.01 Appeal to the Board.

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(b)(1) Unless otherwise ordered by the Board, within 21 days following the filing of a petition for review to the Board, the appellant shall file and serve a supporting brief in accordance with section 9.01 of these rules. That brief shall identify with particularity those findings or conclusions in the decision and order that are challenged and shall refer specifically to the portions of the record and the provisions of statutes or rules that are alleged to support each assertion made on appeal.

(2) Unless otherwise ordered by the Board, within 21 days following the service of the appellant's brief, the opposing party may file and serve a reply brief.

(3) Upon delegation by the Board, the Executive Director is authorized to determine any request for extensions of time to file any document or submission with the Board. Such delegation shall continue until revoked by the Board.

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§9.01 Filing, Service and Size Limitations of Motions, Briefs, Responses and other Documents.

(a) *Filing with the Office; Number.* One original and three copies of all motions, briefs, responses, and other documents must be filed, whenever required, with the Office or Hearing Officer. However, when a party aggrieved by the decision of a Hearing Officer ***or other determination reviewable by the Board*** files an appeal with the Board, one original and seven copies of both any appeal brief and any responses must be filed with the Office. ***The Officer, Hearing Officer, or Board may also require a party to submit an electronic version of any submission on a disk in a designated format.***

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§9.03 Attorney's fees and costs.

(a) *Request.* No later than 20 days after the entry of a Hearing Officer's decision under section 7.16 or after service of a Board decision by the Office, the complainant, if he or she is a prevailing party, may submit to the Hearing Officer who heard the case initially a motion for the award of reasonable attorney's fees and costs, following the form specified in paragraph (b) below. ***All motions for attorney's fees and costs shall be submitted to the Hearing Officer.*** [The Board or t] ***T***he Hearing Officer, after giving the respondent an opportunity to reply, shall rule on the motion.

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§9.05 Informal Resolutions and Settlement Agreements

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(b) *Formal Settlement Agreement.* The parties may agree formally to settle all or part of a disputed matter in accordance with section 414 of the Act. In that event, the agreement shall be in writing and submitted to the Executive Director for review and approval. ***If the Executive Director does not approve the settlement, such disapproval shall be in writing, shall set forth the grounds therefor, and shall render the settlement ineffective.***

(c) Requirements for a Formal Settlement Agreement. A formal settlement agreement requires the signature of all parties on the agreement document before the agreement can be submitted to the Executive Director. A formal settlement agreement cannot be rescinded after the signatures of all parties have been affixed to the agreement, unless by written revocation of the agreement voluntarily signed by all parties, or as otherwise required by law.

(d) Violation of a Formal Settlement Agreement. If a party should allege that a formal settlement agreement has been violated, the issue shall be determined by reference to the formal dispute resolution procedures of the agreement. If the particular formal settlement agreement does not have a stipulated method for dispute resolution of an alleged violation of the agreement, the following dispute resolution procedure shall be deemed to be a part of each formal settlement agreement approved by the Executive Director pursuant to section 414 of the Act: Any complaint regarding a violation of a formal settlement agreement may be filed with the Executive Director no later than 60 days after the party to the agreement becomes aware of the alleged violation. Such complaints may be referred by the Executive Director to a Hearing Officer for a final and binding decision. The procedures for hearing and determining such complaints shall be governed by subparts F, G, and H of these rules.

§9.06 Destruction of Closed Files. Closed case files regarding counseling, mediation, hearing, and/or appeal may be destroyed during

the calendar year in which the fifth anniversary of the closure date occurs, or during the calendar year in which the fifth anniversary of the conclusion of all adversarial proceedings in relation thereto occurs, whichever period ends later.

§ 9.07 Payment of Decisions, Awards, or Settlements under section 415(a) of the Act. Whenever a decision or award pursuant to sections 405(g), 406(e), 407, or 408 of the Act, or an approved settlement pursuant to section 414 of the Act, require the payment of funds pursuant to section 415(a) of the Act, the decision, award, or settlement shall be submitted to the Executive Director to be processed by the Office for requisition from the account of the Office of Compliance in the Department of the Treasury, and payment.

§ 9.0[6]8 Revocation, Amendment or Waiver of Rules.

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EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3951. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Change in Minimum Quality and Handling Standards for Domestic and Imported Peanuts Marketed in the United States [Docket No. FV03-996-2 IFR] received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3952. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Nectarines and Peaches Grown in California; Revision of Handling Requirements for Fresh Nectarines and Peaches [Docket No. FV03-916-2 IFR-A] received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3953. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Onions Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon; Increased Assessment Rate and Defined Fiscal Period [Docket No. FV03-958-01 FR] received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3954. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Nectarines and Peaches Grown in California; Increased Assessment Rates [Docket No. FV03-916-4 IFR] received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3955. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Milk in the Central Marketing Area [Docket # DA-03-09; AO-313-A45] received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3956. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Milk in the Upper Midwest Marketing Area: Order Amending the Order [Docket No. DA-01-03; AO-361-A35] received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3957. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—United States Standards for Grades of Pistachio Nuts in the Shell, and United States Standards for Grades of Shelled Pistachio Nuts [Docket Number FV-98-304] received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3958. A letter from the Director, Office of Standards, Regulations, and Variances, Department of Labor, transmitting the Department's final rule— Improving and Eliminating Regulations, Phase 5, Miscellaneous Technology Improvements (Methane Testing) (RIN: 1219-AA98) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3959. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to the Netherlands for defense articles and services (Transmittal No. 03-32), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3960. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Canada for defense articles and services (Transmittal No. 03-29), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3961. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-108, ''Bowling Alley and Billiard Parlor Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

3962. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-110, ''Closing of a Public Alley in Square 2287, S.O. 01-4263, Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

3963. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-112, ''District of Columbia Jail Improvement Amendment Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

3964. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-114, ''Presidential Elector Deadline Waiver Temporary Amendment Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

3965. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-142, ''Lincoln Square Theater Sales and Use Tax Exemption Temporary Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

3966. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-113, ''Removal and Disposition of Abandoned and Other Unlawfully Parked Vehicle Reform Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

3967. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-146, ''Streamlining Regulation Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

3968. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-109, ''Closing of a Public Alley in Square 625, S.O. 01-187, Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

3969. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Substituted Federal Enforcement of Portions of Missouri's Permanent Regulatory Program and Findings on the Status of Missouri's Permanent Regulatory Program—received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3970. A letter from the FMCSA Regulatory Officer, Department of Transportation, transmitting the Department's final rule—Safety Requirements for Operators of Small Passenger-Carrying Commercial Motor Vehicles Used in Interstate Commerce [Docket No. FMCSA-2000-7017] (RIN: 2126-AA52) received August 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3971. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Lockheed Martin Models L-1011 Airplanes and Rolls-Royce plc RB211 Series Turbofan Engines [Docket No. 2000-NM-369-AD; Amendment 39-13240; AD 2003-14-21] (RIN: 2120-AA64) received August 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3972. A letter from the transmitting the Department's final rule —, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3973. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Guidance Under Section 1502; Application of Section 108 to Members of a Consolidated Group [TD 9089] (RIN: 1545-BC39) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3974. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—User Fees for Processing Offers to Compromise [TD 9086] (RIN: 1545-BA54) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3975. A letter from the Chair of the Board, Office of Compliance, transmitting notice of proposed procedural rulemaking regulations under Section 303 of the Congressional Accountability Act of 1995 for publication in the Congressional Record, pursuant to 2 U.S.C. 1384(b); jointly to the Committees on House Administration and Education and the Workforce.

3976. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Modifications to Managed Care Rules [CMS-4041-F] (RIN: 0938-AK71) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

3977. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Electronic Submission of Medicare Claims [CMS-0008-IFC] (RIN: 0938-AM22) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 2040. A bill to amend the Irrigation Project Contract Extension Act of 1998 to extend certain contracts between the Bureau of Reclamation and certain irrigation water contractors in the States of Wyoming and Nebraska (Rept. 108–259). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2655. A bill to amend and extend the Irish Peace Process Cultural and

Training Program Act of 1998 (Rept. 108–260, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on International Relations. H.R. 1813. A bill to amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign centers and programs for the treatment of victims of torture, and for other purposes (Rept. 108–261 Pt. 1). Ordered to be printed.

Mr. OXLEY: Committee on Financial Services. H.R. 2622. A bill to amend the Fair Credit Reporting Act, to prevent identity theft, improve resolution of consumer disputes, improve the accuracy of consumer records, make improvements in the use of, and consumer access to, credit information, and for other purposes; with an amendment (Rept. 108–263). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on International Relations discharged from further consideration. H.R. 2655 referred to the Committee of the Whole House on the State of the Union.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. HYDE: Committee on International Relations. House Joint Resolution 63. Resolution 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, and for other purposes, with an amendment; (Rept. 108–262, Pt. I); referred to the Committee on the Judiciary for a period ending not later than September 15, 2003, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 1813. Referral to the Committee on Energy and Commerce extended for a period ending not later than October 3, 2003.

H.R. 2655. Referral to the Committee on International Relations extended for a period ending not later than September 4, 2003.

House Joint Resolution 63. Referral to the Committee on Resources extended for a period ending not later than September 15, 2003.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. JONES of North Carolina (for himself and Mr. WILSON of South Carolina):

H.R. 2999. A bill to ensure by law the ability of the military service academies to include the offering of a voluntary, nondenominational prayer as an element of their activities; to the Committee on Armed Services.

By Ms. LEE (for herself, Mrs. CHRISTENSEN, Mr. KUCINICH, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. OWENS, Mr. JACKSON of Illinois, Ms. WOOLSEY, Mr. PAYNE, Mr. CONYERS, and Ms. CARSON of Indiana):

H.R. 3000. A bill to establish a United States Health Service to provide high quality comprehensive health care for all Americans and to overcome the deficiencies in the present system of health care delivery; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 3001. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies; to the Committee on Ways and Means.

By Mr. BEAUPREZ:

H.R. 3002. A bill to amend the Internal Revenue Code of 1986 to suspend the tax exempt status of designated foreign terrorist groups, and for other purposes; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina (for himself, Mr. KINGSTON, Mr. SPRATT, and Mr. WILSON of South Carolina):

H.R. 3003. A bill to amend title 11, United States Code, to establish a priority for the payment of claims for duties paid to the United States by licensed customs brokers and sureties on behalf of a debtor; to the Committee on the Judiciary.

By Mr. DINGELL (for himself, Mr. WAXMAN, Mr. MARKEY, Mr. BOUCHER, Mr. TOWNS, Mr. PALLONE, Mr. BROWN of Ohio, Mr. GORDON, Mr. DEUTSCH, Mr. RUSH, Ms. ESHOO, Mr. STUPAK, Mr. ENGEL, Mr. WYNN, Ms. MCCARTHY of Missouri, Mr. STRICKLAND, Ms. DEGETTE, Mrs. CAPPS, Mr. DOYLE, Mr. ALLEN, Mr. DAVIS of Florida, Ms. SCHAKOWSKY, and Ms. SOLIS):

H.R. 3004. A bill to improve the reliability of the Nation's electric transmission system; to the Committee on Energy and Commerce.

By Mr. DOGGETT (for himself, Mr. GEORGE MILLER of California, Mr. MCDERMOTT, Mr. SANDLIN, Mr. STARK, Mr. JEFFERSON, Mr. BECERRA, Mr. MATSUI, Mr. KILDEE, Mr. TIERNEY, Mr. DAVIS of Illinois, Mr. HASTINGS of Florida, Ms. JACKSON-LEE of Texas, Mr. RUSH, Mr. WU, Ms. KILPATRICK, Mr. RYAN of Ohio, Ms. LEE, Mr. LAMPSON, Ms. SOLIS, Ms. MILLENDER-MCDONALD, Ms. KAPTUR, Mr. BAIRD, Mr. BROWN of Ohio, Mr. VAN HOLLEN, Mr. FARR, Ms. MCCARTHY of Missouri, and Mr. STRICKLAND):

H.R. 3005. A bill to amend title IV of the Employee Retirement Income Security Act of 1974 to improve disclosure of the funding status of single-employer pension plans; to the Committee on Education and the Workforce.

By Mr. HAYWORTH:

H.R. 3006. A bill to improve the safety of houseboat generator exhaust systems; to the Committee on Transportation and Infrastructure.

By Mr. KUCINICH (for himself, Mr. CONYERS, Mr. OWENS, Mr. SERRANO, Ms. LEE, Mr. NADLER, Ms. NORTON, Mr. GRIJALVA, Ms. SCHAKOWSKY, Mr. PALLONE, Mr. MICHAUD, Mr. DEUTSCH, Ms. CARSON of Indiana, Mr. HINCHEY, Mr. WEXLER, Ms. DELAURO, Mr. PAYNE, Ms. LOFGREN, Mr. MCGOVERN, Mr. RANGEL, Mr. OLVER, Mrs. JONES of Ohio, Mr. GUTIERREZ, Mr. FALEOMAVAEGA, Mr. ANDREWS, Ms. KAPTUR, Mr. RUSH, Mr. DAVIS of Illinois, Mr. SANDERS, Mr. DAVIS of Tennessee, Ms. JACKSON-LEE of Texas, and Ms. WOOLSEY):

H.R. 3007. A bill to assist States in establishing a universal prekindergarten program to ensure that all children 3, 4, and 5 years old have access to a high-quality full-day, full-calendar-year prekindergarten education; to the Committee on Education and the Workforce.

By Mr. LANGEVIN (for himself, Mr. TOWNS, Mr. NADLER, Mr. HINOJOSA, Mr. ACEVEDO-VILA, Mr. ETHERIDGE, Ms. DELAURO, Ms. MILLENDER-MCDONALD, Ms. LINDA T. SANCHEZ of California, Mr. MCNULTY, Mr. FROST, and Mr. SKELTON):

H.R. 3008. A bill to direct the Secretary of Education to establish a competitive demonstration grant program to provide funds for local educational agencies to experiment with ways to alleviate the substitute teacher shortage, and for other purposes; to the Committee on Education and the Workforce.

By Mr. MENENDEZ (for himself, Ms. ROS-LEHTINEN, Mr. RODRIGUEZ, Mr. BACA, Mr. FOLEY, Mr. TOWNS, Mr. ACEVEDO-VILA, Ms. HARMAN, Ms. LINDA T. SANCHEZ of California, Mr. ROTHMAN, Ms. JACKSON-LEE of Texas, Mrs. CHRISTENSEN, Mr. HONDA, Mr. HINOJOSA, Mr. CONYERS, Mr. ORTIZ, Mrs. NAPOLITANO, Mr. GUTIERREZ, Mr. REYES, Ms. NORTON, Ms. CORRINE BROWN of Florida, Ms. SOLIS, Mr. GONZALEZ, Mr. WELLER, Ms. MILLENDER-MCDONALD, Ms. BORDALLO, Mr. GRIJALVA, Ms. MCCOLLUM, Mr. RANGEL, Mr. ENGLISH, Mr. MARIO DIAZ-BALART of Florida, Mr. PASCRELL, Mr. PASTOR, Mr. PAYNE, Mr. FROST, and Mr. LINCOLN DIAZ-BALART of Florida):

H.R. 3009. A bill to posthumously award a Congressional gold medal to Celia Cruz; to the Committee on Financial Services.

By Mr. MICHAUD (for himself and Ms. LINDA T. SANCHEZ of California):

H.R. 3010. A bill to provide for the payment or reimbursement by the Federal Government of special unemployment assistance paid by States to individuals participating in qualified worker training programs, and for other purposes; to the Committee on Ways and Means.

By Mr. SCHIFF (for himself and Mr. BERMAN):

H.R. 3011. A bill to designate the facility of the United States Postal Service located at 135 East Olive Avenue in Burbank, California, as the ''Bob Hope Post Office Building''; to the Committee on Government Reform.

By Mr. TOWNS (for himself and Mr. OWENS):

H.R. 3012. A bill to redesignate the facility of the United States Postal Service, located at 315 Empire Boulevard in Crown Heights, Brooklyn, New York, as the ''James E. Davis Post Office Building''; to the Committee on Government Reform.

By Mr. WAMP:

H.R. 3013. A bill to require the Secretary of Homeland Security to conduct a public hearing before establishing or relocating any Quick Response Team that works with State and local law enforcement officers to take illegal and criminal aliens into custody and remove them from the United States; to the Committee on the Judiciary.

By Mr. WEINER (for himself, Mr. THOMPSON of Mississippi, Ms. BERKLEY, and Mrs. MALONEY):

H.R. 3014. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, chapter 89 of title 5, United States Code, and title 10, United States Code, to require coverage for the treatment of infertility; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, Government Reform, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WHITFIELD (for himself and Mr. PALLONE):

H.R. 3015. A bill to amend the Public Health Service Act to establish an electronic system for practitioner monitoring of the dispensing of any schedule II, III, or IV controlled substance, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BARTLETT of Maryland:

H. Con. Res. 271. Concurrent resolution congratulating Fort Detrick on 60 years of service to the United States; to the Committee on Armed Services.

By Mr. MORAN of Virginia:

H. Con. Res. 272. Concurrent resolution expressing the sense of the Congress regarding the 75th anniversary of the Water Environment Federation; to the Committee on Transportation and Infrastructure.

By Mr. SHAW (for himself, Mr. WEXLER, Mr. FOLEY, and Mr. HASTINGS of Florida):

H. Con. Res. 273. Concurrent resolution recognizing and congratulating the East Boynton Beach, Florida, Little League team as the 2003 United States Little League Champions; to the Committee on Government Reform.

By Mr. WILSON of South Carolina (for himself, Mr. BEREUTER, and Mrs. TAUSCHER):

H. Res. 355. A resolution commemorating the 100th anniversary of diplomatic relations between the United States and Bulgaria; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. CASE, Mr. DAVIS of Illinois, and Mr. HYDE.

H.R. 63: Mr. KIND.

H.R. 110: Mr. HERGER, Mr. KINGSTON, and Mr. BEAUPREZ.

H.R. 135: Mr. BALLENGER.

H.R. 195: Mr. ROGERS of Michigan and Mr. WALSH.

H.R. 218: Mr. BISHOP of Utah, Mr. EVERETT, and Mr. GARY G. MILLER of California.

H.R. 277: Mr. SESSIONS and Mr. RAMSTAD.

H.R. 288: Mr. HOLT.

H.R. 290: Mr. LIPINSKI, Mr. WICKER, Mr. ACKERMAN, Mr. BISHOP of New York, Mr. BRADLEY of New Hampshire, Mr. BACHUS, Mr. MCINTYRE, Mr. BAIRD, Mr. GALLEGLY, Mr. GINGREY, Mr. DEFAZIO, and Ms. KILPATRICK.

H.R. 296: Ms. ROS-LEHTINEN, Mr. WAMP, Mr. LEACH, and Mrs. MCCARTHY of New York.

H.R. 306: Mr. SHAYS and Mr. GORDON.

H.R. 331: Mr. FRANK of Massachusetts.

H.R. 333: Mr. DAVIS of Illinois, Mr. RUPPERSBERGER, and Ms. LEE.

H.R. 338: Mr. BARTLETT of Maryland.

H.R. 339: Mr. BALLANCE.

H.R. 369: Mr. PORTMAN and Mr. SMITH or Michigan.

H.R. 391: Mr. NEUGEBAUER, Mr. GILCHREST, and Mr. GALLEGLY.

H.R. 394: Mr. STARK.

H.R. 442: Mr. UDALL of New Mexico.

H.R. 463: Mr. YOUNG of Florida and Mr. WELDON of Pennsylvania.

H.R. 489: Mr. MICA.

H.R. 584: Mr. RAMSTAD and Ms. ROS-LEHTINEN.

H.R. 594: Mr. WYNN, Mr. ROGERS of Alabama, Mr. MILLER of Florida, Mr. LUCAS of Oklahoma, Ms. MAJETTE, Mr. OBERSTAR, and Mrs. KELLY.

H.R. 648: Mr. CRANE.

H.R. 668: Mr. EHLERS.

H.R. 721: Ms. BALDWIN.

H.R. 742: Mr. MOORE.

H.R. 745: Mrs. MCCARTHY of New York.

H.R. 765: Mr. TURNER of Ohio.

H.R. 785: Mr. HYDE, Mr. ROTHMAN, and Mr. KINGSTON.

H.R. 792: Mrs. JO ANN DAVIS of Virginia.

H.R. 802: Mr. BROWN of Ohio.

H.R. 817: Mr. CROWLEY.

H.R. 819: Mr. RODRIGUEZ.

H.R. 857: Mr. ACEVEDO-VILÁ, Mr. VAN HOLLEN, Mr. DELAHUNT, Mr. TOWNS, Mr. WEINER, Mrs. MALONEY, Mr. CROWLEY, Mr. ACKERMAN, and Mrs. JO ANN DAVIS of Virginia.

H.R. 869: Mr. PRICE of North Carolina.

H.R. 873: Mr. MILLER of North Carolina, Mr. DEFAZIO, Mr. MCINTYRE, Mr. GRIJALVA, and Mr. MICHAUD.

H.R. 876: Mr. NORWOOD.

H.R. 890: Mr. CASE.

H.R. 898: Mr. BRADLEY of New Hampshire and Mr. WALSH.

H.R. 947: Mr. FILNER.

H.R. 973: Mr. NADLER, Mr. CROWLEY, and Mrs. JONES of Ohio.

H.R. 1005: Mr. ACEVEDO-VILÁ.

H.R. 1006: Mr. GRIJALVA and Mr. KIND.

H.R. 1043: Mr. MCCOTTER, Mr. ROTHMAN, Mr. KING of New York, and Mr. RUPPERSBERGER.

H.R. 1077: Mr. BLUMENAUER.

H.R. 1093: Mr. KIND.

H.R. 1105: Mr. TANNER.

H.R. 1225: Mr. OBERSTAR.

H.R. 1236: Mr. SHAYS.

H.R. 1250: Mr. GARRETT of New Jersey.

H.R. 1260: Mr. CHOCOLA.

H.R. 1294: Ms. WOOLSEY and Mr. MICHAUD.

H.R. 1301: Mr. MICHAUD.

H.R. 1336: Mr. NUNES, Mr. DOOLEY of California, Mr. CROWLEY, Mr. FORD, Mr. HOLDEN, Mrs. TAUSCHER, Ms. MILLENDER-MCDONALD, Mr. BROWN of Ohio, Mr. NEUGEBAUER, Mr. LUCAS of Kentucky, Mrs. MYRICK, and Mr. BOYD.

H.R. 1345: Mr. ANDREWS and Mr. RANGEL.

H.R. 1421: Ms. LEE and Mr. BAIRD.

H.R. 1479: Mr. SHAW.

H.R. 1498: Mr. TERRY.

H.R. 1523: Mr. AKIN, Mr. DOYLE, Mr. BONNER, Ms. LOFGREN, Mrs. CAPITO, Mr. PRICE of North Carolina, Mr. COX, and Mr. GORDON.

H.R. 1532: Ms. SOLIS, Mrs. TAUSCHER, Mr. PAYNE, Mr. MCGOVERN, Ms. ROYBAL-ALLARD, Mrs. CAPPS, and Mr. WEINER.

H.R. 1552: Mr. FROST and Mr. PRICE of North Carolina.

H.R. 1563: Mr. GRIJALVA, Ms. ESHOO, and Ms. BALDWIN.

H.R. 1582: Mr. UDALL of New Mexico, Mr. THORNBERRY, and Mr. RYAN of Wisconsin.

H.R. 1605: Ms. MCCOLLUM, Mr. VAN HOLLEN, and Mr. WYNN.

H.R. 1606: Mr. FORBES.

H.R. 1615: Mr. KILDEE and Mr. KNOLLENBERG.

H.R. 1626: Mr. LUCAS of Oklahoma.

H.R. 1676: Mr. WU, MS. HOOLEY of Oregon, Mr. BOOZMAN, Mr. CUMMINGS, Mr. GILCHREST, and Mr. GERLACH.

H.R. 1684: Ms. BERKLEY, Mr. ETHERIDGE, Mr. REYES, Ms. VELAZQUEZ, Mr. RYAN of Wisconsin, and Mr. WAXMAN.

H.R. 1698: Mr. TURNER of Texas.

H.R. 1742: Mr. MCKEON, Mr. CARTER, Mr. HALL, and Mr. KIND.

H.R. 1769: Mr. CUMMINGS, Mr. FORD, and Mr. DEFAZIO.

H.R. 1783: Mr. DEMINT.

H.R. 1784: Mr. LINCOLN DIAZ-BALART of Florida, Mr. PETERSON of Minnesota, Mrs. NAPOLITANO, and Mrs. JO ANN DAVIS of Virginia.

H.R. 1813: Mr. HINCHEY and Ms. LORETTA SANCHEZ of California.

H.R. 1819: Mr. MICHAUD and Mr. BURR.

H.R. 1859: Mr. KING of New York and Mr. SMITH of Michigan.

H.R. 1873: Mr. GREEN of Wisconsin and Mr. OTTER.

H.R. 1894: Mr. FILNER and Mr. WAXMAN.

H.R. 1902: Mr. BROWN of South Carolina and Ms. ESHOO.

H.R. 1912: Mr. TANNER.

H.R. 1943: Mr. SHIMKUS.

H.R. 1961: Mr. EHLERS.

H.R. 1988: Mr. BOUCHER.

H.R. 1998: Ms. LINDA T. SÁNCHEZ of California, Mr. OLVER, Mr. BRADLEY of New Hampshire, Mr. SMITH of Washington, Mr. LYNCH, Mr. ALLEN, and Mrs. KELLY.

H.R. 2028: Mr. TURNER of Texas.

H.R. 2128: Ms. LINDA T. SÁNCHEZ of California.

H.R. 2133: Mr. LEWIS of Georgia, Mr. SHADEGG, and Mr. RAHALL.

H.R. 2154: Mr. BARTLETT of Maryland and Mr. TERRY.

H.R. 2176: Mr. GILLMOR, Mr. DAVIS of Tennessee, Mr. ROGERS of Alabama, Mr. ANDREWS, Mr. WICKER, and Mr. COOPER.

H.R. 2181: Mr. WILSON of South Carolina.

H.R. 2217: Mr. CASE.

H.R. 2218: Mr. GORDON and Mr. STARK.

H.R. 2220: Mr. NEUGEBAUER.

H.R. 2223: Mr. GOODLATTE.

H.R. 2224: Mr. MCGOVERN.

H.R. 2228: Mr. HAYWORTH.

H.R. 2232: Ms. BALDWIN.

H.R. 2233: Ms. LINDA T. SANCHEZ of California.

H.R. 2239: Mr. BERMAN, Ms. KILPATRICK, Mr. GEORGE MILLER of California, Mr. DEFAZIO, Mr. KILDEE, Mr. NADLER, Mr. MCDERMOTT, Mr. GRIJALVA, Mr. TOWNS, Mr. GREEN of Texas, and Mrs. MALONEY.

H.R. 2246: Mr. LUCAS of Kentucky, Ms. BERKLEY, Mr. BROWN of Ohio, Mr. RYAN of Ohio, Mrs. JO ANN DAVIS of Virginia, and Mr. PASTOR.

H.R. 2256: Mr. SHAYS and Ms. LOFGREN.

H.R. 2301: Mr. NADLER.

H.R. 2303: Mr. NEUGEBAUER.

H.R. 2323: Mr. RUPPERSBERGER and Mr. FOLEY.

H.R. 2327: Mr. LEWIS of Kentucky.

H.R. 2347: Mr. KINGSTON and Mr. CALVERT.

H.R. 2364: Mr. OWENS.

H.R. 2379: Mr. MORAN of Kansas.

H.R. 2388: Mr. COOPER.

H.R. 2394: Mr. NADLER.

H.R. 2404: Mr. STARK.

H.R. 2426: Ms. SOLIS.

H.R. 2452: Mr. BISHOP of New York, Ms. VELAZQUEZ, Mr. REYNOLDS, Mr. RANGEL, and Mrs. LOWEY.

H.R. 2456: Mr. PASCRELL.

H.R. 2469: Mr. HENSARLING.

H.R. 2519: Ms. SOLIS.

H.R. 2521: Mr. PAUL.

H.R. 2527: Mr. FRANK of Massachusetts.

H.R. 2567: Ms. LEE and Mr. RAMSTAD.

H.R. 2568: Mr. COOPER.

H.R. 2579: Mr. SOUDER, Mr. THORNBERRY, Mr. RAHALL, and Mr. JOHNSON of Illinois.

H.R. 2583: Mr. RYAN of Ohio, Mr. GONZALEZ, Mr. LAMPSON, Mr. ACEVEDO-VILA, Mr. DAVIS of Florida, and Mr. BOEHLERT.

H.R. 2584: Mr. DOOLITTLE and Mr. ACEVEDO-VILA.

H.R. 2585: Ms. JACKSON-LEE of Texas.

H.R. 2622: Mr. BOEHLERT.
H.R. 2626: Ms. MILLENDER-MCDONALD.
H.R. 2632: Mr. BEAUPREZ and Mr. CAPUANO.
H.R. 2654: Mr. TAYLOR of Mississippi.
H.R. 2668: Mr. DINGELL.
H.R. 2671: Mr. LAHOOD, Mr. GARY G. MILLER of California, and Mr. COX.
H.R. 2705: Ms. WOOLSEY.
H.R. 2722: Mr. FORBES.
H.R. 2743: Mr. SAM JOHNSON of Texas.
H.R. 2759: Mr. FROST and Mr. NUNES.
H.R. 2797: Mr. GORDON.
H.R. 2801: Ms. ROS-LEHTINEN.
H.R. 2808: Mr. CASE, Mr. DAVIS of Tennessee, Mr. DEUTSCH, Mr. HASTINGS of Washington, Mr. HOLDEN, Mr. JOHN, Mrs. KELLY, Ms. KAPTUR, Mr. LATOURETTE, Mr. NEUGEBAUER, Mr. RYAN of Ohio, Mr. OLVER, and Mr. VAN HOLLEN.
H.R. 2825: Mr. GORDON.
H.R. 2837: Mr. MARSHALL.
H.R. 2839: Mr. PALLONE and Mr. BASS.
H.R. 2849: Mr. WAMP.
H.R. 2852: Mr. PITTS, Mr. HOEKSTRA, Mrs. JO ANN DAVIS of Virginia, Mr. RYUN of Kansas, Ms. ESHOO, Mr. BARTLETT of Maryland, Mr. ANDREWS, Mr. NORWOOD, Mrs. MUSGRAVE, Mr. LAHOOD, and Mr. LEWIS of Kentucky.
H.R. 2853: Mr. FRANK of Massachusetts.
H.R. 2864: Mr. NEUGEBAUER.
H.R. 2870: Ms. LEE.
H.R. 2881: Ms. KILPATRICK.
H.R. 2882: Ms. NORTON.
H.R. 2885: Mr. FRANK of Arizona and Mr. NORWOOD.
H.R. 2899: Mr. DREIER.
H.R. 2906: Mr. FLAKE, Mr. GINGREY, Mr. BRADLEY of New Hampshire, Mr. DEMINT, Mr. SOUDER, Mr. SHIMKUS, and Mr. BURGESS.
H.R. 2924: Mr. COBLE and Mr. ANDREWS.
H.R. 2932: Ms. DELAURO.
H.R. 2955: Mr. BEAUPREZ.
H.R. 2967: Mr. HOLDEN.
H.R. 2971: Mr. CARDIN, Mr. FORBES, Mr. KOLBE, and Ms. DUNN.
H.R. 2986: Mr. DELAHUNT, Mr. NETHERCUTT, Mrs. EMERSON, Mr. HINCHEY, Mr. SERRANO, Mr. MEEHAN, Mr. CRAMER, Mr. PICKERING, Mr. TOWNS, Ms. KAPTUR, Mrs. JO ANN DAVIS of Virginia, Mr. MCINTYRE, Mr. LOBIONDO, Ms. MCCARTHY of Missouri, and Mr. FROST.
H.J. Res. 50: Mr. COX and Mr. SIMPSON.
H.J. Res. 59: Mr. CONYERS.
H.J. Res. 62: Mr. ISRAEL, Mr. PAYNE, and Mrs. KELLY.
H. Con. Res. 87: Ms. MCCARTHY of Missouri, Mr. TIERNEY, and Mr. STARK.
H. Con. Res. 183: Mr. MCCOTTER.
H. Con. Res. 213: Mr. BERMAN.
H. Con. Res. 226: Mr. MCGOVERN.
H. Con. Res. 247: Mr. FROST.
H. Con. Res. 252: Mr. ABERCROMBIE, Mr. TOWNS, Ms. KAPTUR, Mr. BISHOP of New York, Mr. RANGEL, Ms. WOOLSEY, Mr. DICKS, Mr. BACA, Mr. EMANUEL, Mr. UDALL of New Mexico, Ms. GINNY BROWN-WAITE of Florida, Mr. MCNULTY, and Mrs. MCCARTHY of New York.
H. Con. Res. 254: Mr. SMITH of New Jersey, Mr. MCGOVERN, Mr. ADERHOLT, Mr. LANTOS, Mr. TOWNS, Mr. LEWIS of Georgia, and Mr. MCNULTY.
H. Con. Res. 266: Mr. EVANS and Mr. RYAN of Ohio.
H. Res. 42: Mr. WALDEN of Oregon, Mr. UPTON, Mr. GRIJALVA, and Mr. JOHNSON of Illinois.
H. Res. 103: Mr. HUNTER, Mr. PETERSON of Minnesota, and Mr. MILLER of North Carolina.
H. Res. 136: Mr. YOUNG of Florida.
H. Res. 233: Mr. SMITH of New Jersey and Mr. LEWIS of Kentucky.
H. Res. 261: Ms. MILLENDER-MCDONALD.
H. Res. 280: Mr. KING of New York.
H. Res. 320: Ms. MCCARTHY of Missouri, Mr. FRANK of Massachusetts, and Mr. STARK.
H. Res. 322: Mr. HOLDEN, Mr. ROSS, Mr. SMITH of Washington, Mr. DELAHUNT, Mr. SANDLIN, Mr. SCOTT of Georgia, Mrs. MALONEY, Mr. LANTOS, Mr. CARDOZA, Mr. MORAN of Virginia, Mr. DINGELL, Mr. MATHESON, Mr. TOWNS, Mr. MCNULTY, Mr. HOEFFEL, Mr. ETHERIDGE, Mr. BAKER, Mr. ANDREWS, Mr. WU, Mr. KNOLLENBERG, Mr. FERGUSON, Mr. COSTELLO, Mr. TERRY, Mr. CAPUANO, and Mr. TIERNEY.
H. Res. 349: Mr. LANTOS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2877: Mr. CRANE.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2989

OFFERED BY: MR. KENNEDY OF MINNESOTA

AMENDMENT NO. 27: Page 39, line 1, after the dollar amount, insert the following: ''(reduced by $320,000,000)''.

Page 39, line 2, after the dollar amount, insert the following: ''(reduced by $40,000,000)''.

Page 39, line 3, after the dollar amount, insert the following: ''(reduced by $273,000,000)''.

Page 39, line 5, after the dollar amount, insert the following: ''(reduced by $7,000,000)''.

Page 61, line 9, after the first dollar amount, insert the following: ''(increased by $2,285,000)''.

Page 67, line 3, after the dollar amount, insert the following: ''(increased by $12,250,000)''.

Page 67, line 4, after the dollar amount, insert the following: ''(increased by $4,250,000)''.

Page 67, line 5, after the dollar amount, insert the following: ''(increased by $8,000,000)''.

Page 84, line 20, after the dollar amount, insert the following: ''(increased by $28,790,000)''.

Page 85, line 21, after the dollar amount, insert the following: ''(increased by $276,675,000)''.

H.R. 2989

OFFERED BY: MR. KENNEDY OF MINNESOTA

AMENDMENT NO. 28: Page 39, line 1, after the dollar amount, insert the following: ''(reduced by $320,000,000)''.

Page 39, line 2, after the dollar amount, insert the following: ''(reduced by $40,000,000)''.

Page 39, line 3, after the dollar amount, insert the following: ''(reduced by $273,000,000)''.

Page 39, line 5, after the dollar amount, insert the following: ''(reduced by $7,000,000)''.

H.R. 2989

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 29: Beginning on page 52, strike line 22 and all that follows through page 53, line 2.

H.R. 2989

OFFERED BY: MR. HONDA OF CALIFORNIA

AMENDMENT NO. 30: At the end of the bill (before the short title), insert the following:

SEC. ___. For an additional amount for new fixed guideway systems under the heading ''Federal Transit Administration—Capital Investment Grants'' for the Silicon Valley, CA, Rapid Transit Corridor, and the amount otherwise provided under such heading for the San Francisco, CA, Muni Third Street Light Rail Project is hereby reduced by, $1,000,000.

H.R. 2989

OFFERED BY: MR. MCHUGH

AMENDMENT NO. 31: At the end of the bill before the short title, insert the following:

SEC. ___. None of the funds in this Act may be used to carry out the EAS local participation program under section 41747 of title 49, United States Code.

H.R. 2989

OFFERED BY: MR. MORAN OF KANSAS

AMENDMENT NO. 32: At the end of the bill (before the short title), insert the following:

SEC. ___. For necessary expenses to carry out the essential air service program pursuant to section 41742(a) of title 49, United States Code, and the amount otherwise provided under ''Department of Transportation Office of the Secretary—New Headquarters Building'' is hereby reduced by, the amount otherwise provided under ''Federal Aviation Administration—Operations'' is hereby reduced by, and the amount otherwise provided under ''Department of the Treasury Departmental Offices, Treasury Building and Annex Repair and Restoration is hereby reduced by, $63,000,000, $35,000,000, $3,000,000, and $25,000,000, respectively''.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, THURSDAY, SEPTEMBER 4, 2003 No. 120

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. This morning our prayer will be led by our guest Chaplain, Max Lucado, Minister of the Oak Hills Church of Christ, San Antonio, TX.

PRAYER

The guest Chaplain offered the following prayer:

Oh Lord, God of our Fathers. You are the God who is in heaven. You rule over all the kingdoms of the nations. Power and might are in Your hand, and no one can withstand You.—2 Chron. 20:6.

We declare Your sovereign strength and confess that all decisions of rulers, kings, parliaments, and Senators ultimately serve Your will.

Grant that these leaders may do just that. Bless them with faith and vision. Strengthen those who are weak. Heal those who are sick. Superintend the affairs of their families and finances. Quiet any fears. Remind them of Your unquenchable, unconditional love.

Set the compass needle of our hearts on You. Affirm us when we seek Your will; forgive and correct us when we don't. Speak to us about the brevity of this life and the beauty of the next. And, most of all, prepare our souls for the moment we meet You face to face.

By the source of mercy we pray. To You be the glory forever and ever. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, the Senate will resume debate immediately this morning on the Labor-HHS-Education appropriations bill. It is the first bill we are addressing coming back from our recess. We made significant progress on the bill on Tuesday and on Wednesday. I thank our colleagues for coming forward and offering their amendments. Today will be an important day as we wrap our hands around how many amendments we have so we can systematically address those and engage in debate and vote accordingly.

I inform all Members that rollcall votes will occur throughout the day today. It is our intention that we can set a vote on one or more amendments to occur this morning. Members will be notified when the first vote is scheduled.

I wish to make one final plea: That people come forward as soon as possible to talk to the managers and make it clear what their intentions are on the various amendments.

The PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, while the majority leader is still on the floor, I would like to renew the managers' plea for amendments to come to the floor. There has been good cooperation with the distinguished assistant Democratic leader about moving toward the preparation of the list. If we are to finish this bill and get it completed before September 30, we are going to move ahead with expeditious diligence. If we do not get it completed by September 30, we are going to lose $3 billion. This is a very tight bill as it stands at the present time.

There is always concern about what is going to happen on Friday. In my capacity as manager of the bill, it is my desire to move ahead and have substantive votes tomorrow morning. Our custom is to conclude by noon, but I believe we are going to have to do that if we are going to finish this bill in a timely way.

There is word that there are 13 amendments ready to go today, which is good. But we may be a little slow getting out of the box here with amendments being ready to come to the floor as early as 10 o'clock. The Senator from Florida, Mr. NELSON, is ready to go. But that may be a short amendment.

I think it would be advisable to work on into the evening with the stacking of votes tomorrow morning early. There might be an earlier departure, if we have a list, if we know where we are going, and if we see that there would be a conclusion, say, next Tuesday.

This is an issue where we have already been advised about the need to bring some Members in from the other side of the aisle.

We prefer not to schedule in accordance with the Presidential candidacies. But we understand that people can talk, and we want to work it out on a cooperative basis. That would be a Tuesday target to wrap it up completely. To accomplish that, we are going to have to go into the evening and have votes tomorrow morning—at least until midmorning, and perhaps until noon. At least that is as this manager sees it.

We did not complete as much work as we should have yesterday. The quorum call was on for a considerable period of time. As I have said repeatedly, that is sort of the bane of a manager's existence—trying to do third reading and go to completion.

The majority leader advised everyone on August 1—more than a month ago—to be ready with amendments. It is my hope that our colleagues will come forward with amendments so we can get a list and see precisely where we stand so we can accommodate a lot of conflicting and competing interests on schedules.

I hope we will proceed with amendments today. If we work into the

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

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evening, we could stack votes early in the morning and have a departure which would not be too late to accommodate the schedules of many Members who would like to understandably depart going back to their home States.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The assistant Democratic leader.

Mr. REID. Mr. President, I say through you to the manager and distinguished majority leader that we are going to cooperate in every way we can to move this most important piece of legislation. We have eight appropriations bills and a short time to complete them. We will do the best we can to wrap them up as soon as possible.

Mr. FRIST. Mr. President, if I could ask that a few minutes be devoted to accommodate the Senator from Texas with comments on the guest Chaplain.

The PRESIDENT pro tempore. The Senator from Texas is recognized.

PASTOR MAX LUCADO

Mr. CORNYN. Mr. President, I appreciate the indulgence of the majority leader, the bill's managers, and Senator NELSON and Senator REID. Before we get on to the business of the day today, I wish to say a couple of words about our guest Chaplain, Max Lucado, who opened the Senate with prayer this morning.

Max is a longtime friend of mine and our family and is the minister of the Oak Hills Church in San Antonio. He has a wonderful wife, Denalyn, and he is a loving father to their children: Jenna, Andrea, and Sara.

Most people will know Max because of his best-selling books. Currently, he has more than 33 million books in print, and is America's leading inspirational author.

A half century ago, Dietrich Bonhoeffer wrote about the difference between ''cheap grace'' and ''costly grace'' when it comes to our faith. Cheap grace, he said, requires nothing of us but vague sentiment—but costly grace requires a lifetime of faithful sacrifice and service.

Someone who understands and embraces that kind of costly grace with a whole heart is a true disciple. By that definition, Max Lucado is a man who exemplifies what a disciple is and can be.

I thank Max for his service to Texas, to America, and today to the Senate, and also to his Creator who chose to set a disciple like him among us for such a time as this.

Thank you, Mr. President. I yield the floor.

RESERVATION OF LEADER TIME

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

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2660, which the clerk will report by title.

The legislative clerk read as follows:

A bill (H.R. 2660) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

Pending:

Specter amendment No. 1542, in the nature of a substitute.

Byrd amendment No. 1543 (to amendment No. 1542), to provide additional funding for education for the disadvantaged.

Akaka amendment No. 1544 (to amendment No. 1542), to provide funding for the Excellence in Economic Education Act of 2001.

Mikulski amendment No. 1552 (to amendment No. 1542), to increase funding for programs under the Nurse Reinvestment Act and other nursing workforce development programs.

The PRESIDENT pro tempore. The Senator from Florida is recognized.

AMENDMENT NO. 1557 TO AMENDMENT NO. 1542

Mr. NELSON of Florida. Mr. President, I send to the desk an amendment.

The PRESIDENT pro tempore. Is there an objection to setting aside the pending amendments? If not, without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. NELSON] proposes an amendment numbered 1557.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide for a study and report on the propagation of concierge care)

On page 61, between lines 14 and 15, insert the following:

SEC. ___. GAO STUDY AND REPORT ON THE PROPAGATION OF CONCIERGE CARE.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study on concierge care (as defined in paragraph (2)) to determine the extent to which such care—

(A) is used by medicare beneficiaries (as defined in section 1802(b)(5)(A) of the Social Security Act (42 U.S.C. 1395a(b)(5)(A))); and

(B) has impacted upon the access of medicare beneficiaries (as so defined) to items and services for which reimbursement is provided under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(2) CONCIERGE CARE.—In this section, the term ''concierge care'' means an arrangement under which, as a prerequisite for the provision of a health care item or service to an individual, a physician, practitioner (as described in section 1842(b)(18)(C) of the Social Security Act (42 U.S.C. 1395u(b)(18)(C))), or other individual—

(A) charges a membership fee or another incidental fee to an individual desiring to receive the health care item or service from such physician, practitioner, or other individual; or

(B) requires the individual desiring to receive the health care item or service from such physician, practitioner, or other individual to purchase an item or service.

(b) REPORT.—Not later than the date that is 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the study conducted under subsection (a)(1) together with such recommendations for legislative or administrative action as the Comptroller General determines to be appropriate.

Mr. NELSON of Florida. Mr. President, this is an amendment that I think is noncontroversial, that I am led to believe will be accepted by both sides. It calls for a study by the GAO of a practice that is going on in health care today that I have considerable concerns with, which could cause the beginning of the demise of a major part of Medicare, which is our health insurance system provided by the Federal Government for senior citizens.

The practice, interestingly, started in my State of Florida. It has spread to other States. We do not know the extent of this practice. That is one of the reasons for the GAO study that would take place over the next year and a half.

But here is what happens: Let's say a doctor has a patient list of some 3,000 patients, and the doctor wants to constrict his or her practice. So the doctor writes all of the patients—and what I am recounting right now is in fact what has happened in Florida—the doctor writes all of the patients and says: Henceforth, I am going to limit my practice. If you want to continue with me, you must pay an entrance fee of $1,800 per year. In some cases it has been noted in articles that have appeared in periodicals such as the Los Angeles Times, the Washington Post, and the New York Times that that entrance fee is as high as $20,000 per patient.

So what happens is, patients who have enjoyed the services of that physician in the physician-patient relationship, and who cannot afford the entrance fee, suddenly have to go elsewhere to seek their health care services.

You may say: Well, that sounds reasonable because we ought to have the opportunity for individuals to charge what they want for the services they provide as a physician. And, of course, that is our free market system way of doing things. But when part of the equation is a health insurance system funded by the Federal Government for senior citizens, and the doctor wants to continue to receive reimbursement by that health insurance system called Medicare, and the doctor is limiting the access of patients with an entrance fee which that patient must pay, then what we start to create under Medicare is a two-tier system of those who can afford it and those who cannot. It was never contemplated that is what Medicare would be.

Let me give you an example in the private sector. If Blue Cross/Blue Shield has a panel of doctors, and those doctors on that panel are entitled to receive reimbursement from the health insurance company—in this case in the private sector my example is Blue Cross/Blue Shield—if those doctors say, ''Well, I will be glad to see you, enrollee of Blue Cross/Blue Shield, insured by Blue Cross/Blue Shield, but you have to pay me $1,800 a year before I will see you,'' do you think Blue Cross/Blue Shield is going to keep that doctor on its panel of physicians who are going to handle those insureds of that insurance company? The answer to that is, of course not.

If that will not occur in the private sector, then why, in the public sector, in a health insurance system funded by the Federal Government for senior citizens, should the Federal Government close its eyes and look the other way while the physicians limit their practice with that entrance fee?

We have already addressed this. The Senate took its first step in opposing the use of these access fees by doctors who treat Medicare patients by including a provision in last year's budget resolution that expressed the Senate's preference that Federal funds should not reimburse doctors who charge their Medicare patients any unnecessary fees.

What has happened in the meantime is the doctors who practice this, of course, want these entrance fees because they can now limit their practice. But, oh, by the way, they still want to continue to receive the insurance benefits from Medicare, so naturally they are going to fight this. And they have engaged all kinds of lobbyists to fight it.

So what I am asking for is a study. It is my understanding that both sides of the aisle have agreed to have this provision. This is a study by the GAO over the next year and a half that will look at how extensive this is and whether there is any diminution in the service through Medicare to the Medicare recipients we are trying to help. I maintain there is.

What the doctors will tell you is: No, no, no; what we are doing is we are adding all kinds of different services. We are adding an annual health checkup, a physical exam. We are going to give them hot towels. There won't be any waits in a waiting room. They will have a special private waiting room.

I do not have any problem with that if that is what the patient wants to pay. But to say no patient can come to that doctor who is receiving Medicare reimbursement unless that patient is, at the same time, paying them that entrance fee—which ranges across America from $1,800 per patient in Florida to $20,000 per patient that was noted by the New York Times and the Los Angeles Times in a case out in California—then I think it is beginning to establish a dangerous precedent that in effect could impose a means test to access Medicare providers. That would further increase the gap between those who can afford health care and those who cannot. That is not the purpose of Medicare.

The purpose of Medicare is to assist all seniors, not just some seniors. The purpose of Medicare is a health insurance system funded by the Federal Government for all senior citizens, not just some. I think the logical extension of this practice is, as you go down the line, with access limited, we are going to create a two-tier system, and that is not what Congress had in mind.

So what I am offering is an amendment that would get at the heart of this. Let's be fair. If the doctors can make their case to GAO, then so be it. I personally believe strongly that it is the beginning of the disintegration of the main principle of Medicare, which is to have access to health care for all senior citizens.

Mr. President, that is the essence of the amendment. I will abide by the leaders of the bill as to how they want to dispose of it. If the leader of the committee, the chairman, would like me to call for a vote, I would be happy to do so. It is whatever is the pleasure of the distinguished chairman of the committee, the Senator from Pennsylvania.

The PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I thank the Senator from Florida for offering this amendment. I think he has articulated good reasons for a study by the General Accounting Office. These are important issues which could have a significant impact on health care delivery in our country. We are prepared to accept the amendment.

Mr. NELSON of Florida. Mr. President, I am grateful to the Senator from Pennsylvania.

The PRESIDENT pro tempore. Is there further debate on the amendment?

Mr. SPECTER. Trying to be brief in acceptance to give plenty of time for other amendments to be offered, but as the Chair can observe, there are no Senators in the Chamber seeking to offer amendments. If we are to proceed, as I said earlier, to get this bill considered and acted upon, we will have to have people coming to the floor with amendments.

I urge the adoption of the amendment.

The PRESIDENT pro tempore. Is there any further debate?

The question is on agreeing to amendment No. 1557.

The amendment (No. 1557) was agreed to.

Mr. SPECTER. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, we are having a little down time. We expect a significant number of Senators to have their schedules arranged so they will be here, but it is not right now; it probably won't be until 45 minutes or so. We will see what we can do to try to get someone to come. We have people who have indicated they will offer their amendments today, a dozen Senators. But we have had difficulty getting people to come during the 10 o'clock hour.

The PRESIDENT pro tempore (Ms. MURKOWSKI). The Senator from Florida.

AMENDMENT NO. 1543

Mr. NELSON of Florida. Madam President, with the permission of the two leaders, I would like to speak to another amendment that is pending. That is Senator BYRD's amendment. Since we have no one else in the Chamber ready to offer an amendment, I would like to do so at this time.

Senator BYRD's amendment, on which we will be voting probably later today, will allow us to fulfill the promises we made when we passed 2 years ago the No Child Left Behind Act which was the additional educational assistance from the Federal Government to the States and local governments in order to help children by increasing title I for disadvantaged children. Let me go back and cite a little of the history.

The Federal Government has had a very limited role in education. Today, of all the expenditures for education—be it at the university level all the way down to the beginning of school, pre-K and K—the Federal Government only engages in 7 percent of those expenses. Ninety-three percent is borne by the governments you would expect to carry the load in education—the State and the local governments, mainly through the school boards.

Along about 20 years ago or so, when we set up the Department of Education—and I don't remember the exact time title I was set up—it was believed that there was a particular role for the Federal Government to play in assisting State and local government on educational expenses by helping the children who had disadvantaged backgrounds, and thus was born title I which sends money to help children who come from disadvantaged backgrounds. Indeed, an example is the School Lunch Program. It is clearly an acknowledgment that a child cannot learn if the child is hungry—and a whole host of other kinds of moneys that flow from the Federal Government to try to reach that principle that every child should have an equal opportunity to an education.

In the Senate 2 years ago—fortunately, then, we were looking at a surplus in our Federal budget—we crafted, in a give and take, not only with the other body, the House of Representatives, but also with the White House—especially with the White House—this act that is referred to as No Child Left Behind. It had additional provisions of accountability, testing so that you could measure the progress of children

in those school districts in those States. It was authorized at a specific level. It was authorized at approximately $18 billion, whereas at the time the funding was about $11 billion. That was the clear intent when we passed it.

But when we got around to appropriating the moneys, for whatever reason, the White House decided it was not going to support the increased funding to the level authorized in the bill, the No Child Left Behind Act, of $18 billion, but instead was only going to support an increase of roughly $1 billion, to the tune of somewhere around $12 billion, from $11 billion.

As a result, I had about 25 townhall meetings when I was home in August. When those school board members came, when that superintendent of the schools came to that townhall meeting or when I met, in one case, in Volusia County, with the entire school board, they were crying the blues that they have all kinds of requirements under this new law we enacted but the money did not flow with it.

Senator BYRD has offered an amendment to take that level of funding up to what was worked out with the President and the Senate in our negotiations in a bipartisan way in the Senate as well as between the leadership of the Senate—at that time it was under the leadership of Senator DASCHLE, as majority leader—and the White House. That is what Senator BYRD's amendment does. It increases it roughly about $6 billion to the level authorized.

Folks back home—and I believe it is this way all over America, not just in Florida—are crying the blues about how the No Child Left Behind Act was not funded as promised. Title I schools provide education to the most disadvantaged children in our country. These are the very children we pledged not to leave behind. Typically they use those funds to buy educational material, to provide afterschool programs, to provide professional development to teachers, all of these things aimed at that special category of children, the disadvantaged children. This is separate and apart from the disabled children.

We had an amendment yesterday, which unfortunately did not pass, to bring up the level of funding on the program known as IDEA which is special funding from the Federal Government for disabled children. Think of all the problems that a school board, that a school, that a classroom teacher has to confront these days—disabilities, as well as children coming from disadvantaged backgrounds. We were not able to pass that amendment yesterday on disabled kids. I hope we will be able to pass this one for disadvantaged children.

Why we would deny the most needy schools, providing education in the most difficult circumstances, the resources they need to make a difference in the lives of those disadvantaged kids is, to use a southern expression, beyond me. Why would we pass a law that claims to leave no child behind and then underfund the very reforms that were included in the bill to reach all of those students? In order to ensure that every child, no matter where that child comes from, has the opportunity to achieve, we simply have to stop paying lipservice to educational reform and we have to start funding it. That is what I promised my people back home in Florida that I was going to come back up here and try to articulate to this Senate.

It doesn't make any sense, given all the budgets we have, that our education budget is any lesser priority, especially given that this is the future of America. So with Senator BYRD's amendment, we have the opportunity to reach a little over 2 million more disadvantaged students. I simply don't want us to pass up this opportunity.

HEAD START

Madam President, as long as I don't see any other Senators seeking recognition, I want to bring something else to the attention of the Senate. It came home to me loudly and clearly when I was home. The last week before the August recess, the House of Representatives passed a bill by a one-vote margin that is starting the demise of another one of the most successful and tremendously popular programs, the Head Start Program.

What the House of Representatives passed in late July before they left—and most people around the country don't know this. There was a simple one-line mention in the newspapers that the House of Representatives had passed, by a vote of 217 to 216, a bill to take the funding formula for Head Start and change it in eight States, to be determined, instead of in those eight States sending the funding directly to those Head Start centers—instead, to package it in a block and send it to the Governor and the legislatures of eight States, yet to be determined.

Now, let me tell you why I think this is the beginning of the demise of Head Start. Head Start is a wildly popular program because it has been so successful over three decades of doing what? Of bringing 3-year-olds, 4-year-olds, and 5-year-olds who come from disadvantaged and poor backgrounds up to the level that, by the time they enter school at prekindergarten and the first grade, they are not so far left behind that they have a chance to compete and they don't become discarded in the system and then, of course, so much more expensive in the long run because of the cost to society of the dropout, and so forth.

I visited a Head Start center and you should have seen it. It was down in Boynton Beach in Florida. It has this happy little classroom environment where these 3, 4, and 5-year-olds are beginning to learn their numbers, beginning to learn the alphabet, beginning to interact in a classroom setting, beginning to learn self-discipline, respect for property, respect for others, and respect for themselves—a wildly successful and, therefore, enormously popular program. There are 19,000 Head Start centers all over America, and the funding formula—since this was a program that was set up by the Federal Government over three decades ago, again, with that principle that we are trying to achieve that of giving each child an equal opportunity for an education—the funding was set up by the Federal Government to try to assist the States.

Now, let me tell you—well, I don't have to; just go talk to your school board members, talk to the principals and the teachers in those elementary schools. Ask them whether they think it is of extremely high value—the Head Start Program—when those kids are in pre-K and the first grade and they see their progress throughout the elementary school system. They will give you an earful of just how important it is to keep it.

But that is not what the House of Representatives did. The House of Representatives, by that one-vote margin, decided they were going to fund it in a different way. Instead of the money, as it has for over 30 years, going straight to the Head Start center based on a formula of how many children and what kind of background, instead, they are going to ball up all that money for all of the Head Start centers in eight States, yet to be chosen—by the way, you can pick eight States that have well over half of the population of the entire country—and they are going to give that in a block grant to the Governor and legislature of those States. Well, have we missed reading all of the chronicling on the front pages of the newspapers of how 48 of the 50 States are in fiscal cardiac arrest, how they are hurting so much they don't have enough funds? Can you imagine the temptation, even though we might try to put requirements on it, to find ways around it to siphon off some of those funds from Head Start into other educational programs? I am telling you, if we did that, in this Senator's judgment, that would be the beginning of the demise of one of the most successful and popular programs in America, the Head Start Program.

I have enough confidence in the common sense of this Senate and in the sensitivity of the Members of this body in listening to their people back home—even though what the House did didn't get a lot of press attention—that this Senate would not even consider the change of that funding formula. But we have to speak out on it because it hasn't gotten a lot of attention.

It is appropriate that while we are debating the question of funding on education, particularly with Senator BYRD's amendment that goes to title I, which is getting at those disadvantaged kids, we also ought to talk about Head Start, which is getting at the very beginning of the educational process of those disadvantaged kids before they ever get to the elementary level of education.

So I wanted to share with the Senate—to again use a southern expression—that I had received an earful back home. I am glad I did and I am glad I could share this with the Senate. When that bill comes over from the House they passed in the last week of their session, I hope we will tell them nothing doing, we are not messing with an extremely popular program. Instead, what we are going to do with that popular and successful program is expand it because today it only, as successful as it is, reaches 60 percent of the eligible children. Even of the earlier ones that we can start working on below age 3, we are only reaching about 3 percent of that eligible population. We have a lot of room to help these little folks as they get ready to compete so they don't get so far behind once they enter school.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, since the issue of education has been brought up not only this morning but over the last couple of days, and I have listened to some wailing and comments, I feel compelled to talk a little bit about education myself.

This week, many of my colleagues have come to the floor to criticize the President and criticize his administration and even to criticize the Senate leadership for their commitment to education. This is a discussion we need to have every time the Senate debates spending, but every time we seem to plow the same old ground. There are a lot of platitudes and myths out there that keep being regenerated. It takes a lot of time, and it keeps us from completing the spending bills. I hope I can say a few words that will put this debate in perspective.

My colleagues have argued that the current appropriations bill cuts education spending and it underfunds the No Child Left Behind Act. They have suggested, and I suppose will continue to insist, that the bill contains harsh and unacceptable cuts to education and that it will somehow leave students and teachers on their own. That is simply not the case.

The bill contains over $12 billion for title I programs, the third straight year it has had an increase. That is a total increase of 45 percent in title I funding since 2001.

It also contains $1 billion for Reading First, close to $700 million for State education technology grants, and over $1.1 billion for impact aid programs. All told, this bill contains about $56 billion for education programs, over $12 billion more—$12 billion more—than fiscal year 2001. Yet my colleagues insist that this bill cuts too much from education. They argue it does not go far enough and that we must increase our Federal deficit by several billion dollars more to assure we have adequately funded education. Where are these disastrous cuts? How is a $12 billion increase in education funding over 4 years a harsh and unacceptable cut?

Before I came to the Senate, I worked as an accountant. I learned how to balance accounts and read ledgers, and I am astounded to see my colleagues insisting that a $12 billion increase in education funding for over 4 years somehow constitutes a cut. I guess that kind of gives you an idea why we have some problems. It does not take special training in accounting to understand that a $3.9 billion increase in title I spending since 2002 is not a cut. Even without my training as an accountant, I am confident I would understand, as do families across America, that a $12 billion increase is not a cut, no matter how you frame it.

It is interesting to see how many of my colleagues are now criticizing the President and this administration for recommending less than the authorized amounts—authorized amounts—under No Child Left Behind. Let me explain authorized amounts.

We go through a three-step process around here. We have a budget process. A budget is something the President has to present to us by February so that we can approve a massive outline of how we are going to do spending by April 15. It is a Federal statute. It has been complied with twice in the history of the country. Once was this year. The other one was many decades ago. We did a budget.

Then there is a second part to the process. It does not necessarily have to come after the first part. It can be contiguous or it can be before the first part. It is called authorization. Authorization is when a bill is drafted by the committee of jurisdiction, the ones that have the knowledge and the concentration and focus on the problem. They do an authorization bill. It is usually a 6-year authorization, and it is an authorization for the maximum amount that will be spent, not minimums.

I hope everybody catches that. The authorization bill does not give minimums of spending, it gives the authorization for the maximums of spending, and that is the maximums of spending over a 6-year period.

Taking into account inflation, new programs, and issues such as those, nobody ever starts at the maximum and hopes they can sustain and increase that through the period of the authorization bill. That is not how it works. We always start at less than the authorized amount, and we build up to it over the 6-year period.

Let's take a look at some history because I seem to recall that this body did the exact same thing last year when they were doing No Child Left Behind in this particular bill.

My colleagues, of course—now they are in the minority—held all of the leadership positions at that time. They were in charge of doing this appropriations bill. They were the ones in charge of figuring out how much of that authorization could logically be tucked into this appropriations bill.

If we look at the appropriations bill reported out of committee last year, we find that it contained $3.5 billion less than the authorized level in title I funding. Somehow the administration is now being taken to task for recommending more than the colleagues on the other side of the aisle who were in charge last year recommended, even though they both recommended less than the fully authorized amounts. That is not unusual, and it shows that both sides of the aisle understand how this works.

Remember, we will find that the appropriations bill reported out of committee last year contained $3.5 billion less than the authorized level in title I funding, and the administration is now being taken to task for recommending more than the other side of the aisle did. I guess that should cut both ways. You cannot accuse the President of cutting education spending because he asked for less than the fully authorized amount when the other side of the aisle has done the same thing.

Even though my colleagues approved a bill last year that left a gap between appropriations and the fully authorized amounts, it has now become unacceptable in their eyes to fund No Child Left Behind at less than the fully authorized levels. In Wyoming, we have a lot of expressions we use to describe that kind of behavior, but the only one I can probably use on the floor of the Senate is doubletalk.

I also want to point out that we never made it to an Education appropriations bill last year. We never passed a budget last year. That was when the other side of the aisle was in the leadership. And it took us until this spring, under our current leadership, to pass any increase in title I and the No Child Left Behind Act. I think that bears a little bit of extra description.

Yes, I have held town meetings in Wyoming, and I have had to answer to education, and I have had to explain to them that a year ago we could not even pass a budget. A year ago, we did not even take up Education appropriations. Yes, we had this new authorization bill for No Child Left Behind, but, Madam President, do you know what. You cannot appropriate any additional dollars if you do not do an appropriations bill, and that appropriations bill never got done under the leadership last year. There was not a dime of increase passed last year.

When Senator FRIST became the majority leader this year, we went to work on getting the appropriations done, and with the cooperation across the aisle, we were able to get nine bills approved in 8 days. I think that is about how it was.

That was the first funding for education under No Child Left Behind. When did that happen? The President signed it into law on February 26, and the bureaucratic machine moved faster than it ever has. By March 26, the checks went out to the States. Miraculous. But school in this country ends at the end of May or the middle of June at

the latest. So on March 26, the mail went out. Eventually the States got those checks. Then the States had to do the allocation out to the school districts.

I do not imagine they got that done in one day. I do not imagine they got that done in a month. So now we are talking about the end of April, and school is going to end the next month. What kind of education funding is that?

So nobody got an increase for last year. They had to operate on the budget that they had from the year before. We never passed a budget. It took us until this spring, under our current leadership, to pass any increases in title I and the No Child Left Behind Act.

The current Senate leadership can point to two separate increases in funding for education compared to last year when this body did not approve any increases in education funding. If this issue is such a priority for my colleagues, why did we adjourn last fall without passing an additional dollar for education? As I am sure my colleagues will recall, we left Washington last year without a single dime more for education than was available the year before. Incidentally, because of this delay, when the President made his budget recommendation to Congress—that is that first step of the process I mentioned—we were still working on fiscal year 2003 appropriations; we had not finished them.

Those appropriations should have been the base for the President's recommendation, but we require him to have that in by February, and he did. That is the only way we can get our work done by April. He complied. So what figures could the President use?

The present administration is being blamed for this body's failure to pass an appropriations bill last fall, and that seems preposterous to me. Of course, he had to base his budget on what we had done for 2002, and he did, and he made substantial increases.

I want to mention just a little bit about the budget process we went through, too. During the budget process, we had an interminable number of votes attempting to do unprecedented earmarking. Well, that is not really what it was designed to do. What it was designed to do was to make it look as if a majority of the Senators who were doing responsible budgeting were actually voting against key programs that are normally not outlined specifically with earmarking. So the responsible Senators did the right thing and voted against what looked like voting against kids, and that is exactly politically how it was designed to be. But they did it so that we could have a responsible budget.

Now here we go again with the interminable number of votes I am sure we will be expected to take that will earmark an increase and change, and all of them are outside of the budget process that has already been approved.

Fortunately, I am sure the people across America are educated enough—I am sure our system has done that—to see through what is happening. We all know the Senate's budget process and we know the President is required to make that recommendation in February. When this body does not pass the appropriations bill that normally serves as the basis for the President's recommendation, it is unconscionable to then criticize the President for his recommendations.

The bottom line is that this body passed last year's appropriations bill 6 months late, and only then under the current Senate leadership. A better comparison would be the President's recommendations on the fiscal year 2002 appropriations, which were the only figures available at the time the President submitted his recommendation to Congress.

Clearly, this discussion is not about funding levels, it is about politics. This body has too much important business before it to waste time playing politics, particularly playing politics on education. There are students and teachers depending on this body to give them additional funding, and that is what my colleagues on the Appropriations Committee have done. Let us get the business of the Senate completed so these students and teachers can get what they need this year, rather than another day, another week, or another month of debate that could once again push the dollars into the following year.

Let us get our work done timely. Let us give some consideration to what kind of amendments are being offered. Let us put the politics behind for our kids and let us get this bill done.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 1558 TO AMENDMENT NO. 1542

Mr. KOHL. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendments?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL] proposes an amendment numbered 1558 to amendment No. 1542.

Mr. KOHL. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide additional funding for the ombudsman program for the protection of vulnerable older Americans)

At the appropriate place insert the following:

SEC. ____. In addition to any amounts otherwise appropriated under this Act under the heading of ADMINISTRATION ON AGING, there are appropriated an additional $1,000,000: *Provided*, That in addition to the amounts already made available to carry out the ombudsman program under chapter 2 of title VII of the Older Americans Act of 1965 (42 U.S.C. 3058 et seq.), there are made available an additional $1,000,000.

Mr. KOHL. Madam President, this is a noncontroversial amendment I hope will be accepted later today. It addresses the tragedy of abuse and neglect in our Nation's nursing homes and other long-term care settings.

Our seniors made our country what it is today, and they have earned the right to live out their days with dignity and the best possible care.

For most seniors in long-term care, they have that opportunity. The vast majority of nursing homes, home health agencies and other long-term care providers do a good job taking care of their patients under difficult circumstances. But too often across this country, there have been and continues to be cases in which our elderly and disabled are abused, beaten, starved, or neglected.

Last year, a House Government Reform Committee report found that nearly one-third of nursing homes had been cited for an abuse violation in the past 2 years. Ten percent of nursing homes had violations that caused actual harm or placed residents in immediate jeopardy of injury or death. The Senate Aging Committee, on which I serve, has repeatedly heard from the GAO that abuse and neglect are a major problem in our Nation's nursing homes.

Tucked away in this appropriations bill is a little program that has a big impact on these problems. The State Long-Term Care Ombudsmen Program places caring people throughout each State to assist elderly and disabled patients who have been abused or neglected. The ombudsmen have the responsibility to make sure that patients' complaints are investigated and addressed. They help these vulnerable people and their families navigate the complicated system and get the help they need.

In addition, the ombudsmen work with nursing homes to improve care. They also serve a large number of patients in home health care and assisted living. In cases where a nursing home must be closed because it cannot or will not improve, the ombudsmen help patients relocate to the best possible setting.

Unfortunately, a lack of funding and staff make it difficult for the ombudsmen to serve the large number of people who need their services—leaving patients vulnerable to substandard care.

A recent Administration on Aging report found that complaints to ombudsmen increased 48 percent from 1996 to 2001. Yet funding still lags far behind what is needed. Ombudsmen are being asked to do more and more, and Congress should make sure they have the resources to do their jobs.

I greatly appreciate the chairman and ranking member's willingness to work with me over the past several

years to increase funding for the ombudsman program. Through our efforts, we have increased funding by $6 million since fiscal year 2000.

This is a great start. But I have been advised by the National Association of Ombudsman Programs that it would take a $36 million increase to adequately fund the program. I realize that such a large increase is not possible in a single year—especially a year that has such tight fiscal constraints as this one. But I am concerned that the bill before us includes no increase at all.

This amendment would take another small but real step forward by increasing the program by $1 million this year. This increase will help ombudsmen keep up with the growing demand for their services. And it will help make sure that patients are better protected from abuse at the hands of those who are supposed to care for them.

I thank the chairman and ranking member for working with me. I know we all have the same goal of making sure our seniors are adequately protected in law term care.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank the Senator from Wisconsin for offering this amendment. I share his concern about adequate care for seniors in nursing homes. That account is currently funded at $13.361 million. I note that the Senator from Wisconsin wants to add $1 million. We would like to be accommodating. However, as Everett Dirksen once said, a million here and a million there add up.

I would be interested to know if the Senator from Wisconsin would care to respond why he picks $1 million instead of $2 million or $750,000? Where does the Senator from Wisconsin see the need for an additional $1 million when there already is $13.361 million? I am searching for some rationality as to why this million should be added.

Mr. KOHL. I do appreciate that. As I say, it will take $36 million, in our judgment, to adequately fund the entire program. I know very well that is not possible. That is not going to happen. I could pick out a figure larger or smaller than a million, and it was Senator Dirksen who did say a million or a billion added up to quite a bit of money. I do recognize $1 million is a lot of money, but considered in the context of what we are talking about and the importance of the program, which I know the Senator from Pennsylvania agrees, $1 million is a reasonable number.

I would not impose on the Senator the burden of having to make a difficult decision if that number were considerably larger. So I am asking for the support of the Senator with respect to a rather nominal number when we are considering the people we are talking about and the need for our service to them.

Mr. SPECTER. Madam President, the difficulty which I have as manager, we are now up to our 302(b) allocation. To find another $1 million, we have to take it from somewhere. It is a matter of evaluating whether $1 million means anything significant on top of $13 million which we already have.

However, I understand the interests of the Senator, the thrust of the argument by the Senator from Wisconsin. It is a worthwhile program. I will sharpen my pencil and pull down my green eyeshade and see if we can find some money to accommodate what the Senator from Wisconsin would like to have done. No commitments, but we will take a close look.

Mr. KOHL. I thank the Senator.

Mr. SPECTER. Madam President, the Senator from Georgia is on the floor and has requested an opportunity to speak for a few moments on another subject. From the manager's point of view, this would be a good time to do that. There is no other Senator on the floor now. I see Senator MURRAY is on the floor, but I think we can accommodate the Senator from Georgia for 7 minutes. I ask unanimous consent the Senator from Georgia be permitted to speak as if in morning business for 7 minutes.

The PRESIDING OFFICER. The Senator from Georgia.

(The remarks of Mr. MILLER are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I ask the pending amendment be laid aside so I may offer an amendment.

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

AMENDMENT NO. 1559 TO AMENDMENT NO. 1542

Mrs. MURRAY. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 1559.

Mrs. MURRAY. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To restore funding for certain programs under the Workforce Investment Act of 1998)

In the matter under the heading "TRAINING AND EMPLOYMENT SERVICES" under the heading "EMPLOYMENT AND TRAINING ADMINISTRATION" in title I, add at the end the following:

Subject to the following sentence, for necessary expenses of the Workforce Investment Act of 1998, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act of 1998, $801,000,000, of which—

(1) $100,000,000 is available to carry out activities described in section 132(a)(1) of that Act (relating to adult employment and training activities);

(2) $159,000,000 is available to carry out activities described in subparagraphs (A) and (B) of section 132(a)(2) of that Act (relating to dislocated worker employment and training activities and other activities for dislocated workers);

(3) $99,000,000 is available to carry out chapter 4 of subtitle B of title I of that Act (relating to youth activities);

(4) $250,000,000 is available to carry out section 169 of that Act (relating to youth opportunity grants);

(5) $23,000,000 is available to carry out section 167 of that Act (relating to migrant and seasonal farmworker programs);

(6) $20,000,000 is available to carry out section 166 of that Act (relating to Native American programs); and

(7) $150,000,000 is available for the acquisition and improvement of one-stop center infrastructure, including acquisition of real estate, payment of rent or utilities, improvement of technology, and staff development.

The amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $7,696,199,000 and the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $5,982,301,000: *Provided*, That of the funds appropriated in this Act for the National Institutes of Health, $370,000,000 shall not be available for obligation until September 30, 2004.

Mrs. MURRAY. Madam President, I come to the floor this morning to offer an amendment to help some of the millions of Americans who are looking for work in this very tough economy. The amendment I am offering right now provides an additional $801 million for critically needed worker training and retraining programs under the Workforce Investment Act. I am proud that Senators KENNEDY, DODD, LEAHY, JEFFORDS, and BINGAMAN are cosponsors of this important amendment.

Today our Nation faces both a jobs crisis and a skills crisis. There are 9.1 million Americans searching for jobs and another 5 million more Americans are working part time because they cannot find full-time work in this stagnant economy. Those millions of workers need training and skills to get good jobs that are going to last, and that is what this amendment before us provides.

I am proud that a wide range of organizations have endorsed my worker training amendment, including the U.S. Conference of Mayors, the National Association of Counties, the National Workforce Association, the Paralyzed Veterans of America, and the National Association of Workforce Boards.

My office has also received hundreds of letters of support from local workforce boards, mayors, county executives, employers, and just ordinary Americans. They all want this Senate to provide additional training opportunities for our workers.

The amendment before us would provide training opportunities for an additional 200,000 adults, young people, dislocated workers, Native Americans, and migrant and seasonal farmworkers. Most of these workforce and training programs have not had any—none—increases in funding for the entire last decade.

Think about that. We are in the middle of a jobs and skills crisis but most of our training programs have not had any funding increases in a decade.

My amendment will increase funding for adults by $100 million; for dislocated workers by $159 million; for youth by $99 million; for youth opportunity grants by $250 million; for migrant and seasonal farmworkers by $23 million; for Native Americans by $20 million; and for one-stop infrastructure by $150 million. That funding is going to make a huge difference.

I think any Senators who spent time with their constituents during the August recess from which we have just returned will recognize the urgent need for jobs and job training.

Last month when I was home I visited two of our one-stop employment centers in my State and I met with staff members who are working to train residents. I met with local employers who want to hire people in the community if they have the right skills. I met with workers, from young people who are just starting their careers to established workers who have been displaced by much larger economic forces. All of them want the skills they need to find a good job. But for many of them it is very tough going.

In King County, where Seattle is located, there is currently a 10,000 person waiting list for training. That is appalling. These are people who want to work. They desperately want training. But in King County alone they are stuck on a waiting list with 10,000 other people. They have been waiting a long time. In King County, the freeze on training services began last January. It has been a very long and very difficult year for everyone on that waiting list. They need our help and the Murray amendment will provide it.

Residents of the State of Washington continue to suffer with the third highest unemployment in the country, 7.5 percent. Since January of 2001, my State alone has lost 73,000 good-paying jobs in areas such as technology, aerospace, and manufacturing. Workers who were accustomed to earning $30 to $40 an hour as engineers in my State are now forced to accept warehouse jobs that pay $8 to $12 an hour.

Today, one-stop employment centers across the country are being asked to serve more people than ever before, yet their funding remains below what it was in fiscal year 2001 when our country was still experiencing relative economic prosperity. As a result, workers who are searching for jobs are taking longer than in previous recessions to find work. In 2000, it took an average of 12 weeks to find a new job. Currently, it takes approximately 20 weeks, and that is only if there are jobs to be found.

According to the Center on Budget and Policy Priorities, some 1.1 million workers have exhausted their extended unemployment benefits with no employment prospects on the horizon. These workers have worked hard and they have played by the rules, yet they are losing their homes in record numbers and even foregoing medical treatment for their children. Unfortunately, there is no guarantee these jobs are going to return, making it even more crucial that this Senate provide the retraining dollars to help those workers find jobs in the industries and sectors of the economy that have the greatest potential for growth.

Unfortunately, young people seem to be the hardest hit by the current job crisis. The youth unemployment rate has hit a 10-year high of 19.3 percent. The minority youth unemployment rate continues to hover around 30 percent.

Recent studies have shown that nearly 50 percent of the job losses in this recession have occurred to young people who are 16 to 24 years old. Young people desperately need help but our Federal workforce dollars currently serve only about 7 percent of our eligible youth nationally.

My amendment would increase the youth formula grant money to States and localities, and would fully fund the Youth Opportunity Grant Program, which has a real track record of success in many communities and on Indian reservations around the country. My amendment also provides desperately needed modest increases for some of our most vulnerable populations—migrant and seasonal farmworkers and Native Americans. These two groups often have unemployment rates above 50 percent with few prospects for jobs that will provide a sustainable income to support themselves and their families.

As a nation, we have to place a higher priority on helping these chronically underserved populations. My amendment does just that.

Finally, my amendment provides critical infrastructure funding for our national network of 1,900 one-stop employment centers. These one-stop employment centers integrate nearly 20 Federal workforce and social service programs at the local level.

In the HELP Committee, we have been working very hard to reauthorize the Workforce Investment Act, and to include more related programs such as TANF, small business, and transportation into the one-stops with an additional emphasis on program integration and seamless service delivery for all eligible Americans.

In summary, the Murray amendment that is before this body will provide additional hope and opportunity for citizens who need jobs today. Given the employment trends we will face over the next decade, we cannot afford to waste the talents of any worker as we continue to compete in the global economy.

I hope all Senators will agree with me that taking care of the training needs of our workers at home should be a top priority for our Government. The rest of the world is monitoring how we train our workforce because these foreign governments are looking for every advantage to capture additional market share for goods and services that are currently produced in the United States.

Let us not give our competitors a leg up. Let us support the Murray amendment so we can continue to have the most highly skilled and productive workforce in the world and so we can put our Americans back to work in good jobs that will last.

I urge my colleagues to support the Murray amendment.

Mr. KENNEDY. Madam President, will the Senator yield?

Mrs. MURRAY. I am happy to yield to the Senator.

Mr. KENNEDY. The Senator from Washington has just made an excellent presentation on an issue which is the heart and soul of our economic challenge; that is, to ensure that we are going to have continued upgrading of skills for workers to be able to compete in the world economy.

On Labor Day, I heard the President of the United States talk about the importance of job training and the importance of continuing education in the employment field. Yet it is my understanding, in terms of the administration's request, that there was actually a reduction in funding for this program—not that money in and of itself is the sole answer. But the Senator is very aware that the job training program that has been worked out and is in place at the present time is really the result of a very strong, bipartisan effort by Senator Kassebaum, Senator MURRAY, myself, and others involved in trying to work out one-stop shopping working with labor, work, and business. We finally got a program that is effective, and now the resources are really needed. We find that workers getting the training are able to find employment. It is really a key issue in terms of our economy today and in terms of the future.

Is the Senator not somewhat perplexed, given the statements by the President that we would have a reduction in funding of the program, which program reflects strong bipartisan effort, passed overwhelmingly in the House and Senate, and supported by the President, and which is so necessary in terms of having people getting the skills necessary for them to get back to work?

Mrs. MURRAY. The Senator from Massachusetts is correct. I heard the President on Labor Day. I was delighted to hear that he was facing up to the fact that our economy is struggling, with thousands of people out of work. I am very perplexed that he is not willing to add additional money to train our workers.

As the Senator from Massachusetts knows, when a young man or woman is laid off, they don't have the money to provide for their family. It impacts not just themselves but their entire family and their entire community as they

struggle. They are not going to find the same jobs. Our economy is changing. The only way they are going to get back into the workforce is if we give them the skills and training to get into the economic sectors that have job openings. These programs are critical in getting our economy back on track. They are fundamental to getting our economy back on track.

It is very perplexing to me that the President has not asked for nor supports the amendment before us that will help those workers.

Mr. KENNEDY. The Senator also understands that we are talking about a different aspect in terms of the need for training. We have the youth, we have the adult workers, and we have those who are laid off because of skills. There are a variety of different challenges out there, are there not? What we want to try to do is make sure we are going to take scarce resources and use those resources in ways which will result in giving skills to individuals—whether they are young, whether they are dislocated, whether they are the adult workers—and get them back into gainful employment, paying taxes and really returning resources to the economy in a very constructive and productive way.

I understand the Senator's amendment attempts to do that. Am I correct?

Mrs. MURRAY. The Senator from Massachusetts is absolutely correct. As I traveled around in August to talk to people in my State, where we have been severely impacted—we have the third highest unemployment in the Nation—I talked to students just out of high school who cannot afford to go college because of tuition increases and who do not have the skills to simply enter the workforce. It is very different than talking to a young father who is 35 years old with three young kids, who was an engineer at Boeing, who will not get that job back and doesn't have the computer training skills to get into another job that will provide him with the income to sustain a family with three children.

There are different programs funded in my State which we have worked on and which were supported in the HELP Committee. They are different for dislocated workers or for adults or for youth.

Mr. KENNEDY. Beyond that, as I understand it, some of the resources could be used to retain individuals actually in school rather than retraining young workers who drop out of school.

This has an important relationship to what we have been trying to do in terms of focus, attention, and support for strengthening our education process to reach out to those individuals who may be tempted to drop out but can be retained in school and perhaps acquire some skills.

This effort is reflective of a long experience—not that there shouldn't be some changes and alterations in a program.

I see our good friend from Wyoming, Senator ENZI, on the other side of the aisle who is an expert in terms of training programs, OSHA, and otherwise.

We have tried to work this out in a bipartisan way. This is really a key to our economic recovery.

I thank the Senator from Washington for bringing this to the attention of the Senate. I hope we will have strong bipartisan support. We have had bipartisan support in the past. This certainly is an amendment that deserves it. I thank her for offering it on the appropriations bill.

Mrs. MURRAY. I thank the Senator from Massachusetts for his support, his words of wisdom, for his longstanding commitment to people in this country who do not have the opportunities, and for making sure that every American, no matter who they are, where they come from, or what circumstances have hit them in their lives, gets the opportunities for the American dream that all of us want. Certainly this amendment is part of that effort.

Thank you, Madam President. I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, as chairman of the Subcommittee on Employment, Safety, and Training of the Health, Education, Labor, and Pensions Committee, I have enjoyed working with the Senator from Washington, the ranking member. I appreciate all of her efforts on the Workforce Investment Act, and, of course, the ranking member of the full committee, Senator KENNEDY, who has been working with us, and his staff who have been working in great detail to be sure we have a Workforce Investment Act we can pass this year so that we can make sure the money is funneled through the proper channels and the most people are taken care of for the money. It is up for reauthorization this year. It is particularly critical that we do it. It is landmark legislation that is a priority for both myself and my colleague from Washington. I am pleased that they worked so closely on getting this bipartisan bill to this point. I think we will be able to finish it and get it marked up sometime this month.

During the reauthorization process, we have considered how resources are most effectively used for the people who need it most. There is no problem for anybody to see that there is a problem.

Having said that, I need to explain that I will be opposing this amendment. I want to carefully explain that. I am not questioning the importance of job training in these difficult economic times, nor am I questioning the importance of the Workforce Investment Act as our Federal workforce development system. But I am opposing the amendment that increases funding for job training without appropriately offsetting such increased amount. At the appropriate time, I will be taking that action.

The way this appears to be offset but really isn't is through what we use rather liberally in some of the amendments, even a couple pending before us now, which is advance funding. That means that we steal a little bit out of another year's appropriations so we can spend it in this year's appropriations, and, oddly enough, spend it in that year's appropriations, too. You can see if we get into a process of spending money twice, we are going to be in some real trouble.

This amendment increases funding that is not targeted to individuals who are in most need of job training and assistance. Of the $801 million increase in funds, only $159 million will go to the dislocated workers program—those individuals most in need of assistance to get back to work.

So we are going to throw $801 million at the dislocated worker problem. Granted, there are uses for that money in those other areas, but we are going to do that to take care of $159 million that will go to dislocated worker programs. I don't think that is the right way for us to go about the process.

The committee bill provides $5.1 billion for job training and employment services, and that is $164 million above the budget request. Of this total amount, the committee bill provides $1.43 billion for dislocated worker activities.

We went through this during the process of the budget. We approved a budget. A change in the budget is what results in budget points of order. So the Labor-HHS bill must seek to address a lot of important needs, not the least of which is job training funding to ensure American workers are equipped to contribute and succeed in a changing economy. Of course, we always want that to happen faster than it is ever possible for it to happen.

The committee bill does reduce job training funding from fiscal year 2003 by $85 million, but I explained in a speech just a little while ago how that comes about. The President had to submit his budget before he knew what we were going to do in 2003, because we did not do a budget for the previous year; and then we did not pass the appropriation. So what we were going to be doing was not known until after he had to submit a budget to us. So he had to base his budget on what had been done for 2002, and there was a significant increase from 2002. Again, we raised it a little bit, and did so again in the appropriation.

So unless that can be offset, I am going to have to reluctantly oppose the amendment. Again, I don't think we ought to spend $801 million trying to solve a $159-million problem. I ask my colleagues to oppose this amendment.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank my colleague from Wyoming, and I understand he is opposing the amendment. I just say we are in a crisis in this country. We are in a crisis

when there are 10,000 people on a waiting list in King County alone to try to get into a training program in order to get the skills they need to get back to work. We are in a crisis when our economy continues to struggle and people are unable to put food on the table, send their kids to college, and to be able to feel secure when it comes to their jobs.

We all know we are spending $1 billion a week in Iraq in order to reconstruct that country. It seems to me totally reasonable to ask for $801 million for next year to help train our workers, to get our economy back on track, and to give American families the security they need in their homes to know they can take care of their own.

Mr. President, I encourage my colleagues to support this amendment at the appropriate time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the amendment offered by the Senator from Washington addresses a very important issue on job training, beyond any question. In structuring this appropriations bill, it has been very difficult, given the budget resolution and the allocation which we had.

We have at the present time in the Senate bill $3,564,436,000 on this line. With respect to the dislocated workers assistance, this committee increased the recommendation of the President, which had been at $1,383,040,000, and we put it back up to the funding of 2003 at $1,431,340,000.

The youth opportunity grants is a program which had a 5-year sunset. The President did not ask for funding for migrant farm workers, but we reinstated more than $77 million there.

We maintained the funding for Native Americans, and maintained the funding for one-stop centers.

Now, in an ideal world, with more funds, the amendment offered by the Senator from Washington might well be the thing to do. But the subcommittee is faced with the constraints, and we structured the very best we could in allocating, as I say, in excess of $3.5 billion for job training.

Unless we can find some offset—and we are constantly taking a look at the long list of items which we have where the appropriations are recommended for the total of $137 billion—it is very difficult to see how the amendment can be accepted, without some offset, without exceeding the limits which we have under our allocation from the Budget Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I take the floor for a few minutes to discuss an amendment Senator KENNEDY and I and others plan to offer to address a very important issue, one that affects the livelihood of millions of American workers and their families. It is an issue that bubbled up earlier this year when the Department of Labor—and I choose this word carefully—sort of surreptitiously issued proposed regulations, changes in regulations that would affect the 40-hour workweek and take away overtime protection for millions of American workers.

They did not have one hearing on that. They published it, put this out as a proposed change in the rules and regulations. Not too many people knew about it. However, I am now aware that over 78,000 comments have come in on this issue from around the country. So now the Department of Labor is hearing back, and more and more Americans are beginning to find out about this proposal.

Senator KENNEDY and I, and a number of our colleagues, will offer an amendment to protect the 40-hour workweek and to make sure overtime protections are there for American workers.

What the administration has proposed is a change in our regulations that would eliminate the 40-hour workweek by allowing employers to deny millions of workers overtime pay, workers who are currently covered and guaranteed overtime pay protections under the Fair Labor Standards Act of 1938.

This proposal by the administration is antiworker, it is antifamily, and it is bad economic policy. It is an attack on America's middle class. It won't create one job in our struggling economy. In fact, it will do just the opposite. It will cost us jobs. It is part of what I call the ''economic malpractice'' of this administration. And it is working Americans who are the victims.

Unemployment continues to climb. It is now at 6.2 percent, the highest level since 1994. That means 9.4 million people looking for work can't find any.

Since President Bush was sworn in, we have lost 3.1 million private sector jobs. We are losing jobs every month. The economy is limping along. Our deficit continues to bloom. It is now over $450 billion, I am told, by the end of this year and may be $500 billion by the end of next year. So the administration passed two record tax cuts for the wealthy to explode the deficit. And instead of trying to put money in the pockets of working Americans, the administration now wants to take it away, taking money out of the pockets of hard-working Americans, hard-working Americans who may be working overtime to help pay some extra bills.

Late last month, the Economic Policy Institute issued a report that analyzed the reach of this administration's proposal. It found that up to 8 million workers who currently are eligible for overtime pay will lose that eligibility. And as they noted, overtime pay for many of these workers can make up to 25 percent of the family's income. We are talking about people such as nurses, police officers, firefighters, retail managers, journalists, medical technicians, surveyors, among a whole host of others. For most of these men and women, that overtime pay is not spare change or for frivolous spending; it is essential. It helps pay the mortgage, feed the kids, and maybe put a little bit away for college for their kids or save a little bit for retirement.

I have a recent letter from the National Association of Police Organizations that represents thousands of law enforcement officers from across the country. They oppose the administration's proposal because, as they said:

> [U]nder such regulations, America's State and local law enforcement officers, already strained by countless overtime hours ensuring community safety from terrorist threats, could lose their basic benefit accorded for their efforts.

A recent national survey shows that working Americans are now becoming more aware of this proposal and have great concerns about it. A survey released this past week by Peter D. Hart Research Associates, pollsters, found that Americans overwhelmingly disagree with the Bush administration proposal. By 17 to 1, the public believes that Federal laws governing overtime should be changed to cover more employees rather than fewer. Fifty-one percent said it should cover more employees. Only 3 percent said it should cover fewer employees. Seventy-four percent of Americans in this poll oppose the Bush administration's proposal to eliminate several million employees' legal right to overtime pay.

I would like to take a few minutes to explain briefly how the rules work right now under the Fair Labor Standards Act of 1938. Hourly workers are generally guaranteed overtime pay when they work more than 40 hours a week. That has been accepted since 1938. Many salaried workers are also eligible for overtime pay under current law.

So what the administration's proposal would do would be to make it much easier for employers to deny salaried workers overtime pay protection. The result is that millions of salaried workers, earning more than $22,100 a year, currently eligible for overtime will be denied overtime under these proposed changes. This proposal will keep workers from spending time with their families, working longer hours without compensation. Employers will be able to force workers to work longer hours without pay.

In case someone says that isn't happening, I suggest they might want to go back and read the story in the Sunday Post of August 31 by Kirstin Downey, who documented some of the things that are happening in the country today.

For example, Wal-Mart Stores, Incorporated, the Nation's largest retailer, is facing 37 lawsuits in 29 States from employees who allege they were illegally forced to work extra hours free to meet corporate productivity demands. In December, a Federal jury in Portland, OR, found Wal-Mart guilty of asking workers to clock out and then return to work unpaid. About 400 current and former Wal-Mart employees

participated in the lawsuit, with some workers testifying that they falsified their time records to keep their jobs because they live in small towns with few other jobs.

About 270 insurance claims adjusters have filed suit in U.S. District Court in Washington, DC, alleging that their employer, GEICO, broke the law by improperly classifying them as workers exempt from overtime pay.

Stan Fortune, quoted in this article, age 47, a former Wal-Mart manager in Weatherford, TX, said he felt driven to climb into store management ranks during the 17 years he worked there. On one temporary assignment in Las Vegas, he said he worked 13 to 14 hours a day from September 1 through December 26 with only 1 day off. Said Fortune:

> It builds up to where that's the norm. You get three or four hours' sleep. It becomes what you are used to. Now that I look back it is pretty sad.

That is happening around the country today. More and more workers are being asked to work longer hours. What the administration wants to do is say: We will make that legal. We are just going to exempt them.

American workers already work longer hours than any other industrialized country. Right now, according to this article in the Washington Post, according to the International Labor Organization, American workers work more than other people in developed economies. They found that American workers put in an average of 1,825 hours per year. French workers, by comparison, average 1,545 hours per year; German workers, about 1,444 hours per year. According to Lawrence Johnson, chief of the ILO's employment trends team:

> The European Union and the United States have two different systems and react to economic conditions differently. . . . A lot of what Europeans have—longer vacations, shorter hours—are legislated, and in the United States, it is handled through collective bargaining.

The problem is now only 13 percent of American workers are covered under collective bargaining. So most workers are not in the collective bargaining agreements that cover overtime.

Major women's organizations, including the National Partnership for Women and Families and the American Association of University Women, oppose this proposal because they fear that an increase in mandatory overtime would take time away from families and disrupt the schedules of working parents as well as impose additional childcare and other expenses.

Ross Eisenbrey of the Economic Policy Institute has shown that this proposal, probably more than anything else, affects women in this country. It is women who are working in these jobs that are about at that level, but it is also the women who have to take their children to childcare. So get this: What the administration is saying is that you will have to leave your child in childcare longer hours during the day. You will be forced to work overtime, longer hours, but you won't get one more nickel for it. Talk about fairness. Talk about compassion.

This proposal will not create one new job. It will do just the opposite. What it will do is give employers a disincentive to hire people because it will allow them to work their current workers longer hours, force them to work longer hours without any extra pay.

When President Roosevelt signed the Fair Labor Standards Act into law in 1938, he made that exact point, that if a worker is working 50 hours a week and not getting paid for that, it does two things—takes him away from his family and, secondly, it is a disincentive to hire anyone else to work. So that is what this proposal will do. It will add to the unemployment figures in America, not put people to work.

As columnist Bob Herbert recently wrote in the New York Times:

> You would think that an administration that has presided over the loss of millions of jobs might want to strengthen the protections of workers fortunate enough to still be employed. But that's not what the administration is about.

Again, as I said in my opening, the administration does not want the American worker to find out what they are doing. They didn't hold one hearing on its proposed rule. Maybe they thought they would slip it through and people would not know about it.

I don't think we should in the shadows set policy that would affect millions of workers and their families. We need to do it in the open. That is why I plan to offer this amendment.

My amendment is very simple. It would prohibit any money, any taxpayer dollars, from being spent to in any way implement any administration proposal that would exempt more workers from overtime pay protections, who are now currently eligible. Very simple and straightforward. It would allow the administration today, tomorrow, or at any time, to increase the number of workers who are eligible for overtime pay.

Again, I wish to take a couple of minutes to clarify some of the claims that some of the opponents of our amendment have made about the administration's proposal.

The first claim is that the proposed regulation will only result in denying overtime pay protection to 644,000 workers, not 8 million. Well, that is because the administration is only counting people right now who are getting overtime pay. There are millions more eligible for overtime pay but they are not getting it because the employers don't want to pay the overtime. However, if you now exempt them, the employer has no disincentive whatsoever. They can work those people longer than 40 hours per week and not have to pay them one additional nickel. So the administration's estimate completely ignores the incentive that will be built in for employers to work these eligible people longer hours per week.

Claim No. 2: The administration's proposal will actually guarantee an additional 1.3 million low-income workers overtime pay.

This is an overstatement. They are saying it because they are raising the current income threshold from $8,060 a year to $22,100 a year—no one is opposed to that—and it is long overdue. Of course, it has been raised several times since 1938.

According to the National Employment Law Project—a coalition representing the interests of low-wage workers—most, if not all, of those 1.3 million workers were already covered by overtime protections because they were working in low-paying nonexecutive jobs. They add that the DOL's proposed threshold increase ''does not help nearly enough workers, because 80 percent of the workforce still makes over the proposed threshold [of $22,100], and workers earning more than the threshold are barely making ends meet in today's economy.'' Again, I point out that my amendment does not affect the increase in the threshold limit.

The third claim they make is that first responders—police and firemen—will not lose their overtime protection with this proposal. They have been making this claim all along. Unfortunately, the proposed regulation as written would, in fact, put many first responders—police and firefighters and others—at risk of losing overtime eligibility. There is no specific carve-out for first responders. This proposed regulation is so vague that it would apply to many first responders who may have minimal supervisory duties.

The National Association of Police Officers and the International Union of Police Associations both oppose the regulations as written.

The fourth claim: This proposal simplifies current regulations, and it will make it easier for employers to determine who qualifies for overtime and who doesn't. It will also reduce litigation.

Well, perhaps that is so. It would reduce litigation because it is going to exempt all these people from overtime protection. But it is not going to make it easier. In fact, it would make the rules more confusing by replacing well-established standards with vague and ambiguous language and would spawn litigation over the meaning of these new rules.

According to the Chicago Tribune:

> The Labor Department's [Wage and Hour Administrator] Tammy McCutchen predicts a deluge of lawsuits as employees and employers press for clarifications once the new rules go into effect.

Also, a recent analysis by the Congressional Research Service found that the proposal is vague—it will be largely up to the interpretation of employers and the Labor Department to determine who qualifies and who doesn't qualify for overtime pay protection.

So what that says to me is that employers will have wide discretion—compared to what they have now—to reclassify and disqualify all kinds of

workers from overtime pay protection in order to make them work longer hours without compensation. I don't really expect the Labor Department to proactively go around and check on these employers. They don't do it now. What if a worker complains? How many workers are going to risk losing their jobs by complaining? As a person who worked for Wal-Mart said, ''In a small town there are no other jobs. Therefore, when they want you to work overtime without any extra pay, that is what you do.''

I close by saying that I also believe this proposed regulation is designed to give cover to employers that are already abusing standing overtime laws. Lawsuits by the hundreds—cases pending before the Labor Department that are now months and years backlogged—will be wiped off the books because now the employers that are denying overtime pay will be legal in doing so.

So why do we want to make it easier to deny American workers overtime pay? How does it help the economy to take money away from millions of low- and middle-income men and women?

Again, the administration's proposal will do nothing to put money in the pockets of working Americans. It will not create new jobs. It will keep people away from their families longer hours. It is a slap in the face to millions of hard-working Americans—men and women who are starting to make ends meet and yet spend some time with their families. It is bad policy. We have an opportunity to stop it with my amendment. I plan to offer that shortly. I urge my colleagues to support it.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

WITHDRAWAL OF ESTRADA NOMINATION

Mr. FRIST. Mr. President, a few moments ago we received a message from the White House. I will read the message and I have comments to make on that particular message, and it will explain the interruption of the debate on this very important bill that we are addressing.

The message from the White House reads:

To the Senate of the United States:

I withdraw the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit.

That message was signed by President George W. Bush.

It was 29 months ago that the President of the United States nominated Miguel Estrada. Today, we have received this message that Miguel Estrada's name has been withdrawn from further consideration by the Senate. I expect that many on the other side of the aisle will be glad of this. Indeed, we have seen our Democrat colleagues block the entire Senate from having a very simple, honest up-or-down vote for 29 months—well over 2 years.

Today is a shameful moment in the history of this great institution. The Senate has been denied the right to confirm or reject a brilliant and a well-qualified nominee because of the obstruction of the few—a hard-working and honorable immigrant American who has excelled in the pursuit of the law and risen to the very top of his profession has been turned away because of the rankest political partisanship.

In rising today, I wish to take a moment to express my regret to Mr. Estrada and to his family and to express my regret to the American people who have been denied the service of this extraordinarily talented and accomplished man.

The record, however, is clear—it is crystal clear: Miguel Estrada was and is superbly qualified to serve on the bench. He was, in fact, unanimously well qualified, according to the rating by the American Bar Association, a rating Democrats once called the gold standard.

Miguel Estrada graduated with honors from Columbia University and then from Harvard Law School where he was editor of the Law Review. He went on to public service, including 2 years of service in the Clinton administration. No one—no one—can claim this man is not qualified to serve on the Federal judiciary, and I fully expect that some day he will stand for a vote by this Senate again.

Mr. President, as you know, earlier this year the Senate engaged in an unprecedented month-long debate on the Estrada nomination. This debate has continued for months thereafter and, indeed, before the August recess we took the seventh—the seventh—cloture vote to end debate and to allow the Senate—a very simple request—a simple up-or-down vote, as the Constitution requires. No nominee has ever had this many cloture votes.

As a result of the Estrada debate, the Senate has had the opportunity to consider the proper nature of the advise-and-consent role of the Senate and to question the propriety of the filibuster as applied to judicial nominees. That self-examination is far from over. The fact is that the use of unprecedented filibusters to deny the Senate the freedom to give advice and consent has, I believe, done great harm to the Senate and to, more generally, public discourse.

Mr. President, let me review the lengthy saga of Miguel Estrada's confirmation process.

Miguel Estrada was nominated by President Bush on May 9, 2001, 29 months ago. He was among the very first nominees to be sent to the Senate for consideration, as the Constitution requires, for this body, the Senate, to advise and consent.

It is worth noting since that time Miguel Estrada was nominated, our country has fought two wars and changed the regimes of two nations.

For the first 505 days of the Estrada nomination, the Democrat leadership refused even to hold a hearing. They defended this delay by arguing that they knew nothing about the candidate, as if a hearing were not the usual and customary way to resolve such a concern of hearing about the candidate. In truth, there was more in Mr. Estrada's record than in the records of many judicial nominees Democrats had comfortably confirmed in previous years.

Opponents also argued at the time that Estrada lacked judicial experience, despite the fact this was not an impediment to the Clinton nominees who had never served on the bench, nominees, it should be noted, who went on to serve on the very same court to which Estrada was nominated. In fact, Earl Warren, William Rehnquist, William Douglas, Lewis Powell, and Thurgood Marshall—none of these great jurists had any judicial experience when first nominated to a Federal court. But no matter, our Democrat colleagues continued to obstruct. They continued their obstructionist tactics. Then after finally giving Mr. Estrada a hearing a year ago, they announced it was too late in the year to give Mr. Estrada a vote in the Judiciary Committee.

After the Republicans won the majority in 2002 and Democrats no longer controlled the calendar or the committee, opponents moved to plan B, to level baseless charges.

First came the accusation that Mr. Estrada had ''refused to answer a single question'' at his hearing. At best, that is hyperbole. In fact, Mr. Estrada answered over 125 questions. The transcript from Mr. Estrada's 7-hour long hearing weighs nearly 3 pounds. Admittedly, the transcript is heavy with questions my colleagues knew full well Mr. Estrada could not answer. They knew he could not answer and also maintain his respect for the independent judiciary and abide by the code of judicial ethics.

We learned through the course of a lengthy debate that, in truth, some nominees of President Clinton answered fewer than 20 questions. One nominee answered only three questions, and he was smoothly confirmed by a Republican-led Senate.

In truth, Mr. Estrada answered more than twice as many questions as all three of President Clinton's appointees to the same circuit court were asked at their hearings—all three combined.

Such facts as these naturally raise the serious question as to why our Democrat colleagues imposed a double standard on this particular nominee with his particular background. In fact, the only questions Mr. Estrada declined to answer, as previous nominees had similarly declined to answer, involved how he would rule on cases that might come before him. During his hearing, Mr. Estrada explained why. He told the committee members that he prizes the independence of the

judiciary; that he believes a judge must put aside his personal views and maintain impartiality. In my mind, rather than being a reason or a cause for opposing his nomination, his integrity only strengthened the case for supporting him.

Since that hearing, Democrats had almost 12 months to ask further questions of him—any at all. Repeatedly, the White House offered Mr. Estrada to answer any written question posed to him. To my knowledge, only one Democrat Senator took up that extraordinary offer. Additionally, the White House offered Mr. Estrada to meet with any Senator. To my knowledge, only two Democrat Senators took up that particular offer. But unlimited availability in writing and in person was simply not enough.

Mr. Estrada's opponents continued that partisan drumbeat and continued to obstruct a simple up-or-down vote by their colleagues so we would have that opportunity to express advice and consent.

At the end, when all the false arguments were exposed, our Democrat colleagues fell back on one last carbuncle. They denied Mr. Estrada a vote, they said, because the Justice Department refused to hand over to them Mr. Estrada's workpapers from the years while he was in the Office of the Solicitor General in the Clinton administration.

This was their asking price, despite the fact that every—every—single living Solicitor General, both Democrat and Republican, told the Senate that such a release of documents would create a harmful new precedent against the interest of the American people.

All of this now has passed. What the American people now deserve is an explanation of why. I suspect many know the answer. The saga of Miguel Estrada is a tale of great and unbridled Democratic partisanship, and the American people, sadly, are the losers.

In the course of the Estrada debate, I observed and I listened and I have reached my own conclusion. I do not believe anyone in the Senate would block a nominee based solely on ethnicity. I do not believe any of my colleagues harbor this kind of rank bigotry. I do believe, however, that what happened to Mr. Estrada was due to base politics.

To date, the President has nominated a greater percentage of Hispanic nominees to the Federal bench than any President before him. The President has made clear that he shares the aspiration of the American people to see a Latino serve on the Supreme Court. I believe Miguel Estrada's incredible abilities and special talents would have eventually led him down this path. I believe, as many do, that given his strong credentials, he would be a superb candidate should there be an opening on that Court.

Many Democrats and hard-left Washington special interests fear that possibility. They do not want this President to have a Hispanic nominee of Miguel Estrada's extraordinary abilities named to the Supreme Court should a vacancy arise. I believe when all is said and done, the American people, who are sensible and fair, will reach a similar conclusion about this sorry chapter.

The fight is not over. We will continue to press for an up-or-down vote for the President's nominees. We will continue to press for fairness. We will continue our fight to put qualified women, men, and minorities on our courts.

We will fight the obstructionist tactics of the Democrats and the liberal special interest ideologues that drive them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the distinguished majority leader for those comments and express my own personal regret on the withdrawal of the nomination of Miguel Estrada. It is not too long ago that I was in college, in law school, and to hear the academic record of Miguel Estrada is enormously impressive. One does not go to Columbia and rank cum laude and one does not go to Harvard and serve as editor of the Law Review there without very substantial academic achievements.

Miguel Estrada is a man with a superb record beyond his academic achievements. When the issue was raised about not disclosing the contents of memoranda which he had written when he was an assistant in the Solicitor General's Office is absolutely specious. It is just a red herring. There is no reason for that at all. If one is going to ask to have a lawyer's work product made available, there would be an enormous chilling effect on lawyers who are working day in and day out expressing their views, giving their opinions in an honest and candid way so their superiors can make an evaluation and a judgment as to what to do.

Having gone to college and law school, and having been a lawyer writing memoranda, which I wrote plenty of, I know the indispensable quality of being able to say what you believe without having somebody look over your shoulder years later in an attempt to deny some appointment. If you are going to have to play defense all the time, you cannot have the kind of ingenuity, assertiveness, independence, and intelligence which is what has made our country strong.

I believe the country is much weaker for the withdrawal of Miguel Estrada as a potential Federal judge. There have been a lot of objections raised to a lot of nominees, but the situation with Estrada was uniquely unmeritorious in what his detractors had to say.

He is a young man, and I agree with the majority leader that he will be back.

I yield the floor.

Mr. ALLEN. Mr. President, will the Senator from Pennsylvania yield?

Mr. SPECTER. I do.

Mr. ALLEN. I say to my good colleague from the Commonwealth of Pennsylvania that I know he is on the Judiciary Committee. Since Miguel Estrada lives in Virginia, my colleague, JOHN WARNER, and I presented Miguel Estrada to the Judiciary Committee. The Democrat leader was then in charge.

Was the Senator from Pennsylvania present at that committee meeting?

Mr. SPECTER. I was.

Mr. ALLEN. I remember him being there. I remember the joy of that committee meeting. Miguel Estrada was there. His wife was there. His mother Clara and his sister Maria were all there. They were so proud of this young man, who came to this country from Honduras as a teenager. He was unable to speak English. He applied himself, worked hard, and went on to an Ivy League school for undergraduate studies. He then went to Harvard Law School, where he graduated magna cum laude. He later worked in the Solicitor General's Office under President Clinton, where he argued 15 cases before the Supreme Court of the United States, winning most of them. He also clerked for Supreme Court Justices. The American Bar Association unanimously recommended him with their highest qualifications. It was really a day of joy. It was uplifting.

There were four vacancies on the court. I remember saying ''adelante'', come, ''Miguel Estrada.'' So people were charged up about this country seeing that a Horatio Alger story still was possible. Seeing that if someone worked hard in this country and applied themselves, that if someone recognizes them, like President Bush, and allows them to serve their country on the second most important court in this country, which is the D.C. Court of Appeals, that everyone would say, this is what America is all about; there is opportunity for all people, regardless of their background, so long as they have that record of performance.

Then we saw obstruction month after month. It took everything the Senator could do on the Judiciary Committee to even get him out of committee. When the Senator from South Dakota, Mr. DASCHLE, was Leader, we could not even get it out of committee. So this hold continued, these personal fouls.

Now we come to this day, 28 months after President Bush nominated Miguel Estrada. I have not served as long as the Senator from Pennsylvania, Mr. SPECTER, or our great leader, Senator FRIST of Tennessee, but I know my colleagues all look at history. Today I think is a very sad, dark day in the history of the Senate. An injustice has been perpetrated, an injustice to this gentleman with impeccable credentials, who is an inspiration to all Americans.

In particular, this was an opportunity for a Hispanic American for the

first time ever to serve on the D.C. Court of Appeals. The real motive of this obstructionism is not his qualifications, not his judicial philosophy, not claims that Miguel Estrada would be an activist or does not understand the proper role of a judge, but the reality is they want to deny him that added aspect on his record of performance that he served on the Court of Appeals. They fear that, should a vacancy arise on the Supreme Court of the United States, President Bush would like to make history and appoint someone who has the proper judicial philosophy and is also a Hispanic American to the Supreme Court.

This is a sad day for America. As the Senator from Pennsylvania says, he is a young man. He is willing to serve in the future and we are going to still champion Miguel Estrada. I know Senator SPECTER, Senator MCCONNELL, Senator FRIST, and those on this side of the aisle, and a few on the other side of the aisle, such as Senator MILLER of Georgia, Senator NELSON of Florida, Senator NELSON of Nebraska, and Senator BREAUX of Louisiana, we are going to keep fighting for well-qualified judges such as Miguel Estrada.

I hope and pray some day in the future we will have another opportunity to vote on Miguel Estrada to serve this country, because we are going to stand for people of quality, of character, of performance, and of competence. This sort of obstruction needs to stop. Senators do not have to vote in favor of judges if they so desire, but they should vote one way or the other—not delay, not hold, not obstruct. It is wrong to treat people in such an unjust, unfair, and inequitable way.

I thank the Senator from Pennsylvania, Mr. SPECTER, for his great leadership in getting Miguel Estrada out of the Judiciary Committee. It is a shame and I think a disgraceful day that Miguel Estrada has been forced to withdraw his name so he can focus, with his family, on his future.

He has a bright future. I know Senators share my view that he has a great future for service in this country someday when the Senate stops its obstruction.

Mr. SPECTER. I have been on the Judiciary Committee for 23 years, and very few nominees have come with Miguel Estrada's record. When a man comes to Washington to serve with that record, we ought to welcome him, not send him packing.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, on the day of the withdrawal of Miguel Estrada, it is important to keep in mind we have approved 145 of the President's judicial nominees. We have worked with the President to do so in a swift and unprecedented pace. Despite the anti-Hispanic rhetoric surrounding Mr. Estrada's nomination generated by some on the other side of the aisle, a Democratic President appointed the vast majority of Latino Americans serving now in our Federal courts.

Mr. Estrada's withdrawal presents a positive opportunity for the President.

I have worked with the Presiding Officer. The President should look at what we have done in Nevada as a model for selecting nominees. Senator ENSIGN and I have worked closely on recommending nominees to the White House. I have worked with the junior Senator from Nevada, who is a representative of the President's party, in selecting four judges.

Larry Hicks, who has waited 10 years to become a judge, was selected previously by the first President Bush. He patiently waited. He was nominated again by the Senator from Nevada and confirmed and is now sitting as a judge.

Jim Meehan, I practiced law in the same community as Judge Meehan. He was a fine lawyer. He has made a fine judge.

In the Ninth Circuit, Jay Bybee. Jay Bybee was criticized by some as being too idealistic, but his background is superb, an academic, someone who worked not only in academia but worked in various administrations of at least two Presidents. He was approved very quickly and swiftly.

Yesterday, we completed a hearing on Robert Clive Jones to be a district court judge.

We do not need the furor surrounding judicial nominations. We have approved 145 judges. We should work to have bipartisan support of these judges. There are lots of judges who have more conservative ideology who do not draw a lot of attention. One hundred forty-five judges have been approved and three have not been approved.

The victim in this has been Miguel Estrada. Miguel Estrada has stated publicly that he would answer the questions, but we were told by the President's counsel that he was not going to answer the questions. We were told by the President's counsel, Mr. Gonzales, that Mr. Estrada would not be allowed to come forward with the memorandums he had written while in the Solicitor's Office. He was taking directions from the President's lawyer, Mr. Gonzales.

If there is a victim in all this, it is Miguel Estrada—I acknowledge that with the majority—but it is caused by the President and the people surrounding him, not caused by us. All we wanted was to have him answer questions and supply the memo while in the Solicitor's Office.

I heard a statement as I walked in the room saying we have to stop this kind of obstructionism. One hundred forty-five judges are now serving, and we have approved those judges—we have turned down three—but 145 to 3 is not bad. It is overwhelmingly positive.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I hope our colleagues listen carefully to the statement of my friend and colleague from Nevada in outlining the factual situation regarding the consideration of Mr. Estrada. He states it quite accurately as a member of the Judiciary Committee.

The real issue is whether the Senate is going to perform as our Founding Fathers expected us to perform. Any fair reading of the Constitutional Convention indicates quite clearly until the final few weeks of the Constitutional Convention that appointed power of all United States judges was in the Senate. Only in the last few weeks was the decision made to make it a shared power. It was never understood that we were to be a rubber stamp for anything that the Executive posed in terms of judicial nominees.

The members of the Judiciary Committee in the Senate take that responsibility very carefully and closely. Part of fulfilling the responsibility after the President makes a nomination is for us to make a balanced and informed judgment. In order to make a balanced and informed judgment, we ought to know, the people ought to know, the Senate ought to know the information the White House knows; that the President knows when he is going to make a nomination to the district court, in this case.

When the nominee comes before the Judiciary Committee and says, look, I am quite prepared to share that information, and where Members of the other side of the aisle implore the White House to make that information available so that there could be a complete understanding of the positions taken by Mr. Estrada, and then a movement toward the completion of the nominee, the White House indicated they were not going to comply with that particular request. They are the ones who made the judgment that it was more important for them not to have that information shared than the consideration for the Senate of the United States to make a balanced and informed judgment about the complete positions, understanding, and awareness of this nominee and how they view the Constitution of the United States.

I am very hopeful, as the Senator from Nevada pointed out, since there has been sufficient and overwhelming acceptance of so many of the White House nominees, that in the future we will be able to work out the process so we can have someone who is qualified, someone who can command the kind of strong support in the Senate as so many other nominees have. And, in particular, this is an enormously important court, as the Senator from Nevada knows, the DC Circuit Court. It has very special jurisdiction. The considerations of the rights to workers, those appeals from the NLRB go to the DC Circuit Court. The interpretations of the environmental laws go to the DC Circuit Court. Protections and matters regarding the Patriot Act go directly to the DC Circuit Court.

It has an extremely important role in terms of our whole judicial system which increases the responsibility we

have in ensuring this information about the nominee is going to be available to the American people.

I wish the best to Mr. Estrada. I agree with the characterization of the Senator from Nevada that he has been the victim of the decision made by the White House to refuse to cooperate with the Senate.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004—Continued

Mr. KENNEDY. It is a privilege to join Senator HARKIN on this urgently needed proposal to protect the 40-hour workweek and the right to overtime pay for millions of working men and women. The Bush administration's new regulations are an unfair scheme to prop up business profits by allowing firms across America to reduce their costs by denying overtime protections to more than 8 million hard-working men and women, including 200,000 in my own State of Massachusetts. Police officers, nurses, cooks, clerks, physical therapists, reporters, and many others would be required to work longer hours for less pay.

Our amendment is very clear. It says that no worker now eligible for overtime protections can be denied overtime pay as a result of the new regulation.

With a failing economy, with more than 9 million Americans out of work, with so many other families struggling to make ends meet, cutbacks in overtime pay are a nightmare that no worker should have to bear. Overtime pay now makes up a quarter of their total pay, and the administration's proposal will mean an average pay cut of $161 a week for them.

Hard-working Americans do not deserve this pay cut, and it is wrong for the administration to force it on them. Overtime protections of the Fair Labor Standards Act have been a fundamental right of this Nation's workers for more than half a century. This basic law was enacted in the 1930s to create a 40-hour workweek. It requires workers to be paid fairly for any extra hours. Especially in times such as these, it is an incentive for job creation because it encourages employers to hire more workers instead of forcing current employees to work longer hours.

The economy has lost more than 3 million private sector jobs since President Bush took office. The Bush administration is wrong to propose regulations that will enable businesses to require their employees to work longer hours and reduce the need to hire additional workers.

According to the congressional General Accounting Office, employees without overtime protection are more than twice as likely to work overtime as those covered by that protection. Americans are working longer hours today than ever before, longer than in any other industrial nation. At least one in five employees now has a workweek that exceeds 50 hours, let alone 40 hours a week.

We know that employees across America are already struggling hard to balance their family needs with their work responsibilities. Requiring them to work longer hours for less pay will impose an even greater burden to this daily struggle. Protecting the 40-hour workweek is vital to protecting the work/family balance for millions of Americans in communities all across the Nation. The last thing Congress should do is to allow this antiworker administration to make the balance worse than it already is.

Sixty-five years ago the Fair Labor Standards Act was signed into law by President Franklin Roosevelt and established minimum wage and maximum work hours. It was in the midst of the Great Depression, and as President Roosevelt told the country:

> . . . if the hours of labor for the individual could be shortened . . . more people could be employed. If minimum wages could be established, each worker could get a living wage.

Those words are as true in 2003 as they were in 1938. Our modern economy has lost more private sector jobs during this economic decline than in any recession since the Great Depression.

What can the administration be thinking when it comes up with such a shameful proposal to deny overtime protections on which millions of workers rely? Congress cannot sit idly by when more and more Americans lose their jobs, their homes, their livelihoods, and their dignity. We will continue to battle to restore jobs, provide fair unemployment benefits, raise the minimum wage, and we will do all we can to preserve the overtime protections of which so many American families depend.

I urge my colleagues to support this essential proposal to keep faith with the Nation's working families.

I wish to take a few moments of the time of the Senate to review what is happening to American workers in relation to other countries around the world. It is reflected in this chart. The red columns indicate the number of hours workers are working and comparing it with other industrialized nations of the world.

As you can see from this chart, American workers are working longer and harder than those in any other industrial nation of the world. That has been a phenomenon that has really developed in the recent times.

This chart shows that U.S. work hours have increased while those in other industrial nations actually decreased. The United States—we see over here the increases; and the decline in other industrial nations. So here we have a workforce that is prepared to work and prepared to work long and hard. Yet we find the administration is attempting to penalize these workers for being willing to work and for working long and hard.

This chart here is ''Workers Without Overtime Protections Are More Than Twice As Likely To Work Longer Hours.''

What does this chart say? That if the workers do not have the overtime protections, the employers work them more than twice what they would work if they did have the overtime protection. Why is that important? Because this particular proposal is taking away this kind of protection. The result will be that the workforce, which is working longer and harder than that in any other industrial nation in the world, is going to find they are going to have to work even longer and harder to make ends meet. This is true, even if they are working 50 hours a week. Then they are three times as likely to be required to work longer than if they had the overtime protections.

So we have a situation where we see Americans working longer and harder. We have a situation that, if they do not have the overtime protections, they are required by their employers to work twice as hard as those with the overtime protections. In the instances of those who work 50 hours a week, they are required to work three times as hard.

These are the facts. Nearly 3 in 10 employees already work more than 40 hours a week and one in five Americans work more than 50 hours a week. One in five Americans are working more than 50 hours a week. These working Americans don't have the time they need to meet their family responsibilities.

Parents today define that biggest daily challenge as balancing work and family responsibilities and instilling values in their children. When parents have more time to spend with their children, they achieve more academically, improve behavior, and demonstrate lower dropout rates.

This proposal by the administration is an antifamily proposal because it is going to deny essential resources for families to be able to meet their particular needs. The result will be all the additional social problems that impact families that do not have a chance to be together, to stay together, to work together, to pray together, to enjoy each other.

The Fair Labor Standards Act overtime protection works. Workers are compensated time and a half their regular pay for hours worked in excess of the 40 hours per week. That is what the law is. Employers have a financial disincentive to work employees excessive hours. Employers have an incentive to hire more workers instead.

As we see, that is the current law. This is the current employment situation where we see the loss of jobs for more than 3 million American workers over this period of time. So we are finding at the present time our workers are working longer and they are working harder in order to provide for their families. We have the greatest loss of jobs that we have had since the time of the Great Depression.

What this particular proposal is saying is that isn't even enough. Even though you are working longer and working harder than at any time before, we are going to take away the protections which are going to effectively deny the average family who is receiving overtime about $161 a week.

With all the challenges we are facing in this country, the fact that workers who are working longer and harder and are making $161 on average in overtime is not on the front burner. These Americans are working. They ought to be entitled to that protection.

We have now more than 8 million workers—2.5 million workers are salaried employees and 5.5 million hourly workers—who will lose their overtime pay under the Bush proposal. Even some who are salaried workers are eligible for overtime. This is 8 million who would be eligible for overtime who will be denied that.

Even the business community admits this will have widespread effects. According to the Society for Human Resource Management:

> This is going to affect every workplace, every employee, and every professional.

This is widespread in its impact on working families in this country.

This is a chart which should give you some kind of historical perspective of the number of workers who were protected in terms of overtime. The percentage of workers who were not protected was 17 percent in 1983. In 1998, it was 20 percent. Now, under the Bush proposal—here it is—33 percent. Thirty-three percent of the workers, effectively.

It includes the 8 million who will not be eligible. The impact of this is very clear. That is sort of a major pay cut for workers. American workers are working longer and harder than any other industrial society in the world. Who are they? They are millions of workers who would lose overtime protections under the Bush proposal.

Let us be clear for any who are watching this debate. Police officers will be affected. Nurses will be affected. Cooks and chefs and clerical workers will be affected. Firefighters and physical therapists will be affected. It is interesting that these are first responders—police officers, firefighters, and nurses. They are our first responders. We are talking about trying to give support to our first responders on the one hand, and on the other hand we are taking away the economic protections they need to provide for their families.

We continue along with the various groups: Paralegals, reporters, dental hygienists, graphic artists, bookkeepers, lab technicians, and social workers.

The interesting irony is that they are our first responders. We not only fail to give support to the local communities which they need for the first responders to terrorism, but on the other hand we are sending a message to the police officers, firefighters, and nurses that we are going to reduce their pay at the same time. What kind of message is that at a time when we are talking about homeland security?

Millions of workers depend on their overtime pay to make ends meet. The most recent statistics show that overtime pay accounted for more than 25 percent of the income of workers who worked overtime which they depend on in terms of their income. The workers are stripped of their overtime protection, and they will be forced to work longer hours for less pay.

That is what this is about. It is just a major broadside against workers in America who are working longer and harder, attempting to maintain their jobs, hopeful that they won't be dismissed or fired as a result of the economic policies of this administration which has seen the greatest growth of unemployment since the Great Depression as a result of economic policy.

The Senator from Iowa will remember when we had different economic policies. We had them during the period of President Clinton when we had the longest period of economic growth and price stability in this country since the early part of the 1960s. That was because of economic leadership at the national level. In the early 1960s, we had the longest period of economic growth and price stability than we had for better part of the century.

National economic leadership is essential in terms of ensuring the people are going to work. We have a failed economic policy with 3 million people left out of work. And for those who are left in, we are cutting back on the pay of some of the hardest working individuals in the world. That is unfair. That is unjust. It is done by the issuance of a regulation rather than as a result of legislation and hearings. It will not stand.

I commend the Senator from Iowa for his leadership in this area because he is involved in some other issues that affect working people and farmers and others on the forefront. I commend him for all he has done. I am proud to join with him in resisting this proposal because it is just wrong. It is wrong for the workers. It is wrong for our economy. It is wrong for families. This is a family issue. It is a homeland security issue. It is a children's issue. It is a women's issue because so many of these workers who work overtime in the economy are women.

Make no mistake, the women will be hurt by this proposal. They are working hard and trying to raise their families. Make no mistake about who is being impacted on this.

It has broad implications in terms of our economy. It is not right, it is not fair, it is not just, it is bad economics, and it is just lousy policy.

There are those of us who will be joining together with the Senator from Iowa to see that we resist this proposal.

Mr. HARKIN. Mr. President, will the Senator yield for a question?

Mr. KENNEDY. Yes.

Mr. HARKIN. I first wish to thank the senior Senator from Massachusetts for his many years of leadership and support on issues that really affect working families in America. No one has fought longer and harder and more successfully in the past to protect the working families of America than the senior Senator from Massachusetts. I am very proud to have his support for this amendment and for his joining us in trying to do what we can to stop this assault on the American working families, as the Senator so ably pointed out.

I must say to the Senator that people ask me all the time: Why would they do this? Why would the administration, sort of under the cover of darkness, want to at this point in time, or any time, take away the protections of overtime pay for millions of Americans? I must tell the Senator from Massachusetts that I am hard pressed to answer that question. Why would they want to do this? I throw up my arms. It makes no sense economically. It is antifamily, as the Senator from Massachusetts pointed out. It is bad economic policy. We are not going to create more jobs. In fact, we will cause the loss of more jobs. I am hard pressed.

I wonder if the Senator has any ideas to help me answer constituents and others who ask me why the administration proposes an outlandish assault on working families. I am at a loss. I don't know if the Senator can help me. Maybe they have given in to some of the people in the business community. As I say, it is not all the people. Not all the people in the business community agree with us. But there are a few who are pushing.

Maybe the answer is that people in the business community just want to be able to tell their workers what to do, when to do it, and how to do it, with no restrictions whatsoever on how they tell their workers what to do and when they can work. That is the best I can come up with.

Mr. KENNEDY. The only answer I can reach is that it is the result of pressure being exerted on the administration by these business groups that do not want to be in a position of having to hire additional workers, and they don't want to be paying additional overtime pay that has been a part of the whole social balance in this country and society and recognized as such by Republicans and Democrats since the 1930s.

Forty hours of work a week is what workers ought have as an opportunity for employment. Under special circumstances, if they are going to have to work longer or want to work longer, they get the time and a half.

Now what we undermining is the age-old concept about the importance of protecting a 40-hour week. We are effectively eliminating that. Make no mistake about it. Effectively, the 40-hour workweek will be eliminated for

millions of workers with this proposal because now employers will be able to require hours from the workers without having to give them fair compensation.

But let me ask the Senator. The Senator from Iowa is a floor manager with the Senator from Pennsylvania on this legislation which has important funding for education programs, for health programs, for job training programs, for the NIH, and all the research we are doing in terms of cancer research—all kinds of research.

Is it true that this administration has said, if their proposal—which will deny millions of workers overtime pay—is eliminated, this administration and this President will veto the underlying bill which they feel so strongly about in terms of the income of working families who are working longer and harder providing for their children; that they are prepared to risk the funding of these vital services which are absolutely at the heart of the quality of life of the American people?

Am I correct in understanding that this is the administration's position, that they feel so strongly about taking away the overtime pay for workers that they are prepared to risk the whole funding stream for education, for health, for NIH, and for job training, the range of different services that are so important to the well-being and health and education of people in this country?

Mr. HARKIN. I just respond to the Senator, he made a great point. I can only say what Reuters news agency reported 1 day ago, yesterday, saying:

> The White House issued a veto threat . . . against a Democratic bid to derail its proposed changes in federal work rules that [would] cost millions of Americans overtime pay. . . .
>
> If the Senate adopted the amendment, President Bush's advisers would recommend he veto the spending bill, the White House budget office said.

I say to the Senator from Massachusetts, this is again mind-boggling, that if the Senate expresses its will that we do not want these rules to go into effect, they are going to veto this bill that has money in it for vital basic medical research for all of NIH, the National Institutes of Health, all of the funding for higher education and Pell grants—and, by the way, I know the Senator and others have amendments to make sure we get those Pell grants up, and I support him in that effort—all of the funding for elementary and secondary education, Head Start programs, maternal and child health care programs. They are going to veto the whole thing because they are so adamant that they want to take away overtime pay from American workers.

I hope this is a mistake. I hope Reuters was wrong, but I can only rely upon what they have said. The White House has not communicated this to me directly, but this has been reported from the White House, that they are going to veto this bill over this.

I say to the Senator from Massachusetts, I am glad he mentioned that because, again, it just shows to me the zeal—the zeal—with which this administration and their advisers want to attack working families in this country and to take away overtime pay; that they are willing to put out that threat of a veto and take away Head Start Program funding, maternal and child health care, elementary and secondary education, all the other things that are in this bill, simply because they want to take away overtime pay from millions of American workers. Again, I find this bordering on the bizarre.

Mr. KENNEDY. I say to the Senator, I certainly agree. I know we are going to have an opportunity to address this and debate this issue, but I hope our colleagues, over the period of the next day or so, will really think long and hard and deeply about this proposal.

We have been attempting in this body to raise the minimum wage for working families. Effectively, without raising the minimum wage this year, we will lose all of the gains of the last increase. And we are denied on the other side of the body. We indicated we would like to raise the minimum wage.

In fact, there are millions of workers in this country who are working two or three jobs a day. These are primarily women. About 62 or 63 percent of those workers who earn the minimum wage are women. One-third of those women have children, so it is a children's issue. It is a women's issue. It is a civil rights issue because most of the people working at the minimum wage are men and women of color. And it is a fairness issue.

The American people support overwhelmingly the fact that people who want to work hard, 40 hours a week, 52 weeks a year, should not have to live in poverty for themselves and their children. We cannot get a vote on it. The other side will not let us have a vote on it.

So they will not let you take care of those who are at the lower end of the economic ladder. Here they are going on to take the overtime away. They have assaulted Davis-Bacon, which is ways of giving protection to workers who are trying to do a decent job in terms of building and constructing the great parts of American commerce. And what in the world, we find out that on the issue of worker health and safety, they are now rescinding the proposed tuberculosis standards which have been in development for 10 years, when we have a dramatic increase in the problems of tuberculosis and other airborne diseases in this country. The list goes on and on.

What is it about this administration? With all the challenges, with Iraq adrift, our grids and electrical systems crashing, the judicial nomination process in shambles, and the economy sputtering, they are spending their time attacking and assaulting working men and women in this country. Can the Senator possibly help me understand how this is a priority, given all the other kinds of needs we are facing in this Nation?

Mr. HARKIN. I respond to the Senator from Massachusetts, from all the polls we have seen, all the data we have seen, the American people do not want this. They want more overtime pay protection, not less.

I say to the Senator from Massachusetts, while he was speaking, I was thinking about something I said a few days ago about the fact that the administration is turning the clock back prior to 1938 when we passed the Fair Labor Standards Act. And someone said that was sort of overblown rhetoric on my part—that of course no one wants to turn the clock back.

As I started doing more research into what happened with the Fair Labor Standards Act, I came across an interesting item. The first kind of strikes that occurred asking for an 8-hour day started in 1886, the famous Haymarket Square riot in Chicago. That was trying to get an 8-hour day at that time. This finally built up to the 1930s during the Great Depression. The 40-hour workweek was a compromise. The Senate, in 1937, passed a measure providing for a 30-hour workweek. Think about that. If we were to propose a 30-hour workweek around here, I don't know how many votes you would get. You would not get many.

In 1937, the Senate passed a measure providing for a 30-hour workweek. It was only because business ganged up and they said they had to compromise, and they compromised on a 40-hour workweek.

So when I say they are turning the clock back to before 1938, I mean it. That is exactly what they are trying to do, put us back to a time when people worked 10, 12 hours a day with no compensation for it and had little time with their families. That is exactly what this measure is intended to do.

You couple that with what the Senator from Massachusetts said about Davis-Bacon, the fact that we can't even get a vote on the minimum wage. The Senator from Massachusetts for the last couple, 3 years has been trying to get this vote up. We can't get a vote up. They won't let us vote on it. I hope we will vote sometime this year on the minimum wage. But these are all attacks on workers.

Mr. KENNEDY. Pensions.

Mr. HARKIN. All of them.

(Mr. GRAHAM of South Carolina assumed the Chair.)

Mr. DAYTON. Will the Senator yield for a question?

Mr. KENNEDY. I have the floor, and after the Senator has finished, I will be glad to yield.

Mr. HARKIN. Go ahead.

Mr. DAYTON. Isn't it also true that this administration proposed eliminating taxation on other income? Doesn't the Senator think it is a little odd for an administration to be penalizing people who want to work, people who want to work overtime and, at the same time, providing tax breaks or tax elimination for people who don't work for their income?

Mr. KENNEDY. The Senator is quite correct. There is a panoply of different issues that affect working families. On each and every one of them, I think any fair assessment is that the administration comes down on the wrong side of it. Today it is overtime. And this is a debate at the core of what policy this administration is focused on.

But I think, as Senator DAYTON and others have pointed out, there are a whole range of issues that shortchange American workers, and we have every intention of continuing the battle for them.

Mr. President, I would like to speak briefly on another subject. I know there are others who want to speak. But I will just take a moment of the Senate's time to address an education issue which, hopefully, we will have a chance to address and debate further. But I think it is important that we have it out in the RECORD so our colleagues are aware of it.

Mr. President, many of us are deeply concerned about the continuing failure of our appropriations for education to fulfill to promise that the Congress and the administration made to pay for the school reforms of No Child Left Behind signed just a year and a half ago.

Make no mistake, the bill before us continues to have harsh cuts in education that will hurt families, students, and teachers throughout the country. These are the children of these workers we were just talking about.

The President and Congress promised to reform and improve public education, to leave no child behind over a year ago. We said to the parents and teachers: Help is on its way. But if we pass the school budget before us, the message to parents and teachers and schools would be: You are on your own.

A pattern is emerging. Each year the President picks a large area to work on in a bipartisan fashion and promises compassion and help. In the past, that area has been in education. This year, it is the global AIDS crisis, and we hope that the promised support will happen. But on education, the promises made consistently have been broken. In fact, the bill before us contains a litany of broken promises on education, because the Republican Congress refuses to keep them:

In January 2002, President Bush promised that ''America's schools will be on a new path of reform . . . our schools will have greater resources to meet those goals.'' But the bill before us cuts funding for the No Child Left Behind Act by $200 million. We have raised standards and raised expectations on school children. We hold schools accountable for better performance. Yet now, the Republican majority wants to cut funding for school reform.

President Bush promised that we would ''leave no child behind,'' and that became the title of the landmark school reform bill he signed into law over a year and a half ago.

But the bill before us leaves 6 million children behind. It underfunds the Title I program for needy children by over $6 billion. Under the Republican education budget, some 6 million needy children will not get smaller classes, will not get supplemental services, and will not get the special attention they need to meet high standards.

In March of last year, President Bush promised to support teachers, making sure they ''get the training they need to raise educational standards.''

But the bill before us cuts 20,000 teachers from professional development programs. It completely eliminates training for teachers in technology. We need to upgrade and expand teacher quality efforts, not downgrade teacher training. The No Child Left Behind Act requires schools to give every classroom a high quality teacher. They need more resources, not fewer resources, to reach that goal.

President Bush promised that his Administration ''will promote policies that expand educational opportunities for Americans from all racial, ethnic, and economic backgrounds.''

The bill before us undermines support for non-English speaking children and undermines support for many of the nation's neediest children.

The bill before us cuts 32,000 children from English as a Second Language programs.

It cuts 40 percent of funding for the children of migrant workers struggling to get their GED and go to college.

It eliminates dropout prevention funding.

It eliminates the Thurgood Marshall Scholarship program.

This legislation basically does nothing to help families afford college, at a time when the rising cost of college is keeping minority and low-income students out. Average public college tuition rose almost ten percent this past year. The average public university's annual costs now equal more than 62 percent of a working class family income. Each year, over 400,000 college-ready, low-income students do not pursue a four-year college degree, because they cannot afford the cost. Yet this bill has a zero increase in individual student Pell grants, zero increase in the campus-based financial aid program, and zero increase in the college work study program.

After all the promises made and all the public visits to schools, how can we possibly approve a cut to the No Child Left Behind Act?

If we intend to hold schools and students accountable, Congress and the Administration have to be accountable too. We know what works in school reform. When we provide the resources, we know that schools can be turned around. They can upgrade their curricula, provide diagnostic tests that identify learning needs early, train teachers in the latest and best instructional techniques, and give students the after-school academic help and English language instruction they deserve. We have seen hundreds of high-poverty schools across the country turn themselves around with exactly these reforms, because they have the necessary resources to do. We need more, not fewer, resources for school reform, so that the reforms we say we care so much about can actually succeed.

Sadly, the Senate is suddenly starting to move even more harshly in the wrong direction. For the first time in eight years, the Senate education budget is lower than the House proposed education budget. And the House Republican bill falls short by over $8 billion, compared to the amount needed to fully carry out the No Child Left Behind Act. The Senate bill before us is even worse. This bill actually cuts funds for the No Child Left Behind Act.

Obviously, money is not the answer to all the problems of our schools. But the way we allocate resources in the federal budget is a pretty clear expression of our view of the nation's priorities. And the priorities on education reflected in the bill before us—the product of a Republican-only budget process—are profoundly wrong.

I hope a bipartisan group of colleagues will come together as we consider this legislation, and keep the promises we made to help these schools. Our nation and our nation's schools and students deserve no less.

I want to talk about the issue of higher education, specifically. In the area of education, the amendment I offer with Senator COLLINS increases the maximum Pell grant by $500, increases other financial aid to keep pace with the soaring tuition costs college students and their families are now facing. A coalition of 56 higher education and student organizations throughout the country supports it. The $2.2 billion is offset by the same mechanism the majority uses in the underlying substitute to offset their funding levels. We rescind $2.2 billion in fiscal year 2004 advanced appropriations made in fiscal 2003 and reappropriate those funds in fiscal 2003.

Our Nation faces a growing crisis in higher education because of the soaring costs of tuition in recent years. The crisis is now far worse because State and local budgets are in crisis, too. Cash-strapped States are dealing with $80 billion in deficits by cutting higher education funds and forcing public colleges to raise tuition. According to a USA Today report last week, over 40 percent of public colleges in America, which educate three-quarters of all college students, are raising tuition by more than 10 percent a year. There has been a $1,750 increase in tuition and fees at the University of Massachusetts. Northern Virginia Community College, which has the most community college students in Virginia, has raised tuition by 45 percent. Iowa has raised tuition by 19 percent at all public colleges. The University of Arizona has raised tuition by 28 percent; the University of Missouri by 18 percent.

Unless this amendment is adopted, over 100,000 current college students are in danger of dropping out because of higher tuition costs and zero increased financial aid.

Hard-working students are threatened, students like Tawn Pham at the University of Massachusetts in Boston. Tawn is 21 years old. He works at the local courthouse. He is a Pell grant recipient. He borrows Stafford loans. His family came to America from Vietnam in 1987. Without financial aid, he would never have gone to college. Without increased financial aid, his college education is threatened by recent tuition and fee hikes. The American dream we all pay homage to is threatened for young students like Tawn Pham because of our threatened failure to increase financial aid.

The answer is not simply to allow students to borrow more and more. Vast numbers of college students are already borrowing, for example, tens of thousands of dollars to pay for their education. Twenty years ago a typical aid package was 40 percent loans, 60 percent grants. Today the figures are reversed. The typical package is now 60 percent loans and 40 percent grants. And students who are pursuing graduate work confront upwards of $120,000 in student loan debt. Yet the banking industry proposed that students borrow even more at higher interest rates to go to college.

Last year the Bush administration proposed to make consolidated student loans more expensive. No young person should have to mortgage their future in order to go to college. They should be paying off the loans they have at lower interest rates, not higher interest rates.

Vast numbers of students are already taking jobs to defray the costs of their education. Half of all college students who take part-time jobs are now working 25 hours a week and trying to be full-time students, too. Their studies are clearly suffering, and so is their future.

According to GAO, only 41 percent of students who work between 20 and 31 hours a week complete a college degree. For students who work 32 hours a week or more, the figure is even worse.

Sadly, this bill provides virtually no new help for students and families struggling to pay the increased cost of higher education.

In the bill before us, there is zero increase in the maximum Pell grant; zero increase in Perkins loans; zero increase in work-study aid; zero increase in campus-based financial aid; zero increase in support for leveraged State student aid.

The amendment Senator COLLINS and I are proposing is a stopgap effort to provide assistance for hard-pressed college students and their families. It will help the 4.8 million Pell grant recipients whose median family income is $15,000 a year. There are 4.8 million students who are going to institutions of higher learning, and their family income is $15,000 a year. It will bring new Pell grants to 200,000 new recipients. It will expand the TRIO and the GEAR-UP Programs to enable historically underrepresented students to achieve the goal of a college education. It supports graduate students in the science, humanities, and public interest.

It will bring us a step closer to guaranteeing all Americans a promise of education security. Just as we have made Social Security and Medicare a promise to our senior citizens over 60 years ago, we should make education security a promise to young men and women. If you work hard, finish high school, and are accepted for admission to college, we should guarantee you will have the opportunity to earn a college degree.

I urge my colleagues to support the pending amendment. Surely we have reached the stage in America where we can say it and mean it—inability to pay the cost will never again be a barrier to the dream of a college education.

I would just point my colleagues' attention to a statement from the administration, an administration policy. I will include the relevant parts—executive branch, September 2 statement, Pell grant programs:

''The bill provides $12.2 billion for Pell grants, $538 million less than the President's request for the high priority program.''

This is the administration saying that the underlying substitute is $538 million below what the President of the United States even requested.

Under the Department's most recent estimates of Pell, the Senate level may be insufficient to cover the cost for student awards in 2004. That's true.

We believe that this amendment that we're offering ought to be accepted. It is related obviously not only to those children who are going on to college, but it also helps and assists GEAR-UP children coming in—which are basically the children who would fit into this category, and helps the TRIO Programs. It gives general support for the education continuum for these children that would otherwise definitely not have the chance to attend higher education.

I ask unanimous consent to set the pending amendment aside so that I might offer an amendment.

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

AMENDMENT NO. 1566 TO AMENDMENT NO. 1542

Mr. KENNEDY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Ms. COLLINS, Mr. DODD, Mr. REED, Mr. BINGAMAN, Mrs. MURRAY, Mr. KERRY, Mr. LIEBERMAN, Mr. EDWARDS, Mr. PRYOR, Mr. CORZINE, Ms. STABENOW, Mr. AKAKA, Mr. LAUTENBERG, and Mr. SCHUMER, proposes an amendment numbered 1566 to amendment No. 1542.

Mr. KENNEDY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To increase student financial aid by an amount that matches the increase in low- and middle-income family college costs)

On the appropriate page and line, insert before the period the following: '': *Provided further*, That of the funds appropriate in this Act for the National Institutes of Health, $1,470,000,000 shall not be available for obligation until September 30, 1994''.

On page 76, between lines 4 and 5, insert the following:

SEC. ____. (a) INCREASE IN FUNDING.—In addition to any amounts otherwise appropriated under this Act for Federal Pell Grants under subpart 1 of part A of title IV of the Higher Education Act of 1965, there are appropriated an additional $1,688,000,000 for such grants. In addition to any amounts otherwise appropriated under this Act for Federal Supplemental Education Opportunity Grants under subpart 3 of part A of title IV of the Higher Education Act of 1965, there are appropriated an additional $115,000,000 for such grants. In addition to any amounts otherwise appropriated under this Act for Federal Work-Study Programs under part C of title IV of the Higher Education Act of 1965, there are appropriated an additional $157,000,000 for such programs. In addition to any amounts otherwise appropriated under this Act for the Leveraging Educational Assistance Partnership Program under subpart 4 of part A of title IV of the Higher Education Act of 1965, there are appropriated an additional $33,445,000 for such program. In addition to any amounts otherwise appropriated under this Act for Federal Trio programs under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965, there are appropriated an additional $160,000,000 for such programs. In addition to any amounts otherwise appropriated under this Act for Gear Up programs under chapter 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965, there are appropriated an additional $57,000,000 for such programs. In addition to any amounts otherwise appropriated under this Act for loan cancellations under the Federal Perkins Loans program under part E of title IV of the Higher Education Act of 1965, there are appropriated an additional $33,000,000 for such loan cancellations. In addition to any amounts otherwise appropriated under this Act for the Graduate Assistance in Areas of National Need program under subpart 2 of part A of title VII of the Higher Education Act of 1965, there are appropriated an additional $13,200,000 for such program. In addition to any amounts otherwise appropriated under this Act for the Thurgood Marshall Legal Educational Opportunity Program under subpart 3 of part A of title VII of the Higher Education Act of 1965, there are appropriated an additional $7,000,000 for such program. The amount $4,050 under the heading 'Student Financial Assistance' in this title shall be deemed to be $4,500. The amount $9,935,000 under the heading 'Higher Education' in this title shall be deemed to be $15,000,000.

(b) BUDGETARY AUTHORITY.—The amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $9,151,909,000. The amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $4,526,591,000.

Mr. KENNEDY. Mr. President, I understand there are a number of pending amendments, the order of which and

the time of which will be worked out by the floor managers. We wanted to make available to the Members today this amendment. We will obviously work with the leadership and floor managers to have appropriate time for debate and discussion.

I yield the floor.

Mr. CORZINE. Mr. President, first I wanted to speak on Senator HARKIN's amendment with regard to protecting overtime pay for hard-working Americans. I also want to second the efforts Senator KENNEDY is making. Both Senators HARKIN and KENNEDY are giants with regard to protecting hard-working Americans who are under incredible stress in our economy today.

I heard Senator KENNEDY talk about the people with $15,000 annual incomes who benefit from Pell grants. Tuitions are going up 15, 20 percent across the board. They are 9 percent in New Jersey, so I guess we are doing well at Rutgers. We are not increasing our financial aid at all. The Senator also knows that back in the drawing rooms of the Education Department they are changing the regulations that are reducing the amount of grants and availability of funding for both grants and financial aid for middle-class Americans. It is unbelievable what we are doing to and the pressure we are putting on the American people, the hard-working people who drive this economy. I compliment the Senator on his efforts in raising this issue on higher education.

I think what singles out more than almost anything I have heard debated is trying to take away overtime pay for the American people. I am just one individual who believes that the best way to grow our economy is to have rising tides lift all boats, making sure everybody participates in the excellence and the wealth of America. But we are doing everything we can to undermine that for millions of American workers. So I am proud to join Senator HARKIN, Senator KENNEDY, and all those who want to speak up for those who are making America work.

We are talking about the whole of America's economy. We need to put it in the context of what is happening in the American economy. People talk about the stock market going up, rising to the point that we have recouped $2 trillion of $7 trillion lost; but the fact is we have not recouped job one yet during any kind of economic turnaround. Nine million Americans are unemployed today. A million have dropped out—actually 2 million have stopped looking for jobs. The unemployment rate hovers at 6.2 percent even today. We have heard that unemployment claims went up to 15,000 today, the highest in the last 12 weeks, above the threshold that shows there is weakening job growth in the economy.

The average length of unemployment is longer than it has ever been—19 weeks. It spiked this summer to the highest level in two decades. Quite honestly, we are seeing the worst employment recession we have had since the Great Depression. It is a real problem for working Americans. And now we are trying to make it really hard on the people who do have jobs. Not only are we not doing addressing unemployment in this country in a real sense, but we are now placing burdens on those who actually are delivering and working every day. I think it is just discouraging to undermine the economic well-being of those who are working, as well as ignoring those who are left out in this jobless recovery we have.

Senator HARKIN has been so eloquent in talking about this back-to-history view of where we are taking ourselves. Looking at the 1938 Fair Labor Standards Act and the 40-hour workweek—one of the highest ones in economically developed countries—nobody is arguing that we ought to change that; we are saying you ought to get time and a half when working overtime, and we should define it in a way that is really meaningful for people who work on hourly wages.

I just don't understand the timing. I don't understand the proposition of it. We should be encouraging having resources in the pockets of people who will go out and spend it and drive the economy. When we are talking about how we get jobs growing in this country, people need the ability to create demand. This does the opposite. It just seems hard to understand why we want to strip workers of their right to overtime pay, particularly at a time of economic stress in our economy.

American families are the drivers of our economy. It is the vast middle class in this country who are in these jobs. They are not in executive positions. This is not redefining what executive positions are. This is trying to cut away at the bulk of those people who are working on an hourly basis, really providing so much of what is good happening in our economy.

These changes mean real losses—on average, 25 percent of annual income—for an estimated 8 million Americans. By the way, if that happens, what does that do to the competitive labor market, or for changes in what is going on? This is about building up the bottom line of corporate America at the expense of working Americans. Again, I go back to rising tides lift all boats and why we want to undermine the economic well-being of policemen, nurses, firefighters, EMTs, and even journalists. Some of us sometimes have trouble with them, but journalists are also folks who would be carved out of this.

I have heard Senator KENNEDY say—and I am sure Senator HARKIN mentioned this before—that so much of this is focused on women in the workplace. It is incredible. We are asking families to have two wage earners so they can make it in today's society, and we have turned the situation into where overtime pay will be taken away from the folks making the sacrifices, trying to get their kids into higher educational environments where they can have access to the American promise.

I don't get it. I don't think the American people get it. I think we have to make sure everyone understands this administration, and those who believe they want to so-call ''clarify'' the rules and change them, is really undermining the economic health and welfare of our American middle class—the people who are paying the bills, living their lives within the rules, and doing the right things for everyone.

Mr. President, this country deserves better, in my view. I stand fully behind the efforts of Senator HARKIN and those who are pushing very hard to block this work rule change that I think undermines the health of our economy and the health and welfare of working Americans in our economy. It is bad and it should not go through. We need to support this amendment that protects working Americans. By the way, that will be good for everybody. That will be good for business, good for creating demand in our society, and I hope we understand we have to look at this on a holistic basis, not on something that just helps special interests and a limited number of folks in our economy.

I think we can do a lot to improve our economy. One of the ways to do it is to stop these kinds of actions from taking place. I am proud to stand with Senator HARKIN in this effort.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I am a little confused because for the last hour I have been listening to debate on an overtime amendment and, as far as I can tell, an overtime amendment has not been laid down. But it is my understanding that when it is, what it will do is keep the Secretary of Labor from spending a single dollar to review the proposed rule dealing with overtime.

Now, the process we usually have is that agencies propose rules, they publish them, and then they get comments. As I understand it, there are 80,000 comments on this. Now, the job of the agency following that is to take those comments into consideration and, if worthy, put them into the rule. What we are saying is we don't want anybody to look at what the public is saying; we don't want anybody to say what the 80,000 people who took the time to comment said. We don't want to see if there can be a change to this rule. We think we can blast it best in its present form. So don't let the Secretary look at the comments.

It is her job to look at them. It is her job to see if there needs to be a change to the proposed rule. All this amendment does is keep the Secretary from taking that action. I suppose it is no coincidence that we are possibly taking up this amendment right after the Labor Day weekend. Each year at this time, we honor those who work hard and help to strengthen the economies of our States and the country. The holiday cannot help but remind us of

those workers this amendment purports to protect.

Now we must carefully consider who is really helped and hurt by this amendment—this amendment that stops the Secretary of Labor from looking at 80,000 comments on ways to improve her rule.

Most of us were able to spend a considerable amount of the August work period meeting with our constituents. At each town meeting I held, there was usually someone in attendance who was quite concerned about Government regulations. I was often told to rein in big Government, keep the rules and regulations simple, current, responsive, and make sure they make sense in today's everchanging workplace.

This amendment that would keep the Secretary of Labor from looking at the 80,000 comments has the opposite approach. Instead of keeping the regulations simple and current, it would prohibit the Secretary of Labor from updating the rules exempting white-collar employees from the Fair Labor Standards Act overtime requirements. Simply put, it is an attempt to reject the new, turn back the clock, look to yesterday for the answer to tomorrow's problems. It is an approach that is doomed to failure before it is even applied, and I am opposed to it.

There is no question that the workplace has dramatically changed during the last half century. It changed during the last half decade. The regulations governing white-collar exemptions, however, remain substantially the same as they were 50 years ago. The existing rule takes us back to a time when workers held titles such as ''straw boss,'' ''keypunch operator,'' ''legman,'' and other occupations that do not exist today. As our economy has evolved, new occupations have emerged that were not even contemplated when those regulations were written 50 years ago.

A 1999 study by the General Accounting Office recommended that the Department of Labor ''comprehensively review current regulations and restructure white-collar exemptions to better accommodate today's workplace and to anticipate future workplace trends.'' That was the General Accounting Office telling the Department of Labor they needed to ''comprehensively review current regulations and restructure white-collar exemptions to better accommodate today's workplace and to anticipate future workplace trends.'' That is precisely what the Department of Labor's proposal to update and clarify the white-collar regulations will do.

While the Department's proposal will update and clarify, this amendment will do neither. It keeps it from happening, it keeps the comments from being reviewed, and it will set the clock back to 1954 and try to force the square peg of the jobs of the 21st century into the round hole of the workplace of 50 years ago.

I am a former shoe salesman, and I know how to tell when something will not fit. This amendment just will not fit. It is like trying to force a size 10 foot into a size 6 shoe. It will not fit no matter how hard you try.

So let's be clear about what this amendment will do. The amendment that keeps the Secretary from looking at the 80,000 comments will undermine the Department of Labor's efforts to extend overtime protection to 1.3 million low-wage workers. Under the current rules, these 1954 rules, only those rare workers earning less than $8,060 a year are automatically protected for overtime. You have to make under $8,060 to automatically be protected.

The administration's proposed rule would raise that threshold to $22,100. As a result, 20 percent of the lowest paid workers would be guaranteed overtime pay. The overtime provisions of the Fair Labor Standards Act were originally intended to protect lower income workers. The proposed rules would provide lower income workers with the protection they deserve.

By undermining the administration's efforts to better protect lower income workers, whom will this amendment protect? The supporters of this amendment claim that an estimated 8 million workers will become ineligible for overtime under the proposed rules. However, this estimate is based on a study by the Economic Policy Institute, and I have to tell you, Mr. President, it looks as if it is riddled with errors.

For example, the study includes in its calculations at least 18 percent of the workforce who work 35 hours or less a week. These part-time workers do not work more than 40 hours a week and, therefore, they do not receive overtime in the first place.

The study also claims the proposed rule will deny overtime pay to white-collar employees earning more than $65,000 a year. However, not all employees earning over $65,000 are exempt under the proposed rule—only those performing office or nonmanual work or one or more exempt duties. This means that workers such as police officers, firefighters, plumbers, teamsters, carpenters, and electricians will not lose their overtime pay. Of course, under union contracts, that is already stipulated regardless of what kind of rule there is.

The Department of Labor does acknowledge the possibility that 644,000 highly educated workers making over $65,000 a year might lose their overtime. It rings in 1.3 million making under $22,100, and then there is the possibility that 644,000 making over $65,000 a year would lose their overtime.

Supporters of this amendment claim the proposed rules will strip overtime pay for first responders and nurses. If we strip the rhetoric from the reality, we will find there will be virtually no change in status for the first responders and nurses under the proposal. Under both the current and the proposed regulations, only registered nurses are exempt from overtime pay.

Again, what this amendment does is keep the Secretary of Labor from looking at the 80,000 comments on the proposed rule to see if the rule ought to be changed. There is not anything in the appropriations bill that automatically puts into place any rule, but it will keep her from looking at the comments that have been sent in.

Whom will this amendment protect if not lower income workers, first responders, nurses, or millions of other working Americans? The antiquated and confusing white-collar exemptions have created a windfall for trial lawyers. Ambiguities and outdated terms have generated significant confusion regarding which employees are exempt from overtime requirements. The confusion has generated significant litigation and overtime pay awards for highly paid white-collar employees. Wage and hour cases now exceed discrimination suits as the leading type of employment law class action.

The amendment will not preserve overtime for millions of working Americans. This amendment will not help employers and employees clearly and fairly determine who is entitled to overtime.

The only clear winners of this amendment will be the people filling in their time from chasing personal injuries. It is a sideline. So the trial lawyers will continue to benefit from the current state of this confusion.

Businesses need to know the rules. The rules need to be interpretable by the average small businessman. I really object to the inference that the only reason anybody would pay overtime is that the Federal Government said you had to. That is not true. That is not the way it works, and I can tell you that even if the Federal Government says you have to, there will still be one-tenth of 1 percent of the people who will not comply. But for the most part, 99.9 percent of the people do comply and want to comply—not only will comply but will exceed complying in a number of areas.

We are spending taxpayers' dollars sorting through the court cases that could be solved with clarity. We are talking about taxpayer money being spent to review the 80,000 comments. I think that is entirely necessary. I expect any agency that has a rule to review the comments of the rule and to make changes based on the comments.

The Department of Labor has received and is currently reviewing those 80,000 comments to the proposed regulation. We should allow that regulatory process to continue and give the Department a chance to complete its review of the proposed rules.

Once the review is completed, the Department will align the white collar regulations with the realities of the 21st century workplace and what they have learned from the comments, should they get to read them, and the intent of the Fair Labor Standards Act.

I want to assure my colleagues that if the rule has gone astray, when it is

finished we put into place something called the Congressional Review Act. That is where we get to jerk these agencies back to reality if they do not follow the proper procedures, if they do not pay attention to what is being said. We have used that before, and that would be the appropriate place for us to jerk the Department of Labor back to reality if they do not pay attention to the comments that are coming in.

I urge my colleagues to oppose this amendment, allow those comments to be read, check and see if there are going to be changes to the overtime rules, and see if it does not clarify it for the workers and the employers so that there will be less conflict.

Time spent in court does not benefit anybody but the trial lawyer. There is no point in having that done if we can clarify things so everybody understands what the rules are, and we raise that terrible $8,000 up to $22,100 so that we are covering more people for overtime.

I do ask that the amendment be defeated when it is put in, should it be put in.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, an agreement has been cleared on both sides, and I ask unanimous consent that the vote in relation to the Murray amendment No. 1559 occur at 1:45 today; provided that no amendments be in order to the amendment prior to the vote, and that there be 2 minutes equally divided for debate prior to the vote.

The PRESIDING OFFICER (Mr. BUNNING). Without objection, it is so ordered.

Mr. SPECTER. Mr. President, with respect to the amendment offered by the Senator from Massachusetts, which would increase Pell grants and increase other funding in higher education, there is no doubt that it would be highly desirable to have more funding on more lines. The Kennedy amendment seeks to raise the Pell grants from $4,050 to $4,500.

Mr. REID. Mr. President, will the Senator yield?

Mr. SPECTER. I do.

Mr. REID. I apologize for interrupting, but I would appreciate that in the future, before any UCs are offered, that we be on the floor.

Mr. SPECTER. Mr. President, I think that is a fair request. I had made a similar request to the assistant Democratic leader last year when we were debating the resolution on the use of force in Iraq when there was a unanimous consent agreement made when I was off the floor. I had thought this was cleared. The one last year on Iraq was not cleared with me, but I think that is a good idea and I will adhere to it during my managerial time.

Mr. REID. I thank the Senator.

Mr. SPECTER. Going back to the issue on the Pell grants, I do not think anybody has fought harder to raise the Pell grants than this Senator. During my tenure as chairman of the Appropriations Subcommittee on Education, I have battled, along with Senator HARKIN, to raise the Pell grants. If one takes a look at where they were a few years ago in fiscal year 1997, they were at $2,700. Now they are at $4,050. It is an increase of about 50 percent in the course of those few years.

When the fiscal year budget for 2002 was set with the Pell grants at $4,000, there was a vociferous objection from the Director of the Office of Management and Budget. I recall the meeting in my Senate office where there was a very strong objection that we had gone too far. They wanted a recision on our bill, but we held our ground. We kept the Pell grants at $4,000.

So it would be a delight to me to be able to raise them to $4,500, but it simply cannot be done within the confines of the funding we have available, unless we go to some other lines to balance out by cuts in programs like community health centers or strengthening historical black colleges. Now I am not about to suggest cuts there, but if we are to have an increase of $2.2 billion, as the Senator from Massachusetts wants, we are either going to be way over our allocation or we are going to have to make some other cuts.

The Senator from Massachusetts has added funding on a number of lines. He has added funding on leveraging education assistance partnership, on the Federal work study, on TRIO, on GEAR UP, on Perkins, on the Javits Fellow Graduate Assistance, all of which would be highly desirable in many ways if we had an allocation which would support it.

One of the most difficult jobs I have every year is managing this bill. I cast more controversial votes in my capacity in managing this bill than I do in all the rest of the year combined. As the manager, it is my obligation to try to bring this bill in in accordance with the budget resolution and in accordance with the allocation which has been made to this subcommittee.

In the absence of any other Senator seeking recognition at this time—pardon me. The Senator from Minnesota is present. I yield to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. I sympathize with the predicament the distinguished Senator from Pennsylvania has expressed. He has been a stalwart in support of increased funding for many of these educational efforts over the years, and I note that his independence and integrity have resulted in his being cited by yet another prominent publication today.

If those qualities of an independent mind, intelligence, experience, and real compassion for people are considered to be detriments, then it is a sad and unfortunate day for the Senate. I think the Senator's record shows clearly to the contrary.

Mr. SPECTER. If the Senator would yield for a question.

Mr. DAYTON. I would be happy to yield.

Mr. SPECTER. I ask him what publication he is referring to. Independence has its price, and I am prepared to pay it.

I thank the Chair.

Mr. DAYTON. The Senator's distinguished record speaks for itself.

I rise on a matter related to what the Senator just described, the quandary regarding funding for education programs. Yesterday, for the fourth time, I attempted to obtain 40 percent of Federal funds for special education to fulfill a promise that was made by the Federal Government to States and school districts 27 years ago, which today, and if we pass the appropriation measure that is before us, would be less than half of that 40 percent share. Every one of my colleagues in the Republican caucus voted against this amendment, evidencing that special education funding in the scheme of everything else is simply not a high enough priority.

At that time, yesterday, the chairman of the Health, Education, Labor and Pension Committee made some observations that I still find rather astounding, particularly as it relates to the actual experience of educators in my State of Minnesota. According to the senior Senator from New Hampshire, it seems we are putting so much Federal money into the education programs—in fact, to quote the Senator, so much so fast under President Bush and the Republican Senate that we now have a situation where a large percentage of the dollars which we have already appropriated cannot be spent and have not been spent.

Over $9 billion were cited that are supposedly sitting in some vault somewhere over at the Department of Education, title I funding, that was appropriated over the last 2 or 3 years evidently that the States have not drawn down to spend.

We were told before that funding for other areas of education had increased so rapidly that those dollars could not be utilized. We were told by the Senator about 2 months ago that there are so many Head Start slots available that some of those are unfilled because there is more availability than parents desiring to put their children into Head Start.

That comes as quite a surprise to parents and educators and Head Start service providers in Minnesota where there has been known to be a serious shortage of funding for those who are eligible and would like to utilize that program for years. It would come as a surprise to the school board members in school districts all over Minnesota that there is unused money in Washington for education. Our State is experiencing a shortage of some $250 to $300 million in education funding resulting in school districts across the State having to make drastic cuts in funding

for public education, cutting teacher positions, cutting curriculum offerings, cutting supportive services.

I wrote this morning to the Secretary of Education to ask him exactly the circumstances resulting in this $9.2 billion of unexpended Federal funds and to ask for his recommendation on what can be done to make these funds available to schools and school districts throughout the country where the funds, I can guarantee, would be well used today, tomorrow, or the day after so we do not have a situation where we have supposedly $9 billion of Federal funds lying around waiting for some school or school board to identify this opportunity to provide the educational services that schoolchildren in Minnesota are being denied today because of a critical shortage of funding.

We also offered yesterday amendments to increase funding in this bill before Senators were lambasted for our fiscal irresponsibility. We were told again by the chairman of the HELP committee that we have finally set up in the Senate this year a budget for ourselves and we have renewed the concept of fiscal discipline through a budget after having been abandoned for a year under prior leadership of the Senate. Even though we have a budget, we should, we are being told, ignore it and fund all these additional programs for education.

Yes, I did seek yesterday to increase funding for special education by $11 billion next year. That is a lot of money. But it is money fulfilling broken promises of over a quarter of a century. It was lambasted for its fiscal excess.

Yesterday the manager of the bill noted there were no Senators offering amendments. It seems one of the reasons was that quite a number of Senators were at the White House literally at the same time I was offering my amendment. About the same time the critics were accusing my amendment and other amendments being offered for being fiscally reckless, Members were being notified by the President that he would seek another $60 billion or $80 billion—according to estimates I have seen, but it will actually be $100 billion—additional spending for the war effort in Iraq over the next fiscal year in addition to the $87 billion we approved earlier this year for additional funding for that effort, which I supported. And I will support, I expect, the request by the President for this continuing effort. Once we are in a war situation, as we are, we cannot conduct a war under budget. We have to conduct a war to win, to secure that victory, as the administration is trying now to do.

It struck me as an odd juxtaposition of priorities, particularly given the Republican assistant leader spoke yesterday and said we were very clear that what the President wants he is going to get in terms of additional dollars.

If we want to break the budget for an additional $160 million, as was one proposal yesterday for education—another proposal was for $68 million for education; in my case, $11 billion for additional funding for special education—those are figures that somehow break whatever this budget and this fiscal discipline the majority caucus claims we have established within this body. As soon as the administration wants another $80 or $100 billion next fiscal year, no questions asked. What the President wants, he will get.

I wish the President would add to his list of priorities in addition to funding the economic reconstruction of Iraq, for $10 billion, we are told in this proposal, and another $15 billion over the next few years for AIDS in Africa, a worthwhile cause, but I wish we would give the same priority to the special needs of the students of America, both those at the elementary and secondary levels and also, as Senator KENNEDY pointed out, those in postsecondary education who find getting a Pell grant or getting a college work-study opportunity about as scarce as finding a weapon of mass destruction in Iraq.

As the American people look at the fiscal crisis afflicting this Government's budget, from the beginning of this fiscal year of a projected deficit of $150 billion to now a deficit projected to be in the neighborhood of $550 billion—that includes, by the way, the use of the Social Security trust fund surplus of $155 billion for this year so actually the operating account of the Federal budget is in deficit close to $700 billion this year. Next year, the budget deficit for fiscal year 2004 was expected to be $200 billion and now it is already up to $480 billion. That does not count the $80 billion or $100 billion for the next fiscal year to be added for the President's request. So we are looking at the start of the fiscal year of a deficit next year of some $580 billion, almost three times what was projected a year ago. That is in contrast, by the way, to a surplus that we enjoyed in each of the last 4 years under President Clinton.

There is one area, however, where there does not seem to be such a problem on the spending side. That is when it comes to pharmaceutical industry prices and profits. There was another interesting article today in the New York Times looking at the practice of the Veterans Administration in successfully lowering the price of prescription drugs for the VA and making it possible for millions of veterans to pay just $7 for up to a 30-day prescription. It is astonishing to see what the Senate and House bills now contain for prescription drug coverage contrasted with the VA copay of $7 per prescription. No wonder thousands of veterans are signing up for this program every month, stretching those appropriated dollars.

I ask unanimous consent this New York Times article be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit No. 1)

Mr. DAYTON. For all its apparent success, lawmakers have disregarded the Veterans Administration model and others like it that use the Government's immense power to negotiate lower prescription drug prices. In fact, under the Senate and House bills, under existing law, Congress would exempt the drug industry from the kind of cost controls in place for virtually every other major provider of Medicare services.

One of the founders of the current health maintenance organization concept who then recanted his support based on what they became, former Minnesotan Dr. Paul M. Elwood, said in the article:

> The legislation pending in Congress does more to deform than to reform Medicare.
>
> Drug companies [the article goes on] say they support prescription drug coverage under Medicare [since the taxpayer will be paying for more of these medicines]. But in the last few years, they have invested several hundred million dollars in campaign contributions, lobbying and advertising to head off price controls.

They were the largest contributor in the last campaign cycle for Federal campaigns, and of course those are not philanthropic contributions; they are political investments on which they expect and are receiving their desired return.

The article goes on to say:

> The legislation ''reflects a political judgment that the pharmaceutical industry'' would block ''price controls or any arrangement that used the concentrated purchasing power of the government to buy prescription drugs,'' said Paul B. Ginsburg, president of the Center for Studying Health System Change, a private research institute.

Why would the pharmaceutical industry be able to block the Congress from enacting legislation that would lower prescription drug prices for the people of America? It begs the question, Whose interests are being represented, that an industry, the pharmaceutical industry, can block legislation right here on the Senate floor, right over there in the House of Representatives—can block legislation that would result in lower prescription drug prices for senior citizens and people of all ages across this country?

It goes on to say that the VA plan, by contrast, uses its buying power and uses it successfully to lower prices that VA pays for the medicines and that the veterans in turn pay. According to the National Academy of Sciences:

> . . . the VA's methods had achieved nearly $100 million in savings over the past 2 years.

But Congress did not consider that approach; in fact, Congress did the opposite. Congress said you cannot use that approach. Medicare cannot get involved in price reductions. Medicare cannot use the vast purchasing power on behalf of all senior citizens and others under Medicare, which goes far beyond what the Veterans' Administration has in terms of numbers—cannot use that clout to negotiate or insist on

lower pharmaceutical prices for seniors, for others on Medicare. Why? Because that would cut into the profits of this already excessively profitable industry.

Representative Michael Bilirakis, the Florida Republican who is chairman of the House Energy and Commerce Subcommittee on Health, said that if Medicare pooled its purchasing power, it would amount to ''a form of price controls.''

''That's not America,'' Mr. Bilirakis said. ''Many of my constituents would feel that price controls are a great thing. But ultimately some of us have to be responsible.''

Since when is it responsible for Congress to allow drug prices to go up higher and higher, beyond the reach of our fellow citizens? Since when is it responsible in America to let an industry, the drug industry, write a letter that 53 Senators sign, saying they would oppose any kind of reimportation such as that proposed by my colleague from the House of Representatives, GIL GUTKNECHT, Republican House Member from Minnesota. He was one of those who courageously and successfully led the drug reimportation victory in the House, one which I hope this body will enact and follow suit.

But when a pharmaceutical industry lobbyist can write a letter that 53 Senators sign, stating exactly what the pharmaceutical industry wants said, that this is somehow dangerous to the safety and well-being and welfare of Americans, says a lot about who controls what happens in Washington.

In fact, if the record be shown, the imports of foreign-manufactured drugs exceeded $14 billion last year. These were drugs that were made, manufactured outside of this country and imported. The only difference is they were imported by the drug companies at higher prices. If the consumers want to import those same drugs from Canada or somewhere else at lower prices, that is what is objectionable. But once again, it is the pharmaceutical industry and its profits that are given priority over people.

So we have this very bizarre but, unfortunately for America, all too real juxtaposition of less spending for education. I see the distinguished Senator from West Virginia, who has been such a champion of funding for education and so many other causes benefiting the people of his State and across America. His amendment is one that we will consider. I wish and hope it will fare better than my amendment yesterday for special education. Given the votes on the other side of the aisle, I don't think that is promising.

But when time after time we try to put more money into education and are defeated, yet we can, without even a blink of an eye, put $80 billion or $100 billion more into economic reconstruction or other efforts in Iraq paying, as I was told, in Iraq, paying 1.8 million Iraqi citizens not to work, not to do anything, just not to foment revolution, pay 1.8 million Iraqi citizens not to work and we are not willing to pay Americans who want to work overtime, or extend unemployment benefits for those who want to work and are seeking work, when we can run up deficits of humongous proportions, the biggest deficits in this Nation's history, three times more 12 months later than they were projected to be, without a blink of the eye on the other side of the aisle. But there is nothing to be said when drug companies want to raise prices and take more money out of the pocket of Americans.

I would say it is time for this body to look very carefully at itself. It is time for the American people to look carefully at this body.

I yield the floor.

EXHIBIT 1

[From the New York Times, Sept. 4, 2003]

SOME SUCCESSFUL MODELS IGNORED AS CONGRESS WORKS ON DRUG BILL

(By Robert Pear and Walt Bogdanich)

By most measures, the Department of Veterans Affairs has solved the puzzle of making prescription drugs affordable for at least one big group of Americans without wrecking the Federal budget.

Wielding its power as one of the largest purchasers of medications in the United States, the V.A. has made it possible for millions of veterans to pay just $7 for up to a 30-day prescription. Thousands are signing up for the program every month.

Yet for all its apparent success, lawmakers have disregarded the V.A. model—and others like it that use the Government's immense power to negotiate lower prices—as they try to give older Americans relief from rising drug costs while reshaping how the elderly get medical services.

Instead, a Congress deeply divided by ideology has given birth to legislation that would add prescription drug coverage to Medicare, but that many experts say would fall short of meeting the needs of the elderly. The benefits, costing $400 billion over 10 years, are complex and limited, and the legislation relies in part on cost control mechanisms that are untested or unproven.

In fact, Congress would exempt the drug industry from the kind of cost controls that are in place for virtually every other major provider of Medicare services.

''The legislation pending in Congress does more to deform than to reform Medicare,'' said Dr. Paul M. Ellwood, a noted health policy analyst who was an early proponent of managed care. ''Instead of creating a system of readily understandable choices based on cost and quality, Congress is writing legislation that will increase the complexity of Medicare, so it will be more difficult for seniors to navigate.''

The effort to forge a final deal on Capitol Hill, blending separate House and Senate measures, was high on the agenda as Congress returned to work this week. Lobbyists and health policy experts say the likelihood that a comprehensive drug bill will become law this year seems no better than 50–50. But Thomas A. Scully, administrator of the federal Centers for Medicare and Medicaid Services, said yesterday that he was ''95 percent sure we will get a Medicare bill out of Congress.''

Politically, the legislation is a marriage of convenience, combining drug benefits, long sought by Democrats, with a Republic approach to administering the benefits, through private health plans and insurance companies. To secure votes, the Senate bill was festooned with provisions aiding various interest groups. There is language that would, for examples, aid chiropractors; marriage and family therapists; doctors in Alaska; hospitals in Iredell County, NC; operators of air ambulance services; and many other groups.

The need for bipartisan support ''led to a series of compromises that resulted in a hodegepodge of a bill,'' said Senator James M. Inhofe, Republican of Oklahoma, who opposed the Senate bill.

Michael Valentino, a manager of the V.A.'s drug benefit program, praised Congress for trying to help Medicare patients buy prescription drugs. But he added that the coverage could be expanded if Medicare took full advantage of its purchasing power.

John C. Rother, policy director for AARP, the lobbying group for older Americans, said the legislation was a ''real godsend'' for people with low incomes or high drug expenses.

''But for many others,'' he said, ''the benefits will be seen as inadequate.''

Premiums and drug benefits could vary from plan to plan, state to state and year to year. The Senate and House bills both establish a standard drug benefit, with substantial coverage upfront and catastrophic coverage for high costs. But beneficiaries would have to pay all drug costs in the middle, until their out-of-pocket costs reached a certain level—$3,700 a year under the Senate bill and $3,500 under the House bill.

Robert D. Reischauer, former director of the Congressional Budget Office, said the gap in coverage ''defies rational policy analysis'' and was not found in commercial insurance. Congress engineered the gap to keep the drug plan's cost under the $400 billion limit.

'POLITICAL JUDGMENT'

Drug companies say they support covering prescription drugs under Medicare. But in the last few years, they have invested several hundred million dollars in campaign contributions, lobbying and advertising to head off price controls.

The legislation ''reflects a political judgment that the pharmaceutical industry'' would block ''price controls or any arrangement that used the concentrated purchasing power of the government to buy prescription drugs,'' said Paul B. Ginsburg, president of the Center for Studying Health System Change, a private research institute.

The V.A. plan, by contrast, owes its relative success to its buying power—and a willingness to use it. Its doctors and pharmacists analyze research to establish a list of preferred drugs for various conditions. The V.A. obtains discounts through bulk purchasing arrangements—using generic drugs where possible—and competitive bidding.

''We are so far ahead of anybody else, it's almost ridiculous,'' Mr. Valentino said. In 2000, the National Academy of Sciences found that the V.A.'s methods had achieved nearly $100 million in savings over the previous two years.

But Congress decided not to adopt the V.A.'s approach; in fact, it was not seriously considered. Lawmakers also passed up other alternatives including vouchers for the purchase of health insurance and proposals to assist only people with low incomes.

Representative Michael Bilirakis, the Florida Republican who is chairman of the House Energy and Commerce Subcommittee on Health, said that if Medicare pooled its purchasing power, it would amount to ''a form of price controls.''

''That's not America,'' Mr. Bilirakis said. ''Many of my constituents would feel that price controls are a great thing. But ultimately some of us have to be responsible.''

The political imperative that seems to have produced today's fragile consensus stems from complaints that every lawmaker has heard from constituents: prescription drugs costs too much.

At Medicare's inception in 1965, policy makers chose not to cover outpatient drugs, because medicines now so indispensable to treating disease either did not exist or were relatively inexpensive.

Instead, Medicare focused on big-ticket items like hospital care and doctors' services. For years, Medicare mostly paid whatever bills health care providers submitted, but by the 1980's Congress decided it needed to restrain rising costs. In subsequent years, Medicare prospectively set limits on what it paid major health care providers, including hospitals, doctors, skilled nursing homes and home health agencies.

The controls have never been popular with the health care industry.

''In Medicare, the tendency is to set prices too low,'' said Dr. Donald J. Palmisano, president of the American Medical Association. Indeed, Carmela S. Coyle, senior vice president of the American Hospital Association, said 67 percent of hospitals lose money on Medicare.

By and large, however, the measures have managed to slow the growth of Medicare costs, say many health policy experts, including Bruce C. Vladeck and Nancy-Ann DeParle, who ran Medicare under President Bill Clinton. Drug costs, however, have skyrocketed, and while most of the elderly get some help from retiree health benefits, Medicaid or state programs, at least one-fourth of Medicare beneficiaries have no drug coverage.

Under the bills passed this year, the government would subsidize drug coverage provided to Medicare beneficiaries by private insurers and health plans. They would bargain with drug companies to secure discounts and rebates, a task likely to be delegated to pharmaceutical benefit managers, or P.B.M.'s, the companies that already perform the service for many employers. Both bills stipulate that Medicare officials cannot ''interfere in any way'' in those negotiations.

For President Bush and Republicans in Congress, the concept makes sense: let the marketplace set the prices, rather than government. For years, lawmakers have found fault with Medicare's arcane and voluminous regulations. Congress has frequently intervened to tweak the formulas, taking money from some providers while giving more to others—often to those with the most persuasive lobbyists.

That, in turn, contributes to anomalies in medical care, because doctors have financial incentives to perform certain services and not others. Mr. Scully, the Medicare administrator, said such anomalies were inevitable because Medicare was ''a big dumb price-fixer.''

Still, Medicare has been a boon to the elderly and their children. Surveys show that beneficiaries are overwhelmingly satisfied with their care. Before Medicare, only 56 percent of the elderly had hospital insurance; the program has contributed to an increase in life expectancy and a sharp reduction in poverty among the elderly.

Moreover, some studies show Medicare has done better at controlling medical costs than private health insurance. Cristina Boccuti, a researcher at the Urban Institute, and Marilyn Moon, a former public trustee of the Medicare program, said Medicare spending grew more slowly than private health insurance costs from 1970 to 2000. Republicans say such comparisons are misleading and contend that Medicare's cost controls have slowed access to new treatments and technology.

NEGOTIATED DISCOUNTS

But that does not seem to be a problem for the V.A. The study by the National Academy of Sciences found that its approach had ''meaningfully reduced drug expenditures without demonstrable adverse effects on quality.''

Mr. Valentino said: ''When we make our recommendations, it's not because Doctor A, in his or her opinion, believes it is the best drug. It is because the evidence says it's the best drug.'' Echoing the criticisms of government investigators, he added that P.B.M.'s, by contrast, sometimes make deals favoring expensive drugs for their own financial benefit.

Under the House and Senate bills, Medicare beneficiaries would have access to drug discounts negotiated on their behalf by private insurers and P.B.M.'s. Supporters of the legislation say these discounts could reduce retail drug prices by 20 percent. But Congress consciously decided to disperse Medicare's purchasing power. It did not want Medicare to establish a uniform nationwide list of preferred drugs or a price list for those drugs—mechanisms that the drug industry opposes.

''Price controls cause artificially low prices,'' said Jeffrey L. Trewhitt, a spokesman for the Pharmaceutical Research and Manufacturers of America. And low prices for a government program, he added, would reduce the money available for researching new drugs and could prompt drug makers to seek higher prices from patients with private insurance.

Critics of the drug industry dispute such arguments—and say that they obscure the obvious.

''The obvious is that if you control prices, you pay less,'' said Mr. Vladeck, the former Medicare administrator. ''There are some problems with it, and not all price controls work as well as others. But the pharmaceutical industry does have enough political juice to prevent any reasonable price controls.''

The idea of giving people a choice between traditional Medicare and private health plans has deep roots.

''We must promote diversity, choice and healthy competition in American medicine if we are to escape from the grip of spiraling costs,'' the Nixon administration said in 1970, in words similar to those of President Bush in 2003.

In 1978, Alain C. Enthoven, a Stanford University economist, called for regulated competition among private health plans. Medicare, he said, would subsidize premiums, and the most efficient health plans would pass on their savings to consumers, so patients would have a financial incentive to enroll.

Prompted by such thinking, the government offered new private alternatives to the traditional Medicare program in the 1980's, and Congress encouraged the development of health maintenance organizations. Enrollment grew, in part because many H.M.O.'s offered drug benefits not available in traditional Medicare.

Medicare beneficiaries generally praised the care they received in H.M.O.'s, but the plans did not control costs as their proponents had hoped. Many H.M.O.'s began reducing some benefits, including drug coverage.

They also pressed Congress for more money, saying that their costs were rising 10 percent a year—five times the increase in payments from Medicare. Unable to persuade Congress to close the gap, many abandoned Medicare or curtailed their participation.

That track record has heightened critics' skepticism about the current legislation.

''The myth of the market,'' said Lynn M. Etheredge, who worked at the White House Office of Management and Budget from 1972 to 1982, ''has a powerful sway over people's minds, despite evidence that it is not working in the Medicare program.''

The Congressional Budget Office estimates that under the legislation, many private plans will cost slightly more than traditional Medicare. Moreover, there is widespread doubt that insurers—who do not now sell stand-alone drug insurance—will begin to do so.

Even Mr. Scully concedes that such drug coverage ''does not exist in nature'' and would probably not work in practice. The elderly are heavy users of prescription drugs, so few insurers are eager to write coverage for their drug costs alone, separate from their other medical expenses.

''It would be like providing insurance for haircuts,'' Charles N. Kahn III said several years ago, when he was president of the Health Insurance Association of America.

LIMITS OF COVERAGE

Even if President Bush signs a Medicare drug bill in the coming year, it will not be the last word.

Health policy experts say that costs may well grow faster than the official projections suggest. That would increase pressure on Congress to hold down drug costs, just as lawmakers continually try to slow the growth of Medicare payments to hospitals.

At the same time, when Medicare beneficiaries realize the limits of the new drug coverage, they can be expected to lobby for more generous benefits. In supporting the Senate bill, Senator Edward M. Kennedy, Democrat of Massachusetts, made clear that it was only a down payment, a foundation for more comprehensive drug benefits.

Ms. DeParle predicts that the legislation will produce a huge demand for drugs, and she is far from certain that competition will do much to control costs. ''It is pretty much theory, and that is what worries me about it,'' she said. The Congressional Budget Office estimates that per capita drug spending for the Medicare population will increase about 10 percent a year over the next decade.

Critics of the legislation doubt its cost can be kept to the $400 billion budgeted by Congress. ''Utilization will go up dramatically, and costs could explode,'' said Senator Don Nickles, Republican of Oklahoma.

For now, however, politicians have chosen to favor drug companies over Medicare beneficiaries, said Prof. Uwe E. Reinhardt, a health care economist at Princeton University.

''On one hand, there is the taxpayer and, in fact, patients who would benefit from having costs controlled,'' Dr. Reinhardt said. ''But on the other hand, those people do not finance the campaigns of these legislators.''

Ms. Coyle of the hospital association declined to address the question of why her industry, but not the pharmaceutical industry, had been subject to price controls. Her group's biggest concern about the legislation, she said, is that ''we are not addressing the larger problem: a health care system that is fundamentally broken.'' The nation, she said, wants the best care for everyone, but needs to decide if it is willing to bear the cost.

So who would be the big winners if the legislation is signed into law?

''The short-run political winner is George Bush, because this law will not be understood by anyone,'' Dr. Reinhardt said. ''It is so complex. But he can go in 2004 and say, 'Look, for 30 years you tried to get a drug benefit—I got you one.' ''

And, he added: ''the elderly will benefit, too, relative to nothing. Who loses? Obviously the people who pay for it.''

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, what is the question before the Senate?

The PRESIDING OFFICER. The question before the Senate is Senator KENNEDY's amendment, No. 1566.

Mr. BYRD. I thank the Chair. Mr. President, am I at liberty to speak out of order? I do not intend to speak on that amendment.

The PRESIDING OFFICER. The Senator is at liberty to speak out of order.

Mr. BYRD. Mr. President, after reading about the Bush administration's proposed rules with regard to overtime pay, there should be no question that American workers are under assault by the Bush administration.

The Denver Post reports that since President Bush's election in 2000, the Labor Department has repealed 41 worker-safety regulations in development, including two aimed at addressing hazardous chemical dangers. Within 2 months of taking office, President Bush sought to repeal the Labor Department's ergonomic standard to prevent repetitive stress injuries, and has issued four Executive orders to curb the rights of labor unions.

It is not enough that the Bush administration has sought to prevent Federal workers from unionizing or that the White House has blocked an increase in the minimum wage. It is not enough that over 3 million jobs have been lost under the Bush administration's watch or that over 9 million workers are unemployed. The administration now wants to take away the right of millions of workers to receive overtime pay.

America's workers should be very concerned about the overtime changes being proposed by the Bush administration. These rule changes would force workers in executive, administrative, and technical fields to labor for longer hours and could make as many as 8 million salaried and hourly workers, many of whom have grown to depend upon overtime pay, ineligible for it.

It is not just hourly workers in factories and restaurants who will be affected by these rules. We are talking about roughly 14 million U.S. workers who are considered to be eligible for overtime pay—from computer engineers, paramedics, and paralegals, to secretaries, grocery clerks, and delivery route drivers. We are talking about the policemen, firefighters, health care officials—the heroes of the September 11 attacks who worked around the clock. These are the workers from whom the administration wants to take overtime pay.

These are not innocuous rule changes. The Labor Department has been flooded with more than 80,000 letters and e-mails debating the merit of its proposed overtime changes, the most mail the agency has received on any wage-and-hour topic in at least a decade. The Washington Post quoted a number of these letters in a story last July:

''Shame on you, President Bush,'' read one letter.

''Please do not take away our overtime pay,'' wrote a Marylander, who said that her husband works overtime so that she can afford to stay at home to take care of their infant daughter.

''Deplorable,'' ''unfair,'' ''absurd;''—these are the words used to describe this administration's proposal. To these I would add callous, hard-hearted, and out-of-touch.

Overtime pay is about more than just making ends meet. In many cases, it is the money used for unexpected health care costs, to pay medical bills, to care for elderly parents. For many families, it is the money carefully squirreled away to pay for a college education years in the future—those things that make life more than simply going to work to survive. I don't believe that the administration has any real appreciation for how important these extra wages are to a family in these tough economic times.

After graduating from high school in the midst of the Great Depression, I sought employment wherever I could find the opportunity—pumping gas at a filling station, working as a produce salesman, and becoming a meat cutter. It was difficult to make ends meet. So I and my wife, Erma, can well appreciate the willingness to work extra time to provide for a better life for the family. Such willingness to go the extra mile should be rewarded.

Earlier this week, Americans celebrated Labor Day to show our appreciation to this Nation's workers. If we really want to show our appreciation, the Senate should stand up for America's workers against the assaults of this administration and support the amendment by Senators KENNEDY and HARKIN.

Mr. President, I ask unanimous consent that my name be added as a cosponsor of that amendment.

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

Mr. BYRD. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I come to the floor today to speak about an amendment I will be offering that will bring up the level of President Bush's international mother and child prevention of HIV initiative to the level which the President actually requested. Right now, the bill before us falls $60 million short of what the President requested. I believe we need to fix that. We need to get the numbers back up to what President Bush asked this Senate and asked this Congress to provide.

The international mother and child prevention of HIV initiative is truly one of the most cost-effective ways that we can stop the spread of HIV/AIDS to children. This initiative very simply allows doctors and nurses to give drugs to pregnant women who are HIV positive, or who have AIDS, to lessen the chance that this disease is then passed on to their unborn babies.

For as little as $3, doctors and nurses can give these mothers the drugs they need to lessen the likelihood that their babies are born HIV positive. In fact, when treated with drugs, we are seeing HIV/AIDS transmission rates from the mother who has AIDS to a child about to be born drop from 30 percent to 5 to 10 percent. It is almost a miracle.

Less than a week ago, I returned from a 10-day trip to southern Africa, along with Majority Leader BILL FRIST and Senators WARNER, ENZI, COLEMAN, and ALEXANDER. We traveled to South Africa, Mozambique, Botswana, and Namibia to assess the HIV/AIDS crisis in each one of these nations. On this trip, we saw firsthand how well these mother-to-child transmission programs are working in these countries and how important they are to saving the lives of these unborn babies.

There are already many programs in place in these countries and in other countries around the world—programs that are working and programs that are saving lives. We heard so many times people saying, Thank you—thank you to the United States, thank you to President Bush—for helping set up these programs and for making these programs work.

The bill in front of us provides additional resources for the continuation of these programs and the creation of more programs. The problem is that it does not go far enough. I simply will be asking in this amendment to fulfill the commitment and the request that President Bush made of this Congress to provide a specific amount which he has asked us to provide.

These programs work. We need to get them fully funded.

On our recent trip, for example, we visited a mother-to-child prevention program run by Catholic AIDS Action in Namibia, a nation with a 22.5-percent HIV rate for pregnant women—the fifth highest in the world. At St. Mary's Hospital in Rehoboth, Namibia, Catholic AIDS Action is doing a very good job in enrolling pregnant women in the Women-To-Infant Program. The program has an excellent success rate and is making a difference. We could see that difference. We heard about it.

We met with and talked with a HIV-positive mother. She told us about how this program had reached out to her. She was so very happy and so very proud that, even though she was HIV positive, she had given birth to a child who was healthy and was not HIV positive. She was so very happy. What a miracle it was. What a great thing it was to see.

We saw so many more examples of this throughout our trip. We saw so many good programs out there. People are already doing so much good work to stop the spread of this disease from mother to child.

There are many more good programs ready to go. We just need to get them funded with all the funds they truly need.

One of the most important things I took away from this trip is that we don't have time to delay in helping

these people. Each day we delay, people die—real people, not statistics, real parents and children and babies. And there are things we can do now to start saving these lives.

Time, as the President of the United States told this Congress, is simply not on our side. We need to move forward and provide the proper levels of assistance. So I will be asking my colleagues to support the amendment I will be offering, an amendment to provide the President of the United States with the level of funding he requested for the mother and child initiative. Doing so will help save countless lives and offer hope to the next generation for a life free from HIV. It is the right thing to do.

I thank the Chair and yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1559

Mr. SPECTER. Mr. President, the time has arrived for voting on the Murray amendment. I raise a point of order under section 504 of the concurrent resolution on the budget for fiscal year 2004 that the amendment exceeds discretionary spending limits specified in this section and therefore is not in order.

Mr. REID. Mr. President, on behalf of Senator MURRAY, I, by virtue of the relevant statute, move to waive the point of order that has been raised and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mr. SPECTER. Mr. President, I notice that the Senator from Washington is in the Chamber now. If she would like to have her 2 minutes of argument, I ask unanimous consent that we proceed to 2 minutes of argument on each side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. There are 2 minutes on each side.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank the chairman and appreciate his accommodating me.

The amendment the Senate is about to vote on is a really important one. Across this country thousands of people who have lost their jobs will never get these same jobs back.

Today, in my home State of Washington, there are 10,000 people on a waiting list in King County alone trying to get into a retraining program in order to obtain the skills they need to get back into the workforce and put food on the tables for their families.

Certainly, at this time in our country's history, when our economy is sluggish, when people are struggling everywhere, the best we can do—and one of the most important things we can do—is give these workers the skills they need to get back into the workforce.

This amendment is critically important. Many of these training programs have not received any increase in funding in a decade. It is important to us as a country that we have a workforce that has the skills to be marketable. That is what this very critical amendment does. I urge my colleagues to support it.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, if we had unlimited funding, I would say the Murray amendment would be a good one. But the fact is we do not. This account already has, in the Senate budget bill, in excess of $3.5 billion. The Murray amendment would seek to add another $163 million, and it simply is not within our allocation.

If we were to try to find some accommodation within the existing budget limit, we would have to cut other programs. As it is, the Senate report is $125 million over what the administration had requested. And when you look at the total sum of money which has in excess of $3.5 billion, that is, obviously, very substantial funding. So I ask my colleagues to vote no and not to waive the point of order.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Missouri (Mr. TALENT) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''Yea''.

The PRESIDING OFFICER (Mr. ALEXANDER). Are there any other Senators in the Chamber desiring to vote?

The yeas ands nays resulted—yeas 46, nays 49, as follows:

[Rollcall Vote No. 325 Leg.]

YEAS—46

Akaka	Dodd	Lincoln
Baucus	Dorgan	Mikulski
Bayh	Durbin	Murray
Biden	Feingold	Nelson (FL)
Bingaman	Feinstein	Nelson (NE)
Boxer	Harkin	Pryor
Breaux	Hollings	Reed
Byrd	Inouye	Reid
Cantwell	Jeffords	Rockefeller
Carper	Johnson	Sarbanes
Clinton	Kennedy	Schumer
Coleman	Kohl	Snowe
Collins	Landrieu	Stabenow
Corzine	Lautenberg	Wyden
Daschle	Leahy	
Dayton	Levin	

NAYS—49

Alexander	Dole	McConnell
Allard	Domenici	Miller
Allen	Ensign	Murkowski
Bennett	Enzi	Nickles
Bond	Fitzgerald	Roberts
Brownback	Frist	Santorum
Bunning	Graham (SC)	Sessions
Burns	Grassley	Shelby
Campbell	Gregg	Smith
Chafee	Hagel	Specter
Chambliss	Hatch	Stevens
Cochran	Hutchison	Sununu
Conrad	Inhofe	Thomas
Cornyn	Kyl	Voinovich
Craig	Lott	Warner
Crapo	Lugar	
DeWine	McCain	

NOT VOTING—5

Edwards	Kerry	Talent
Graham (FL)	Lieberman	

The PRESIDING OFFICER. On this vote the yeas are 46, the nays are 49. Three-fifths of the Senate duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The Democratic leader.

Mr. DASCHLE. Mr. President, I want to offer an amendment in a moment, and I will ask unanimous consent to lay aside the pending amendments, but I would first like to announce we are prepared to go to conference on Energy. I am sure later on today we will ensure that the conferees are announced. I have been working with the distinguished ranking member on Energy, Senator BINGAMAN. He and Senator DORGAN, Senator BOB GRAHAM, Senator RON WYDEN, and Senator TIM JOHNSON, along with Senator BAUCUS from the Finance Committee, will be our conferees on the Energy Committee.

I thank Senator AKAKA for his willingness to allow Senator BAUCUS to take his place as a conferee as a result of the decision not to bifurcate conferences but to keep the conference membership together. Senator BAUCUS will be an official part of the entire conference, and Senator AKAKA kindly allowed Senator BAUCUS the opportunity to represent the Finance Committee as it relates especially to tax issues.

I know there was some comment that our Republican colleagues were waiting for us. We were told right before the August recess that they were not ready to go to conference and so we did not anticipate the need to appoint conferees until we were told a couple of days ago that they were now ready. Of course, we are prepared now to do so as well. So there was not any delay on our part. This is something we wanted to do for a long time. Given the fact we were told they were not ready, we did not feel the need to expedite this matter until we returned.

On another matter, I know there was a good deal of discussion this morning on an amendment that we will take up next week, but I wanted to speak to the amendment myself and that is the amendment relating to the overtime regulation.

Our economy has been hemorrhaging jobs over the last 3 years. We have lost

more than 3.2 million private sector jobs since January of 2001, including 2.4 million jobs in the manufacturing sector alone. At the same time, incomes are flat. The only way many Americans can make ends meet is to work overtime. I know there are many Americans, and many South Dakotans, who I talked to over the course of the last couple of weeks, during the month of August, who told me that were it not for overtime they would lose up to a fourth of their income.

For millions of working families, overtime pay makes the difference between their ability to pay bills and their fear of greater indebtedness. Health bills, education bills, clothing bills, grocery bills, rent, mortgage, child care, all of that is possible.

The reason they work so hard and so long—and I might say that the average workweek has now grown to a larger number of hours than it has been in more than 50 years. This overtime pay reliance is possible because 65 years ago this country made a promise to the workers who drive our economy forward. It was called the Fair Labor Standards Act. It struck a balance between the needs of business and the rights of workers. It actually required employers to pay employees time and a half for every hour of overtime worked, and that now has been the law of the land, as I said, for 65 years.

This simple and fair bargain has improved the lives of hard-working Americans all over this country, expanded the job market by providing an incentive to employers to hire more people when business was good. It has been vital to our economy, and I think it has been the essence of prosperity for many families.

If the administration now gets its way, all of the practice and commitment we have made to workers for 65 years will be swept away and 8 million Americans will be forced to take a pay cut. This spring, the administration revealed its plans to undo protections of the Fair Labor Standards Act and end overtime for 8 million workers. This is an outrage.

Overtime is giving families the means to save for a house or a college education. For hundreds of thousands of families, it lifts them out of poverty. This is what the White House wants to abolish.

Just yesterday, the White House released its Statement of Administration Policy. It declares that if the Senate acts to protect workers' overtime pay in this bill, the President will veto it. The message comes through loud and clear. For them, abolishing overtime is more important than every other provision in this bill.

Let's be clear. This is one of the most egregious and brazen attacks on the American working family in years. The White House proposal would affect workers all over the country and virtually every sector of the economy.

As I said, while I was home in South Dakota during the August recess, I heard from all kinds of people who came up to me on the streets, in stores, concerned about these changes and they told me how it would devastate them: nurses and physician assistants caring for our sick, teachers educating our children, criminal investigators keeping our neighborhoods safe, and millions of others.

We need these people to do their jobs and to do them well. Frequently, their jobs ask that they work long hours away from their families. Their time is valuable. Their work is critical. They deserve to be paid fairly. We should be taking every possible step to increase job opportunities for working Americans, but changing the FLSA will not only undermine efforts to increase employment but lead to even more lost jobs as employers cut staff and demand increased hours from remaining employees.

This is a critical moment for our economy. Workers are struggling. Interest rates are rising. The number of people who are unemployed increases every single day. The answer to our economic problems is not to take still more money out of the pockets of working Americans. We cannot allow workers to be forced to spend more time on the job and have less pay to show for it.

Next week we will have an opportunity to vote on the Harkin amendment. I must say for working families all over this country, I do not think there will be a more important amendment this entire Congress. I would hope on a bipartisan basis we would say to this administration that 65 years of progress in treating Americans right and fair ought not be reversed by some regulation in this administration or by anybody else. Let us show on a bipartisan basis that we stand with the workers. We will continue to provide them the overtime pay they deserve.

AMENDMENT NO. 1568 TO AMENDMENT NO. 1542

Mr. DASCHLE. I have an amendment at the desk. I ask unanimous consent the pending amendment be set aside and this amendment be considered.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE], for himself, Ms. COLLINS, Mr. CONRAD, Mr. DORGAN, Mr. DODD, Mr. BAUCUS, Mr. PRYOR, Mr. BINGAMAN, Mrs. LINCOLN, Mr. JOHNSON, Mr. KERRY, and Mr. NELSON of Nebraska, proposes an amendment numbered 1568 to amendment No. 1542.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide funding for rural education)

On page 76, between lines 10 and 11, insert the following:

SEC.____. In addition to any amounts otherwise appropriated under this Act to carry out part B of title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7341 et seq.), there are appropriated an additional $132,347,000 to carry out such part: *Provided*, That of the funds appropriated in this Act for the National Institutes of Health, $25,000,000 shall not be available for obligation until September 30, 2004: *Provided further*, That the amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $7,027,546,000: *Provided further*, That the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $6,650,954,000.

Mr. DASCHLE. Mr. President, I thank Senator CONRAD and Senator COLLINS who have been partners in this effort. I thank them for their cosponsorship and I appreciate very much their help in addressing this challenge.

America's rural schools today educate nearly 40 percent of the children in our country. Many face funding challenges because of limited tax bases, their remote locations, and the large geographical areas they serve.

The Rural Education Achievement Program is part of the No Child Left Behind Act. It is designed to help schools in rural communities address these challenges and make sure rural students have access to a high quality education. Unfortunately, this program, like so many others in the new law, is grossly underfunded.

The amendment we offer today provides an additional $132 million to fully fund the REAP Program at the authorized level—I emphasize the ''authorized'' level—of $300 million. REAP is the first Federal program dedicated to helping rural schools address the unique challenges they face. It consists of two sections, the Small and Rural Schools Achievement Program and the Rural and Low-Income Schools Program. Small school districts generally receive low levels of funding under formula programs because of their small student populations, which are a very characteristic part of who they are. They also receive fewer competitive grants than their urban and suburban counterparts because they do not have grant writers. The Small and Rural Schools Achievement Program provides supplemental grants to rural schools with 600 or fewer students. It also allows these schools to combine their formula funds into one flexible fund to address their most critical areas of need. In the first full year of funding, more than 4,000 school districts applied to receive funding under the program. Of that group, 3,500 had never received competitive funds from the Department of Education. Over 85 percent of those who applied never received competitive funds in previous years from the Department of Education.

The average award in this program was $18,000. While the grants are small, most districts at least doubled the total funding they received from the Federal Government, and are able to use these resources to address many of their very critical needs.

The Rural and Low-Income Schools Program is targeted to larger rural districts that have high levels of poverty.

These grants flow through State education departments to eligible local districts. The resources are used to enhance teacher recruitment and retention, educational technology acquisition, afterschool enrichment activities, and other areas that pose challenges for low-income rural districts.

More than 2,000 districts benefitted from this program in 2002, with an average award in that year of $30,000.

Nearly 40 percent of America's schoolchildren attend public schools in rural areas in small towns with populations of under 25,000. Almost 50 percent of the Nation's public schools are located in rural areas in small towns and 41 percent of public school educators teach in rural community schools.

Rural schools face formidable challenges in meeting the requirements of No Child Left Behind Act because their budgets are particularly limited.

I was in Kadoka, South Dakota in early August and a teacher approached me on the street. All he wanted to talk about was the No Child Left Behind Act. All he could say is that, for them, compliance was almost impossible unless they get some help. He pleaded with Congress to recognize the unique problems the No Child Left Behind Act presented to rural schools, especially Kadoka.

Per-pupil costs tend to be higher in rural districts. Because classes are smaller, the cost of providing teachers is higher per student. Superintendents in South Dakota are also concerned about the impact of the new teacher qualification requirements. Many teachers in rural schools teach several subjects but may not have degrees in all of those subjects. This, too, was an issue the teacher in Kadoka mentioned to me and expressed grave concern about. He noted it can be very difficult to find a good biology teacher, but in a small school that person often teaches general science and chemistry as well as physics because they have no other choice.

Similarly, transportation costs can be significantly higher in rural districts since buses must travel longer distances with fewer students.

In spite of these circumstances, rural schools are expected to apply the same academic standards and obtain the same higher results as urban and suburban school systems under the new law. Additional funding for rural school programs is desperately needed to help these schools address their unique challenges so they, too, can improve student proficiency.

My State has a particularly large number of rural school districts. More than two-thirds of our districts have fewer than 600 students. Administrators tell me they do not have the staff to deal with the paperwork needed to complete Federal grants. For example, when I notified our schools that the Early Reading First Program was seeking proposals, Jack Broome, the superintendent from Burke, SD, responded that while he thought his students might benefit he was unable to assign anyone to fill out the preapplication which was more than 100 pages long. He serves fewer than 250 children. Of those, 15 to 20 students need additional help with reading. REAP, however, is much easier to apply for and those funds are helping to fill that gap.

Although 2002 is the first year schools could participate in this program, 135 out of 177 school districts in South Dakota are currently participating just a year later. Nearly 40,000 children benefit in my State alone. School administrators tell me how much they appreciate and need this help.

Doug Voss is the superintendent in Centerville, SD, an agricultural community which educates about 250 students. They receive $17,809 in REAP funds, an increase of more than 10 percent above the amounts they received from other Federal programs. They used their funding to hire a part-time elementary schoolteacher, provide more training for other teachers, and expand their reading incentive program.

John LaFave, the superintendent of the Hansen school district, received $16,474. That represented a 10 percent increase in their Federal support. The Hansen school district serves 326 students. They used refunds to hire two teaching assistants to work with their growing population of English language learners.

The President's budget has actually proposed that we eliminate funding for the REAP program, for 2 years in a row. He did it last year, but Congress objected. He wanted to do it again this year.

The amendment I have offered would ensure that no student in a rural community is left behind as schools work to implement education reform under the No Child Left Behind Act. We simply cannot turn our backs on the needs of these rural communities. They are doing all they can to comply. Their intent is good. They are troubled; they are concerned; they are frustrated by their inability to comply because they don't have the resources.

Our amendment is very simple. It just says we are going to provide the funding authorized under the law by title VI of the No Child Left Behind Act passed in 2001. That is all it does.

These funds will be spent to enhance key areas outlined by the law, including teacher recruitment and retention, professional development, education technology, parental involvement, school safety, drug use prevention—all in an effort to enhance the academic achievement among rural students as we are demanding they do under the law.

This program is going to help many school districts, not only in my State but I daresay in every single State in the country. I urge my colleagues to support this important amendment. I hope we could see overwhelming bipartisan support as we take it to a vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, as the Senator from South Dakota has outlined the need for funding in rural education, I think he raised a very valid point. I have special reference to that, having grown up in a small community myself, in a little town called Russell, KS. I think the Presiding Officer knows one of my fellow townsmen, a fellow named Dole, Bob Dole. It is a little town on the windswept plains of Kansas, has 4,989 people. It used to have 5,000 until Dole and I left town.

I am not sure that Russell qualifies under the Rural Education Achievement Program, but I think it probably does. The rural areas need help, although Russell perhaps not as much as some. Russell is located in an area where there was a lot of oil underground. In fact, they found oil to the south of town and to the northwest of town. Then they found oil in the town. The requirements were that to drill an oil well there had to be agreement of quite a number of property owners. They couldn't get the agreement because nobody wanted the oil well in their backyard. They all wanted the proceeds but didn't want the oil well. So I am not sure if Russell was in as great a need as some communities.

But that aside, just as a parenthetical expression, there is no doubt that helping the rural part of America is very important. I think it is worth noting that this is a very new program. It came into existence with the authorization in fiscal year 2002 at $162.5 million, raised $5 million in 2003. This year, the administration zeroed out the program, saying there would be sufficient funds from other lines.

When our subcommittee took a look at all of the programs, we decided we ought to keep it, and we funded it at a level rate, as we had to do with so many programs.

In structuring an appropriations bill for the Department of Labor, with worker safety; and the Department of Health with the tremendous needs of NIH and Head Start; and the Education Department, with the mammoth needs in so many directions, it is a Hobson's choice every time we turn around.

As the manager of the bill, along with Senator HARKIN, we have worked on a bipartisan basis. We felt constrained to live within our means as defined by the budget resolution and by the 302(b) allocations.

If we are to measure up to the full authorization and put in $133 million, we would either have to cut into some of the existing funding, or we would have to go beyond our allocation. I would be at a loss, frankly, to find where an offset might be found. If the proponent of this amendment has any ideas on offsets, I would be delighted to consider them on a comparative basis as to where the priorities ought to be.

When the Senator from South Dakota talks about all we want to do is

come to the authorization, that is not quite so simple. It is the generalization that the authorization is characteristically higher than the appropriation. This issue came up in our consideration of the Byrd amendment. As I pointed out earlier, when it came to the issue of Title I funding for fiscal year 2002, when Senator BYRD was chairman of the Appropriations Committee and the Senator from South Dakota was the majority leader, the appropriation was for $10.35 billion or $2.85 billion under the authorization; so that the common practice is to have the appropriation under, and frequently substantially under, the authorization.

If you take a look at the Homeland Security bill, the Transportation Security Agency letter of intent for airport security had an authorization of $500 million and an appropriation of $309 million. Fire grants were $900 million authorization, $750 million appropriation. And so it goes on many lines. On the Violence Against Women Act, authorization $667 million; appropriation, $407 million.

I could go down on item after item where an appropriation is characteristically not as high as the authorization.

So in essence, I find the arguments of the Senator from South Dakota compelling on the desirability of having more funding for rural areas, having grown up in one myself, and, frankly, having been the beneficiary of a very good education system. I have gone to some outstanding educational institutions, but I never had a better education than at Russell High School or a better teacher than Ada May Groetzinger, who was the debate coach.

I think the Senator from South Dakota had a pretty good education, too, the way he handles himself, deports himself, and his achievement level. I would like to see many young people come out, come to the floor of the U.S. Senate. Not too many more competitors from Pennsylvania, I have enough this year. But I think the idea of improving educational attainment and more funding is an excellent idea. I just wish I had more money at my disposal for my subcommittee to grant the request made by the Senator from South Dakota. But I don't.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, let me say, first, I think the distinguished chairman, as always, does a fine job in working with the allocation with which he is presented. That is not only his choice, I know in many respects he has fought hard for greater allocations so we can address many of these issues. So my argument is not with him. He is making the most out of a very difficult situation.

Having said that, let me just say a couple of other things. We have used the same mechanism in an offset for this amendment that our colleague, the chairman of the Appropriations Committee, used in offering his amendment to increase the subcommittee's allocation for fiscal 2004. So I join with Senator STEVENS in using what apparently is an appropriate and acceptable mechanism for the offset.

So we have the offset. But I would make one other point. Again, I say this with all deference to the chairman of the committee. I don't remember how he voted on the budget. I didn't vote for the budget. I didn't vote for these allocations. I didn't vote for the priorities that that budget presents—$3 trillion of tax cuts over the course of the next 10 years.

We are going to be asked—I am told this morning by the White House—to find another $70 billion for Iraq. I am not sure yet what my vote will be. I want to hear the justification from the administration. I would like to ask them what their offset is. I would like to know how much money we are spending in rural Iraq for education compared to what we are spending in rural South Dakota. If we can find $70 billion for Iraq over the course of the next few months, I think we can find a few million dollars to fund the authorized amount of education funding for rural America so that we can go back and tell them they have the resources and now we want them to comply with the No Child Left Behind Act.

I don't know what answer I give to a school superintendent in South Dakota when he says, You tell me I don't have the resources, and then you—DASCHLE—go and vote for $70 billion for Iraq. Explain that to me. I don't have an answer.

Again, that is not the chairman's problem. But that is a problem I have. That is a problem of priorities that I think this administration is yet to explain.

So I don't buy the administration's argument that we just do not have the funds for education when we have all these funds and there is apparently more where that came from when we need it for Iraq.

Again, I compliment the chairman for the work he does in meeting many of the needs we have. He has a tough job. But on this issue, I think we can find the funds if we have the desire.

Mr. CONRAD. Mr. President. I am very pleased to join my distinguished colleague and the minority leader as a cosponsor of an amendment to increase funding for the Rural Education Achievement Program (REAP). No Senator has been a stronger advocate on behalf of rural schools and supporter of REAP. The amendment would increase REAP funding by $132 million, bringing appropriations for the program to the authorized funding level of $300 million under the No Child Left Behind Act.

As my colleagues are aware, the Senate Appropriations Committee reported a Labor-HHS bill that funds REAP at a level of $167.6 million for fiscal year 2004, the same funding level as fiscal year 2003. The House Labor-HHS appropriations bill, H.R. 2660, includes $170 million for REAP. I am especially grateful to appropriators in both the House and Senate for funding rural education, especially since the Administration failed to recommend any funding for REAP in the fiscal year 2004 budget.

While I am pleased with action by Senate appropriators to provide $167.6 million for REAP, the recent enactment of the No Child Left Behind Act has made clear the critical need for additional grant assistance for smaller, rural school districts. Historically, rural school districts receive a smaller percentage of federal education dollars because of their inability to compete as effectively for funding as larger urban or suburban districts are able to do. Additionally, the geographic isolation of many smaller, rural schools, many of which also have declining enrollments, a very limited tax base and significant transportation costs, makes it more difficult to find the resources to provide certain educational opportunities for students.

As my colleagues may recall, Senator SUSAN COLLINS and I introduced legislation to authorize the Rural Education Achievement Program during the 106th Congress. At the time, we were very concerned that many smaller, rural districts did not have the resources or staffing to compete effectively for many of the Department of Education competitive education grant programs. Additionally, in cases where rural school districts received formula allocated funds based on student population or other criteria, the funding was minimal and there was no flexibility to enable local school officials to more effectively use the limited funds to help improve student achievement or professional development.

The REAP program was enacted late in the 106th Congress and initially funded at a level of $162.5 million in fiscal year 2002. Under the REAP program, two small, rural schools programs were authorized. The Small and Rural Schools Achievement Program is a formula grant program that authorizes grants directly from the DOE to eligible school districts. The districts eligible under this program must have an average daily attendance of 600 students or less and be designated by the National Center for Education Statistics, NCES, with a locale code of 7 or 8. Under the Small and Rural Schools Achievement Program, school districts are permitted to consolidate new formula allocated funds under teacher quality, local technology, safe and drug free schools, and innovative programs. The consolidated funds may be spent on any of the preceding programs or Title I, Part A, language improvement and after school programs.

Under the Rural and Low-Income Schools Program, funding is competitive and school districts may apply directly to DOE. School districts must have an NCES local code of 6, 7, or 8

and have a census poverty rate of 20 percent. Funds may be sued for teacher recruitment, professional development, parental involvement, Title I, Part A, bilingual education or Safe and Drug Free Programs.

The REAP program is very important for smaller, rural schools, especially with the new requirements for testing and professional standards under the No Child Left Behind Act. Approximately 80 percent of schools in North Dakota are eligible for REAP funding. I know from a Budget Committee hearing that I chaired last week on implementation of the No Child Left Behind Act and conversations with rural school officials in North Dakota that the $1.2 million in REAP funding that went to North Dakota last year helped 117 school districts meet some of the challenges under the new Act. Funds were used for professional development for teachers, to provide distance learning opportunities to assist with the purchase of computer equipment for classrooms.

Unfortunately, Mr. President, funding in the fiscal year 04 Labor, HHS bill for No Child Left Behind including for rural education, is not adequate. Although S. 1356 provides $23.6 billion for DOE education programs, the bill provides $8.4 billion less than the authorized level in fiscal year 04 for No Child Left Behind, including $132 million below the authorized level for REAP. Without question, we are not fulfilling our responsibility to provide adequate funding to states and local school officials to help communities achievement the goals under NCLB. REAP is an essential program under NCLB, and I hope that my colleagues will support the Daschle amendment to fully fund rural education at the $300 million level.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

AMENDMENT NO. 1572 TO AMENDMENT NO. 1542

Mr. DODD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself, Mr. HAGEL, Mr. JEFFORDS, Ms. COLLINS, Mrs. MURRAY, Mr. DORGAN, Mr. BINGAMAN, Mr. KERRY, Ms. MIKULSKI, and Mr. PRYOR, proposes an amendment numbered 1572 to amendment No. 1542.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide additional funding for grants to States under part B of the Individuals with Disabilities Education Act)

On page 76, between lines 10 and 11, insert the following:

SEC.____. In addition to any amounts otherwise appropriated under this Act for grants to States under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), there are appropriated an additional $1,200,000,000 for such grants: *Provided*, That of the funds appropriated in this Act for the National Institutes of Health, $84,000,000 shall not be available for obligation until September 30, 2004: *Provided further*, That the amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $8,095,199,000: *Provided further*, That the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $5,583,301,000.

Mr. DODD. Mr. President, I offer this amendment on behalf of myself and my colleagues, Senator HAGEL of Nebraska, Senator JEFFORDS of Vermont, Senator COLLINS of Maine, Senator MURRAY, Senator DORGAN, Senator BINGAMAN, Senator KERRY, Senator MIKULSKI, and Senator PRYOR. There may be others who will ask to be added as a cosponsor, but those are the ones I have at this particular time.

This is an amendment that all of my colleagues are familiar with. They have voted on this amendment on several occasions over the last decade. On at least one occasion, we voted unanimously in support of an effort to increase funding for the Individuals With Disabilities Education Act, commonly known as IDEA.

This amendment deals with special education funding. There is not a Member here who has not met a Governor, a mayor, a county supervisor, or a teacher who has not talked about this issue and the importance of it and the implications to their communities and their States if the Federal Government does not live up to its commitment of 40% full funding. A commitment made almost three decades ago.

I offer today a modified version of full funding. We have already voted once, in the last, I think, 24 or 48 hours, on a special education proposal from my colleague from Minnesota, Senator DAYTON. He proposed a far more aggressive program, one that would have added about $11 billion, if I am not mistaken, to this program. My amendment is $1.2 billion above the Labor-HHS appropriations for special education grants to states. The budget within the bill adds $1 billion for Part B Grants to States. This amendment would add and additional $1.2 billion to that, for a total $2.2 billion increase.

Let me explain what we are trying to do and why I hope my colleagues understand how critically important this issue is, regardless of whatever feelings they have had about other proposals. First, obviously, this amendment will help provide needed education for children with special needs. Second, it will provide financial relief for communities.

Most of the dollars spent on special education come from local property taxes. Some States are different, but the overwhelming majority of States in this country support educational efforts through local property taxes. If we do not continue to provide some additional support and live up to the commitments we made three decades ago to fund IDEA at 40%, you are going to see an increase in local property taxes to meet these obligations. I don't think anyone needs to spell out the kind of hardship that would pose for a lot of families across this country. Families that are already facing tremendous economic pressures, with high unemployment, and with huge deficits at the State and local levels.

You have heard over and over again of the tremendous pressures communities are facing today. You have heard about the added burden of having to watch property taxes go up to meet obligations we promised we would make at the Federal level in regards to special education. This amendment would ease that burden by picking up some of the cost.

As I said, almost 30 years ago Congress passed the Individuals With Disabilities Education Act. This was designed to help States provide all children in this country with disabilities with a free, appropriate public education in the least restrictive environment possible.

When we passed this legislation, the Federal Government also made a commitment to our States and localities. We said we would cover 40 percent of the State cost of servicing these students with special needs over time.

Thirty years later—three decades later—we have yet to make good on that commitment. Today, our level of commitment hovers around 18 percent, not 40 percent. This means, of course, that States are bearing more than their share of responsibility for meeting a federally mandated requirement regarding disabled student's needs. States that, mind you, are facing astronomical deficits, as I mentioned a few moments ago. States that often have no choice but to pass costs on to municipalities, which then, of course, pass them on to every-day, average American taxpayers through local property tax increases.

The amendment I am offering with my colleague from Nebraska, Senator HAGEL, Senator JEFFORDS, Senator COLLINS, and others, is designed specifically to provide some relief in this area. This legislation would add an additional $1.2 billion to the special education fund, bringing us up to a $2.2 billion in the total increase to grants to States. This is exactly what we promised to provide in the fiscal year 2004 budget resolution. This is exactly what we voted on. We said this is what we would provide, an additional $2.2 billion. So not only did we make a commitment 30 years ago to provide 40 percent of the funding, as recently as within the last year this body made a

commitment that we would fund an additional $2.2 billion in grants to States in the area of special education.

This amendment makes us live up to that commitment. This $1.2 billion added increase would raise the level of the Federal Government's IDEA commitment to 21 percent from 18 percent. That is just over half of the 40 percent we set as a goal almost 30 years ago. At this rate, $2.2 billion a year, the Federal Government would meet its goal of 40 percent full funding by the year 2012, some 9 years from now.

I know there are those who would suggest that we ought to fully fund this immediately. I wish we could do that. I would be supportive of that kind of an effort, but, obviously, given the tremendous fiscal problems we face at the national level, it is impossible. So rather than suggest we fully fund a remaining 21 percent or more, what we are suggesting here is a $2.2 billion increase for one year. If we maintained this increase over the next 9 years, up until the year 2012, we could fully fund the commitment that we made 30 years ago.

Currently the Labor-HHS appropriations bill adds roughly $1 billion in grants to states. According to the Congressional Research Service, this boost would fund IDEA at about 18.7 percent. More importantly, if this $1 billion increase were to become the standard rate of increase over the coming years, we would never fully fund the special education program. We would never be able to meet the goal that we promised 30 years ago of 40-percent funding, certainly not by the year 2012.

Again, the cost of special education is extremely high. We all know that. Talk to any superintendent of schools, any mayor, county supervisor, Governor, any teacher in any school, and they will tell you, whether they are Democrats or Republicans, anywhere in the United States, all 50 States, the cost of this program is extremely high. They understand the need for it as well. If you talk to them you begin to understand the tremendous fiscal pressures they feel in their communities. In fact, I am quite sure every one of us in this body, including in the other body, have had these types of conversations with our mayors and other local leaders, telling us how important it is that we try to meet our special education commitment of 40 percent.

Better yet, talk to any rural mayor or selectman in my State, Vermont, Nebraska, any one of the communities around this country, and you will begin to understand how as little as two or three special education students in a rural community can throw an entire district's budget off balance. These school districts need our help. They have been asking for it year in and year out.

To the credit of this institution, in years past we have risen to the challenge. This body has voted in support of special education funding. Keep in mind that the amendment I am offering on which Senators HAGEL, JEFFORDS, and COLLINS worked closely, provides for an additional $1.2 billion for only 1 additional year. It is not full funding. In the context of this bill, we have not asked to fully fund IDEA over a set number of years. We are merely asking that we provide our States with some fiscal relief now and provide our taxpayers with some fiscal relief now by providing States and rural counties with the funds they need to carry out their obligations to children with special needs today. It is a modest proposal but a much needed one across the country.

In my State of Connecticut, in spite of spending hundreds of millions of dollars to fund special education programs in our school districts—and it is true in almost every other State across the country—schools are struggling to meet the needs of students with disabilities. The costs borne by local communities and school districts are rising dramatically. The local burden is immense. This amendment is an opportunity not to alleviate it entirely but to alleviate some of that burden. Providing an additional $1.2 billion for special education not only demonstrates this body's commitment to universal access to education for all children, it helps entire communities by easing the tax burden of everyday taxpayers.

When we do not meet our Federal funding obligations then a mayor or county executive has to make up the difference. As you can imagine, there are only two ways to do this: Either you slash social services or you raise local taxes. I don't know about my colleagues, not all of them, but I can assure you that now is not the time to raise local taxes. I also do not want to see our students shortchanged in the quality and quantity of the programs that are offered from town to town and city to city all across the country. I don't understand how raising taxes or cutting services or quality of services are even options that ought to be considered.

Recently the President signed into law a tax cut of over a hundred billion dollars for some of the wealthiest of our fellow citizens. I represent, of course, one of the most affluent States in this country, Connecticut. Still I can say without equivocation that the vast majority of people in my State would support increasing expenditures for something as important as education. In fact, I know and am confident that even the wealthiest of my citizens, who are the beneficiaries of some of the tax cuts, would much rather see resources used to improve the quality of education for children in the 21st century than to provide a tax cut which most of them would tell you they don't need at all.

I am asking today that Congress, without equivocation, support the same thing that the overwhelming majority of our citizens say they support. I say this with the understanding that the Federal Government is facing its own budget challenge similar to that of the States. I understand that our economy is slumping and that the deficits at the State level are estimated to run at roughly $100 billion. Still, I cannot accept the argument that because our economy is faltering, we cannot provide our children and their families with the critical educational resources they need, and we need, as a nation. I cannot accept that we cannot increase the Federal commitment to special education and otherwise ease the burden of the average American taxpayer.

I do not find it acceptable, further, that we are yet again passing the overwhelming majority of costs of special education implementation on to our States. I do not find it acceptable that we are passing on the overwhelming majority of costs of special education implementation on to our local taxpayers.

Having said all of this, I stress again, education needs to be viewed as, and remain, a national priority. Investment in education is no less important in a weak economy. In fact, I could make a case it is more important. Education is the gateway to a better life, the key to a healthy democracy, and absolutely essential to our long-term national economic growth and security. For these reasons, I ask that my colleagues help our schools, our families, and our children by providing them with the resources they need to maximize their potential.

My colleagues understand that and know well how strongly the Governors, mayors, and county executives across this Nation feel about this issue. Inevitably, over the years they list special education as one of the most, if not the most, important areas in which the Federal Government can assist them by meeting the obligation that we proposed 30 years ago.

Thirty years ago, when we passed the Individuals with Disabilities Education Act, we told States we would help them meet their constitutional obligation to provide children with disabilities a free, appropriate education by providing States with 40 percent of the cost. They would have to pick up 60 percent. The States accepted this ratio of 40 to 60 percent.

Tragically, for three decades the States have picked up 80 percent; in fact, only recently, 80. Up until a few years ago it was more.

The amendment I am offering only gets us about halfway to 40 percent, to about 21 percent. At a rate of $2.2 billion it would be another 9 years before we fully meet the 40 percent obligation. But we have to start. We have passed this legislation in the past, or at least similar legislation, and regrettably the other body has refused to accept it and rejected it. But that doesn't mean we ought not to keep on trying.

I hope the President will step up and support this effort. Every mayor and Governor I have ever talked to, Republican or Democrat, tells me they need help in this area and they want us to live up to our obligations.

I urge my colleagues to support the effort my colleagues from Nebraska, Maine, Vermont, and I, and others, are offering. This is a bipartisan amendment being offered by Democrats and Republicans. This is one area in which we ought to find common cause and common bond and say to our States and mayors: We hear you. You are under great pressure today, tremendous pressure and we can help. Here is a modest proposal to get us to a level of funding that can truly make a difference in our Nation.

I will remind my colleagues that just 2 years ago a bipartisan group of 31 Members of this Chamber introduced legislation to direct the Appropriations Committee funds to fully fund special education by the year 2007. That bill, S. 466, was the foundation of the Harkin-Hagel amendment to the No Child Left Behind Act. It was passed by this body on a unanimous vote. Every single Member of this body voted for it. It would have increased Federal support for special education by $2.5 billion a year until we reached full funding.

Unfortunately, because of strong opposition from the President of the United States and the Republican House leadership, this provision, adopted unanimously by this body, was not included in the final drafting of the No Child Left Behind Act. The administration seemed to be saying no child left behind—unless, of course, he or she is a special needs child.

Today's amendment builds on the step this body took in 2001, 2 years later, through the Harkin-Hagel amendment, to fully meet our special education obligation. Today's amendment enables us, once again, as a bipartisan body, to recommit ourselves to this cause.

I ask my colleagues to support this amendment because it is good for students, families, for schools, municipalities, States, and for the average American taxpayer, because so much of education is paid for through local property taxes. Before 1975, only 20 percent of children with disabilities received a formal education. Eighty percent of kids with special needs were being left out of the educational process. Today, as a result of the Special Education Act, we serve 5.4 million school age children, as well as 200,000 infants and toddlers, and 600,000 preschoolers. That is something for which all of us can be deeply proud.

I remember working on this idea when, under President Gerald Ford, I was a new Member of Congress—30 years ago. I had a head of black hair in those days. And while it has turned white over 30 years of experience around here, I remember the great sense of pride in the country when President Ford initiated the effort to not leave behind 80 percent of special education students that were not getting services.

Let me recite the numbers again because every Member ought to be proud of the fact that this is a better and stronger country today because special education children are getting an opportunity to maximize their potential through our public schools, are getting an opportunity to be self-sufficient, independent, contributing citizens. 5.4 million school age children, 200,000 infants, and 600,000 preschoolers are all getting assistance as a result of IDEA. This assistance is being paid primarily with local property tax money.

We need to step up and meet our obligation. As a result of special education legislation, the number of children with disabilities who graduate from high school and go on to college has increased significantly over the last few years. These are things for which America can be proud.

Yet, while we are proud, we must also be concerned with the difficulty the cost of this program causes for cash-strapped States and localities in our Nation. We need to recognize that if we do our part—if we provide States with additional special education funds—we are helping to relieve tax burdens.

I am going to be asked, I am sure, how do we pay for this. We do this by forward funding—an idea used here by others in the Chamber. By forward funding, we can pick up the cost without creating the kinds of hardships that are felt by slashing away at other programs that need continued support.

Let me just mention, if I can, what this amendment may mean to States in terms of additional assistance. I don't have every State here, but to give you an idea, this amendment would provide an additional $130 million for California; $14 million for my State of Connecticut; for Nebraska, $8 million; for New Hampshire, $5 million; for Pennsylvania, $49 million more for special needs kids; for Tennessee, $26 million more. Think of what that means to the States. I will provide these numbers for my colleagues so they know exactly how much more passing this amendment would mean to their States. What kind of relief it could provide for them as they struggle to meet fiscal burdens and challenges.

I see my colleague from Vermont is here, a cosponsor of the amendment. I don't know how my colleague from Pennsylvania wishes to proceed. I presume he wants to hear from all of us.

At this point, I yield the floor and I hope others may be heard on this issue. I think it is extremely important and it is my fervent hope that this is an amendment that deserves broad-based support.

I ask unanimous consent that the distinguished Senator from Minnesota, Mr. COLEMAN, be added as a cosponsor as well.

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

Mr. DODD. We are getting to the point where we have almost as many Democrats as Republicans cosponsoring this amendment. My hope is that we can all join together on this. We have been divided on a lot of issues. Special needs kids deserve us joining forces. We ought to demonstrate that we can do things together on something such as this. We did it in 2001. It is 2003 now and the problems are so much more severe today in terms of the burdens on States and localities.

I hope I can add every Senator to this amendment. What a wonderful message that would be as we have come back from the August break. The school year has begun and parents are worried about whether resources will be there for their kids. Taxpayers wonder whether there will be additional costs to them. This amendment provides an opportunity for us to get together and send a resounding message across the country that we are willing to get this job done. It may take another 9 or 10 years, but we are on the road to getting it done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I am pleased to join with my colleagues, Senators DODD, HAGEL, and others, in offering the amendment today that will provide an additional $1.2 billion in funding for special education. This will bring the total to $2.2 billion and put us on the path to fully fund special education within 8 years.

Unfortunately, I think this has become an annual event. Every year we try again to make the Federal Government fulfill its promise of nearly 30 years ago. Every year we have tried and every year we have failed. This battle started in 1975 when Congress passed the special education bill. As a freshman Congressman, I had the pleasure of working on that bill with my colleague, then-Congressmen HARKIN and DODD.

We recognized that special education would be costly, and we pledged to help States by covering 40 percent of these costs. But time and time again, the Federal Government has failed to keep its word. Instead of providing 40 percent, as we promised, we are currently providing only 18 percent.

The bill before us proposes to increase spending by about $1 billion, and many of my colleagues will speak to how significant an increase this is.

I wish to recognize the chairman and the ranking member for their efforts on increasing special education funding, but I am afraid it is just not enough to meet the needs of our schools. We could increase special education spending by $1 billion each year, but at this rate we could never reach the level of funding that was promised.

Congress has failed time and again to keep its word on special education, and I am both embarrassed and troubled by this. I am embarrassed because we claim to be committed to educating our children, but we do not provide the support to our local schools to do so.

This pattern of chronic underfunding hurts all the children. When school boards develop their budgets, they have

a court-ordered constitutional responsibility to ensure that special education needs are addressed. Too often, they are forced to raise local property taxes or to cut services to all children. Failure to fully fund our share of special education forces our school boards to make impossible choices and divides our communities.

We cannot continue to pretend we are doing our part here in Washington. We cannot continue to call for higher standards and greater achievement while not living up to our end of the bargain. We cannot continue to pit our students against each other in classrooms and school board meetings across the country. And we cannot continue to leave our States, our towns, and our local taxpayers to foot the bill because the Federal Government has failed to keep its promise.

I am troubled because in my State of Vermont, a promise is not made casually or taken lightly. In developing this legislation which has helped so many, I gave my word that this would be a shared responsibility and that the Federal Government would pay its fair share. We have not, and this has gone on for too long.

We have heard over and over from State legislatures and school boards around the country that full funding of special education is a top priority, a constitutional requirement.

In my small State of Vermont, we are talking about the difference between $21 million, the amount of the Federal special education funds my State will receive this year, and $44 million, which is what Vermont would have received if we had just kept our promise.

Right now, my State is struggling, like so many others, to cut budgets because of the economic downturn. Education dollars will not be spared, and that additional $23 million would have gone a long way this year toward easing the pain of the State's budget crunch.

We are here today to ask the Federal Government to keep its promise. While we are almost 30 years overdue, there is no better time than now to do it. I urge my colleagues to support this amendment. The Senate has repeatedly passed symbolic votes to fully fund IDEA, but these votes have been nothing more than symbolic. It is time to move beyond the symbolism. Please join me in passing this bipartisan legislation. Please allow us to be able to look into the eyes of the children and the citizens of our States and tell them we have kept our promise.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank my colleague from Vermont for his leadership on this issue. Along with Senator HARKIN, we were both freshmen Members of Congress in 1975. President Gerald Ford, along with the Congress, adopted the legislation which created the act to deal with students with disabilities. Senator JEFFORDS has been a champion on this issue for 30 years. I am so pleased to be joining with him in this effort once again. I regret it has taken us this long. We have had some great successes in the past.

As I mentioned earlier, less than 2 years ago we voted unanimously to send a message that we cared about this issue. In fact, we adopted a larger sum of money than what we are asking for today. The amendment Senator JEFFORDS offered, along with Senator HARKIN and Senator HAGEL, was for $2.5 billion. We are talking about $2.2 billion, when you add the $1.2 billion that is in the bill. It is less than what we asked for 2 years ago to get us on a road to meeting the full 40 percent funding commitment we made 30 years ago.

I thank the Senator from Vermont once again for his tireless efforts on behalf of America's children, their families, and taxpayers. I know others want to be heard on this matter.

I ask unanimous consent to print in the RECORD a listing of all the increases, to print what this $1.2 billion will mean State by State. I know the Presiding Officer, my good friend, will be curious to know how Idaho would do. Idaho will get an additional $6 million under this program if we get these additional dollars for special education funds. I am quickly looking down the list because I do not want to leave out my colleague from Oregon. An additional $14 million will go to his communities to defray the cost of special needs children. I include what this amount means to each State so my colleagues can have some idea as to how they will benefit.

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

State	FY2003 final amount	FY2004 Senate Appropriations Committee amount	FY2004 increase of $2.2 billion over FY2003 amount	FY2004 estimated full funding
Alabama	$143,066,000	$158,700,000	$178,923,000	$303,153,000
Alaska	26,501,000	29,838,000	33,468,000	57,692,000
Arizona	132,563,000	149,252,000	167,414,000	342,540,000
Arkansas	85,906,000	95,603,000	107,944,000	208,622,000
California	933,124,000	1,046,811,000	1,178,466,000	2,131,907,000
Colorado	112,272,000	126,407,000	141,789,000	258,992,000
Connecticut	103,861,000	114,227,000	128,051,000	236,382,000
Delaware	24,288,000	27,346,000	30,674,000	56,740,000
District of Columbia	12,212,000	13,750,000	15,423,000	38,422,000
Florida	479,525,000	530,376,000	596,151,000	1,244,798,000
Georgia	233,043,000	262,383,000	294,312,000	586,415,000
Hawaii	30,632,000	34,489,000	38,686,000	74,866,000
Idaho	41,226,000	46,416,000	52,064,000	92,671,000
Illinois	393,134,000	435,094,000	489,367,000	991,792,000
Indiana	200,791,000	221,789,000	248,948,000	533,684,000
Iowa	96,042,000	105,628,000	118,411,000	234,267,000
Kansas	84,072,000	93,293,000	105,220,000	203,511,000
Kentucky	122,827,000	135,917,000	152,848,000	319,394,000
Louisiana	142,508,000	160,449,000	179,974,000	321,458,000
Maine	43,047,000	47,343,000	53,073,000	118,272,000
Maryland	153,622,000	169,751,000	190,613,000	360,265,000
Massachusetts	223,317,000	245,605,000	275,328,000	495,396,000
Michigan	308,119,000	342,792,000	387,640,000	738,182,000
Minnesota	149,337,000	164,529,000	185,076,000	358,666,000
Mississippi	92,158,000	103,760,000	116,387,000	203,198,000
Missouri	178,701,000	196,536,000	220,321,000	459,105,000
Montana	28,125,000	31,490,000	35,519,000	61,335,000
Nebraska	58,742,000	64,605,000	72,424,000	139,774,000
Nevada	49,853,000	56,129,000	62,959,000	135,447,000
New Hampshire	37,334,000	41,060,000	46,029,000	98,661,000
New Jersey	284,356,000	312,736,000	350,583,000	750,016,000
New Mexico	71,699,000	79,229,000	88,969,000	165,292,000
New York	597,208,000	660,212,000	741,706,000	1,404,109,000
North Carolina	235,924,000	260,564,000	293,542,000	607,637,000
North Dakota	19,722,000	22,205,000	24,907,000	44,269,000
Ohio	344,364,000	386,101,000	434,899,000	790,180,000
Oklahoma	116,368,000	129,216,000	145,834,000	290,516,000
Oregon	100,991,000	112,110,000	126,494,000	245,531,000
Pennsylvania	336,056,000	374,907,000	424,147,000	835,395,000
Puerto Rico	81,033,000	91,234,000	102,337,000	220,777,000
Rhode Island	34,402,000	37,836,000	42,415,000	104,193,000
South Carolina	137,797,000	153,708,000	172,926,000	350,504,000
South Dakota	23,494,000	26,452,000	29,670,000	55,641,000
Tennessee	181,996,000	201,695,000	227,175,000	399,311,000
Texas	725,934,000	811,593,000	916,785,000	1,580,296,000
Utah	81,887,000	92,196,000	103,416,000	178,607,000
Vermont	19,016,000	21,410,000	24,015,000	43,718,000
Virginia	214,099,000	236,861,000	266,302,000	543,174,000
Washington	170,259,000	190,579,000	215,021,000	390,060,000

State	FY2003 final amount	FY2004 Senate Appropriations Committee amount	FY2004 increase of $2.2 billion over FY2003 amount	FY2004 estimated full funding
West Virginia	59,745,000	65,708,000	73,660,000	160,640,000
Wisconsin	163,780,000	181,384,000	204,153,000	404,601,000
Wyoming	19,949,000	22,461,000	25,194,000	42,329,000
State subtotals	8,740,029,000	9,721,766,000	10,937,631,000	21,012,405,000
Estimated amounts for outlying areas, BIA, and evaluation	134,368,536	136,766,744	136,766,744	NA
Totals	8,874,397,536	9,858,532,744	11,074,397,744	

Mr. DODD. Mr. President, I yield the floor, and I thank my colleague from Vermont.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, before they leave, I commend my colleague from Connecticut, Senator DODD, and my colleague from Vermont, Senator JEFFORDS, for the tremendous work they are doing on behalf of that critically important population of kids.

As the Senator from Connecticut noted, my home State would receive substantial sums under their important amendment. I support it and urge all my colleagues in the Senate to support the amendment.

IRAQ RECONSTRUCTION

Mr. WYDEN. Mr. President, news reports last week revealed that the Bechtel Corporation would be receiving an extra $350 million in Iraq reconstruction work over and above the $680 million contract they were awarded by the U.S. Agency for International Development earlier this year.

Meanwhile, it was also reported that the Halliburton company has been awarded contracts totaling $1.7 billion in connection with the war in Iraq.

Despite repeated promises by the administration to recompete Halliburton's contract, most recently in July, this has still not occurred.

This is especially relevant today because the papers today reveal that the administration intends to seek more than $60 billion in additional taxpayer funding to cover the mounting costs in Iraq, and that is, of course, on top of the $79 billion wartime supplemental funding the President signed into law last April.

I come to the floor this afternoon because as this new debate begins, it should be noted that not once have U.S. taxpayers been given a true accounting of expenditures in Iraq.

This summer, I held, like so many colleagues, town meetings at home. I had 10 town meetings all across Oregon, and repeatedly at these sessions citizens would come up and say: Where are these vast sums going? What is being done to prevent waste in these expenditures? And isn't something being done to make sure that at a time when we are having so much difficulty in Oregon funding schools, health care, and essential services, steps are being taken at the national level to make sure these huge sums being spent for Iraqi reconstruction are being spent wisely?

But the fact is that the public and the Congress are in the dark with respect to a true accounting for these expenditures for Iraq reconstruction. I think the American people and the Congress deserve better.

The budget presented earlier this summer by the Administrator for Iraq, L. Paul Bremer, in effect, used accounting that resembled the approach about which Enron was talking. It had over $1 billion in capital expenditures off budget, and if these costs had been included, the budget simply would not have been in balance.

Certainly, no private company could operate this way. Its accounting would never pass muster with the Securities and Exchange Commission under the Corporate Accountability Act.

My concern is the American taxpayers do not want to find themselves, with respect to these Iraqi reconstruction expenditures, in a situation like so many Enron employees faced—I had constituents involved in this—that hits them when the house of cards begins to crumble.

With enormous sums at stake, American taxpayers deserve a full accounting of what they are getting for their hard-earned tax dollars.

The question now for the Senate is: How much longer is the Congress going to continue to shovel money out the door for Iraqi reconstruction without insisting on the truth for those at home whom we represent? Americans have been kept in the dark about how these handpicked contractors go about doing their business.

Senator COLLINS, Senator CLINTON, myself, and a group of Senators on a bipartisan basis, have been concerned about the substantial evidence that indicates that these contractors were not picked because they were the most cost competitive. In a rare moment of candor, one of the officials in the administration actually admitted that they were using companies to perform work that could be done at a lower cost. Yet there has been no justification for that, no explanation as to why time and again Federal agencies have let contracts for Iraqi reconstruction without asking for competitive bids at all or by confining the bidding process to a select group of U.S. companies that seem to have very good connections.

Earlier this year in the Defense appropriations bill, I was able to write into the legislation a measure that would require the administration to explain why it chose to let billions of dollars in private contracts for reconstruction go forward without open and competitive bidding. That measure is now in conference. I urge my colleagues to accept that provision, make sure that it gets to the President's desk, and that there is some accountability with respect to these dollars.

If billions of dollars are going to go out in private contracts, the rule ought to be open competitive bidding. Colleagues such as Senator COLLINS, who chairs the Committee on Governmental Affairs, have great expertise in this area. There have been various reports in recent years that have documented how it is fraught with problems for taxpayers if we get away from the principle of open and competitive bids. Yet it seems that the closed-bid process, closed and secret bids, are more the rule rather than the exception with respect to Iraqi reconstruction contracts.

I believe if Federal agencies had to justify their spending decisions in Iraq, there would be egregious cases of waste that would be stopped. We would not see money funneled to a handpicked group of companies, and we would see more of the contracts awarded to lower bidders who actually had to compete, and the public would see the fruits of full and open competition.

Clearly, as this rebuilding effort goes forward, the American people are saying, at a time when our schools are closing early, at a time when we have bridges, roads, and critical infrastructure crumbling from neglect, they want to know what is being done to ensure that their tax dollars are spent in a judicious fashion.

This is not the first time this request has been made on the Senate floor, and I am certainly not the only Senator who has been issuing this call. As I said, on various legislation, the Defense authorization, the Defense appropriations bill, a bipartisan group of us, particularly the chair of the Committee on Governmental Affairs, Senators COLLINS, CLINTON, BYRD, LIEBERMAN, and myself, all of us have said it is time for some sunshine. It is time for some sunshine at a period when vast sums of the people's money are being used for Iraqi reconstruction, and yet little is known about how this money is being spent and whether it is being spent in a prudent fashion.

At a time when Oregon families are hurting, when we are having difficulty getting funds for education at home in Oregon—and I know this is true elsewhere—I want the full truth about how these tax dollars are being spent in Iraq and why the administration is refusing to use the most cost-effective method again and again for doling these dollars out.

Most of all, it is time for the administration to level with the public. At this point, virtually the only information Congress and the citizens of this

country have with respect to these billions of dollars worth of contracts are the news reports. Certainly, what I am reading makes the Iraqi contracting process look more like a cash grab for a few companies than a fair process to get the taxpayer the best deal. Instead of awarding the contracts to the lowest bidders, too often the administration has funneled ever larger sums to a select group of companies that seem awfully well connected.

Now, more than ever, taxpayers deserve to know the terms of the contracts that have been awarded and how these contractors were selected.

My amendment to the Defense appropriations bill would require the disclosure of that critical information. It would create not just openness in the contracting process but would help ensure that the careful spending of tax dollars in Iraq gets the value that America's working families deserve.

I think virtually every Member of the Senate would agree that the American people should not be asked to write blank check after blank check for the cost of rebuilding Iraq. They certainly should not be asked to do it when they have gotten absolutely no answers with respect to how their money is being spent and why. The American people have not received any assurance that their tax dollars are not being wasted in Iraq while so many of them are hurting at home.

So I intend to keep this fight visible on the Senate floor. I think all of us ought to be taking every step possible. We have two pieces of legislation to do it, to ensure that there is accountability for these expenditures, and to ensure that actual steps are taken to cut the waste. The families I represent in Oregon deserve careful, not wasteful, spending of tax dollars that are used to reconstruct Iraq. Right now, those citizens and the Congress are in the dark and the American people deserve better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I rise today to comment on two of the amendments that I am pleased to join my colleagues in cosponsoring. First, let me acknowledge the hard work of Senator SPECTER and Senator HARKIN in shaping this bill. There are so many important priorities. They have done a very good job.

The amendments I have cosponsored have to do with education spending. First, I think it is important that all of the Members of this body acknowledge and recognize that under President Bush's leadership we have invested unprecedented amounts of Federal funding to improve the education of our children. We should never forget that fact. In fact, President Bush's budgets are 60 percent higher for education funding than the budgets presented under President Clinton. Nevertheless, there are a couple of areas where I think we can do even better and make a real difference.

AMENDMENT NO. 1566

For this reason, I have been very pleased to join my colleague from Massachusetts in offering an amendment to the bill to provide additional funding for higher education.

Our system of higher education is in many ways the envy of the world, but its benefits today have not been distributed equally to all Americans. As tuition rises, the road to higher education in America gets steeper and harder to climb for low- and middle-income families.

In 1979, a student in the top quartile of family income was four times more likely to obtain a baccalaureate degree by age 24 than a student from the bottom quartile. That discrepancy has grown by an additional 70 percent by graduation day for the class of 2001.

Tuition fees at 4-year public colleges have increased by 40 percent over the past decade. Everyone is familiar with the pressures State budgets are under, and that, too, has caused more pressure on the tuition at public universities and colleges.

At the same time, the value of Pell grants has declined by nearly half over the last 20 years. Today, Pell grants cover only 40 percent of the average fixed costs at 4-year public colleges whereas 20 years ago the Pell grant covered more than 80 percent of public college expenses.

From my experience in working at a Maine college before my election to the Senate, I know how critical Pell grants and other forms of Federal financial aid are in opening the doors of educational opportunity to many students. In fact, at Husson College where I worked, 85 percent of the students were reliant on Pell grants and student loans to finance their college education. Without that assistance, they simply would not be able to afford higher education.

I found more and more of our students are graduating with a mound of debt because of that change in ratio. It used to be that Pell grants and other forms of assistance covered most of the costs of a college education. Now, they cover far less and thus our students are forced to take out more and more and greater and greater amounts of loans to finance their education.

I am not saying education should be paid for the students, but we need to strike the right balance or else the doors of higher education and, thus, economic opportunity will be slammed shut for far too many low-income families.

Therefore, our amendment provides $2.2 billion to help fund crucial higher education programs including Pell grants, the SEOG, Work-Study, Perkins loans, the LEAP program, GEAR UP, and last but not least, the TRIO programs. The Kennedy-Collins amendment would provide desperately needed funding to increase the maximum Pell grant award. Our amendment provides a $450 increase in the maximum Pell grant and increases Pell grants to approximately 4.8 million students with a median family income of only $15,200. A Pell grant makes all the difference to these low-income families. It makes the difference between their children having economic opportunity, being able to pursue an education that is so necessary for a brighter future, that is necessary to participate in the American dream.

We can take this step, we can provide this $450 increase in Pell grants to these low-income children. In my State of Maine, this amendment results in an increase of $6.3 million in Pell grant aid.

I also want to talk about the importance of this amendment and the significant increases for other student-oriented programs. Again, I commend the committee and subcommittee chairmen for their hard work in bringing education spending up to unprecedented levels.

There is a program that I believe is so important to expanding opportunity for so many students. That is the TRIO Program. Our amendment provides a $160 million increase. The TRIO programs may be better known to many of my colleagues as Upward Bound, for example. That is an example of the TRIO programs. They help first-generation college students and low-income students get on the right track and begin to think about higher education as something that should be part of their lives.

I have talked to many students in Maine whose parents did not have the advantage of higher education. They told me that prior to participating in the TRIO programs, they just did not realize that college could be part of their lives. The TRIO programs exposed them to higher education, encouraged them, counseled them, helped them afford SATs, for example. It makes a difference. It truly changes the lives of so many students who come from families with absolutely no experience in higher education.

We have proposed to increase the funding for TRIO programs as well as for the GEAR UP and LEAP program which are aimed at younger children. The sooner we get students interested in higher education, the better. These programs change lives for the better. I hope we can help keep the doors of higher education open to all qualified students no matter their financial needs.

AMENDMENT NO. 1568

I am also very pleased to be a cosponsor of an amendment offered by Senator DASCHLE and Senator CONRAD that would increase the funding for the Rural Education Achievement Program. This program I authored along with Senator CONRAD as part of the No Child Left Behind Act.

Again, I acknowledge the tremendous efforts of the chairman, Senator SPECTER, on behalf of rural schools. The administration's budget, I am sad to say, eliminated funding altogether for the

Rural Education Achievement Program. Senator SPECTER was able to restore this funding, which I deeply appreciate. It is essentially flat funded, however, and I would like to see an increase.

Our rural schools—and in Maine, that is 56 percent of the school districts in the State—need help in meeting the mandates of the No Child Left Behind Act. Children in small rural school districts deserve the same educational opportunities as their more urban counterparts.

We enacted the Rural Education Achievement Program to respond to two problems. First, smaller school districts do not have the grant writers and the other resources to compete for Federal grants the way the larger, more urban school districts do. Second, they often receive so little funding under the formula programs that it is not sufficient to accomplish the goals of those programs.

So the concept behind the Rural Education Achievement Program was to give more funding for rural schools, that they would not have to go through an elaborate grant-writing process, and to give them the flexibility of combining funding streams so they could have the funds available that would make a difference.

Let me give a couple of examples. In Jackman, ME, for example, a small community in western Maine, last year the school district received $16,000 in REAP funding in the Rural Education Achievement Program. The superintendent plans to use that money to support technology in the classroom and teacher training. There are other examples. In the Bradley School District in Penobscot County, ME, with 104 students, they received $21,000 through the Rural Education Achievement Program. The total Federal formula funding under ESEA going to this small school district will be about $25,000 this year. That is enough to allow Bradley the flexibility to hire a part-time reading specialist to meet the mandates of No Child Left Behind, to update computer systems, or provide some extended-day learning opportunities.

With the increased challenges of No Child Left Behind, our Nation's rural school districts need the additional financial resources and the flexibility provided by the rural education program now more than ever.

I hope my colleagues will join me in supporting this amendment as well.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, I think the managers, if I can get Senator HARKIN's attention, are prepared to go to third reading. That notion is gaining support on the floor.

Mr. HARKIN. What a jester you are. I wouldn't mind it.

Mr. SPECTER. Senator HARKIN says he wouldn't mind. It is not a formal commitment. This may replace late-night television, Mr. President.

Mr. HARKIN. Does that mean you will accept all our amendments and just go to third reading?

Mr. SPECTER. Does that mean we will accept all your amendments? Let's hear some amendments so I will know if I can accept them or not. You cannot accept a pig in a poke, as the expression goes. I think that is an Iowa expression. It comes from Waterloo, IA.

Senator HARKIN and I are prepared to go to third reading if we don't have amendments down here by 4:15.

Mr. HARKIN. Waterloo, MO.

Mr. SPECTER. In a very serious vein, there is a long list of amendments and there is talk about Senators wanting to go home on Friday. That may or may not be possible, depending upon what the status of this bill is. But in the light of these assertions, I yield to my distinguished colleague from Iowa to concur.

Mr. HARKIN. I would like to ask my good friend, the chairman of the committee, does he know from the leadership on his side whether we will be having votes tomorrow? If we are, that is fine. We will get some votes packed in tomorrow, on some amendments tomorrow. I don't know. No one has advised me.

Mr. SPECTER. We cannot have votes tomorrow unless we have amendments. I think that is definitive. So the alternative to that is go to third reading and then we do have a vote.

Mr. HARKIN. I understand there are some amendments coming down this afternoon. There are some amendments pending right now.

Mr. SPECTER. There is no amendment being offered on the floor. There is no amendment we can put our hands around. The only thing we could put our hands around would be third reading. We could do that.

Mr. HARKIN. We have a vote at 5 o'clock, I understand. Was that already ordered? Oh, not yet.

There is the rural education amendment.

Mr. SPECTER. We have that, that we can vote on, and we can vote on the Dodd amendment? We can't vote on the Dodd amendment either? We can't vote on the Dodd amendment until the Senate is in session, and the Senate is not in session until the Democratic Presidents come back.

Mr. HARKIN. I understand we can have votes tomorrow on certain amendments. The Senator has an amendment which I am supporting on NIH. Is that going to be offered here this afternoon? We could vote on that. We have amendments on both sides. I am supporting that amendment, as my friend knows. Why can't we vote on that?

Mr. SPECTER. Mr. President, again, let me make a plea to our colleagues to come to the floor and offer the amendments. There are quite a few on the Republican side who have listed amendments, as well as Democrats.

Mr. HARKIN. I understand we want some people back for that, too, on NIH.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SMITH). Without objection, it is so ordered.

Mr. SPECTER. Mr. President, this has been cleared on both sides. In the presence of the ranking member of the subcommittee and the assistant Democratic leader, I ask unanimous consent that the vote in relation to the Daschle amendment No. 1568 occur at 5:10 today; further, that no amendments be in order to the amendment prior to the vote.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

The Senator from Nevada.

Mr. REID. Is there a quorum call in effect?

The PRESIDING OFFICER. There is not.

Mr. REID. Mr. President, I would ask the distinguished Senator from Pennsylvania—and this is certainly not his fault—but we received a call. We need to change the time of the vote to 5:40, and with 10 minutes of debate prior to a 5:40 vote; 5 minutes for Senator DASCHLE and 5 minutes for those opposing the rural education amendment.

Mr. SPECTER. Well, if that is the best we can do, so stated.

The PRESIDING OFFICER. Is there objection to the unanimous consent request, as modified?

Hearing none, it is so ordered.

Mr. SPECTER. Mr. President, I have been asked, on behalf of the leader, to have that vote followed by a judge vote. So as in executive session, I ask unanimous consent that following the scheduled vote at 5:40 under the previous unanimous consent agreement, the Senate proceed to executive session to the consideration of calendar No. 349; further, that there be 2 minutes equally divided in the usual form for debate, and that the Senate then vote on the confirmation of the nomination, with no intervening action or debate. Finally, I ask consent that following the vote the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I am wondering if the Senator will withhold. We may be able to have the judge's vote

first and then go to the Daschle amendment at 5:30. If the Senator would withhold just for a minute, we could check that out. It might be more convenient for everybody to have the vote earlier rather than later.

Mr. SPECTER. Mr. President, that would be agreeable.

Mr. REID. If we could, then, Mr. President, I ask the distinguished Senator from Pennsylvania—and I do again apologize to him, but I think it would be better for everyone involved if we had the vote on the judge at 5 o'clock, followed by a vote on the Daschle amendment at 5:40, and prior to the 5:40 vote there be 10 minutes of debate equally divided in the usual form.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, this is kind of like the kangaroo cops on my side. We can't have the vote before 5:30—I apologize—the first vote. I apologize. The unanimous consent request offered by the Senator from Pennsylvania, as unmodified, we accept. We would have the first vote at 5:40, followed by a vote on the judge.

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

The Senator from Iowa.

AMENDMENT NO. 1575 TO AMENDMENT NO. 1542

Mr. HARKIN. Mr. President, shortly, I am going to offer another amendment dealing with school renovation and construction on behalf of myself and Senator CLINTON from New York. This is an issue I have been involved with for over almost 12 years now. I first started talking about the need for the Federal Government to be involved in school construction and renovation back in 1991. At that time, when I was seeking my party's nomination to be the candidate for President, I had come up with sort of a blueprint for America. But one of the cornerstones was the need to invest in the infrastructure of our country. In that infrastructure, aside from water and power generation and transportation, communications, one of the elements of the proposal was for the Federal Government to provide for meaningful funds for the renovation and reconstruction of schools throughout the country. I had picked up on this after reading ''Savage Inequalities'' by Jonathan Kozol from which it became clear to me that Mr. Kozol had provided a great service to our country by pointing out that all over America, the poorest schools—the worst schools, I should say—the schools that are the most rundown and in the most need of repair were those located in very low-income areas.

It became obvious the reason they did is because they were in low-income areas where they had low property tax values, and they simply didn't have the wherewithal to fix up the schools. However, the schools that were in high-income areas basically were in pretty good shape. Thus he termed it ''Savage Inequalities.''

Based upon that, I said: We ought to embark upon an effort to get the Federal Government involved in reconstructing schools. One of the reasons I proposed that and have been proposing it for the last 12 years is that I do firmly believe in local control of schools, local control in terms of curriculum, teachers, hiring, the general sort of thrust of the schools, how they are operated. That has been one of the geniuses of the American educational system. We have had this diverse approach to education in our country.

The fact is, giving construction money to the schools in no way takes away from local control. It just provides the funds they need. I also thought at the time that we would have a matching. We would have the States then come up with funds. For example, a low-income area that has low property tax values could take, let's say, a grant, a Federal grant of money that would lower the total cost of the bond or whatever is needed to be passed to provide for new construction; thus they might not only be more willing but at least able to build new schools or to reconstruct and renovate old schools.

Nothing happened on that in the early 1990s. Obviously, I did not get my party's nomination. I tried to get the Clinton administration to provide some of this. In fact, in 1994, we did get money for school renovation and reconstruction. It was rescinded the next year. I then embarked upon an effort to test my theories in the State of Iowa.

So beginning about 1997–1998, I got some money to go to the State of Iowa for school construction and renovation. And the State department of education handled that money and put out a requirement that there had to be certain local matches to get this grant money.

Local communities, at least in my State, could match that money one of three ways: They could either pass a bond, raise money through further bonding, they could have a local option sales tax, which we have in Iowa, or they could do it with what we call a plant and equipment levy. In the State of Iowa local jurisdictions are allowed to do that.

When we first put out several millions of dollars for this to test this theory, it turned out that the leveraging was incredible. The leveraging was over almost 20 times. In other words, for every Federal dollar we put out, we got about 20 times that in local moneys coming in to help. That is because they got the grant money, and they could see they could get maybe $100,000 or $200,000. And if they matched that with a local option sales tax or something or a bonding, then they get it. Many of these jurisdictions that had trouble passing bonds in the past found that with this carrot approach they were able to get the bond passed because obviously they didn't have to pass as big a bond as what they had in the past. Therefore, their local property tax levees would not be that great.

So it worked very well. In fact, there are schools all over the State of Iowa that have gotten these Federal grants now going back almost 5, 6 years. There are new classrooms; there are new schools; there are renovated buildings all over the State of Iowa that are testament to the fact that the theory I had actually does work.

So in 1991, we had $1 billion we had put into this program nationwide. That $1 billion was cut down to about $800 million in conference, but we got about $800 million out for school construction and renovation all over the United States. Every State has participated in this. Again, not all that money has been spent because it took some time to get the money out. People had to make contracts for construction, things such as that. But the reports we are getting back are that this has been something the States have found they can use and, as I said, multiply the amount of money. There is a multiplier effect to every Federal dollar that goes out.

It is estimated 14 million children in this country attend schools that are deteriorated. Just this morning, the American Society of Civil Engineers, a decidedly nonpartisan group, issued one of its periodic report cards which assess the condition of the Nation's physical infrastructure. In 2001, the ASCE awarded the Nation's schools a grade of D minus, the lowest grade for any individual category. That is bridges, water systems, sewage disposal systems, of all the infrastructure of America, schools got D minus, the lowest grade.

This morning, the American Society of Civil Engineers concluded there had been no progress in the condition of our schools. The report states: Due to aging, outdated facilities, severe overcrowding, or new class sizes, 75 percent of our Nation's school buildings remain inadequate to meet the needs of schoolchildren.

The ASCE also found that the average cost of capital investments needed to upgrade and replace our schools is $3,800 per student. That is more than half the average cost to educate that student for 1 year. They estimate the total cost to fix our schools at more than $127 billion nationwide.

I have said many times, it is a national disgrace that the nicest places that our children see are shopping malls, sports arenas, and movie theaters. The most rundown place they see is their public school. What kind of signal, what kind of message are we sending to our kids when the nicest things they see are shopping malls and movie theaters and sports arenas, and one of the most rundown places is the public school they attend every day?

What message does that say about the value we place on their education and their future? It is not just a matter of appearances. Numerous studies demonstrate the link between safe and healthy school buildings and student performance. That is basic common

sense. If buildings are making teachers and students sick, obviously, they will not learn as well.

The Healthy Schools Network has reported many such problems around the Nation. For example, several parents have complained that their children were getting sick at a large city school near Albany, NY. The county inspected the school and found unsafe levels of lead and mold. The school has not been able to correct the problem, citing a lack of funding for repairs, but children are still attending the school.

A child in North Carolina missed several days of school suffering from headaches and stomachaches. During the summer break, the child's illnesses abate but come back when school resumes in the fall. The child attends class in an old trailer that has a musty odor and poor ventilation and mold.

A Virginia parent said her son felt sick at school and was doing poor in social studies. An inspector found nonfunctioning ventilators and several water-stained ceiling tiles.

We talk a lot about leaving no child behind but children such as these are being left behind all over the country today in bad school buildings. It doesn't have to be this way.

Last year I visited Longfellow Elementary School in Council Bluffs, IA. Longfellow school was built in 1939, the year I was born. Now you know how old I am. That was the year the school was built.

Basically, in the 2001–2002 school year, Longfellow recorded 4,893 student absences. The next year, after all the modifications and changes and everything, absences dropped by more than a half, to 2,357—cut in half in 1 year. Why? Well, that school received this Federal grant to make improvements to the school. Before this, they had an old boiler in the basement, an old water heating system. It was always leaking and it was many years old. There was mold all over the basement and mold on the ceilings. Kids were getting sick, plus there was poor ventilation. When you have these hot radiators in the middle of the winter, if you have a mild day, they are still hot. They just had all these problems, so they put in a new geothermal heating and cooling system. They put in better plumbing. They put in new window glazing with double-paned windows. They cleaned up everything. The mold and mildew has disappeared. The indoor air quality has risen dramatically. The building is not just a nicer place; it is a healthier place. In 1 year, they cut absences in half just by putting in this new system.

Another bonus came with the school's utility bill. As I said, they put in a new geothermal system. I looked at all the wells they drilled for this new system. Last winter the custodian at the school told me that when they first fired up this system on one of the coldest days of the year, the gas company called him to report what they thought was a broken meter in their school because they weren't using very much gas. The meter wasn't broken; it was just that the new system was so efficient. So this school district is now going to save money every single year because it won't be paying the high utility bills.

Here is a story of another school from a recent report by the Rural School and Community Trust, titled ''Save a Penny, Lose a School: The Real Cost of Deferred Maintenance.''

This report cited a 1998 incident in which the failure of a $12 gasket caused the flooding of a 6-year-old gymnasium, as well as the main building of the school. The problem might have been prevented by some routine maintenance. Instead, classes were canceled for 2 days and the gymnasium closed for 5 weeks. The total bill was nearly $200,000—$26,000 for emergency response and $160,000 for repairs.

Now, compare that with what happened in Waterloo, IA, where the school district in 1999 received another one of these Federal grants to upgrade their fire alarm system at West High School. A few months after they had put this new system in, an incident at the school one evening caused the water pipes to burst. But the upgraded alarm alerted authorities of the problem and an immediate response was taken to contain the damage. Without this early warning, the problem would not have been discovered until the next morning. Not a single day of instruction was lost. In addition, the new alarm saved the district money. The district officials estimated if the water had not been contained immediately, large areas of the school would have been flooded and over $400,000 in damages sustained.

I wish more schools could see results such as these. Unfortunately, the Federal Government is doing virtually nothing to help school districts address this critical problem.

As I said, in fiscal 2001, we provided $800 million for school repair. This program was extremely well received all over the country.

Unfortunately, President Bush zeroed out the program in his fiscal year 2002 budget, and we never have been able to restore it. That is why Senator CLINTON and I are introducing an amendment today to provide $1 billion, as we did in 2001, for a national school repair program. Grants would be made to school districts to make urgent repairs to fix a leaky roof, replace faulty wiring, or make repairs to bring schools up to local safety and fire codes. Funds could also be used to expand existing structures to alleviate overcrowding or make the school more accessible to students with disabilities.

Under this program, my own State would receive about $5.2 million, enough to create 125 jobs. Now, the amendment was fully offset and achieves this by rescinding the fiscal year 2004 advance appropriations and reappropriating those moneys in 2003. This is the exact same mechanism that the committee used in adding $2.2 billion to the base bill. The Harkin-Clinton amendment builds upon this and adds a billion dollars more for school renovation.

Let me also add a couple of other items I wanted to mention. I mentioned Longfellow school that was built in 1939 and the problems the kids were having and how sick they were getting with the mold and mildew and old heating system, and how absences were cut in half after they got the new system in and how the utility bills are lower. There is one other thing about that school I found. When I went into the school, I noted that it had been built in 1939 because it says so on the cornerstone. The principal of the school showed me the actual bill for the new school—how much it cost and everything.

The interesting thing was, guess who built the school. It was called the WPA, the Work Project Administration, instituted under President Franklin Roosevelt, supported by Congress. So it was a Federal Government project. They built that school in 1939.

Imagine that. It is still being operated today, with these modifications made with the new Federal grant. So this idea that somehow it is unheard of for the Federal Government to provide construction money or renovation money to local public schools is not so. It may have been unheard of in the recent past, in the last few years; but back in the 1930s and 1940s, we put a lot of Federal dollars into building new schools around the United States. So we have precedents for this. Many of the schools that are still being operated today were built by the WPA in the 1930s and early 1940s.

Secondly, this grant money that goes out to the schools, as I said, is money that would be used to reconstruct, renovate, make sure it is healthier and safer, and the results we have had back not only from Iowa but from around the country that this is not only needed but the amount of multiplier effect we get from this is much more than 10 to 1 nationally. In fact, it is approaching, if I am not mistaken, probably closer to 15 to 1 nationally for every dollar we put out.

Mr. President, I am proud to support this amendment with my colleague from New York. I will refrain from offering it until the Senator can be on the floor. I know Senator CLINTON is tied up, and I know she wants to speak on this amendment.

I will go ahead and send the amendment to the desk on behalf of myself, Senator CLINTON, Senator CORZINE, Senator KERRY, Senator BINGAMAN, and Senator MURRAY.

The PRESIDING OFFICER. Is there objection to laying aside the pending amendments? Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, Mrs. CLINTON, Mr. CORZINE, Mr.

KERRY, Mr. BINGAMAN, Mrs. MURRAY, and Ms. STABENOW, proposes an amendment numbered 1575 to amendment No. 1542.

Mr. HARKIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide additional funding for the Fund for the Improvement of Education)

On page 76, between lines 10 and 11, insert the following:

SEC.____. (a) ADDITIONAL FUNDS.—

(1) IN GENERAL.—In addition to any amounts otherwise appropriated under this Act for the Fund for the Improvement of Education under part D of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7241 et seq.), there are appropriated an additional $1,000,000,000 for such fund that shall be used by the Secretary of Education to award formula grants to State educational agencies to enable such State educational agencies—

(A) to expand existing structures to alleviate overcrowding in public schools;

(B) to make renovations or modifications to existing structures necessary to support alignment of curriculum with State standards in mathematics, reading or language arts, or science in public schools served by such agencies;

(C) to make emergency repairs or renovations necessary to ensure the safety of students and staff and to bring public schools into compliance with fire and safety codes;

(D) to make modifications necessary to render public schools in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794);

(E) to abate or remove asbestos, lead, mold, and other environmental factors in public schools that are associated with poor cognitive outcomes in children; and

(F) to renovate, repair, and acquire needs related to infrastructure of charter schools.

(2) AMOUNT OF GRANTS.—The Secretary shall allocate amounts available for grants under this subsection to States in proportion to the funds received by the States, respectively, for the previous fiscal year under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq).

(b) OFFSET.—Of the funds appropriated in this Act for the National Institutes of Health, $352,000,000 shall not be available for obligation until September 30, 2004: *Provided*, That the amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $7,895,199,000, and the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $5,783,301,000.

Mr. HARKIN. Mr. President, I see my colleague from Michigan on the floor. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I ask unanimous consent to add my name as a cosponsor to the Harkin-Clinton amendment.

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

Ms. STABENOW. Mr. President, I commend my colleague from Iowa for his stalwart commitment year after year and month after month as it relates to education. I thank Senator HARKIN for his leadership particularly on this issue, as well as special education, as well as other critical needs for our children and our communities.

I rise today to lend my support—and it is a pleasure being a cosponsor—to the Harkin-Clinton amendment and to indicate my support for and cosponsorship of the Dodd-Jeffords amendment supporting special education which is long overdue. If we can do one thing to help our schools increase operating dollars, it would be to keep a commitment that was made over 25 years ago for 40 percent of the cost of special education to be borne by the Federal Government. That has never actually happened. If we were to do that, in 1 year alone, it would be close to $500 million additional resources coming in for Michigan children, not only to help special education but to help general education students as well. This is critical, as is the Harkin amendment.

I also wish to speak as a cosponsor to an additional amendment, the Kennedy-Collins amendment, to increase Pell grants.

First, as in anything else we do in this Senate or in the Congress, this is an issue of priorities. It is an issue always of values. I am a member of the Budget Committee, and this week we heard a midterm review of where we are in terms of the budget, with huge looming budget deficits. In fact, we are paying this year $322 billion in interest. That does not fix one school. It does not send one more young person to college. It does not fix a road. It does not help pay for Medicare prescription drugs. It is $322 billion in interest which, by the way, is almost as much as the entire—if you take away defense—nondefense discretionary budget of our country. It is amazing, astounding, that the interest on the publicly held debt now almost equals the entire spending on health, education, the environment, law enforcement, and most of the homeland security efforts.

Why do I mention that in the context of these amendments? Because it is an issue of values and priorities, and in the Budget Committee—and we hear over and over from esteemed witnesses, from the Chairman of the Federal Reserve to the head of the CBO, from whom we heard this week—we hear over and over talk about what drives the economy. It is increased productivity, which is education and innovation. It is being able to have more technology, more people who have the skills, the brain power, and the training to create that innovation in technology. It means more opportunity for children to receive a quality education and for people to be able to afford higher education. That is how we get to increased productivity which drives the economy.

Instead of the policies that have been used in this administration of focusing on supply-side economics—in other words, you give to a few at the top; you give tax breaks to a few at the top; you focus only on the needs of a few at the top of our income levels in our country, which, by the way, is a policy that has now created the largest single-year deficit in the history of the country and an interest payment of $322 billion this year. Instead of that, if we were to focus and invest very small amounts of money, relatively speaking, in educating our children in safe, quality schools where they do not have buckets in the corner to catch the water, that have the latest technology at each and every desk, if we make sure the funds that have been committed through special education, through Leave No Child Behind, through the commitments of the Government that are actually kept, small amounts of money, comparatively speaking, with huge results in increasing opportunities for everyone, increasing productivity, increasing jobs, lowering the Federal deficit—all of these things happen by focusing on opportunity and education and innovation, and that is what these important amendments do.

Think of the comparison now: $322 billion paid in interest on the debt this year versus $1 billion for more school construction so that children not only hear us say education is important, but they see it when they walk into a quality school building with technology, with the infrastructure they need, or special education.

I am pleased to be a cosponsor of the amendment Senators KENNEDY and COLLINS offered, to give more opportunities for young people to go to college and to receive something called a Pell grant. Right now there are 145,151 students in Michigan who have the opportunity to receive some assistance to get a higher education, to go to college. It is an investment not only in the students but it is an investment in us, in our country, in our future.

Under the amendment proposed by Senator KENNEDY and Senator COLLINS, in Michigan another 5,371 students would be able to afford to go to college—5,371 new opportunities for people to receive Pell grant assistance, and we would increase the average amount from $4,050 to $4,500 just to keep pace with the rising cost of higher education. We raise the amount a little less than $500 per grant per student, and we give more people an opportunity to go to college.

What would that do and what would that cost? That would cost $2.2 billion. I would say that is a very small investment for a very huge impact in terms of opportunity, growth, and productivity in the economy and strengthening our country.

Let me make one other comparison because right now, again, focusing on values and priorities, as we look at putting together this budget, we know that, in fact, $1 billion a week is being spent in Iraq to rebuild their infrastructure, to help them have health care, to help rebuild their schools.

While I certainly hope and pray that we will be successful in helping to rebuild Iraq and creating the climate for a Democratic process and an economy that can work in Iraq, should we do less at home? If we can spend a billion

dollars a week in Iraq, and we are asking for a little over $2 billion for a year to increase the opportunity for Americans to be able to get higher skills, to get higher paid jobs, to increase that productivity we are hearing about from the experts that drives the economy and hopefully helps to lower this debt, is that not a small investment to make?

Two weeks in Iraq would address the funding needs in this amendment for students to be able to have Pell grant opportunities to be able to go to college.

One week in Iraq would fund the Harkin-Clinton amendment on school construction that is so critical. We can go right on down the line. We are talking about small investments, relatively speaking, for major impacts on real people. In the end it is, in fact, education and innovation that increases productivity and drives this economy and creates jobs that all of us want to make sure are there for ourselves and our families.

So I urge my colleagues to support these amendments, to advocate with us for a set of priorities to say to the American people we want to put opportunities for you and your children first; that we understand that creating opportunities for everyone to be successful through opportunities to go to college, through quality schools, through full funding of special education that guarantees the full range of opportunities to every child in our school, those things are an important part of making sure that everybody has a chance for the American dream.

We fight for that abroad. We need to make sure it is available at home, for every single young person who works hard, goes to school, plays by the rules, and wants to make it. They deserve a chance. We need them to succeed in order to be successful as a country.

I urge my colleagues to look at these amendments as important investments in the future for all of us.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from New York.

Mrs. CLINTON. Mr. President, I want to echo and support the eloquent comments of my colleague from Michigan about the values and priorities of our Nation at this point in our history. I particularly wish to reinforce her strong statement of support for the Kennedy-Collins amendment concerning higher education and its affordability. This amendment that will increase access to higher education would invest $2.2 billion in Pell grants and other critical programs.

I think all of us know that investing in higher education pays off, but we also know we have put our students into a difficult dilemma. They understand the importance of going to college. That is why in the last week they have packed up; they have moved to campuses; they have enrolled in courses; they are prepared to do their part to acquire the skills and credentials they need to make a contribution to our country. Yet at the very time they are doing their part, accepting their responsibility, the costs of higher education are dramatically increasing.

States are reducing their support, increasing tuition, and other related costs. As a result, many qualified students from middle-income and low-income families, sometimes the first in their families to even dream of going to college, the first to apply, the first to believe they could put together the financial resources to attend and graduate from college, are coming up against the reality of not being able to fund their education. We know that on average each year a postsecondary education increases earnings by 6 to 12 percent.

Research also points out what many of us know from personal experience; that postsecondary education leads low-income citizens to become more self-sufficient, to lead productive lives. Clearly, this is a time when we cannot ignore the importance of preparing our workforce, making it as productive as possible, and providing programs such as GEAR UP and TRIO which have helped change the expectations and raise the vision of many children from families for whom college was not a reality.

I recently heard from Melissa Santos, a tenth grade GEAR UP student at Hempstead High School in my State of New York. She wrote to tell me something that sometimes young people do not realize until it is too late.

She writes: Life can take you many places. It all depends on the choices you make. I feel that life could be good, but it all depends on how you live it. For instance, if you decide to go to college and get your education, you will most likely live a good life. GEAR UP has a lot of benefits like helping students get into college, which is essential to making it in today's world. My philosophy is that education can break many boundaries.

Well, Melissa Santos is a young woman who is wise beyond her years, but she is taking advantage of a program that is giving her the structure, the incentive, and the motivation to dream about going to college. She is preparing herself to take advantage of that.

The Kennedy-Collins amendment will increase access to college for eligible students in all States, and it will be particularly important to students in New York where tuition at the State University of New York at our various campuses jumped by 28 percent. Students attending the city University of New York are now faced with a 25-percent tuition increase. Last year, 404,181 students received Pell grants in New York. This amendment will expand grant aid to additional students, but it will also make sure the grant amount is sufficient to keep students in school.

So I am hopeful, along with my friend and colleague from Michigan, that we will do something to invest in our own students, make it possible for these bright young men and women from all corners of our country to have an educational opportunity, not feel that they have to postpone it or drop out because of financial pressures.

AMENDMENT NO. 1575

Similarly, I join with my colleague, Senator HARKIN from Iowa, in working to amend the appropriations to provide critical relief to schools that are overcrowded and worn down and, as a side benefit, create much needed jobs in the economy. The Harkin-Clinton amendment would provide $1 billion to help needy schools make those critical repairs and renovations and relieve overcrowding.

For New York alone, this amendment would mean more than $100 million which, believe me, is money that is sorely needed. It is particularly needed because of the requirements of No Child Left Behind.

We promised that we would put a qualified teacher in every classroom. We led teachers, parents, and students to believe that a qualified teacher would be able to teach because the number of students sitting before him or her would be low enough that you could actually do the hard work of helping these students meet the new accountability standards.

Unfortunately, because of the deterioration in our public school stock, because at least one-third of our schools need extensive repair, we know that we have all kinds of learning and educational problems that we could help alleviate.

It is impossible for most of our communities to even think about raising property taxes to fix these schools.

On the other hand, because of the State, county, city, and school district budget crunches, we have schools that were contracted for and built a few years ago and we cannot even fill the classrooms with teachers because they do not have the money. We are creating a recipe for failure.

For many who voted for No Child Left Behind, we did so with the understanding there would be the resources, that the Government would do its part so our students, teachers, and parents would do their part. The net result would be better outcomes on learning measurements for our kids.

This amendment, the Harkin-Clinton amendment, is sponsored by a number of our colleagues. Senator BOB GRAHAM asked to be added as a cosponsor. I appreciate the support it has received. Clearly, we have to do more than just introduce amendments and talk about them. We need action.

We estimate 14 million American children are attending these deteriorating schools. Think if it were your child, your grandchild, your niece, or your nephew. Think what that would mean to you and what kind of confidence you would be able to instill in the future of that young boy or girl.

According to the General Accounting Office, one-fifth of all children attend

schools with unhealthy air quality. I know a little bit about this now because of our work in lower Manhattan after 9/11. It is absolutely clear that air quality is associated with absenteeism. In fact, American children miss 10 million schooldays a year because of asthma exacerbated by indoor air quality. Poor indoor air quality has a disproportionate impact on racial minorities and students from low-income families. Black and Hispanic students have a much higher likelihood of living in neighborhoods with toxic waste facilities. Eighty percent of Hispanic children live in neighborhoods where quality does not meet EPA standards. According to the GAO, schools with at least 40 percent of students eligible to receive free or reduced-price lunch are more likely to have unsatisfactory air quality.

We are putting our children who need help and encouragement the most into the environments that are least likely to produce the kind of positive results we all hoped for from the unprecedented Federal mandate under No Child Left Behind.

These Federal requirements which we have imposed on our school districts are really a two-edged sword. On the one hand, we hope these requirements will inspire school districts to do things that maybe they should have done on their own but have not in the past; on the other hand, they may set up impossible barriers to any school district being able to achieve what is expected because we have not funded the resources that were called for in the authorization of No Child Left Behind.

I know many of my colleagues argue there is no Federal role for building and repairing schools. The reality is that we made an explicit Federal priority to close the achievement gap, to say my daughter and the sons and daughters and grandchildren of my colleagues would not have an unfair advantage by dint of birth and genetics and environment; they would be given all the opportunities we could give as their parents and grandparents, but we would do more to help those children who, through no fault of their own, might not have been provided all of the benefits we take for granted.

When we think about how we are going to achieve the standards put forth in No Child Left Behind and what our dearest hopes and dreams are for all children, I don't think we can ignore the compelling body of evidence that unhealthy school buildings are a detriment to performance.

If our goal is to leave no child behind, we must first start by leaving no school behind. The Harkin-Clinton amendment would help States and schools comply with the requirements of No Child Left Behind. I hope we will look seriously at this amendment that gives us the opportunity to put our money where our mouths have been about higher education standards.

We were ahead of the curve in New York. The New York regents already established standards for science, but many of our districts did not have the financial wherewithal to make sure their facilities were adequate. New York City lacks science labs in its junior high schools and has insufficient funds to construct then. We are still recovering from 9/11. We still have higher than 8 percent unemployment. Is it fair to say to the million children in the New York school district: You are not meeting the standards because we have not given you the basic equipment to be able to do that? I don't think so.

The city also lacks the funding to build or modernize science labs and high schools. Chancellor Joel Klein wrote in a letter to me in support of this amendment:

> [W]ithout the necessary resources to meet our acute needs in this area, our students are in danger of falling short of meeting these requirements.

The Harkin-Clinton amendment will also help alleviate overcrowding. Today, school enrollments are at their highest level in history, even more than the baby boomers. We filled up the classrooms, but the children of the baby boomers are even in greater numbers. A record 47.7 million children are enrolled in elementary and secondary schools today. The number will climb to 53.7 million by 2008. Between 1990 and 2000, school enrollments increased by 14 percent.

Anyone who has driven by a school recently often sees trailers parked on the grounds because that is the only way the children can be accommodated. The temporary facilities sometimes last years because there are not sufficient resources to do what needs to be done in terms of facilities.

We have a very big overcrowding problem in New York City. We have 30,000 more children than we have seats. We know we have to figure out what to do for those children, especially with the new standards and the testing requirements. But it is very hard to figure out how we are going to build the classrooms we need to seat those 30,000 children without some help.

Where does the help, such as it is, come from? We know it comes from local tax bases, local taxpayers, and we know that in the last several years, according to a survey conducted by the National League of Cities, virtually every State that provides aid to local communities is cutting back on that aid because of the current fiscal problems. Local taxpayers cannot be expected to bear the brunt of every education cut occurring at the local level. There is no way it can be done.

What administrators do is postpone costs, postpone repairs, postpone renovations, and even routine maintenance. Deferring the costs does not make them go away. Oftentimes it just leads to increased costs because something fails and then there is a bigger problem that is more expensive. There were $12 gaskets that failed at a school in New York costing $186,000 and forcing a gym to be closed for 5 weeks. Those are the things that happen as a matter of course through the country.

There are many educationally compelling reasons to vote for this Harkin-Clinton amendment. There are many benefits that would flow to our children, our teachers, to the enterprise we have committed ourselves to as a nation to improve educational outcomes among all children, leaving no child behind.

But there is another benefit, an ancillary benefit, and that is this would create jobs. We are in the worst, heightening slump since the Great Depression. More than 3.2 million private sector jobs have been lost since February of 2001; 1.4 million people have fallen back into poverty in the last 2 years. We have an unemployment problem. It is not going away. Some people say the economy is recovering, but even the most optimistic call it a jobless recovery. We know many people have even given up looking for work.

This is a way to stimulate the economy. I don't think it is the primary reason. The primary reasons are the reasons to which I have alluded. It would not hurt to put some people to work. Spending $1 billion on school construction would generate 23,765 jobs. In New York alone, it is estimated it would put 2,434 people back to work.

So this commonsense amendment, the Harkin-Clinton amendment, is really central to our achieving the purposes we claim to be supporting. I hope my colleagues will recognize the merit in this amendment and support it because I believe it has a tremendous amount of positive impact across the board. I further believe it would be affordable and, in comparison to the other challenges we are facing in Iraq and elsewhere, it would be a demonstration of real commitment to our goals.

I hope on the Kennedy-Collins amendment concerning Pell grants and other related support for higher education, and on the Harkin-Clinton amendment with respect to school construction, modernization, repair, and renovation, that this body will cast a vote that really puts our children first—not just in rhetoric but in resources.

Mr. DODD. Will the distinguished Senator yield?

Mrs. CLINTON. Certainly.

Mr. DODD. I wish to ask the distinguished Senator from New York; she has raised a tremendously important amendment here. I don't recall the numbers exactly. Maybe my colleague from New York does. What I have been told over the years is, back towards the turn of the 20th century, we were in this country building a new high school every week in order to provide for the challenges of the 20th century. We understood that creating places that were conducive to learning was critically important to take advantage of the technologies that were emerging at

that time. Obviously, we are now in a new century, but the technologies and ability to provide students with access to education are unprecedented historically.

I wonder, from a historical standpoint, if the Senator might share her own thoughts on what has been the history of our Nation regarding the commitment to education, going back to the Northwest Ordinance, the GI bill even before the end of World War II. At times of great national crises, Congress and Presidents always found time, in the midst of other issues, to commit themselves to education. I wonder if she might share some comments and thoughts on that point.

Mrs. CLINTON. The Senator is absolutely correct. If one looks throughout our history, one sees the commitment to education is a constant. In the midst of the Civil War—hardly a moment one would think where any attention would be focused on any matter other than winning the war—President Lincoln forged ahead on land grant colleges because he understood that the war itself was not the only goal he had to keep in mind. He had to be constantly focused on what kind of country he was trying to save, what sort of union we would have. He understood that a citizenry committed to education, just as Thomas Jefferson understood and his successors after President Lincoln understood, was the kind of country he wanted to help create and make sure continued.

If we go into the 20th century, at the turn of the 19th to the 20th century when we had so many immigrants coming to our shores, looking for hope and work and opportunity, we invested in schools. In fact, New York State still has some of those schools. I have been in schools built in 1894 and 1910. I have been to schools that are so old, they can't figure out how to get through that thick brick exterior to wire the schools.

But all the way through the period, whether it was the Progressive period under President Roosevelt, the World War I era under President Wilson, and on to President Roosevelt and others, going forward, investing in schools was always key.

I would make identity with my good friend from Connecticut that certainly, given our, sort of, age at this time in our lives, we know the generation of our parents invested in education. The veterans who went off and saved freedom in World War II came home and made it clear they wanted to build schools for the children they wanted to see grow up in peace. I know the father of the Senator from Connecticut was a great champion of that.

I find it hard to understand how, here we are, a generation later, turning our back on the kind of facilities that are needed to demonstrate the public commitment we should be making to our children.

I thank the Senator from Connecticut for a very timely and historically important inquiry.

Mr. DODD. Mr. President, I thank our colleague for her observations. She is absolutely correct about Senator Morrill from Vermont, for whom it was named. The University of Connecticut is a land grant college established as a result of those efforts. Our colleague from New York is absolutely correct in pointing out, even prior—she mentioned during the Civil War—our predecessor body, in the midst of that conflict, found the resources to commit ourselves to higher education.

At the end of World War II, in the earliest days of 1945, the GI bill was adopted. There were a few weeks to go, months to go, but nonetheless that act was debated and discussed. It was debated because it was a lot of money in its day, to say to GIs coming back, we want to provide you with an educational opportunity.

You hear it over and over and over again, Mr. President, when you hear from our veterans, those who never, ever could have dreamed of getting a higher education but for the GI bill. Yet in the midst of the greatest conflict of the 20th century, the Congress of the United States and an American President said: We are going to be prepared for the tremendous opportunities that will come after this conflict. We have benefited a thousandfold, a millionfold for every dollar we spent, I believe. I think my colleagues would admit that for every dollar we spent, in 1945, investing, in the GI bill, the returns to this country and the world have been phenomenal.

So I am deeply grateful to my colleague from New York for her recollection of history and the importance this issue has been given throughout our Nation's seamless history, more than 200 years, of providing for the educational needs of our people. I thank her immensely for this amendment which she has offered to us. I join her in hoping our colleagues will support it.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the objective of school construction is a very laudable one. I have supported Federal intervention and assistance on school construction. This was a cause championed by former Senator Carol Moseley-Braun.

The grave difficulty with the amendment is that there is no money in the budget resolution to pay for it. In the budget resolution which was voted on in the 105th Congress, there was a resolution relating to public school construction. It was supported by only three Republicans at that time—Senator CAMPBELL, Senator D'Amato, and myself. Regrettably, the resolution did not pass. But at that time I recorded my support for the principle of construction which would be assisted in the Federal budget.

A similar matter arose on April 1, 1998, when the issue in the budget resolution was building schools. On that occasion, Senator D'Amato and I supported the resolution, which regrettably was tabled on a vote of 54 to 46.

So the issue with which we are confronted now, in a very practical sense, much as we want to support education—and this bill has $53.5 billion in education funding—it is at an all-time high. On other amendments, we have analysed the increases which have occurred during the budget requests by President Bush, who has asked the Congress to increase the Education budget from $40 billion to $53 billion, on the three budget requests which he has made, an increase of 33 percent, which compares very favorably with the budget requests made by President Bush's predecessor, President Clinton.

On the statistics I had outlined before, in one 3-year period President Clinton had asked for increases over 26 percent and in another 3-year period had asked for budget increases of 33 percent, moving from $30 billion to $40 billion.

The issue is not really with the broad brush the Senator from Connecticut talks about, the good old days when we supported education, notwithstanding a war being fought, the Civil War. On the issue of education, there has been very considerable funding. Not as much, frankly, as I would like. And I have tried hard to get a larger allocation for education, a larger allocation for health and human services, and a larger allocation for workers' safety. Those are the competing items in the appropriations bill which this subcommittee has brought forward.

Our colleague, Senator HARKIN, has come to the floor. He and I have worked on a cooperative basis on this and on a bipartisan basis. I should add that Senator HARKIN has been a champion for school construction. I mentioned Senator Carol Moseley-Braun was a champion as well as Senator HARKIN in reference to a couple of votes in which I joined.

Mr. President, we need 10 minutes of debate starting at 5:30, I believe.

The PRESIDING OFFICER. That is correct. Under the previous order, at 5:30 there will 10 minutes of debate on the Daschle amendment.

Mr. SPECTER. Mr. President, in the absence of Senator DASCHLE, I ask unanimous consent that we may proceed for up to 4 minutes, or until Senator DASCHLE arrives, whichever occurs first.

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

Mrs. CLINTON. Mr. President, will the Senator from Pennsylvania yield for a question?

Mr. SPECTER. I would.

Mrs. CLINTON. Mr. President, the Senator from Pennsylvania is correct in his statement of his own record and the record with respect to increasing the Federal commitment to education. The Senator from Pennsylvania knows very well because of the complex State he represents the importance of supporting education and also supporting construction for the kind of old school

stock we have in cities in New York and Pennsylvania.

But would the Senator agree that with the No Child Left Behind Act the consequences for students and school districts under federally mandated accountability standards are considerably greater than they have ever been at any point in our history where for the first time the Federal Government has assumed a leadership role and accountability role with respect to public education?

Mr. SPECTER. Mr. President, in response to the question from the Senator from New York, I believe it is true that the Federal Government has assumed a greater responsibility; that the No Child Left Behind Act has targeted program standards and very specific efforts to improve the quality of education in the United States. But I do not believe the Federal Government has taken over the financing responsibilities. I took a look at the statistics as to where we stand now. The Federal Government still only contributes 8.4 percent of the total education budget. We don't have time to go into all of the statistics on construction, but construction is still left largely to the States. Here we have a targeted effort with the President spearheading the way and identifying a goal and using the power of his bully pulpit to focus attention. But I do not believe it has a corollary obligation to provide all the money to do all the things to be sure no child is left behind, much as I would like that. I didn't like voting against the Daschle amendment for rural schools. I come from a rural area originally myself—a small town in Kansas. I didn't like voting against the Murray amendment on workforce. I am not going to like voting against other education amendments. This is a very heavy responsibility. Maybe one day the Senator from New York will be the chairman of this subcommittee, and when she is chairman of the subcommittee and she has a budget resolution and a 302(b) allocation, she is going to have to defend it. She might not like to defend it. I don't care much for defending it. I have cast more bad votes in 2 days than I cast in the balance of the year. I should say ''controversial votes''—not bad votes. There is no such thing as a bad vote, or a bad child. They are controversial votes on both sides.

But I would like to see a bigger pot. If there were a bigger pot, I would like to see it.

Senator HARKIN and I referenced two budget resolutions in 1997 and 1998 when in one year Senator CAMPBELL and Senator D'Amato and I were alone among Republicans voting for school construction, and another year when Senator D'Amato and I were alone. Senator Moseley-Braun and Senator HARKIN fought the good fight. Senator CLINTON is now here to assist in that.

But I am constrained to offer the other considerations as to what the limitations are because of the budget resolution and because of the allocation which this subcommittee has. Much as I would like to see my partner, Senator HARKIN, get $1 billion here, I just have to say no.

Mr. HARKIN. Mr. President, will the Senator yield for a question?

Mrs. CLINTON. Certainly.

Mr. HARKIN. I thank the Senator from New York for her remarks. I just appreciate her eloquence and her strength in supporting this proposal to rebuild and modernize our schools.

I wonder if the Senator from New York is aware of the number of jobs being created. I understand there is an estimate that this $1 billion would create about 24,000 jobs in the entire United States.

There is an article in this morning's paper which said the President is going to come up with a new budget request for Iraq of between $60 billion and $70 billion—twice what we were told about two months ago.

In July, we had a briefing by Mr. Bremer, who is our counsel over there. He gets to write all these checks for money in Iraq. He said something I couldn't believe I heard, so I wrote it down. He said they were putting a lot of money into rebuilding infrastructure in Baghdad—the streets, the sewers, and rebuilding schools because they found they got more bang for the buck when they put it in that.

I can't understand why we can do that in Iraq but we can't do the same here in the United States.

The leveraging of money has been great in the past with what we have done for schools.

I might ask again if the Senator will yield for a question. I am sure the Senator is aware the offset we are using we already used before to get an additional $2.2 billion for the bill. I am told there is about $13 million that could be used as an offset. I am wondering why we can't use this offset to get money to help rebuild and modernize our schools.

I am sort of at a loss. I wonder if maybe the Senator might know why we can't use this money. Since we have already used some of it before in the bill, why we can't use it for this?

Mrs. CLINTON. I share my colleague's bewilderment. It does appear to me that the offsets are certainly adequate for the money we believe should go into school construction. The Senator's reference to Iraq raises an additional question. I, too, am aware of the statement by the administration, by Mr. Bremer and others that we—the American taxpayers—were committed to rebuilding schools, hospitals, health clinics, roads, and powerplants. I don't think one would argue with that. It is our responsibility. Once we make the decision to pursue military action and change the regime, we inherit those responsibilities.

But not only does it seem fair and equitable to do the same for our own citizenry—particularly our students in rural areas and in underserved urban areas which both of us represent in our respective States—I would note a cautionary comment: that if we expect to have the broad population of this country support the long-term commitment we have taken upon ourselves, which is costing at least $1 billion a week—and we know the President is going to come and ask for between $60 billion and $70 billion more to support both the military mission and the reconstruction costs of Iraq—I think if we are serious about sustaining public support for what is a costly endeavor in terms of life and, much more important than money, the soldiers we are losing, the casualties, the injuries that are being incurred, it is important we support things here in our own country.

It will be impossible to go to this Nation and say keep spending money in Iraq when you do not have jobs, when your schools are crumbling, when your bridges, your wastewater treatment centers, and your electricity grid is crumbling. Who are we kidding? How do you sustain the broad American public support for this kind of endeavor that costs us blood and fortune without doing things here at home? This is a tangible way to demonstrate we care about what happens in America as well.

AMENDMENT NO. 1568

The PRESIDING OFFICER. The hour of 5:40 having arrived, the question is now on Daschle amendment No. 1568.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I raise a point of order under section 504 of the concurrent resolution on the budget for fiscal year 2004 that the amendment exceeds discretionary spending limits specified in this section and, therefore, is not in order.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, pursuant to section 504(b)(2) of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, I move to waive section 504 of that concurrent resolution for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote yea.

The PRESIDING OFFICER (Mrs. DOLE). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 52, nays 43, as follows:

[Rollcall Vote No. 326 Leg.]

YEAS—52

Akaka	Durbin	Mikulski
Baucus	Feingold	Murkowski
Bayh	Feinstein	Murray
Biden	Grassley	Nelson (FL)
Bingaman	Hagel	Nelson (NE)
Boxer	Harkin	Pryor
Breaux	Hollings	Reed
Byrd	Inouye	Reid
Cantwell	Jeffords	Roberts
Clinton	Johnson	Rockefeller
Coleman	Kennedy	Sarbanes
Collins	Kohl	Schumer
Conrad	Landrieu	Smith
Corzine	Lautenberg	Snowe
Daschle	Leahy	Stabenow
Dayton	Levin	Wyden
Dodd	Lincoln	
Dorgan	McCain	

NAYS—43

Alexander	Crapo	Lugar
Allard	DeWine	McConnell
Allen	Dole	Nickles
Bennett	Domenici	Santorum
Bond	Ensign	Sessions
Brownback	Enzi	Shelby
Bunning	Fitzgerald	Specter
Burns	Frist	Stevens
Campbell	Graham (SC)	Sununu
Carper	Gregg	Talent
Chafee	Hatch	Thomas
Chambliss	Hutchison	Voinovich
Cochran	Inhofe	Warner
Cornyn	Kyl	
Craig	Lott	

NOT VOTING—5

Edwards	Kerry	Miller
Graham (FL)	Lieberman	

The PRESIDING OFFICER (Mrs. DOLE). On this vote, the yeas are 52, the nays are 43. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. SPECTER. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

NOMINATION OF STEVEN M. COLLOTON, OF IOWA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the nomination of Steven Colloton, to be United States Circuit Judge. The clerk will report the nomination.

The legislative clerk read the nomination of Steven M. Colloton, of Iowa, to be United States Circuit Judge for the Eighth Circuit.

The PRESIDING OFFICER. There are now 2 minutes of debate evenly divided. Who yields time? The Senator from Utah.

Mr. HATCH. Madam President, I rise today to express my unqualified support for the nomination of Steven Colloton to the Eighth Circuit Court of Appeals and to urge my colleagues to confirm this fine nominee.

Mr. Colloton has excellent academic and professional qualifications for the Federal bench. A graduate of the prestigious Yale Law School, Mr. Colloton clerked for two distinguished judges, D.C. Circuit Judge Laurence H. Silberman and U.S. Supreme Court Justice William H. Rehnquist. Mr. Colloton then worked as an attorney with the White House's Office of Legal Counsel at the Department of Justice for a year and then, eager to return to his Midwestern roots, accepted a position as an assistant U.S. attorney in the Northern District of Iowa.

Mr. Colloton has impressive courtroom experience. He has argued 18 cases in the Federal courts of appeals, and has briefed several other cases. He has tried approximately 13 criminal cases to verdict. In addition, as an assistant U.S. attorney, Mr. Colloton was in the courtroom regularly to argue motions or evidentiary matters. He oversees an office which includes 25 attorneys.

Twenty-seven past presidents of the Iowa State Bar have written of Mr. Colloton, ''[W]e submit that the exceptional quality of Mr. Colloton's experience, together with its relevance to this position, uniquely qualifies him to represent Iowa on the United States Court of Appeals.''

I could not agree more. Mr. Colloton has demonstrated his capacity to excel on the Federal court bench. He possesses the qualifications, the capacity, and the temperament a judge needs to serve on the Eighth Circuit.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, today, we vote to confirm Steven Colloton to a lifetime appointment on the United States Court of Appeals for the Eighth Circuit. Mr. Colloton comes to us with bipartisan support from both his home-state Senators, for whom I have great respect. Steven Colloton currently serves as the U.S. Attorney for the Southern District of Iowa. While I continue to remain concerned that, at 40 years old, Mr. Colloton received a partial not qualified rating from the ABA, he has a good academic record and has a record of public service in the state of Iowa.

I note that Mr. Colloton is the ninth confirmed circuit court judge who is a member of the Federalist Society and the third former member of Whitewater prosecutor Ken Starr's office to be confirmed to a Federal judgeship. I would like to take this opportunity to express my hope that Mr. Colloton acts as a fair and impartial judge, despite his active role in conservative political causes and groups. It was very troubling that another former Starr prosecutor confirmed to the Federal bench overlooked years of precedent to rule in favor of Vice President CHENEY and against the American people's interest in open access to who was advising the administration on energy policy, a special concern in the aftermath of the blackouts in the Northeast this August.

Mr. Colloton's confirmation process stands in stark contrast to what occurred with judicial nominees during the Clinton administration. His confirmation process has been expeditious and smooth. In contrast, an earlier nominee to the Eighth Circuit from Iowa, Bonnie Campbell, never even received a vote before the Judiciary Committee following the hearing on her nomination. Ms. Campbell was a former attorney general of Iowa, a former head of the Department of Justice's Office on Violence Against Women, and a nominee who also had the support of both of her home-state Senators including a senior Republican Senator. Neither the nominee nor the Judiciary Committee members were ever told why the Republican majority refused to accord her nomination a Committee vote and, when given the chance to do right by her, President Bush instead decided to withdraw her nomination.

Another contrast exemplified by Mr. Colloton's confirmation process is the pace of confirming circuit court judges. Steven Colloton will be the 28th circuit court judge confirmed since President Bush has taken office. Again, this stands in strong contrast to what occurred during President Clinton's second term in office. More than 3 years passed in President Clinton's second term before the 28th circuit court judge was confirmed. And, we have already confirmed more circuit court nominees of this President, since July of 2001, than were confirmed at this time in the third year of President Reagan's first term, President George H.W. Bush's term, or either of President Clinton's terms.

Finally, I point out that with Mr. Colloton's confirmation, there will be as many active George W. Bush appointees on the bench as there are active George Herbert Walker Bush appointees. The President's father served 4 full years. This President has served less than three and already has made as much impact on the Federal courts across the country.

I congratulate Steven Colloton, his family, and the Senators from Iowa on his confirmation.

Madam President, to reiterate this will be the 28th circuit court judge confirmed since President Bush has taken office. For those who are wondering, that is more circuit court nominees confirmed than in the third year of President Reagan's first term or President George H. Bush's term or either of President Clinton's terms. We have done far better, I might say, for President George Bush than we have his three predecessors.

I will also note a contrast. Mr. Colloton's nomination moved very quickly, as contrasted to President Clinton's nominee for the same seat, Bonnie Campbell, who was never given a vote before the Judiciary Committee. Even though she had been a former attorney general of Iowa, she was the former head of the Department of Justice's Office of Violence Against Women, and she had the support of

both of her home State Senators, she was never given a vote.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LEAHY. I will support Steven Colloton.

Mr. GRASSLEY. Madam President, I urge my colleagues to support an excellent judicial nominee for the U.S. Court of Appeals for the Eighth Circuit. Steven Colloton is an outstanding individual with an extensive record of public service and impressive legal career. I am glad that the Senate is finally voting on this nomination.

Steve Colloton is an Iowan, born in Iowa City. He graduated from Princeton University and Yale Law School. He served as a law clerk to Judge Laurence Silberman on U.S. Court of Appeals for the D.C. Circuit, and then as a law clerk to the Honorable William Rehnquist, Chief Justice of the U.S. Supreme Court. Subsequently, Steve Colloton worked as an attorney with the Office of legal Counsel at the Justice Department and than as an assistance U.S. attorney in the Northern District of Iowa for 8 years, with a brief detail as an associate independent counsel in the Office of Independent Counsel. From 1991 to 2001, he was partner at a law firm in Des Moines, IA.

After the 9/11 terrorist attacks, Steve Colloton returned to government service and was unanimously confirmed by the Senate to the position of U.S. Attorney for the Southern District of Iowa. There he has focused his efforts on combating crime and enforcing drug laws, as well as fighting terrorism. He has done a great job serving our country as an Iowa U.S. Attorney.

In addition, Steve Colloton has many strong supporters. Twenty-seven past presidents of the Iowa State Bar wrote that ''the exceptional quality of Mr. Colloton's experience, together with its relevance to this position, uniquely qualifies him to represent Iowa on the United States Court of Appeals.''

Members of the Polk County Chiefs of Police and Sheriff's Association wrote, ''Steve Colloton is the right choice for the Eighth Circuit Court Judge position, and we fully endorse President Bush's nomination.'' Even people who have worked on the other side of Steve Colloton think very highly of him. George Collins, the attorney for Jim Guy Tucker, wrote, ''I am convinced Steve Colloton is an honorable man, and that, when cases come before him, he will call them as he sees them. . . . I believe that his case will be decided on the law, and, to the extent applicable, the facts. . . .'' These quotes show just how much confidence people have that Steve Colloton will make a good Eighth Circuit judge.

Steve Colloton has all the right qualifications to be a Federal judge. He is a bright lawyer with tremendous legal experience and who is well respected by his peers. He is a man who will follow the law and have a healthy respect for case precedent. He understands that the role of a judge is to interpret the law, rather than create it. Steve Colloton will make an excellent judge on the Eighth Circuit, and I urge my colleagues to join me in supporting his nomination.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Steven M. Colloton, of Iowa, to be United States Circuit Judge for the Eighth Circuit? The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''yea''.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 1, as follows:

[Rollcall Vote No. 327 Ex.]

YEAS—94

Akaka	DeWine	Lugar
Alexander	Dodd	McCain
Allard	Dole	McConnell
Allen	Domenici	Mikulski
Baucus	Dorgan	Murkowski
Bayh	Durbin	Murray
Bennett	Ensign	Nelson (FL)
Biden	Enzi	Nelson (NE)
Bingaman	Feingold	Nickles
Bond	Feinstein	Pryor
Boxer	Fitzgerald	Reed
Breaux	Frist	Reid
Brownback	Graham (SC)	Roberts
Bunning	Grassley	Rockefeller
Burns	Gregg	Santorum
Byrd	Hagel	Sarbanes
Campbell	Harkin	Schumer
Cantwell	Hatch	Sessions
Carper	Hutchison	Shelby
Chafee	Inhofe	Smith
Chambliss	Inouye	Snowe
Clinton	Jeffords	Specter
Cochran	Johnson	Stabenow
Coleman	Kennedy	Stevens
Collins	Kohl	Sununu
Conrad	Kyl	Talent
Cornyn	Landrieu	Thomas
Corzine	Lautenberg	Voinovich
Craig	Leahy	Warner
Crapo	Levin	Wyden
Daschle	Lincoln	
Dayton	Lott	

NAYS—1

Hollings

NOT VOTING—5

Edwards	Kerry	Miller
Graham (FL)	Lieberman	

The nomination was confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the President is notified of the Senate's action and the Senate returns to legislative session.

Mr. DASCHLE. Madam President, I will have a short statement but I ask unanimous consent that, following that, Senator HATCH be recognized for a statement as well.

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

CONGRATULATIONS, SENATOR LAUTENBERG

Mr. DASCHLE. Madam President, I congratulate our friend and colleague, FRANK LAUTENBERG, on reaching a historic milestone: With the last vote, Senator LAUTENBERG became only the fourth New Jersey Senator in history to cast 6,500 votes in the Senate. Not bad for a freshman.

That incredible accomplishment is a reflection of Senator LAUTENBERG's deep commitment to his State, to his Nation, and to this Senate. One of the many reasons we are grateful he decided to end his retirement and return to the Senate is, over one 3-year period, covering the second session of the 101st Congress and both sessions of the 102nd Congress, Senator LAUTENBERG did not miss one vote. Out of 876 cast, he did not miss 1 single vote. The following year, he missed only 1 of 394 votes cast. He is what we all know to be a workhorse.

I am not sure if we should call him New Jersey's senior Senator or New Jersey's junior Senator, but there is no doubt he is a remarkable Senator.

I congratulate him again on this milestone. I look forward to seeing him cast many more votes in this Chamber. Congratulations.

I ask unanimous consent that Senator LAUTENBERG be recognized for a couple of minutes to respond.

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

Mr. LAUTENBERG. I thank our leader, the Democrat leader, for the kind comments, and my colleagues, some of whom are more accustomed to differing with me than applauding for me, but I respect their views when they register a vote and I am sure the feeling would be returned.

I thank all of my colleagues for their many indulgences and their encouragement and willingness to take me back because here I stand in probably another record, maybe the oldest freshman who ever served in the Senate. I feel fresh, and I am glad to be here. I thank all of my colleagues for their friendship.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I compliment my colleague from New Jersey and am very proud of him for having cast those many votes.

I ask that my remarks be as in morning business.

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

WITHDRAWAL OF ESTRADA NOMINATION

Mr. HATCH. Madam President, I rise today to speak on the unfortunate

withdrawal of the nomination of Miguel Estrada for the United States Court of Appeals for the District of Columbia Circuit. It is truly a sad record that the Senate, for the first time ever, has terminated a circuit court nomination by filibuster rather than by an up-or-down vote. It is particularly troubling that political tactics were used to destroy this extremely qualified nominee.

Let me state that a clear majority of this body supported this nomination, as has been demonstrated in the unprecedented seven cloture votes which have taken place. So it is regrettable that a minority of Senators followed their script of extraordinary obstructionism to prevent the Senate from concluding the debate on this nomination and proceeding to a final vote. It goes against all the honorable traditions of this body for Senators to rest behind a veil of procedural votes rather than taking a public stand on the merits of this outstanding nominee.

After all, all he or any of us wanted was an up-or-down vote, something we have always given every nominee who has come to the Senate floor and has been called up on the Senate floor.

While it is shameful that Miguel Estrada was subjugated to political whims, it is not entirely surprising. Opponents from the very outset, for their own ideological purposes, have been determined to defeat this nomination. Last fall, a Democratic staffer on the Judiciary Committee was quoted in the Nation magazine as saying:

> Estrada is 40 and if he makes it to the circuit then he will be Bush's first Supreme Court nominee. He could be on the Supreme Court for 30 years and do a lot of damage. We have to stop him now.

So it appears that the real reason for the filibuster against Miguel Estrada was the concern by opponents of a possible Justice Estrada on the U.S. Supreme Court.

An editorial appearing in the Atlanta Journal-Constitution said it best:

> The fear with Owen and Estrada is that one or both will be nominated to the United States Supreme Court should a vacancy occur. Senate Democrats are determined to keep off the circuit court bench any perceived conservative who has the credentials to serve on the United States Supreme Court.

There is an additional factor not based on any substantive objection to his nomination. I believe some Senate Democrats do not want the current President, a Republican President, to appoint the first Hispanic as the U.S. Circuit Court Judge for the District of Columbia Circuit. Let me read from an editorial published by the Dallas Morning News addressing this point. On February 17, 2003, the News wrote:

> Democrats haven't liked Mr. Estrada from the beginning. Part of that is due to his ideology—which is decidedly not Democratic. But part of it also has to do with the fellow who nominated him. Democrats don't relish giving President Bush one more thing to brag about when he goes into Hispanic neighborhoods when he goes into his reelection campaign next year. They are even less interested in putting a conservative Republican in line to become the first Hispanic Justice on the Supreme Court.

In an effort to prevent Mr. Estrada's confirmation, his opponents resorted to a number of troubling tactics. During his hearing there were frequent attempts to inject political ideology into the judicial nomination process. This was most evident as related to questions about his views on Roe v. Wade, the apparent litmus test for many Senate Democrats.

In response to this concern, he offered cases he had taken on as an attorney to illustrate his commitment to following the law instead of imposing any political agenda. He also testified under oath that he would follow Roe and Casey if he were confirmed. But even his outstanding record and testimony before the committee was apparently not enough to satisfy those determined to destroy his nomination.

Opponents repeatedly raised red herring issues with two additional demands. One was that Mr. Estrada answer their questions, though the record is clear that his responses were complete. Mr. Estrada spent hours during a day-long hearing answering my Democratic colleagues' questions. He answered written questions submitted after the hearing, although only two, only two committee Democrats bothered to ask him written questions.

He gave answers to questions that were substantially similar to answers given by Clinton nominees who were confirmed. Yet my Democratic colleagues continue to complain that he had not answered their questions. Really, their complaint is that in answering their questions, Mr. Estrada did not say anything that gave them a reason to vote against him. Simply put, they were not really interested in his answers to their questions. They were interested only in defeating his nomination.

This is why every effort to make Mr. Estrada available to answer additional questions has gone virtually unacknowledged. Only one Democratic Senator met with Mr. Estrada and only one submitted written questions to Mr. Estrada after the floor debate on his nomination began.

Their second demand was the unreasonable request that the administration release confidential internal memoranda he authored at the Solicitor General's office. This issue has been fully debated. The short response is that never before has a Presidential administration released confidential appeal, certiorari and amicus recommendations on the scale that my Democratic colleagues sought from Mr. Estrada. They attempted a full-scale fishing expedition, pure and simple, and the Justice Department was right to oppose it.

Furthermore, this demand constituted a double standard for Miguel Estrada. The Judiciary Committee confirmed numerous Clinton circuit court nominees who, like Miguel Estrada, had no prior judicial experience. A number of these nominees had worked in the Justice Department or other branches of the Federal Government, but Senate Democrats made no demands for their confidential memoranda or privileged work product. Yet Senate Democrats persisted in this demand, knowing full well that for sound reasons the administration, with the support of all seven living former Solicitors General, both Democrat and Republican—four of them were Democrats—would not and could not accede to that request.

When all other tactics failed, opponents turned to their ultimate weapon, the filibuster. Filibusters of judicial nominees allow a vocal majority to prevent the majority of Senators from voting on the confirmation of a Federal judge, a prospective member of our third, coequal branch of Government. It is tyranny of the minority and it is unfair to the nominee, to the judiciary, and to the majority of the Members of this body, and to the President. The unprecedented filibuster of Mr. Estrada was certainly unfair to a majority of Senators who stood ready to fulfill their constitutional responsibility by voting on Mr. Estrada's nomination.

It has been more than 2 years since Miguel Estrada was nominated by President Bush, on May 9, 2001, and nearly a year since his hearing before the committee. In all of that time, my Democratic colleagues had unlimited opportunities to make their case. Some of them opposed him. Others supported him. But one thing remained clear through this whole debate: There was no good reason to deny Mr. Estrada an up-or-down vote, the dignity of an up-or-down vote.

On the merits, Mr. Estrada was extremely qualified to serve on the court to which he was nominated. The qualifications of Miguel Estrada are well known to the Senate. He represents an American success story. After immigrating to the United States, after overcoming a language barrier and speech impediment, he graduated magna cum laud and Phi Beta Kappa in 1983 from Columbia College. At Harvard Law School he was an editor of the Harvard Law Review and graduated magna cum laude in 1986.

Mr. Estrada's professional career has been marked by one success after another. After graduation, he clerked for Second Circuit Judge Amalya Kearse, a Carter appointee and then Supreme Court Justice Anthony Kennedy. He worked as an associate in the distinguished firm of Wachtell Lipton in New York. He then worked as a Federal prosecutor in Manhattan, rising to become deputy chief of the appellate division. In recognition of his appellate skills, he was hired by the Solicitor General's office during the first Bush administration. He stayed with the Solicitor General's office for most of the Clinton administration. When he left

the Solicitor General's office, he joined the DC office of Gibson, Dunn & Crutcher, one of the great law firms in this country, where he continued to excel as a partner and rose to the top of the ranks of oral advocates nationwide, having argued 15 cases before the U.S. Supreme Court.

The legal bar's wide regard for Mr. Estrada is reflected in his evaluation by the American Bar Association. The ABA evaluates judicial nominees based on their professional qualifications, their integrity, their professional competence, and their judicial temperament. Based on an assessment of all of those factors, the ABA bestowed upon Mr. Estrada its highest rating of ''unanimously well qualified.''

Yet despite the superb record of Miguel Estrada, opponents chose to deny him a simple up-or-down vote, injecting politics into the judicial confirmation process. Opponents have not only treated Miguel Estrada unfairly; they have further damaged this process.

One casualty is enough. I hope all Senators will consider the dangerous ramifications of the actions of the Senate in causing Miguel Estrada to withdraw his nomination through the use of the filibuster. This should never happen again.

Just one other thing on this. He was asked to comply when he couldn't do it, with a fishing expedition into the Solicitor General's most privileged documents, documents that have never been given in toto as requested by the Democrats, never before. Four Democrat former Solicitors General said they would never give these documents. Those Democrat former Solicitors General and three others said they opposed the release of these documents.

If this was a legitimate request, why didn't they ask for similar documents in the case of John Roberts? In other words, Miguel Estrada was treated completely different from other people. Why didn't Senate Democrats ask for these documents in the case of others through the years who worked in the Solicitor General's office? It was just a red herring that some in the media bought off on, to prevent this man from ever having the dignity of an up-or-down vote on the Senate floor.

The reason they prevented that is because they knew he would have won and he would have won a bipartisan vote in the Senate.

Frankly, filibusters should never occur again. Yet more judicial nominees face continuing filibusters on the Senate floor. We will soon once again put to the test the respect the Members of our body have for our constitutional duty to advise and consent on judicial nominations. We will continue to file for cloture to end debate and to give Priscilla Owen, Bill Pryor, and other judicial nominees that the left is intent on blocking the up-or-down votes they deserve.

These are outstanding nominees. Priscilla Owen broke through the glass ceiling, becoming one of the great partners of a major law firm in this country, and broke through the glass ceiling for women, yet she is being treated like dirt on the Senate floor. Also, Bill Pryor, who has more than shown his propensity to always follow the law, even though the law may differ from his own personal, deeply held beliefs.

There are, no doubt, factions of far left interest groups that are delighted to see Miguel Estrada has withdrawn his nomination. These same groups no doubt will declare victory and mount even more vigorous campaigns in an effort to ensure that other judicial nominees suffer the same fate. From what I understand, some of my colleagues in the Senate share those sentiments. But let me tell you right now, this is no occasion for celebration. We should be embarrassed that Miguel Estrada, having had enough of serving as a political football instead of as a Federal judge, decided to end his nomination. And we should be embarrassed of the continued attempts to usurp the nomination function from the President and the consent function from the Senate majority.

We should not stand back and allow a minority of Senators to prevent an up-or-down vote on any judicial nominee and especially those once they have come to the floor.

We should not inflict upon Priscilla Owen, Bill Pryor, or any others the same shabby treatment that led Miguel Estrada to withdraw his nomination. These all deserve better. And nominees in the future deserve better. The majority of the Senate that stands ready to confirm the ones I have mentioned deserve better. Most importantly, the American people expect their Senators to hold up-or-down votes on judicial nominees and deserve the opportunity to hold their Senators accountable for the votes they cast on the President's judicial nominees.

I have been around here a long time. Both sides have committed errors with regard to judicial nominees over the years. But nothing has ever reached the dimensions of what has been done to Miguel Estrada. Nothing has even come close. He has been treated in an especially onerous way that no other nominee I know of in the history of the Senate has been treated. He has been singled out primarily because he was viewed as being on the fast track to the Supreme Court, and because he is a conservative Republican Hispanic who might be pro-life and who is on the fast track to the Supreme Court. I don't think anybody who is honest can refute that statement.

I think it is pitiful what has happened. I just hope we wake up in this body and start treating people with fairness which the advise and consent clause of the Constitution demands. I hope that works on both sides.

There were those who wanted to filibuster on our side during the Clinton years. We stopped it. We were not going to set that precedent, nor were we going to do that type of activity. Frankly, everyone who came to the floor had a vote, and only one, if I recall correctly, was defeated by an up-and-down vote. But at least he had a vote. And Miguel Estrada deserved that just as much as any of the past nominees.

Mr. McCONNELL. Madam President, will the Senator yield?

Mr. HATCH. Yes, I yield for a question.

Mr. McCONNELL. I ask my friend from Utah, the chairman of the Judiciary Committee, if it is the case that the President's nominee, John Roberts, and the President's nominee, Miguel Estrada, both served in the Solicitor's Office at some point in their careers?

Mr. HATCH. They both did, and both were nominated at the same time, over 2 years ago.

Mr. McCONNELL. I ask my friend from Utah, the chairman of the Judiciary Committee, if it is also true that the internal work product documents that were requested of nominee Miguel Estrada were not requested of nominee John Roberts.

Mr. HATCH. Absolutely right. They were not requested. There was a different standard used with regard to Mr. Estrada—a very unfair standard knowing that the Solicitor General's Office could not allow a fishing expedition into those documents.

Mr. McCONNELL. Is it not the case that every former Solicitor—most of whom are Democrats—had the view that these internal working documents should not be shared?

Mr. HATCH. That is correct. Four of the seven former Solicitors General who are living today are Democrats, and all seven of them came out and said that these documents should not be given to the Senators of the United States because of their sensitivity and their privileged nature.

Mr. McCONNELL. Is it also not true that nominee John Roberts was confirmed unanimously?

Mr. HATCH. It is true that he was confirmed unanimously.

Mr. McCONNELL. We all know that Miguel Estrada was filibustered to the point where he subsequently withdrew today.

Mr. HATCH. The Senator is correct.

Mr. REID. Madam President, will my friend from Utah yield for a question?

Mr. HATCH. If my friend from Kentucky has concluded.

Mr. McCONNELL. I thank the chairman of the committee for yielding so we could point out the differences in treatment between these two nominees with very similar backgrounds and who were nominated for the same court at the same time.

Mr. HATCH. The illustration should not be limited to just John Roberts and Miguel Estrada. There are a number of people who are on the Federal bench and who have served on the Federal bench who also served in the Solicitor's Office who were never asked those questions, and rightly so. They should

never have been asked. It was a red herring that many of my colleagues hid behind to justify this outrageous and, I think, shabby treatment of Miguel Estrada.

I yield to my friend for a question.

Mr. REID. Madam President, I understand the strength and feeling of the Senator from Utah and the Senator from Kentucky. The record has been spread with that for many months now. I would only say if the Senator wants to speak more, we have no problem.

Mr. HATCH. I yield the floor.

Mr. REID. Madam President, I draw the attention of my colleagues to the same statement which I made earlier today in response to the remarks of Senator FRIST about Miguel Estrada.

Madam President, I ask unanimous consent that a CONGRESSIONAL RECORD statement made by Senator FEINSTEIN on February 13, 2003, on the nomination of Miguel Estrada be printed in the RECORD.

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

Mrs. FEINSTEIN. Mr. President, I had an opportunity to come to the floor once before and express my views about the nominee who is before the Senate for confirmation, Miguel Estrada. But I want to make a few additional points at this time, and I hope I don't repeat myself.

I want to say for my part and for the part of many others in the body that this is not a debate we were eager to begin; this is not a debate we are eager to continue; but this is a debate that really goes to the heart of the separation of powers and the checks and balances that the Founders of this Nation so carefully crafted more than 200 years ago.

The President makes nominations to the Federal judiciary. This is true. But it is a judiciary that Congress fashioned, and it is a judiciary that the Senate has been given the constitutional responsibility to help fill, through our advice and consent role.

I am one who has always believed that every nominee should get a full and fair hearing and that every nominee should then get an up-or-down vote. For too long, I watched one after another Clinton nominee languish without any such courtesy, and with no explanation as to why. Many of his nominees were minorities who never even got the chance to speak to the Committee.

Chairman Hatch and I had many conversations during that time about moving more nominees through the committee. And I know he did more than many in his caucus would have liked him to do to move nominees. For that, I thank him. I believe deep in his heart he also believes nominees should move through and get a hearing. But still, too many nominees were stopped from even the most basic of rights during the nomination process—a hearing—a basic right for someone who is nominated to the Judiciary Committee. They should have a right to have a hearing, in my view.

In this case, the Democrat-controlled Senate gave Miguel Estrada a full and fair hearing and every opportunity to show the committee what kind of judge he would be. But he did not use that opportunity well.

Although I believe that every nominee deserves an up-or-down vote, an up-or-down vote on final confirmation should only occur after the Senate has had a full opportunity to learn about the nominee and to properly judge whether or not that nominee can serve impartially in the Federal judiciary. In this case, I don't believe we have enough information to make such a decision, as a direct result of the lack of cooperation by this nominee and by the White House. As a result, we should not be asked to make such an important decision.

I want to clearly state this is not an issue of retaliation, as some have suggested. It is true that the Republican Senate did block a number of very qualified Hispanic nominees—female nominees, and so on—under President Clinton.

And it is true that many on this floor have mentioned those nominees—Enrique Moreno, for instance. But they were mentioned not to begin some tit-for-tat exchange of blocked nominations. Quite the contrary. Under Chairman Leahy, the Judiciary Committee and the Democrat-controlled Senate confirmed 100 nominees in just over a year.

Mr. Estrada has already been given far better treatment than many were given by the other side in the recent past. All we ask for is some basic answers to the most basic of questions. Think about this: Before us now, we have a 41-year-old nominee about whom we know little. He has been nominated to a crucial appellate court, the DC Circuit, which is, at present, evenly split. That raises the question, Do we have a right to know if this judicial nominee can be impartial? I believe we do.

In this case, this nominee, for some reason, has been very controversial from the beginning. We have heard from many who have worked with Mr. Estrada or even supervised him, and many who have watched him work throughout the years.

Without exception, all of these individuals believe Mr. Estrada is bright. And I am confident that every Democrat in this body agrees with that assessment. But that is not the problem. And that is not the question today.

Without exception, all these individuals believe Mr. Estrada to be well educated, as my colleagues on the other side of the aisle have indicated throughout the last few days. But that, too, is an issue that is not in doubt, and it is not the problem.

And essentially, without exception, all of these individuals believe Mr. Estrada is conservative. Some believe him to be very conservative, some less so, but all recognize him to be a conservative. Even Mr. Estrada himself, as I understand it, would likely describe himself in this manner. But make no mistake, this is not about whether or not Miguel Estrada is conservative.

I have already voted for nominees whom I know to be conservative, as have most, if not all, of my Democratic colleagues.

At the present time, I have just given my proxy to the Judiciary Committee that is considering three nominees to appellate courts who are, in fact, conservative. And I will vote yes on those nominees.

So the question is not whether this nominee—or any nominee—is liberal or conservative, White or Hispanic, Jewish or Catholic, or any other group or inclination. The question with this nominee—and with every nominee—is whether the nominee can put aside personal beliefs to rule fairly and impartially on the cases that come before him or her.

In some cases, we can get a clear idea of how a nominee would handle the responsibilities of a Federal judgeship. But in this case, as we tried to get a clear idea of how this nominee would handle these responsibilities, we were really stymied at every turn.

On the one hand, we have letters, phone calls. To my office, we have received almost 8,000 phone calls in opposition to this nominee; and less than 400 in favor. All these phone calls seem to indicate the belief that Mr. Estrada is an ideologue who cannot be trusted with a circuit court judgeship.

We have Professor Paul Bender, Mr. Estrada's direct supervisor at the Department of Justice, who said to the press that he believed Estrada to be so ''ideologically driven that he couldn't be trusted to state the law in a fair, neutral way.'' Mr. Bender recently sent a letter to the chairman of the Judiciary Committee essentially reaffirming this statement.

We have major Hispanic organizations—just those groups one might expect to most strongly support Mr. Estrada—strongly opposing him instead.

On the other hand, as we look for facts to counteract such serious concerns, we have almost nothing.

Miguel Estrada has never been a judge, so we have no record of judicial decisionmaking to examine. This in itself is not dispositive, but it is the first area where we find no record to help us in our decisions.

Mr. Estrada is not a prolific writer, so again, unlike many, we have no real record of writings or speeches to examine. Again, this alone would not be dispositive, but, as I said earlier this week, in a sense, it is strike two in terms of where we can get information about this nominee.

We have not been granted access to the memos he wrote at the Department of Justice, so we can only take the word of the man who supervised him that those memos were ideologically driven and could not be trusted. That is strike three.

Mr. Estrada refused to adequately participate in his own confirmation hearing, so we have no real answers to these questions. And the questions are legitimate.

Even when given time to think about his answers, even when he was given questions in written form, he refused to answer those questions, using precisely the same language he used to refuse to answer at his hearing.

For instance, when Senator Durbin asked this nominee, in writing: ''Do you have an opinion on the merits of Roe v. Wade?'' Mr. Estrada responded, as he did to me in committee, ''it would not be appropriate for me to express such a view without doing the intensive work that a judge hearing the case would have to undertake—not only reading briefs and hearing the arguments of counsel, but also independently investigating the relevant constitutional text, case law, and history.''

In the hearing, I asked him: Do you believe Roe was correctly decided? And he said he could not answer that question.

When Senator Kennedy asked Mr. Estrada, in writing, how he would have resolved a case that came before the DC Circuit and was then decided by the Supreme Court—Hoffman Plastics—Mr. Estrada again answered that because he had not read the briefs and was not present at oral argument, he could not answer.

When Senator Kennedy asked him about the Maryland/DC/Delaware Broadcasters case, again Mr. Estrada said he could not, or would not, answer.

When Senator Durbin asked Mr. Estrada to name any judge, living or dead, whom he would seek to emulate, Mr. Estrada said he could name not one judge he would emulate.

In contrast, let me take a moment to talk about Judge Richard Paez, a well-qualified Hispanic nominee sent to the Senate by President Clinton and eventually confirmed to the Ninth Circuit Court of Appeals.

Judge Paez spent more than 1,500 days before this Senate before he finally got a vote. And this came despite the fact that he answered every question put to him.

For instance, Senator Sessions asked him: ''Which Supreme Court Justice or federal judge has most influenced your judicial philosophy?'' Judge Paez named Judge Harry Hupp, a man he appeared before as a litigator, and a colleague of his on the district court bench.

Senator Sessions asked Richard Paez: ''In your opinion what is the greatest Supreme Court decision in American history?'' Judge Paez did not refuse to answer, or claim that he could not give an answer because he had not been present at oral arguments. Instead, he simply named Brown v. Board of Education.

Senator Sessions then asked: ''What is the worst Supreme Court decision?'' Judge Paez answered: ''Dred Scott.'' This is the decision where the Supreme Court ruled, essentially, ''once a slave, always a slave.''

Miguel Estrada, on the other hand, would not answer these types of questions.

Senator Schumer asked him to name any Supreme Court case he thought was wrongly decided.

He did not simply say he thinks Plessy v. Ferguson was wrongly decided. That is the case that upheld the concept of separate but equal. And even the Supreme Court has since overturned it. I know of few people who would claim Plessy was correctly decided. But Miguel Estrada apparently thinks he could not say so without having heard the oral arguments. He did not say he disagreed with the Dred Scott decision, which upheld slavery. He did not say he believed Korematsu, which upheld the right of the United States to put American citizens of Japanese descent into internment camps. He named none of these cases. He simply said he could not answer the question.

This is in direct contrast to a recent experience with Jeffrey Sutton during his hearing less than 2 weeks ago. Mr. Sutton is also a controversial nominee, but he answered every question put to him. We got a good sense of how he would think and act as a judge. I, myself, who was concerned about him initially, felt he was a strong advocate, but he knew the difference. He could separate himself from the positions of advocacy and become a fair and impartial judge. So I have given my proxy right now to be carried out to vote yes for Judge Sutton. Mr. Estrada, on the other hand, did his best to keep from putting himself on record on any issue of real substance.

Quite frankly, there are options. One, return this nominee to the Judiciary Committee for answers. The Senate deserves the answers. Democratic nominees were asked by distinguished Republican Senators to answer questions such as this, and they did. Even of those, many had judicial records. Many had prolific writings. Many had speeches so that there were tools we could go to to understand what their thinking was. But in this case we have no speeches. We have no writings. We have no record. Therefore, the answers to the questions become extraordinarily dispositive. They also become meaningful to any Senator who wants to cast an informed vote.

It is that simple. That is what this debate is about. We cannot possibly fulfill our constitutional duty to advise and consent to nominees if we are not given the necessary information about the nominee.

In a case where you have a critical circuit such as the DC Circuit, not only the plumbing grounds for the U.S. Supreme Court, but handling environmental appeals, Superfund appeals, wetlands appeals, OSHA appeals, all kinds of administrative case law appeals, how this court is tilted becomes important to us, particularly if we take this job of confirmation of nominees seriously.

There is another option. That option is appoint Miguel Estrada to a district court. Give him an opportunity to gain that record. He is 41 years old. He is younger than my daughter. Give him an opportunity to gain that record. Remember, this is a man who will serve for 30, 40, possibly even 50 years. It is a lifetime appointment. We are entitled to answers to these questions.

In Miguel Estrada's questionnaire, he admitted to having written no books, articles, or reports of any kind, save one Law Review article in law school. That was titled ''The Policies Behind Lending Limits.'' He wrote that in 1985. At Miguel Estrada's hearing, he would not comment on whether any case had ever been wrongly decided, even cases that have been overturned. He would not name any single judge he would want to emulate on the bench in any way. He would not answer written questions put to him that would help us learn more about how he thinks about cases and how he would judge them. He would not even try to convince the Justice Department to turn over some of the memos he wrote for the Solicitor General's Office, nor would he himself turn them over.

If this nominee is confirmed, we believe we would be sending a signal that stonewalling the Judiciary Committee and the full Senate is the way to succeed on the way to a judgeship. That is the wrong signal and the wrong message.

In effect, we would be abdicating our constitutional role, our constitutional duty to advise and consent to nominees, because we would never again be able to learn enough about a nominee to make reasoned decisions.

Nominees could become increasingly young, increasingly ideological, and increasingly silent. The courts would soon be packed with judges of unknown disposition, unknown temperament, and unknown proclivities to judge fairly and impartially.

We should take our constitutional duties more seriously than that. We simply are determined not to let that happen.

I would like to read the concluding sentence from the editorial in today's New York Times: 6

The White House can call this politics or obstruction. But in fact it is Senators doing their jobs.

I yield the floor.

Mr. REID. Madam President, the reason I am not going to give a statement is because we have Members here on the Senate floor today who could give a long statement on the misfortune of Miguel Estrada. But we have been asked by the two leaders to try to get some votes lined up for tomorrow. We have a manager of the bill who has been waiting. We have a Senator from New York who has been waiting.

I just simply say before we go to the Senator from Ohio and the Senator from New York, who have amendments to offer, that we have debated Miguel Estrada a lot. I don't know how many votes we have had—10 or 12—and not a single vote was changed.

We can debate this ad infinitum. The fact is, Miguel Estrada didn't respond to questions that we thought appropriate and didn't divulge information in the form of memos from the Solicitor's Office. The reason he is different than some others who worked in that same office is because we got the full information.

For example, we reviewed Judge Roberts off and on for more than 10 years. So he and Miguel Estrada are totally different.

The real victim in all of this is Miguel Estrada. I acknowledge that by virtue of the fact that the White House had the theory they were not going to allow questions nor submit information from the Solicitor's Office.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004—Continued

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Madam President, my colleague from New York and other Members who are on the Senate floor have several amendments that I ask unanimous consent to have set aside. I anticipate speaking probably for about 10 minutes.

Mr. SPECTER. Madam President, will the Senator from Ohio yield for an announcement?

Mr. DEWINE. I yield.

Mr. FRIST. Madam President, just for the information of our colleagues, we will have no more rollcall votes tonight. The plan at this juncture is that most likely we will have two stacked rollcall votes in the morning. That is subject to change. People should stay in touch with the cloakrooms. But for tonight, there will be no more rollcall votes.

We will continue with amendments, and I ask Members to come to the floor so we can prepare for tomorrow. We will have stacked votes in the morning.

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENT NO. 1561 TO AMENDMENT NO. 1542

Mr. DEWINE. Madam President, I call up my amendment numbered 1561.

The PRESIDING OFFICER. Without objection, the pending amendments will be set aside and the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. DEWINE] proposes an amendment numbered 1561 to amendment No. 1542.

Mr. DEWINE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide funds to support graduate medical education programs in children's hospitals)

On page 61, between lines 14 and 15, insert the following:

SEC. ____. (a) IN GENERAL.—To carry out programs to support graduate medical education programs in children's hospitals under section 340E of the Public Health Service Act (42 U.S.C. 256e et seq.), there are appropriated a total of $305,000,000, including amounts otherwise made available in this Act for such programs.

(b) OFFSET.—Amounts appropriated under title III under the heading ''Program Administration'' shall be reduced by $15,000,000.

Mr. DEWINE. Madam President, this amendment would increase the amount of pediatric graduate medical education funding to $305 million—up from the $290 million currently in the bill.

I remind my colleagues that a sense-of-the-Senate amendment was attached to this year's budget resolution which indicated that children's graduate medical education should be funded at $305 million.

This amendment would mirror the sense-of-the-Senate resolution which we have already adopted. That is all it would do. But I believe it is important that we provide these additional dollars.

This funding for pediatric graduate medical education is truly a vital part of our efforts to protect children's health in this country.

To date, children's hospitals, though they represent only 1 percent of all hospitals in the country, train 30 percent of all pediatricians and 50 percent of all pediatric specialists. They also provide hospital care to almost 50 percent of all seriously ill children in this country.

Furthermore, children's hospitals serve as the health care safety net for low-income children in their respective communities and are often the sole regional providers of many critical pediatric services.

These children's hospitals are often the only source of many pediatric specialty services, and it is their graduate training programs that make these services possible. Funding for pediatric graduate medical education helps provide our Nation with highly qualified pediatricians, pediatricians who can properly treat and care for our children when they are sick.

Clearly, funding for GME in children's hospitals is a sound investment in children's health and provides stability for the future of the pediatric workforce. I urge my colleagues to join me in providing this additional $15 million in funding for graduate medical education in children's hospitals.

Anyone who has had the occasion to take their child to a children's hospital, as I have, and to see the magical work these children's hospitals do, I think can appreciate the need for this amendment. To see the specialists descend on your child when you are concerned about that child's safety, maybe that child's life, is just something you really cannot describe.

The children's hospitals will tell you that this graduate medical education money has been a lifesaver for them. It is essential that we provide this money through the appropriations process, frankly, because of a quirk in the law. It is a quirk in the law that we have to do it through the appropriations process because they do not automatically get the money through the entitlement process because, obviously, they do not serve many Medicare patients. So it does not come to them automatically, as it does all the other hospitals in the country. So every year we have to go through this process.

I am simply asking that the funds be increased to $305 million. It is the right thing to do. It is the proper thing to do. I ask my colleagues to support this very simple amendment.

Madam President, I ask unanimous consent that this amendment be set aside for the time being.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

AMENDMENT NO. 1560 TO AMENDMENT NO. 1542

Mr. DEWINE. Madam President, I now call up amendment No. 1560.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. DEWINE] proposes an amendment numbered 1560 to amendment No. 1542.

Mr. DEWINE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide funds to support poison control centers)

On page 61, between lines 14 and 15, insert the following:

SEC. ____. (a) IN GENERAL.—To provide funding for poison control centers under the Poison Control Enhancement and Awareness Act (42 U.S.C. 14801 et seq.), there are appropriated a total of $27,600,000, including amounts otherwise made available in this Act for such centers.

(b) OFFSET.—Amounts appropriated under title III under the heading ''Program Administration'' for building alterations and related expenses for relocation shall be reduced by $5,300,000.

Mr. DEWINE. Madam President, the amendment I am now offering would fully fund poison control centers at $27.6 million. That is an increase of $5 million from what the bill currently funds at $22.3 million.

Members of the Senate, there are currently over 70 poison control centers nationwide. These centers have fielded over 1 million phone calls since January 2002, answering questions about poisonings, drug abuse, product contents, substance identification interactions, and adverse reactions. They can answer questions and concerns about what would typically be called poison products—things such as cleaners, bleaches, anything you would find in your home, any emergency a family might face. This is the most common poison exposure for children, children who typically ingest household products such as cosmetics and personal care products, cleaning substances, pain relievers, foreign bodies, and plants.

Our Nation's poison control centers handle an average of one poison call every 15 seconds. Clearly, these centers provide a vital service to the parents and family members.

The money we provide in this bill will go toward the continuation of the centers' work, as well as the maintenance of the toll-free nationwide poison control hotline. That number, of course, is 1–800–222–1222. Let me repeat that: 1–800–222–1222. That is a number that anybody in this country now can call. Wherever you are, if you are on vacation, if you are in your own home, if you are visiting someone, you can pick up the phone and call that number, and you will go onto a poison control hotline.

I have used it. My daughter has used it for her children. It is something that is so very valuable for a parent, anyone who has children. And certainly it is not just for somebody with children. It is for anybody who is in a position to be around someone who has ingested something and they don't know what it is.

As anyone who has visited poison control centers can tell you, it is also now particularly important in a day and age when we worry about terrorism. Poison control centers have a particular meaning for us today.

With the funding in the bill, and with the additional funding that would be provided by my amendment, we are not just making an investment in poison control; rather, we are making it easier to keep our children, our friends, and ourselves safe and healthier.

I therefore urge my colleagues to support this very modest investment in our health. And I might say, the Federal Government is only a small partner in the poison control centers. When you go and visit the poison control centers around the country, what you will find is that they are funded many times by the local hospitals that pay for them themselves. They are funded by State and local government units. The money we provide is a small part of the overall money, but it is a very crucial and very important part of that contribution to keep these poison control centers going.

This is a very modest amendment, but it is a very important amendment. I urge my colleagues to support it when we do, in fact, vote on the amendment.

Madam President, I ask unanimous consent that this amendment be set aside.

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

AMENDMENT NO. 1555 TO AMENDMENT NO. 1542

Mr. DEWINE. Madam President, I call up amendment No. 1555.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. DEWINE] proposes an amendment numbered 1555 to amendment No. 1542.

Mr. DEWINE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To express the sense of the Senate concerning the Pediatric Research Initiative)

On page 61, between lines 14 and 15, insert the following:

SEC. ____. To demonstrate the appreciation that the Senate has for, and to further encourage, the efforts of the Director of the National Institutes of Health in implementing the Pediatric Research Initiative under section 409D of the Public Health Service Act, it is the sense of the Senate that—

(1) the Director should continue the Initiative and emphasize the importance of pediatric research, particularly translational research; and

(2) not later than January of 2004, the Director should continue to report to the Committee on Health, Education, Labor, and

Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives on the status of the Pediatric Research Initiative, including—

(A) the extent of the total funds obligated to conduct or support pediatric research across the National Institutes of Health, including the specific support and research awards allocated by the Office of the Director through the Initiative;

(B) the activities of the cross-institute committee on pediatric research in assisting the Director in considering requests for new or expanded pediatric research to be funded through the Initiative;

(C) how the Director plans to budget dollars toward the Initiative for fiscal year 2004;

(D) the amount the Director has expended to implement the Initiative since the enactment of the Initiative;

(E) the status of any research conducted as a result of the Initiative;

(F) whether that research is translational research or clinical research;

(G) how the Initiative interfaces with the Off-Patent research fund of the National Institutes of Health; and

(H) any recommended modifications that Congress should consider in the authority or structure of the Initiative within the National Institutes of Health for the optimal operation and success of the Initiative.

AMENDMENT NO. 1555, AS MODIFIED

Mr. DEWINE. Madam President, further, I ask unanimous consent that the amendment be modified on page 2, line 8, to include the Senate and House Appropriations Committees.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 61, between lines 14 and 15, insert the following:

SEC. ____. To demonstrate the appreciation that the Senate has for, and to further encourage, the efforts of the Director of the National Institutes of Health in implementing the Pediatric Research Initiative under section 409D of the Public Health Service Act, it is the sense of the Senate that—

(1) the Director should continue the Initiative and emphasize the importance of pediatric research, particularly translational research; and

(2) not later than January of 2004, the Director should continue to report to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Energy and Commerce of the House of Representatives, the Senate Committee on Appropriations and the House Committee on Appropriations on the status of the Pediatric Research Initiative, including—

(A) the extent of the total funds obligated to conduct or support pediatric research across the National Institutes of Health, including the specific support and research awards allocated by the Office of the Director through the Initiative;

(B) the activities of the cross-institute committee on pediatric research in assisting the Director in considering requests for new or expanded pediatric research to be funded through the Initiative;

(C) how the Director plans to budget dollars toward the Initiative for fiscal year 2004;

(D) the amount the Director has expended to implement the Initiative since the enactment of the Initiative;

(E) the status of any research conducted as a result of the Initiative;

(F) whether that research is translational research or clinical research;

(G) how the Initiative interfaces with the Off-Patent research fund of the National Institutes of Health; and

(H) any recommended modifications that Congress should consider in the authority or structure of the Initiative within the National Institutes of Health for the optimal operation and success of the Initiative.

Mr. DEWINE. Madam President, this amendment is a sense-of-the-Senate amendment expressing the importance of pediatric research at NIH. Specifically, this amendment says we should continue the work of the Pediatric Research Initiative. This is an effort I worked on with several of my colleagues and was included in the Children's Public Health Act of the year 2000.

This initiative helps ensure that more funds can be dedicated to children's health research within the National Institutes of Health.

Mr. SPECTER. Madam President, will the Senator yield for a question?

Mr. DEWINE. I yield.

Mr. SPECTER. Will the Senator from Ohio be willing to take a voice vote, at this point, accepting this amendment?

Mr. DEWINE. I would be more than happy to do that.

Mr. SPECTER. Madam President, I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment, as modified, is adopted.

The amendment (No. 1555), as modified, was agreed to.

Mr. SPECTER. I thank my distinguished colleague from Ohio and I thank the Chair.

AMENDMENT NO. 1578 TO AMENDMENT NO. 1542

Mr. DEWINE. Madam President, at this point I call up amendment No. 1578.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. DEWINE], for himself, Mr. ALEXANDER, Ms. STABENOW, Mr. GRASSLEY, and Mr. VOINOVICH, proposes an amendment numbered 1578 to amendment No. 1542.

Mr. DEWINE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide funding for the Underground Railroad Education and Cultural Program)

On page 74, line 1, strike ''$409,863,000, of which $13,644,000'' and insert ''$406,863,000, of which $10,644,000''.

On page 76, between lines 11 and 12, insert the following:

SEC. ____. For necessary expenses for the Underground Railroad Education and Cultural Program, there are appropriated $3,000,000.

Mr. DEWINE. Madam President, the amendment I offer now, along with Senators ALEXANDER, STABENOW, GRASSLEY, and VOINOVICH, will provide $3 million in funding for the Underground Railroad Education and Cultural Act, a 1998 law that Senator COLLINS and I wrote together. The Underground Railroad Education and Cultural Act was designed to assist in establishing programs to research, display, interpret, and collect artifacts and other items relating to the history of the underground railroad. The bill before us now has unfortunately zero-funded this program. I believe we must correct that.

Our amendment would provide $3 million for this program. As my colleagues know, the history of the underground railroad is a vital part of the history of our great country. In the 20 years or so prior to the Civil War, it is estimated—of course, no one will ever know what the true figure is—that more than 40,000 slaves used this underground railroad, as we refer to it, as a pathway to their ultimate freedom. It is a great story in the history of our country. It is a great story every schoolchild in America should know about.

More than 150 underground railroad sites have been identified in my State of Ohio alone. But Ohio is not unique. All the States that border along the Ohio River and were actually considered to be border States have sites on the underground railroad. There were people all along on both sides who helped slaves escape. African Americans helped slaves escape. White Americans helped slaves escape. There were so many heroes.

Their stories need to be told. There are many more other sites out there that frankly need to be identified, and their stories need to be told as well. These sites symbolize freedom for thousands and thousands of enslaved Americans. When I visit these sites, as I have with my family—in fact, I had the opportunity this August during our recess to visit several of them—it makes me pause and think about the sacrifice that was made by so many people. It reminds us of the history of this country. It reminds us of the horror of slavery, a part of our history that simply has to be told. But it also reminds us of the good part of that history; that is, the sacrifice made by so many people so others could be free.

This program is very important. I urge my colleagues to join me in support of this funding request. This funding request will enable this story to be told and told in a better way.

Madam President, I ask unanimous consent at this point that the amendment be set aside.

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

INTERNATIONAL HIV INITIATIVE

Mr. DEWINE. Madam President, I will at some point, as I indicated this morning, be coming to the floor and offering an amendment concerning President Bush's International Mother and Child Prevention of HIV initiative. As I indicated this morning, unfortunately the bill before us does fall short by $60 million what the President requested.

The President requested $150 million in regard to the amount of money to be provided for this initiative. I will be talking about this later and will be offering an amendment concerning it. This is the most cost-effective way to save lives.

A number of my colleagues went with Senator BILL FRIST to Africa. We returned just last week. We saw firsthand the good this program is already doing. For as little as $3, a pregnant woman can be given the help, the drugs she needs to ensure that her child will not be born HIV positive.

The statistics are staggering. For a mother who is HIV positive, the odds are approximately 30 percent that she, untreated, will give birth to a child who will be HIV positive. We all know what that means, what horrible tragedy that is. In countries we visited such as Namibia and South Africa, there are now ongoing programs. Many of them, because of the initiative of President Bush and this Congress, are good people working, reaching out to these pregnant mothers who are HIV positive. They have reduced that percentage now down to 5 or 10 percent. If that mother can be given a drug prior to the birth of that child—as I said, it now costs as little as $2, $3, maybe $4—we can reduce the odds from 30 percent to giving birth to a child who is HIV positive down to as little as 10 percent and possibly as low as 5 percent.

That is why it is so very important that we restore the funding in this bill to the $150 million requested by President Bush. I will be coming to the floor later on as we debate this bill and offering an amendment to restore the funding to the level President Bush requested. I will be back on the floor later on to do so.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Madam President, I commend and thank my colleague from Ohio who is always looking out for the children. This has been a mission of his, year in and year out. I thank him for the amendments he has just discussed because every one of them concerns the well-being of our children. I look forward to supporting these amendments. I particularly thank the Senator for amendment 1561 to restore the money for pediatric graduate medical education.

AMENDMENT NO. 1565 TO AMENDMENT NO. 1542

Mrs. CLINTON. Madam President, I ask unanimous consent that amendment 1565 be called up.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mrs. CLINTON] proposes an amendment numbered 1565 to amendment No. 1542.

Mrs. CLINTON. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide additional funding to ensure an adequate bioterrorism preparedness workforce)

On page 36, line 16, strike the period at the end and insert '': *Provided further*, That the amount $6,252,256,000 under the heading 'Health Resources and Services' shall be deemed to be $6,272,256,000 of which the additional $20,000,000 shall be available for carrying out sections 765 and 767 of the Public Health Service Act: *Provided further*, That the amount $4,588,671,000 under the heading 'Disease Control, Research, and Training' shall be deemed to be $4,631,871,000: *Provided further*, That the amount $1,726,846,000 under the heading 'Public Health and Social Services Emergency Fund' shall be deemed to be $1,756,846,000: *Provided further*, That the amount $1,116,156,000 under the heading 'Public Health and Social Services Emergency Fund' shall be deemed to be $1,146,156,000 *Provided further*, That the amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $6,988,399,000: *Provided further*, That the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $6,690,101,000: *Provided further*, That of the funds appropriated in this Act for the National Institutes of Health, $93,200,000 shall not be available for obligation until September 30, 2004.

Mrs. CLINTON. Madam President, this amendment is intended to provide the money that is needed to ensure that at the Federal, State, and local levels, we have an adequate bioterrorism workforce. In order to do that, we have to fund the pipeline.

This summer the Partnership for Public Service issued a report stating that 50 percent of our experts trained to respond to a biological or chemical attack will retire over the next 5 years. That puts our country and our public health at risk.

Obviously, every one of us in this body is committed to making our country safer and providing the bioterrorism funding we have fought for since 9/11. And I appreciate the great support the Senate has given to increasing dollars to combat the threat of bioterrorism. But, unfortunately, our frontline defenders, who are our health professionals, are decreasing in number when we need them more than ever.

According to the Office of Personnel Management, more than 2,600 public health professionals in the Federal Government are eligible to retire in 2008, and that number could soar to more than 8,000 in just the next few years.

Unfortunately, the shortage in personnel is not just Federal. It is already being felt at the State and county levels. In county after county in the public health departments, I have been given reports that so many of the staff members are being stretched thin and they are unable to do the work that is required. If we don't find ways to provide the resources to attract and pay for these professionals, we are going to be in a terrible dilemma not only if a horrible event or some kind of biological or chemical attack were to occur, but even with the outbreak of something like SARS, or something unpredictable that we may have never encountered before.

The Bioterrorism Preparedness and Response Act that we passed in 2002 does help with workforce training, recruitment and development. But with respect to what has occurred since 2002, we already know we have had increased demands on our public health system, and we have insufficient resources to expand personnel or, as these recent reports I have referenced indicate, keep pace at current levels.

The CDC and other agencies need to do strategic planning. My amendment includes $5 million to fund an annual needs assessment, with a report to Congress, of Federal, State, and local bioterrorism personnel, conducted by the Institute of Medicine or another competent and independent authority.

But even while we are looking longer term, we have immediate public health needs right now. I know that, for example, in New York, two Centers for Public Health Preparedness are located at SUNY Albany and Columbia University. They have already trained 10,000 people each year in bioterrorism preparedness. Many regions don't have these centers of excellence, and we have to figure out how we can get the resources and personnel to every part of our country.

According to the Association of Schools of Public Health Preparedness and Prevention, the 19 nationwide Centers of Public Health Preparedness have asked the administration for $50 million—nearly double what the President's budget proposes. I think we should meet those requests, and my amendment would provide the funds to do that.

My amendment also provides funds, in accordance with the recommendation of CDC's own National Advisory Committee on Children and Terrorism, to double the number of outbreak specialists in the Epidemic Intelligence Service. These EIS specialists are dispatched to respond to epidemics and bioterrorism.

The resident expertise that we need in State and local public health departments is also crucial. My amendment would provide $25 million to the Epidemiology Program Office, the National Center for Infectious Diseases, and the Public Health Practice Program Office of the CDC to recruit and train 1,600 epidemiologists, 800 laboratory personnel, 800 public health nurses, and 800 other public health professionals to work in State and local public health departments nationwide.

The Council of State and Territorial Epidemiologists estimates that State and local public health departments need to hire 1,600 epidemiologists over the next 10 years to prevent worsening shortages of State and local epidemiologists. It costs about $60,000 to train a public health professional. This proposal would spread that investment over 10 years.

Finally, the amendment also provides $20 million for carrying out sections 765 through 769 of the Public

Health Service Act to title VII to encourage personnel to enter epidemiology and bioterrorism detection careers.

Title VII has been decimated each of the last 3 years. It has been a struggle to keep it even flat-funded from year to year. Unfortunately, the pipeline for epidemiologists and bioterrorism experts has suffered as a result.

I hope to be able to work this out without the manager of the bill. I understand completely the many competing considerations he has to balance, but it is imperative that we start to meet these needs. If we pass this amendment today and get the money in the pipeline, we can begin to train and hire the doctors, nurses, and other public health professionals who are going to be necessary for us to deal with whatever we face in the future.

Unfortunately, terrorists or epidemics like SARS don't wait while the retirement notices are stacking up. I don't think we should either. This $93 million would be money well spent that would make us better prepared to deal with the incredible challenges that we confront as we try to ensure that our vigilance and our concern is matched by the expertise we need to actually deal with any problem that we may confront.

Madam President, I ask that this amendment be supported, but I ask, too, that we look for a way to deal with this pipeline problem that is so critical to actually putting teeth into the preparedness that we have passed in this body and funded since September 11.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Madam President, there is no doubt of the tremendous need for preparation for bioterrorism. During the recess month, I spent most of it traveling through my State visiting first responders—essentially fire departments, in conjunction with police departments and other county organizations that are being set up for response to potential bioterrorist attacks.

When 9/11 struck, obviously, the U.S. was totally unprepared. I think the ranking member will recall that we had to have the hearing in the bowels of this building because we were kicked out of the other hearing rooms. We brought in the Centers for Disease Control and insisted that they give us an itemization of the various types of biological attack, what resources were currently available, and what additional resources we would need.

We had a very tough time getting information from the Centers for Disease Control by the time they went through the alphabet soup. They had to get permission from HHS, and then Health and Human Services had to get permission from the Office of Management and Budget. Finally, we got the information informally. We could not get it formally. We got it informally.

I have just been handed talking points and information and facts by my staff. The way the Senate functions is that these amendments come without any significant advanced notice. The Senator from New York was halfway through her argument before I got a copy of her amendment. I challenge anybody to read the amendment and follow it.

Well, people can't hear me on C–SPAN because my microphone wasn't on.

The point was that we did get a supplemental appropriations bill for approximately $3 billion. We had quite an extended discussion in the living quarters of the White House—something I probably ought not to talk about. But the President invited a group of us over and we got into a long discussion. There were those in the administration, according to an article published a day after Thanksgiving, that wanted to put it in next year's budget. They wanted to wait until 2002 to put it in 2003.

Talking directly to the President, a number of us prevailed and put $3 billion into the budget at that time.

We now have a very extensive itemization of funding. The CDC has $940 million for State and local preparedness. Upgrading CDC capacity: $143,700,000. Pharmaceutical stockpile: $300 million. Smallpox vaccine—and it goes down to a full page. I ask unanimous consent that list be printed in the RECORD so I need not read it all.

Activity	FY03 Enacted	.65% ATB	Transfers to DHS	FY 2003 Comparable	FY 2004 Request	FY 2004 Senate
CDC						
State and Local Preparedness	$940,000	$6,110		$933,890	$940,000	$940,000
Upgrading CDC Capacity	143,700	934	−584	142,182	143,700	143,700
Pharmaceutical Stockpile	300,000	1,950	−298,050	0		
Smallpox Vaccine	100,000	650	−99,350	0		
Anthrax Vaccine Research	18,040	117		17,923	18,040	18,040
Planning for Preparedness Resp.	10,700	70		10,630	10,416	10,416
Deterrence	4,000	26		3,974	4,000	4,000
Public Health Preparedness Centers	5,000	33		4,968	0	0
Health Alert Network		0		0	0	0
CDC Security PHSSEF	20,000	130		19,870	0	0
CDC Security (B&F non-add)		0		0	0	0
Independent Studies	2,000	13		1,987	0	0
Subtotal, CDC	1,543,440	10,032	−397,984	1,135,424	1,116,156	1,116,156
HRSA						
Hospital Preparedness	518,000	3,367		514,633	518,052	518,052
Education Incentives for Medical School Curriculum	28,000	182		27,818	60,012	60,012
EMS for Children		0		0	18,943	0
Poison Control		0		0	21,166	0
Subtotal, HRSA	546,000	3,549		542,451	618,173	578,064
OFFICE OF THE SECRETARY						
Transfers to DHS	88,420	575	−87,845	0	0	0
Medical Research Corps	10,000	65		9,935	10,000	10,000
Preparedness Planning	6,800	44		6,756	6,800	6,800
Operations	12,720	83		12,637	12,720	12,720
Advanced Research	5,000	33		4,968	5,000	5,000
Command and Control		0		0	0	0
National Security Early Warning	9,500	62		9,438	9,500	9,500
Secretary's Emergency Response Team	3,000	20		2,981	3,000	3,000
Media/Public Information	4,800	31		4,769	4,800	4,800
Commissioned Corps Revitalization	2,000	13		1,987	0	0
CyberSecurity	10,000	65		9,935	10,000	10,000
Subtotal, OS	152,240	990	−87,845	63,405	61,820	61,820
CDC—Supplemental				142,000	0	0
SAMHSA		0		0	0	0
AHRQ	5,000	33		4,968	0	0
Pandemic Flu		0		0	100,000	100,000
Subtotal, Bioterrorism—PHSSEF	2,246,,680	14,603	−485,829	1,888,247	1,896,149	1,856,040

Mr. SPECTER. Madam President, then the Department of Homeland Security bill was passed by this body with some $29 million, which covers a great deal more funding.

I appreciate the initiative taken by the Senator from New York and her diligence in coming up with this

amendment in an area which, beyond any question, is of overwhelming importance, critical importance. I, frankly, do not know how to evaluate her request for $93 million additional in the context of all of the programs which are in existence.

I think it is fair to state, and I think the Senator from New York has an abundance of experience in the executive branch, that the executive branch has better planning capabilities in integrating these items in the overall program. Not that the $93 million might not be well placed, well positioned and critical. It might be, I just cannot say. But I do know there has been extensive consideration by the executive branch, and I also know that the $93 million is not within the 302(b) allocation.

I come back to this again and again on items which I concede are important, but we do not have the funds within the budget resolution and within the allocation.

I know the Senator from New York will not be surprised that there will be opposition to it. We will raise a point of order. But I do think the amendment serves a very useful function in identifying what the Senator from New York thinks are critical points that ought to be funded.

I commit this to the Senator from New York—to have a hearing on the subject and to include the precise items which she has raised so that we will take them into account in our funding stream as we move into the next fiscal year.

Mrs. CLINTON. Madam President, will the Senator from Pennsylvania yield?

Mr. SPECTER. I do.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Madam President, I wish to express my appreciation to the chairman for that offer. Perhaps even before the bill is totally wrapped up we could take a look at some of those categories of funding because what I am concerned about, as the Senator rightly referenced, is in all of the funding categories, these requests I have put in this amendment are coming from constituent agencies, such as CDC, that at least believe at this point in time that the money available for bioterrorism has not been sufficiently targeted to this personnel issue.

I appreciate not only the kind offer of a hearing, because I think this is an issue that is going to go on for quite some time—it is not going to be resolved one way or another even if this amendment were successful—but also perhaps in the next several days if our staffs can look to see if there is a better opportunity to better target some of this funding to deal with this pipeline professional problem that is not only at the Federal Government level, but State and local as well.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I would be delighted to follow the suggestion made by the Senator from New York to take a look at them regardless of the outcome of the vote. It may be that the executive branch can learn from what the Senator from New York has found on her inquiries and can redirect some of the existing funds, or it is possible we could find some accommodation to this in the course of the conference.

We will look very closely at the suggestions which the Senator from New York has made and see if we can find a way to accommodate them.

AMENDMENT NOS. 1561, 1560, AND 1578

Mr. SPECTER. Madam President, I wish to turn for a few moments to the amendments offered by the Senator from Ohio. I did not take time to respond before the Senator from New York offered her amendment. She was very patient in waiting while the Senator from Ohio went through quite a long list of his amendments.

He has offered three amendments which are well directed and I think meritorious when he talks about the historical impact of the underground railroad. That is a matter of importance in education and it comes right into Pennsylvania where currently the development project in Lancaster has found remnants of the underground railroad. The House of Representatives has put in $2.235 million.

When the Senator from Ohio talks about poison control centers for $5 million, again he is on a good point. And when he talks about graduate medical education, he is not bringing it up to last year's level, he is adding money. This is an item which this Senator spent a lot of time on, as did Senator HARKIN. There was no funding for this in 1999, and in the year 2000, to start, it was slightly under $40 million, and then when I chaired the subcommittee, with the concurrence of Senator HARKIN, we made an enormous increase to $234 million for fiscal year 2001.

We then added $50 million in 2002 to $284 million, and it was at $290 million in 2003. The administration made a request for slightly under $200 million, and in a tough way we found $90 million more.

When you take them out of administration, there are going to be a lot of people unemployed, and I do not know that we can direct that unemployment solely to Ohio—I wish the Senator from Ohio were here—if it would be possible to target that unemployment to the Senator's State. But if you take out $22 million from administration—that is a nice fat target to say take it out from administration. But there are very substantial impacts when that money is taken out.

I am going to confer with the Secretary of the Department of Education to see exactly what will happen, how many people will be affected, specifying perhaps how many people from Ohio will be affected.

When the Senator from Ohio wants to add $60 million to the mother-to-child transmission, I think that is a very important item, but the fact is we now have a grand total in the Labor-HHS bill directed toward AIDS in excess of $14 billion. When the statement is made we are just going to bring it back up to the President's request, in fiscal year 2003, this was a $40 million item. The President asked for $150 million for this year, and we found $90 million to accommodate.

Bear in mind that we do this in a context where the administration has come in on many items far under what they were last year. For example, graduate medical education, to which the Senator from Ohio wants to add $15 million, we added $90 million over what the President requested. So perhaps the Senator from Ohio would like us to go back to the President's request on graduate medical education, and we would have ample money to put in $60 million more to bring it up to the President's request on the mother-to-child transmission.

I say that only by way of demonstrating that it is just not so easy to come up to the President's request on a given item when many times the President's request was far under what we are at the present time. The idea of level funding is very important in the appropriations process so you do not make drastic changes. People can live with what they got last year without accounting for inflation, but if you want to drop, as the President's budget did on graduate medical education, from $290 million to $199 million, that is going to be very tough to absorb. We took that into account.

The Constitution places the appropriations process in the Congress. That is something which is frequently overlooked.

The President obviously has an important role because he has to sign the bill, or we have to pass them without his signature, if we can do that.

This bill is very carefully crafted. Perhaps it is easy to see that I have to oppose the amendments by the Senator from Ohio. Perhaps there can be some accommodation to some of the smaller amounts but that, too, is difficult. Although the Senator from Wisconsin said a million dollars was not very much money, quoting Everett Dirksen, a million here and million there—maybe Everett Dirksen said a billion here or a billion there, but if for Dirksen it was a billion here and a billion there, then make it ARLEN SPECTER, a million here and a million there, it all adds up.

I yield to my colleague from Iowa.

Mr. HARKIN. I thank my chairman, friend and able leader on this appropriations bill. I think we all wish we had a little bit more 302(b) allocation but that is for another time and place.

Earlier today I spoke about offering an amendment that would basically prohibit the administration from moving ahead on implementing a proposed rule that would basically undermine and do away with the 40-hour workweek that we have had in the Fair

Labor Standards Act since 1938. Earlier this spring, the administration proposed some rule changes. Not one hearing was held on it.

As we looked through these proposed rules this summer and dug into them, it would drastically undermine the ability of working families, working men and women in America, to get justly compensated for overtime work in the future.

I was talking to one of my colleagues today about this, and he said to me, I have not really had a big clamor in my State for these changes. I got to thinking about it. I got to thinking I really have not had anybody in the past year or 2 years ago, or earlier this year—I have seen no real groundswell or anything about the fact that these rules as they exist now need to be changed. I do not know where this comes from. All of a sudden they are proposing this massive change in the way people's work is defined in this country and whether they are exempted from overtime pay or not.

So I have an amendment that I drafted that basically is just very simple. It says:

None of the funds provided under this Act shall be used to promulgate or implement any regulation that exempts from the requirements of section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) any employee who is not otherwise exempted pursuant to regulations under section 13 of such act (29 U.S.C. 213) that were in effect as of September 3, 2003.

So this is an amendment that I will be laying down sometime tomorrow. I mention again that this proposed rule change could affect up to 8 million workers, but the first wave of people that will be affected by this rule change will be women who are working in salaried positions that today would be paid overtime if they worked more than 40 hours a week. These would be women who work as bookkeepers, accountants, secretaries, nurses, nurse's aides, a whole host of different occupations. I say women because the way that theworkforce is structured, where the salary level is, they will fall in that lower spectrum of salary level where it will be above the minimum but it will be in the range where they will now be exempted from overtime work. That will be the first wave. That is just the first people who would be affected by it.

After that, there would be many other people affected by it—police officers, firefighters, first responders, and others.

There is no carve-out in the proposed rules and regulations for police, firefighters, and emergency personnel. They are thrown in with everybody else. So somehow I keep hearing this kind of a rumor or statement that keeps floating around that, oh, police officers will not be affected.

Well, would someone show me in the proposed rules where it says that police officers will not be affected? It is nowhere in there. So I do not know what they are talking about. They are thrown in with everybody else.

Again, I do not want to take too much more time. I will lay down the amendment tomorrow morning at the appropriate time. For the life of me, though, I cannot understand why the administration is proposing this drastic change when there has been no big groundswell for the change.

I have heard some people in this room say we have to change it because it has not been changed since 1938. That is nonsense. We have changed the Fair Labor Standards Act several times since 1938. In fact, a number of times this has been changed without taking away overtime for people in our country. So to say it has not been changed since 1938 is simply erroneous. A number of times we have addressed ourselves to new types of work, new definitions, new people in the workforce, by changing some of the definitions. In every case in which these definitions were changed they were changed to make it easier, to include more people in the overtime provisions, not to exclude people.

For example, the Department of Labor revised the overtime regulations in 1940, 1949, 1954, 1958, 1959, 1961, 1963, 1967, 1970, 1973, 1975, and 1981. In not one of those instances was the framework narrowed to exclude more people from overtime protections. These changes were made basically to enlarge, enhance, and to better define who was covered, and that is why it never really invoked much debate or consternation because we recognized that we wanted to protect people for overtime pay.

The minimum salary threshold has been raised seven times since 1938. So to say that somehow we have never touched this since 1938 is absolutely wrong. What is correct is that since 1938 we have not circumscribed, we have not narrowed, the definitional framework to exclude more people from overtime pay.

That is what these proposed regulations would do, and that is why the Senate has to speak strongly, I hope next week sometime, in supporting this amendment that would basically prohibit them from moving ahead with this kind of a regulation.

I would point out that the House of Representatives narrowly defeated this 213 to 210, with a number of Republicans supporting not allowing the administration to proceed with these changes in rules. So, again, I hope next week we can have a further debate. I intend either tomorrow or Monday to again point out the people who are going to be affected, what it means for their families and their income. What it basically means is that we are going to have people working longer hours but they are not going to be compensated for it.

As I said, many of them are women who are now paying for childcare. Well, now they have to pay to keep their children in daycare maybe longer but they do not get any extra pay for that.

So that is why this proposed change in rules and regulations is one that we have to say no to. We have to make sure we continue to protect and enhance the 40-hour workweek and make sure people who work over 40 hours, if they want to work over 40 hours or if they are compelled to work over 40 hours, are justly compensated with it for time and a half over 40 hours.

I yield the floor.

Mrs. FEINSTEIN. Madam President, I plan to offer an amendment to the fiscal year 2004 Labor-HHS appropriations bill that seeks to offer States an alternative Medicaid FMAP formula while allowing States to remain in the current formula structure if they choose. This amendment is vital to providing some relief to States who have been shortchanged by hundreds of millions of dollars under the current FMAP formula for the cost of providing Medicaid services. The amendment will not penalize any State who wishes to remain under the current formula. It simply allows States to opt into a new formula that better reflects States' need. This new FMAP is only for Medicaid expenditures in excess of fiscal year 2003 Medicaid expenditure levels.

For States who opt to go with the new formula, per capita income is replaced with a ratio of the most recent 3-year averages of total taxable resources, TTR, as determined by the U.S. Department of the Treasury, and persons below the poverty level. The multiplier is also lowered from 0.45, used in the current FMAP formula, to 0.40. For the period 2004–2013, the new formula has a maximum increase of one percentage point per fiscal year above the current FMAP formula for the prior year. Once a State opts to go with the new formula, they will not be able to switch back to the current FMAP formula. However, they will be held harmless at the FMAP rate they would have gotten under the current formula, prior to the Jobs and Growth Tax Relief Reconciliation Act of 2003, for the current year. States opting for the new formula will have Medicaid expenditures, up to the fiscal 2003 levels, matched at the current FMAP formula and with expenditures above the fiscal 2003 levels matched at the new formula FMAP.

In a study released in July 2003, GAO found that the formula used to calculate the portion of each State's Medicaid expenditures that the Federal Government will pay—the FMAP—often widens the gap between individual States and the national average. Under the current formula, 21 States move farther from the average State's funding ability after the Federal match is added. In fact, 4 of the 21 States—California, Florida, Hawaii, and New York—have below-average funding ability before Federal matching is added and move farther below the average after Federal matching aid is added.

Since Medicaid was enacted in 1965, the Federal match rate has been determined by a State's per capital income. In its study, GAO found that per capita

income is a poor proxy for determining both State resources and the low-income population. The Feinstein amendment will give States the option to choose a formula that is based on a combination of the State's total taxable resources and population below the poverty level.

The PRESIDING OFFICER. The Senator from Alabama.

MIGUEL ESTRADA

Mr. SESSIONS. Madam President, it is a sad day for the Senate today. Miguel Estrada, after having been nominated by the President to the Court of Appeals of the DC Circuit, after having waited 28 months, almost 2½ years, felt it imperative that he get on about his private business, his law practice. He has asked the President to withdraw his name. It is with great sadness that occurred.

For many in this body, Miguel Estrada is one of the finest nominees to come before this Senate. The American Bar Association evaluated him. This is certainly no rightwing group. They evaluated him and unanimously concluded he was well qualified for the Court of Appeals. Indeed, he is.

The sad thing about it was the ground rules of Senate confirmation have been changed. Miguel Estrada was a victim of a sustained filibuster. It was for the first time in history that a sustained filibuster had defeated a circuit or district court judge. He was the first one subjected to a filibuster in this Congress. He is the first one to be forced to withdraw because he has to get on with his life. And he had 55 votes in the Senate for an up-or-down vote and a like number, I am sure, for confirmation.

For the first time, 45 Senators have blocked and defeated a nominee. This is an unprecedented change in our Senate policy. It is something that is not good for this Senate. It has diminished the independence of the judiciary. It has diminished the power of the executive branch to nominate and it has harmed the Senate when we change the historical rule from 50 votes to 60 votes for a confirmation. It is not good public policy.

I ask why it is that this Senate, for all these years since the founding of this Republic, has not had a filibuster for one of these nominees? The reason is pretty clear. The Senators believe the Constitution suggests confirmation should be by majority vote. For example, the Constitution says the Senate shall advise and consent on treaties provided two-thirds agree and shall advise and consent on certain nominees, including judges. From that implication it is clear that two-thirds were required for advice and consent on treaties but only a majority for the judicial nominees. That is what we have done until this year. This plan to block nominees was designed after President Bush was elected and the Democrat Senators had a retreat with a number of liberal law professors, including Lawrence Tribe, Cass Sunstein, Marcia Greenberg. These liberal professors they talked of changing the ground rules for confirmation and Democrat Senators decided to change the historic rules of this Senate and block more nominees.

Of course, President Bush nominated nine judicial candidates when he took office. Two were Democrats. One was a renomination of a Clinton nominee, a Democrat, and the renominated Clinton nominee was promptly confirmed. Nine out of the 11 sat. The Democrats had the majority in the Senate and they refused to bring those candidates up for hearing in the Judiciary Committee.

Finally, when the election occurred and one of the issues in the election was the obstructionism in the Senate by the Democratic majority and a new majority was constituted with the Republicans in the majority, they moved some of these nominees forward. Estrada was moved out of committee, Priscilla Owen and others were moved forward. We then found ourselves facing for the first time in history a filibuster of Miguel Estrada.

Let me mention some things about this extraordinary nominee. He was born in Honduras and came here as a teenager. He struggled with the language. He was able to get himself into Columbia University where he finished and graduated with honors. He then went to Harvard Law School where he was an editor of the Harvard Law Review, one of the highest honors for any graduating law senior. He then clerked for the Court of Appeals, the same level court he was nominated to. He served as a law clerk to a Court of Appeals judge in New York, as I recall, and then clerked for the Supreme Court. Very few lawyers ever get selected to clerk for a Justice of the United States Supreme Court. What a great honor. He was selected by Justice Anthony Kennedy, one of the moderate swing justices in the Supreme Court, as he is viewed.

After that, he took a position with the Department of Justice and he was in the Solicitor General's Office of the Department of Justice. The Solicitor General's Office is where the Department of Justice has the top appellate lawyers arguing the position of the United States of America in circuit courts and in the United States Supreme Court. What a great position. Most lawyers say the Solicitor General of the United States is the greatest lawyer position in the world. Every day you go to court and represent the United States of America in the highest court in the land.

Miguel Estrada was there for 6 years. Every year he was there he got the highest possible rating the Department of Justice evaluators give to an employee. This is particularly important to note. In 5 of the 6 years he was in the Solicitor General's Office, it was in the Clinton Department of Justice. He served by far the great majority of his time in the Clinton Department of Justice and was given each year the highest possible ratings. Since then, he has been highly successful in law practice. He has argued as many as 10 or 15 cases before the Supreme Court. Most lawyers in America will never argue a case before the United States Court of Appeals, much less have 15 cases before the Supreme Court. He was selected for those arguments because he was known to be an extraordinarily skilled appellate lawyer.

I saw his testimony. He was open and candid and brilliant in his answers. I remember one Senator tried to pin him down and said, you are a strict constructionist, aren't you? Mr. Estrada said, I am not sure I would call myself that. And he said, the President wants to nominate strict constructionists and President Bush has nominated you so you must be one. First, he said, the President didn't say anything to me about that, but I would call myself a fair constructionist. I believe we ought to fairly construe the law as it comes before us. I don't use the word strict constructionist. He was open and candid with the people asking questions.

Then there was constructed an event and a circumstance that put Mr. Estrada in a bad light. It was deliberate and premeditated and calculated, in my view. The Democrat said, well, you served on the staff of the Solicitor General and you wrote all kinds of memoranda that were relevant to important issues before America. We demand you produce every memoranda you wrote while you were in the Solicitor General's Office. And he answered this exactly correctly, but I am not sure the American people and the press and those who asked questions paid attention to his answer. His answer was, Senator, those are not my papers. I was a lawyer in a law firm of the Department of Justice. The papers I prepared belong to the Department of Justice. I do not have the power to reveal to the public such private, legal memorandum from my client, the United States of America.

So the question was, then, well, let's have the Department of Justice produce them. And the Department of Justice was absolutely correct in saying unequivocally, no, we are not going to produce those documents. The reason is that those are confidential, internal memoranda of the U.S. Government involving litigation in cases in the United States.

In fact, it outraged former Solicitors General of the United States of both parties. All four former Solicitors General of the United States who had served under Democrat administrations wrote a letter that the Department of Justice should not reveal those memoranda, that it was work product and would chill free debate by young lawyers who were asked to submit written memoranda. And every other Solicitor General I know of, who is alive, Republican and Democrat,

agreed that the Department of Justice should not produce them.

So now we have this viewed as Mr. Estrada wasn't open with the committee because he wouldn't produce all these documents. How bogus can that be? That is really unfortunate, that Members of this Senate would actually suggest that Mr. Estrada somehow has the authority and should, even if he did have the authority, produce and turn over to the public documents that remain part of the work product of the Department of Justice. It would be unethical for him to do so. He should not do so.

So that is how we got into this, I suppose. But surely that is not a basis to turn down a nominee of this extraordinary ability. Why would they pick on him? Why would they construct this idea that he is somehow unqualified? It really baffles me. It is a matter I find difficult to fathom.

But I would just share a few things that strike me. Yes, he was a Hispanic. Does that mean Democratic Members of this body are prejudiced against Hispanics? I hope not. I would never accuse them of that and don't believe that is so. What I do believe is that President Bush had made clear that he would like to give Hispanics an opportunity to be judges and he would like to see a Hispanic on the Supreme Court of the United States. He made that clear. Everybody knows he would like to see that occur, if possible.

Here we were, 2½ years ago, nominating one of the most brilliant Hispanic lawyers, one of the most brilliant lawyers in America of any background, Miguel Estrada. He was nominated, and had he been confirmed back then as he should have been according to the American Bar Association, rating him unanimously well qualified, their highest qualifications, well qualified; he would had already had 2½ years of experience writing opinions, proving his skill and ability. At that point, I submit, he would clearly be one of the preeminent nominees under consideration for appointment to the U.S. Supreme Court. This is the quality of this man.

So, he has been denied an opportunity to achieve a prestigious appointment to the court of appeals, and that has in fact denied him the opportunity to again prove his excellent integrity, legal skill, and ability on that bench. And, who knows, maybe that is why some of those thought he would be a perfect nominee for the bench and they would just block him now. If that is so, that is wrong and should not have occurred. I am very frustrated about it.

I would also, just one more time, note that he had a majority of the Members of this Senate prepared to vote to confirm him—55 votes he had. Prior to this year, throughout the history of this country, that would have confirmed him easily to this position. So it was by a filibuster. We voted cloture I think six, seven, eight times to try to get him up for an up-or-down vote, blocked each time by the procedural technique of a filibuster that was never before used on a circuit judge in the history of this country. It is just really sad that that has occurred.

Let me just say this finally. President Bush wants judges on the bench who follow the law. He wants judges on the bench who care about the law, who believe they are not postmodernist relativists. He believes we have judges who can read words and give those words plain meaning and follow those words. That is what a judge should do. A judge is not empowered to make law. A judge is not empowered to impose their political views or to set public policy. That is not what a judge does. A judge rules on the law.

Make no mistake, a Federal judge is a lifetime appointment. They are not able to be voted out of office, as we can if we pass a bad law. We can be voted out of office. We are subject to the will of the public. But a judge is not. So what we want in a judge is one who follows the law and has the history and the discipline to show that he or she will follow the law. Miguel Estrada has that. In fact, that is his guiding legal philosophy, that a judge should show restraint, should follow the law and do the right thing, whether they agree with it or not. That is what we need.

Now we have judges who have declared the California three strikes law unconstitutional. They have been in effect for 20 years and no doubt are a major factor in the plummeting of crime rates in California and other States that had those laws. They are helping to reduce crime there. So we have Federal judges saying that is unconstitutional.

We have a Federal judge in the Ninth Circuit saying the Pledge of Allegiance is unconstitutional.

We have Federal judges just recently overturning 170 death penalty matters after juries and judges and appellate courts have ruled on them. They just blithely come in and say: We don't like the way you do this now, and we are just going to wipe out those death penalty decisions.

We have bizarre verdicts on litigation. Everybody knows about the coffee case and other things.

We are having hearings now on asbestos. The litigation over asbestos has gotten completely out of hand. What is occurring there is one of the saddest eras in legal history, in my view. Only 40 percent of the money paid out by the asbestos companies is getting to the victims. What a horrible stain on the legal system in America. We cannot defend that. These kinds of things impact the American economy. They drive up the cost of insurance. They drive up the cost of doing business. No nation in the world has the legal costs on their economy that this country has.

So we need judges with common sense. We need judges who will follow the law. We need judges who show fidelity to the rule of law. That is what President Bush wants. That is what Miguel Estrada is. That is what he has committed his life to. And that is why they don't like him. It will mess up the game where people want the courts to do for them what they cannot win at the ballot box with elected representatives.

Now we have Priscilla Owen, also under filibuster. She made the highest possible score on the Texas bar exam, was one of the greatest lawyers in Texas, was elected this last time to the Texas Supreme Court with 87 percent of the vote, and is serving her second term, endorsed by every major newspaper in the State of Texas. She was rated unanimously well qualified by the American Bar Association. And they are filibustering her?

I will tell you something else. Priscilla Owen is quite capable of serving on the U.S. Supreme Court. Is that why they are picking on her? And Bill Pryor, the attorney general of Alabama, whom I know and have seen operate, one of the finest, most brilliant people I have known. I have never met a person who has more commitment to the rule of law, doing the right thing, evaluating matters on a legal basis, and doing what the law says regardless of politics, which is why he has, for example, the support of most of the Democrats in leadership in the State.

He has the support of four of the very top African-American leaders in the State, including Joe Reed, a member of the Democratic National Committee and vice president of the Teachers Union, Alvin Holmes, one of the most outspoken African Americans in the State legislature, Congressman ARTUR DAVIS, and Chris McNair, former county commissioner in the State's largest county and whose daughter was killed in that tragic church bombing event many years ago.

Those are the kinds of people who support Bill Pryor. He was editor in chief of the Tulane Law Review—a brilliant lawyer of the highest possible ethics and integrity, a man of deep religious faith, a man who has proven that he will follow the law regardless of what his personal beliefs are and has handled himself again in recent days in a very difficult situation involving the chief justice of the State of Alabama and the Ten Commandants. He has agonized over it. I know.

He has studied the law and he simply has done what Bill Pryor has always done. He has followed the law regardless of what people may say about it. That is his life. That is what he believes in. And that is what he will do if he is put on the bench. You can't find a person in America better qualified.

These filibusters unprecedented in the history of this Senate.

It is a very sad day that we are here today to see the success of the first filibuster of a circuit judge in history—to be successful with the withdrawal of Miguel Estrada. What a sad, sad day.

This Senate needs to think through what we have done. This knife can cut both ways. We do not need to establish this as a policy of this Senate.

I urge my colleagues to reevaluate what they have been doing and not to continue down this road because it is not going to go away lightly. Those on this side will use that same knife and use those same tactics in the future. We are not going to go away quietly on this when we see nominees of this ability and of this character and integrity—with sound judicial philosophies that believe in following the law and not using the bench as a forum for a personal agenda.

I conclude by expressing my appreciation to Miguel Estrada for offering himself in service. I hope he will have an opportunity in the future to serve this country which he has adopted in some other capacity—maybe even in this capacity in the future. He certainly is qualified. He would make a great judge at any number of levels. My respect for him after watching him testify and after seeing how he handled this difficult time has only increased.

I thank the President. I yield the floor.

The PRESIDING OFFICER. The Democratic whip.

Mr. REID. Madam President, I echo the statement I made earlier today following the statement by Senator ALLEN with simply this caveat: I would say that statement is totally accurate with the exception of the fact that we now have approved an additional judge.

Now the record stands at 146 judges approved during President Bush's Presidency, and 3 have been rejected. One-hundred and forty-six to three is not a bad record.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I would add that during the 8 years President Clinton was President, 377 judges were confirmed. This Senate voted down only one. Most of the time the Republicans were in the majority and we did not vote down his nominees. Forty-one were left pending when President Clinton left office. There were 54 left pending when former President Bush left office.

But anyway, I know we can talk about that off and on. But I did want to make that point.

MORNING BUSINESS

Mr. SESSIONS. Madam President, I ask unanimous consent that there now be a period of morning business.

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

APPOINTMENT OF CONFEREES—H.R. 6

The PRESIDING OFFICER. Under the order of 5–31–03, the Chair appoints conferees on H.R. 6.

The Presiding Officer appointed Mr. DOMENICI, Mr. NICKLES, Mr. CRAIG, Mr. CAMPBELL, Mr. THOMAS, Mr. GRASSLEY, Mr. LOTT, Mr. BINGAMAN, Mr. DORGAN, Mr. GRAHAM of Florida, Mr. WYDEN, Mr. JOHNSON, and Mr. BAUCUS conferees on the part of the Senate.

HONORING GENERAL RAYMOND G. DAVIS

Mr. MILLER. Madam President, I rise today to reflect on the life of a great American, a legendary marine, and a native Georgian. I refer to GEN Raymond G. Davis, who passed away yesterday in Georgia at the age of 88.

General Davis was one of this country's greatest military heroes. He courageously served his country as a marine in World War II, in Korea, and in Vietnam during his 33 years of military service. General Davis was a noble veteran, tireless advocate, and distinguished recipient of the Medal of Honor.

I know we have a lot of very important things going on in this Chamber today, but I don't think it is too much to take 3 or 4 minutes to remember one of the great battles in military history and the role this man played in it. I refer to the Chosin Reservoir in Korea, known as the Frozen Chosin. In the biggest shock of the war, 300,000 Chinese Communist soldiers crossed the Yalu River from China into North Korea and trapped 8,000 members of the first marine division at the Chosin Reservoir. There was only one way out, an icy road that twisted around steep mountains. If the Chinese gained control of it, all of the marines would be annihilated.

Then LTC Raymond Davis was a 35-year-old Georgia Tech graduate with already two Silver Stars for heroism in Korea, and the Navy Cross, our second highest award, for gallantry at Peleiu.

He commanded a battalion of marines faced with an impossible task: to get the marines on Fox Hill linked up with them or the thousands would be trapped at the reservoir and would be doomed.

That afternoon, at 24-below-zero weather, the battalion began struggling up the side of a steep ridge. Davis's men climbed 1,000 yards before the Chinese opened up. The marines kept clawing their way, inch by inch, up the icy slopes. They battled enemy soldiers who seemed tucked into every crevice. Atop the first ridge, the men's sweat froze on their eyebrows and beards. They put their wounded on stretchers and pushed on. The men rose and trudged toward still another ridge. All along, snipers picked at the slow exposed line, but there was no time for the marines to stop and fire back. They went downhill by sliding on the ice. Davis was so numb that three times he forgot a compass reading taken only moments before.

At 4 a.m. this great Georgian halted his unit. The battalion was close to Fox Company, but it lost radio contact. Trying to reach that unit in the darkness without communication might get them caught in a crossfire. They would rest until daybreak. As Davis started to nap, a sniper's bullet pierced his sleeping bag and grazed his head. He tried again to sleep.

By first light there was still no radio contact with Fox Company and Davis feared the unit had been overrun. Then came word from his radio operator: Colonel, he announced, we have Captain Barber on the radio.

As the two officers talked, still hundreds of yards apart, both fought back tears. Late in the morning, Davis's battalion arrived atop Fox Hill. The Chinese had lost the battle for Toktong Pass.

Within hours, two marine battalions were moving through the pass away from the Frozen Chosin. Many icy miles and more bitter fighting lay ahead before the marines reached the port, but the stand at Toktong Pass had opened the way.

In 5 days, Fox Company had killed 1,000 of the enemy. Only 82 of the 220 marines were able to walk off that hill. In 2 weeks, the first marine division moved over icy roads and ridges through eight Chinese divisions. The Americans brought out all their wounded, their dead, and the equipment. On the way, they killed 25,000 of the enemy. The marines lost 730 of their numbers.

Such is the legacy of GEN Raymond Davis and those brave marines. General Davis received the Medal of Honor, a symbol of unusual human courage above and beyond the call of duty for his valiant efforts during the war. Over 1 million Americans served in Korea, and 131 of those were named recipients of the Medal of Honor. After the general's passing, only 36 of them live to wear it today. That medal is a tribute to perhaps the only thing truly noble in the horror of war.

Although General Davis earned this Nation's highest military honor for valor while on active duty, his service to the country was far from over. Over the last 30 years, in a civilian capacity, General Davis has continued to lead in ways that few other Americans could match. Since his retirement, General Davis became a pillar of the community, working diligently on behalf of all of our Nation's veterans.

Beginning in 1987, first as vice chairman and then later as chairman, General Davis was the one who directed the efforts of the Korean War Veterans Memorial Advisory Board, and it was his determination and personal initiative that led to the approval of the Korean War Veterans Memorial design and its construction and finally its dedication in July of 1995.

The Nation's citizens, and in particular all Korean war veterans and marines and their families, are indebted to Raymond G. Davis for his inspired leadership and service. In war and in peace, as an active duty marine and as a private citizen, GEN Raymond Davis' outstanding courage, unswerving devotion to duty, inspiring leadership, and sound judgment have represented the highest traditions of military service and citizenship. This man was a true American hero.

NOTICE OF PROPOSED PROCEDURAL RULEMAKING REGULATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the attached document from the Office of Compliance be printed in the RECORD.

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

OFFICE OF COMPLIANCE,
Washington, DC, September 4, 2003.

Hon. TED STEVENS,
President Pro Tempore, U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT: Pursuant to Section 303(b) of the Congressional Accountability Act of 1995 (2 U.S.C. 1384(b)), I am transmitting on behalf of the Board of Directors the enclosed notice of proposed procedural rulemaking regulations under Section 303 of the Act for publication in the Congressional Record.

The Congressional Accountability Act specifies that the enclosed notice be published on the first day on which both Houses are in session following this transmittal.

Sincerely,

SUSAN S. ROBFOGEL,
Chair.

OFFICE OF COMPLIANCE

THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995—PROPOSED AMENDMENTS TO THE RULES OF PROCEDURE

INTRODUCTORY STATEMENT

Shortly after the creation of the Office of Compliance in 1995, Procedural Rules were adopted to govern the processing of cases and controversies under the administrative procedures established in Title IV of the Congressional Accountability Act of 1995 (''CAA,'' 2 U.S.C. 1401–1407). Those Rules of Procedure were slightly amended in 1998. The existing Rules of Procedure are available in their entirety on the Office of Compliance's web site: www.compliance.gov. The web site is fully compliant with section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d).

Pursuant to section 303(a) of the CAA (2 U.S.C. 1383(a), the Executive Director of the Office has obtained approval of the Board of Directors of the Office of Compliance regarding certain amendments to the Rules of Procedure. Having obtained the Board's approval, the Executive Director must then ''publish a general notice of proposed rulemaking . . . for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal.'' (Section 303(b) of the CAA, 2 U.S.C. 1383(b).)

NOTICE

Comments regarding the proposed amendments to the Rules of Procedure of the Office of Compliance set forth in this Notice are invited for a period of thirty (30) days following the date of the appearance of this Notice in the Congressional Record. In addition to being posted on The Office of Compliance's section 508 compliant web site (www.compliance.gov). This Notice is also available in the following alternative formats: Large Print, Braille. Requests for this Notice in an alternative format should be made to Bill Thompson, Executive Director or Alma Candelaria, Deputy Executive Director, Office of Compliance, at 202/724–9250 (voice) or 202/426–1912 (TDD).

Submission of comments must be made in writing to the Executive Director, Office of Compliance, 110 Second Street, SE., Room LA–200, Washington, DC 20540–1999. It is requested, but not required, that an electronic version of any comments be provided on an accompanying computer disk. Comments may also be submitted by facsimile to the Executive Director at 202–426–1913 (a non-toll-free number.) Those wishing to receive confirmation of the receipt of their comments are requested to provide a self-addressed, stamped postcard with their submission.

Copies of submitted comments will be available for review at the Office of Compliance, 110 Second Street, SE., Washington, DC 20540–1999, on Monday through Friday (non-Federal holidays) between the hours of 9:30 a.m. and 4:30 p.m.

Supplementary Information: The Congressional Accountability Act of 1995 (CAA), PL 104–1, was enacted into law on January 23, 1995. The CAA applies the rights and protections of 11 federal labor and employment statutes to covered employees and employing offices within the Legislative Branch of Government. Section 301 of the CAA (2 U.S.C. 1383) establishes the Office of Compliance as an independent office within that Branch. Section 303 (2 U.S.C. 1383) directs that the Executive Director, as the Chief Operating Officer of the agency, adopt rules of procedure governing the Office of Compliance, subject to approval by the Board of Directors of the Office of Compliance. The rules of procedure establish the process by which alleged violations of the 11 laws made applicable to the Legislative Branch under the CAA will be considered and resolved. The rules include procedures for counseling, mediation, and election between filing an administrative complaint with the Office of Compliance or filing a civil action in U.S. District Court. The rules also include the process for the conduct of administrative hearings held as the result of the filing of an administrative complaint, and for appeals of a decision by a hearing officer to the Board of Directors of the Office of Compliance, and for an appeal of a decision by the Board of Directors to the United States Court of Appeals for the Federal Circuit. The rules also contain other matters of general applicability to the dispute resolution process and to the operation of the Office of Compliance.

These proposed amendments to the Rules of Procedure are the result of the experience of the Office in processing disputes under the CAA during the period since the original adoption of these rules in 1995.

Explanation regarding the text of the proposed amendments: The text of the proposed amendments shows deletions within italicized brackets, and added text in italicized bold. Only subsections of the rules which include proposed amendments are reproduced in this Notice. The insertion of a series of small dots (. . . . .) indicates additional, unamended text within a section has not been reproduced in this document. The insertion of a series of asterisk (* * * * *) indicates that the unamended text of entire sections of the Rules have not been reproduced in this document. For the text of other portions of the Rules which are not proposed to be amended, please access the Office of Compliance Web site at www.compliance.gov.

PROPOSED AMENDMENTS

PART I—OFFICE OF COMPLIANCE

Office of Compliance Rules of Procedure

As Amended—February 12, 1998 (Subpart A, section 1.02, ''Definitions''), and as proposed to be amended in 2003.

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§ 1.03 Filing and Computation of Time.

(a) *Method of Filing*. Documents may be filed in person or by mail, including express, overnight and other expedited delivery. ***When specifically authorized by the Executive Director, any document may also be filed by electronic transmittal in a designated format.*** Requests for counseling under section 2.03, requests for mediation under section 2.04 and complaints under section 5.01 of these rules may also be filed by facsimile (FAX) transmission. . . . .

. . . . .

(d) Service or filing of documents by certified mail, return receipt requested. Whenever these rules permit or require service or filing of documents by certified mail, return receipt requested, such documents may also be served or filed by express mail or other forms of expedited delivery in which proof of delivery to the addressee is provided.

* * * * *

1.05 Designation of Representative.

(a) An employee, other charging individual or party, a witness, a labor organization, an employing office, an entity alleged to be responsible for correcting a violation wishing to be represented by another individual must file with the Office a written notice of designation of representative. The representative may be, but is not required to be, an attorney. ***During the period of counseling and mediation, upon the request of a party, if the Executive Director concludes that a representative of an employee, of a charging party, of a labor organization, of an employing office, or of an entity alleged to be responsible for correcting a violation has a conflict of interest, the Executive Director may, after giving the representative an opportunity to respond, disqualify the representative. In that event, the period for counseling or mediation may be extended by the Executive Director for a reasonable time to afford the party an opportunity to obtain another representative.***

* * * * *

2.03 Counseling.

(a) *Initiating a Proceeding; Formal Request for Counseling*. In order to initiate a proceeding under these rules, an employee shall ***[***formally***]*** ***file a written*** request ***for*** counseling ***[***from***]*** ***with*** the Office regarding an alleged violation of the Act, as referred to in section 2.01(a) above. All ***[***formal***]*** requests for counseling shall be confidential, unless the employee agrees to waive his or her right to confidentiality under section 2.03(e)(2), below.

. . . . .

(c) When, How, and Where to Request Counseling. A ***[***formal***]*** request for counseling ***must be in writing, and [***: (1)***]*** shall be ***[***made***]*** filed with the Office of Compliance at Room LA–200, 110 Second Street, SE., Washington, DC 20540–1999; telephone 202–724–9250; FAX 202–426–1913; TDD 202–426–1912, not later than 180 days after the alleged violation of the Act***.[;] [***(2) may be made to the Office in person, by telephone, or by written request; (3) shall be directed to: Office of Compliance, Adams Building, Room LA–200, 110 Second Street, SE., Washington, DC. 20540–1999; telephone 202–724–9250; FAX 202–426–1913; TDD 202–426–1912.***]***

. . . . .

(l) *Conclusion of the Counseling Period and Notice*. The Executive Director shall notify the employee in writing of the end of the counseling period, by certified mail, return receipt requested, ***or by personal delivery.*** The Executive Director, as part of the notification of the end of the counseling period, shall inform the employee of the right and obligation, should the employee choose to pursue his or her claim, to file with the Office a request for mediation within 15 days after receipt by the employee of the notice of the end of the counseling period.

. . . . .

(m) *Employees of the Office of the Architect of the Capitol and the Capitol Police*.

(1) Where an employee of the Office of the Architect of the Capitol or of the Capitol Police requests counseling under the Act and these rules, the Executive Director may recommend that the employee use the grievance procedures of the Architect of the Capitol or the Capitol Police. The term 'grievance procedures' refers to internal procedures of the Architect of the Capitol and the Capitol Police that can provide a resolution of the matter(s) about which counseling was requested. Pursuant to section 401 of the Act and by agreement with the Architect of the Capitol and the Capitol Police Board, when the Executive Director makes such a recommendation, the following procedures shall apply:

. . . . .

(ii) After having contacted the Office and having utilized the grievance procedures of the Architect of the Capitol or of the Capitol Police Board, the employee may notify the Office that he or she wishes to return to the procedures under these rules:

(A) within ***[***10***] 60*** days after the expiration of the period recommended by the Executive Director, if the matter has not been resolved; or

(B) within 20 days after service of a final decision resulting from the grievance procedures of the Architect of the Capitol or the Capitol Police Board.

* * * * *

2.04 Mediation.

. . . . .

(e) *Duration and Extension*.

(1) The mediation period shall be 30 days beginning on the date the request for mediation is received, unless the Office grants an extension.

(2) The Office may extend the mediation period upon the joint ***written*** request of the parties ***to the attention of the Executive Director.*** The request ***[***may be oral or***]*** ***shall be*** written and ***[***shall be noted and***]*** filed with the Office no later than the last day of the mediation period. The request shall set forth the joint nature of the request and the reasons therefor, and specify when the parties expect to conclude their discussions. Request for additional extensions may be made in the same manner. Approval of any extensions shall be within the sole discretion of the Office.

. . . . .

(i) *Conclusion of the Mediation Period and Notice*. If, at the end of the mediation period, the parties have not resolved the matter that forms the basis of the request for mediation, the Office shall provide the employee, and the employing office, and their representatives, with written notice that the mediation period has concluded. The written notice to the employee will be sent by certified mail, return receipt requested, ***or will be hand delivered,*** and it will also notify the employee of his or her right to elect to file a complaint with the Office in accordance with section 5.01 of these rules or to file a civil action pursuant to section 408 of the Act and section 2.06 of these rules.

* * * * *

2.06 Filing of Civil Action.

. . . . .

(c) Communication Regarding Civil Actions Filed with District Court.

(1) The party filing any civil action with the United States District Court pursuant to sections 404(2) and 408 of the Act should simultaneously provide a copy of the complaint to the Office.

(2) No party to any civil action referenced in paragraph (1) shall request information from the Office regarding the proceedings which took place pursuant to sections 402 or 403 related to said civil action, unless said party notifies the other party(ies) to the civil action of the request to the Office. The Office will determine whether the release of such information is appropriate under the Act and the Rules of Procedure.

* * * * *

§ 4.16 Comments on Occupational Safety and Health Reports. The General Counsel will provide to responsible employing office(s) a copy of any report issued for general distribution not less than seven days prior to the date scheduled for its issuance. If a responsible employing office wishes to have its written comments appended to the report, it shall submit such comments to the General Counsel no later than 48 hours prior to the scheduled issuance date. The General Counsel shall either include the written comments without alteration as an appendix to the report, or immediately decline the request for their inclusion. If the General Counsel declines to include the submitted comments, the employing office(s) may submit said denial to the Board of Directors which, in its sole discretion, shall review the matter and issue a final and nonappealable decision solely regarding inclusion of the employing office(s) comments prior to the issuance of the report. Submissions to the Board of Directors in this regard shall be made expeditiously and without regard to the requirements of subpart H of these rules. In no event shall the General Counsel be required by the Board to postpone the issuance of a report for more than five days.

* * * * *

§ 5.03 Dismissal, ***Summary Judgment,*** and Withdrawal of Complaints.

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(d) Summary Judgment. A Hearing Officer may, after notice and an opportunity to respond, issue summary judgment on some or all of the complaint.

(***[***d***]e***) *Appeal*. A ***[***dismissal***]*** ***final decision*** by the Hearing Officer made under section

5.03(a)-(c) or 7.16 of these rules may be subject to appeal before the Board if the aggrieved party files a timely petition for review under section 8.01.

([e]***f***) . . . . .

([f]***g***) . . . . .

* * * * *

§7.02 Sanctions

(a) The Hearing Officer may impose sanctions on a party's representative for inappropriate or unprofessional conduct.

(b) The Hearing Officer may impose sanctions upon the parties under, but not limited to, the circumstances set forth in this section.

([a]***1***) *Failure to Comply with an Order*. When a party fails to comply with an order (including an order for the taking of a deposition, for the production of evidence within the party's control, or for production of witnesses), the Hearing Officer may:

([1]***a***) . . . . .

([2]***b***) . . . . .

([3]***c***) . . . . .

([4]***d***) . . . . .

* * * * *

§8.01 Appeal to the Board.

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(b)(1) Unless otherwise ordered by the Board, within 21 days following the filing of a petition for review to the Board, the appellant shall file and serve a supporting brief in accordance with section 9.01 of these rules. That brief shall identify with particularity those findings or conclusions in the decision and order that are challenged and shall refer specifically to the portions of the record and the provisions of statutes or rules that are alleged to support each assertion made on appeal.

(2) Unless otherwise ordered by the Board, within 21 days following the service of the appellant's brief, the opposing party may file and serve a reply brief.

(3) Upon delegation by the Board, the Executive Director is authorized to determine any request for extensions of time to file any document or submission with the Board. Such delegation shall continue until revoked by the Board.

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* * * * *

§9.01 Filing, Service and Size Limitations of Motions, Briefs, Responses and other Documents.

(a) *Filing with the Office; Number*. One original and three copies of all motions, briefs, responses, and other documents must be filed, whenever required, with the Office or Hearing Officer. However, when a party aggrieved by the decision of a Hearing Officer ***or other determination reviewable by the Board*** files an appeal with the Board, one original and seven copies of both any appeal brief and any responses must be filed with the Office. ***The Officer, Hearing Officer, or Board may also require a party to submit an electronic version of any submission on a disk in a designated format.***

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* * * * *

§9.03 Attorney's fees and costs.

(a) *Request*. No later than 20 days after the entry of a Hearing Officer's decision under section 7.16 or after service of a Board decision by the Office, the complainant, if he or she is a prevailing party, may submit to the Hearing Officer who heard the case initially a motion for the award of reasonable attorney's fees and costs, following the form specified in paragraph (b) below. ***All motions for attorney's fees and costs shall be submitted to the Hearing Officer. [***The Board or t***]*** ***T***he Hearing Officer, after giving the respondent an opportunity to reply, shall rule on the motion.

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§9.05 Informal Resolutions and Settlement Agreements

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(b) *Formal Settlement Agreement*. The parties may agree formally to settle all or part of a disputed matter in accordance with section 414 of the Act. In that event, the agreement shall be in writing and submitted to the Executive Director for review and approval. ***If the Executive Director does not approve the settlement, such disapproval shall be in writing, shall set forth the grounds therefor, and shall render the settlement ineffective.***

(c) Requirements for a Formal Settlement Agreement. A formal settlement agreement requires the signature of all parties on the agreement document before the agreement can be submitted to the Executive Director. A formal settlement agreement cannot be rescinded after the signatures of all parties have been affixed to the agreement, unless by written revocation of the agreement voluntarily signed by all parties, or as otherwise required by law.

(d) Violation of a Formal Settlement Agreement. If a party should allege that a formal settlement agreement has been violated, the issue shall be determined by reference to the formal dispute resolution procedures of the agreement. If the particular formal settlement agreement does not have a stipulated method for dispute resolution of an alleged violation of the agreement, the following dispute resolution procedure shall be deemed to be a part of each formal settlement agreement approved by the Executive Director pursuant to section 414 of the Act: Any complaint regarding a violation of a formal settlement agreement may be filed with the Executive Director no later than 60 days after the party to the agreement becomes aware of the alleged violation. Such complaints may be referred by the Executive Director to a Hearing Officer for a final and binding decision. The procedures for hearing and determining such complaints shall be governed by subparts F, G, and H of these rules.

§9.06 Destruction of Closed Files.

Closed case files regarding counseling, mediation, hearing, and/or appeal may be destroyed during the calendar year in which the fifth anniversary of the closure date occurs, or during the calendar year in which the fifth anniversary of the conclusion of all adversarial proceedings in relation thereto occurs, whichever period ends later.

§9.07 Payment of Decisions, Awards, or Settlements under section 415(a) of the Act.

Whenever a decision or award pursuant to sections 405(g), 406(e), 407, or 408 of the Act, or an approved settlement pursuant to section 414 of the Act, require the payment of funds pursuant to section 415(a) of the Act, the decision, award, or settlement shall be submitted to the Executive Director to be processed by the Office for requisition from the account of the Office of Compliance in the Department of the Treasury, and payment.

§9.0[6]8 Revocation, Amendment or Waiver of Rules.

. . . . .

50TH WEDDING ANNIVERSARY OF CAROLYN AND BLACKIE EVANS

Mr. REID. Madam President, I rise today to tell a happy story. In fact, it almost sounds like a Hollywood love story.

I first met Claude ''Blackie'' Evans in Henderson, NV, when I was the city attorney. Our first meeting involved a traffic issue that Blackie had before the municipal judge.

Blackie had come to Henderson from his hometown of Galena, KS. In fact, he hitchhiked to Nevada the day after he graduated from high school.

Blackie used to spend time at the Henderson Boys Club. He was a Golden Gloves boxer, and he fought in the ring there.

He also was a fighter out of the ring—he fought for his union brothers, and for all the working men and women of Nevada.

A few months after Blackie came to Henderson, his high school sweetheart followed him. Blackie had played football in high school and Carolyn was a cheerleader, and they made a great couple. On September 7, 1953, they were married in Las Vegas.

Blackie went to work at Titanium Metal Corp., and he and Carolyn started to raise a family. Over the next few years they would have four wonderful children: Steve, Sheree, Seanna, and Lisa.

They raised their kids and worked hard. After Blackie had been at the Timet factory for about 5 years, he was elected vice president of United Steelworkers Local 4856. Three weeks later, at age 23, he became the local's youngest president ever. He held that position for 12 years while also working in the plant.

In 1971, my former high school teacher Mike O'Callaghan, who had become Governor of Nevada, appointed Blackie as the Commissioner representing labor on the old Nevada Industrial Commission. The Evans family moved to Carson City, where Carolyn narrated tours through the Governor's Mansion in her spare time from raising four children.

In 1978, Blackie was elected secretary treasurer of the Nevada AFL–CIO, a position he held until his retirement in July 1999. He also served as a national vice president of the AFL–CIO. During this time, I often crossed paths with Blackie. Together, we worked to help the working families of Nevada.

Today, Blackie and Carolyn still live in Henderson, NV, the town he hitchhiked to some 50 years ago. Carolyn's mother Nadine Qualls, who turns 91 in November, lives with them.

They are blessed to have two grandchildren living in Henderson—Alex Bacon, 12, and Geena German, 7—and two grandchildren in Reno—Brittany Cassingham, 20, a student at UNR, and Cierra Cassingham, 16, a junior in high school.

On September 7, 2003, Blackie and Carolyn will celebrate 50 years of marriage. The celebration will be a tribute to their love of each other, and to the rich, productive life they have enjoyed together.

I congratulate Carolyn and Blackie on their wonderful marriage and family, and I wish them many more years of happiness together.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Madam President, I speak today about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in Newark, CA. On October 3, 2002, several men became enraged after learning that a young woman was actually a 17-year-old boy at their party. The men punched Eddie ''Gwen'' Araujo, dragged him into the garage and strangled him with a piece of rope. Eddie's body was then wrapped in a sheet and buried in a shallow grave near Placerville, about 150 miles from his family's home in Newark.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

AUNG SAN SUU KYI'S HUNGER STRIKE

Mr. FEINGOLD. Madam President, this weekend we heard extremely troubling news from the State Department. Aung San Suu Kyi, leader of the democratically elected National League for Democracy and Nobel Peace Prize laureate, is on a hunger strike to protest her detention by the military government in Burma.

Aung San Suu Kyi has been held in an unknown location without the ability to communicate with the outside world since May 30, 2003. Many of us in Congress have demanded her release. Sadly, her detention is simply the latest installment in the country's 40-year history of suffering and oppression. I have consistently criticized the government for its political repression and human rights violations. Reports of rape, forced labor, human trafficking, suppression of civil liberties, and torture of political dissidents have caused me and my constituents great concern. I supported the Burmese Freedom and Democracy Act of 2003, which imposes sanctions on the Burmese military junta, strengthens Burma's democratic forces and supports and recognizes the National League for Democracy as the legitimate representative of the Burmese people. I encourage other countries to join the United States in adopting similar measures toward Burma.

The Burmese Government must release Aung San Suu Kyi and all political prisoners from detention. I also urge our administration, the United Nations, the Association of Southeast Asian Nations, ASEAN, and the international community to continue to exert pressure on the Burmese junta to respect human rights and political freedoms. I ask President Bush to make Burma a high priority as he travels to the Asia Pacific Economic Cooperation Summit in Bangkok in early October. As recommended by the Council on Foreign Relations, we should press for a United Nations Security Council resolution condemning Aung San Suu Kyi's detention, the junta's human rights violations and their refusal to engage in dialogue with the democratic opposition. We should also encourage the Security Council to hold an emergency session on Burma to discuss implementing targeted sanctions on the regime.

Aung San Suu Kyi's hunger strike adds urgency to the dire predicament of the Burmese people. The Burmese military junta must realize that their egregious offences against their own population can no longer stand.

ORGANIC AGRICULTURE

Ms. SNOWE. Mr. President, I rise today to talk briefly about organic agriculture and to recognize the many thousands of organic farmers from around the Nation who have helped transform this once nascent industry into a thriving and innovative sector of our economy. Today, in particular, I extend my greetings to the many organic producers and retailers who have gathered in Washington, D.C. this week to participate in the annual organic conference.

Organic agriculture has come a long way over the past 20 years largely because of the determination and hard work of our Nation's many organic producers. To put this issue in perspective, the amount of organic cropland in the United States has more than doubled in the 1990s, and the annual growth rate of the organic industry in the United States has been greater than 20 percent for the past decade. Sales of organic food and beverages accounted for over $9 billion in 2002 and are expected to exceed $20 billion by 2005. The increase in organic production and sales is a reflection of the profitability and high consumer demand for organic food.

While the organic industry would not be where it is today without the efforts of its growers and retailers, Congress has an integral role in ensuring that consumers have confidence in the products they are buying. Many of my colleagues remember that the U.S. Department of Agriculture helped to usher in a new era for the organic industry with the implementation last November of the first ever national organic standards. With these new standards, farmers in my home State of Maine were able to sell their organic products to retailers in other States with confidence that the organic label will be recognized by consumers in those States. Consumers now know that when they buy an organically labeled product, it was produced in a healthy and environmentally friendly manner.

From what I heard from farmers in my State over the August recess, I can say that the organic rule has been a tremendous benefit to growers both small and large. In Maine, organic agriculture accounts for an important part of the State's $673 million agriculture-related sales. Several blueberry growers in Downeast Maine have recognized the profitability of organic agriculture and have begun to add organic production. Consumer interest in organic milk has led many dairy farmers to switch to organic milk. Six years ago, only one dairy farmer in Maine produced organic milk—now, such milk accounts for over 10 percent of the State's entire dairy production. These are but a few examples of the success of organic agriculture from my State, demonstrating the enormous potential for growth in the organic sector.

Here in Congress, we must continue to help the organic agriculture sector grow. The organic community celebrated the implementation of the national organic rule; however, the continuing success of this rule will depend on Congress' commitment to fund the USDA's National Organic Program. The modest increase for the National Organic Program in the Senate Fiscal Year 2004 Agriculture appropriations bill is a step in the right direction. Likewise, investments in organic research and development through the Organic Production and Marketing Data Collection will help the organic industry move forward by leaps and bounds.

With organic producers visiting from nearly all 50 States, I hope many of my colleagues will have an opportunity to hear from an organic farmer, rancher, or retailer in their home State. Again, I extend my welcome to all those involved in the national organic conference.

ADDITIONAL STATEMENTS

65TH ANNIVERSARY OF INTERIOR'S INDIAN CRAFT SHOP

• Mr. CAMPBELL. Madam President, as a Native American, artist and craftsman, it is an honor for me to speak today in recognition of the 65th anniversary of the Indian Arts and Crafts Shop at the U.S. Department of the Interior.

Established with the help of the Indian Arts and Crafts Board, the Crafts Room first opened its doors in 1938 and has served as an outlet for Native American artists to market their excellent products to the world.

With the help of the Indian Crafts Shop, today's market for Indian-made goods is roughly $1 billion, with thousands of Native American artists creating authentic arts and crafts conveying the beauty of the Native culture to the peoples of the world.

Native art and crafts not only employs thousands of Indian country's best and most prolific artists, but educates non-Native people about the ways and culture of the Native American population.

Throughout its history, the Indian Crafts Shop has showcased Native art that represents generations of Native people, their culture and heritage from every region of the United States. The shop assists in efforts to protect Indian cultural heritage and strives to ensure that Native-made goods are recognized for their artistic tradition and fine craftsmanship.

The Indian Craft Shop has 65 successful years behind it, and I look forward to its continuing success in supporting Native artists and people nationwide.●

IN REMEMBRANCE OF JOE GARTON

● Mr. FEINGOLD. Madam President, I rise today to pay tribute to Joe Garton, a champion of the arts in the State of Wisconsin, and a dear friend who passed away August 2.

Joseph Walter Garton was born August 17, 1946, in Sheboygan, WI. After attending Amherst College in Massachusetts, serving as a VISTA volunteer in the Harlem section of New York City, receiving his doctorate from NYU in film studies, and marrying his beloved wife, Dierdre, Joe returned to Wisconsin to teach film history.

In 1996, Joe demonstrated his love for the arts by rescuing and restoring Ten Chimneys, the one-time summer home of Broadway legends Alfred Lunt and Lynn Fontanne. Thanks to Joe's efforts, Ten Chimneys is now a national center for theater studies and a tourist destination for fans and artists from all over the world.

A husband, father, son, and brother—and soon to be grandfather—Joe Garton was an extraordinary man and I am lucky to have called him a good friend. In addition to restoring Ten Chimneys, Joe also transformed an 1856 farmhouse into Quigley Grove, a popular restaurant in Fitchburg, WI. Our community and our State have been greatly enriched by his work.

His love for the arts and architecture was only surpassed by his love for and dedication to his family. Their kindness to me over the past 20 years means a great deal to me personally. Both through his work and through his family, Joe leaves behind a tremendous legacy.

Joe was my friend and someone who was always there for me over the years. I am forever indebted to him. Mary and I will always remember Joe and have a particularly fond recollection of an incredible evening at Ten Chimneys several years ago. At a very challenging time in my career, Joe and Dierdre welcomed us with tremendous hospitality and Mary and I remain extremely grateful.

He was taken from us too soon, and we will always treasure his memory and his dedication to his family and friends. Joe, Dierdre and their entire family are in our thoughts and prayers.●

RECOGNIZING THE LIFELONG SERVICE OF MARTIN BEGIEN

● Mr. BOND. Madam President, I join with friends and family in recognizing the efforts and dedication of Mr. Martin Begien, an outstanding American, and a true patriot to American democracy on what will be his 75th birthday, November 15. Martin, since joining the Republican Party, has helped bring quality candidates to run for political office and in turn continues to participate in the American political process. Martin's successful political participation is indicative of his career as a whole.

Martin Begien's impressive educational career began at the exclusive Andover Academy in Andover, MA, and Yale University in New Haven, CT, and continued with his service in the U.S. Army. Martin went on to maintain an illustrious professional career that ultimately lead to his serving as senior partner at David L. Babson and Company, Inc., one of the oldest investment counseling firms in the United States.

Martin has always combined exceptional professional and organizational skills, untiring initiative, and unlimited compassion to accomplish both major, and simply thoughtful, tasks for the Republican Party. Martin has always generously given of himself a genuine love and concern of others without hesitation or expectation of reward. Martin's endearing attitude and hard work earned him the respect and admiration of Mitt Romney, Governor of the State of Massachusetts.

I stand with Martin's wife Kate, his friends and family, and all those whose lives are richer for having known Martin Begien to commemorate and recognize his 75th birthday on the 15th day of November, 2003.●

HONORING THE IDAHO MINING ASSOCIATION ON ITS 100TH ANNIVERSARY

● Mr. CRAPO. Madam President, I offer congratulations to the Idaho Mining Association on its 100th anniversary. The mining industry has long been an economic force in Idaho, which is nicknamed the Gem State, and the association has been a strong advocate for that industry.

The association held its first meeting in the summer of 1903, and was first known as the Idaho Prospectors and Operators. The occasion of the meeting was an urgent invitation from the Governor of Missouri to Idaho Governor Frank R. Gooding that Idaho furnish a display of mineral products for the 1904 International Exposition in St. Louis. Ten years later, this group changed its name to the Idaho Mining Association and has operated continuously since.

Early records of the group clearly state its original purpose:

> It is imperative that there be a better understanding on the part of the people generally, and of those who enact and administer our laws particularly; that the economy of our nation, the happiness and welfare of our people, the safety of the Republic itself depend upon a healthy mineral industry.

The importance of minerals in our lives and to our economy has not diminished over the past century. The price and availability of raw materials are critically important to our manufacturing industries. The computer, telecommunication and electronic industries that represent an ever-growing share of our economic output, and dominate our daily lives, wouldn't be possible without the vast array of minerals produced in this country. We even rely on minerals to produce the new equipment that enhances the productivity of the nation's workers. It remains essential that we, as ''those who enact and administer our laws,'' continue to recognize the importance of our domestic mining industry.

Once again, my congratulations to the Idaho Mining Association and its members as they mark this important milestone. I send my very best wishes for its continued success in serving the best interests of the State of Idaho and the nation.●

NATIONAL ASSISTED LIVING WEEK

●Mr. WYDEN. Madam President, this year, National Assisted Living Week begins September 7 and continues through September 13. Since 1995, the National Center for Assisted Living has sponsored National Assisted Living Week to emphasize the importance of the options assisted living provides seniors and persons with disabilities.

Assisted living is a long-term care alternative for seniors who need more assistance than is available in general retirement communities but do not require the heavy medical and nursing care provided by nursing homes.

This year's theme for National Assisted Living Week is ''Sharing Life's Treasures'' which highlights the need for all of us, no matter what our age, to take time to appreciate the treasures we find along life's pathway.

My State, Oregon, helped to pioneer the assisted-living concept because it could help promote security, dignity, and independence for seniors. While assisted living varies from State to State, it remains a consumer-oriented option for long-term care needs, and highlights the need to support options for long-term care as our population ages.●

TRIBUTE TO PAUL WALLACE-BRODEUR

● Mr. JEFFORDS. Madam President, I rise today to pay tribute to Paul Wallace-Brodeur, an outstanding Vermonter and a national leader in the area of health care reform. As he prepares to retire from his position as Director of the Office of Vermont Health

Access in Waterbury, VT, it is important to reflect on how much one person can accomplish in serving others.

Paul has been on the forefront of significant and timely health care concerns. As Medicaid director, which is Vermont's second largest insurance program, Paul has ensured service for 130,000 people and helped Vermont obtain the distinction of having one of the lowest uninsured rates in the country. Under Paul's leadership, Vermont broadened its eligibility standards and was one of the first States in the country to expand Medicaid services to children under the Dr. Dynasaur program.

Paul began his career in Vermont as a social worker at the Brandon Training School. He quickly rose to leadership positions as a direct provider and then consultant in the field of mental health, followed by his position as the Chief Social Worker for the Vermont State Hospital. It came as no surprise to those of us who know Paul that he was selected in the mid-'80s to lead the State of Vermont's efforts in creating universal access to health care as the Executive Director of the Vermont Health Policy Council and through his work for the Vermont Health Care Authority. Also during the mid-'80s he spearheaded the creation of the Vermont Ethics Network, an organization dedicated to increasing the understanding of ethical issues, values and choices in health and health care.

Over the course of 40 years, Paul has been involved with virtually every health policy initiative in Vermont, particularly the State's efforts to expand health coverage. He is personally responsible for authoring Vermont's 1115 waiver, which over the years, and with many amendments, has provided more expansive and flexible Medicaid services to Vermonters. In his quiet unassuming way, Paul is an integral part of the health care delivery system in Vermont and has gained recognition for being a national health policy leader and mentor. He has always brought a steadfast commitment and institutional knowledge to solving the problem at hand while maintaining a vision for improving Vermont's health care system.

Paul's unwavering commitment toward improving the health status of Vermont and its citizens serves as a testament to us all. Vermont is truly indebted to him. His deep commitment to the citizens of the Green Mountain State has endeared him to us. He has our best wishes for the future.●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations and two withdrawals 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 1:18 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. 1533. An act to amend the securities laws to permit church pension plans to be invested in collective trusts.

H.R. 1572. An act to designate the United States courthouse located at 100 North Palafox Street in Pensacola, Florida, as the ''Winston E. Arnow United States Courthouse''.

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

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

The message also announced that the House has agreed to the amendment of the Senate to the resolution (H. Con. Res. 259) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The message further announced that pursuant to 22 U.S.C. 6913, and the order of the House of January 8, 2003, the Speaker appoints the following Member of the House of Representatives to the Congressional-Executive Commission on the People's Republic of China: Mr. Wu of Oregon.

MEASURES REFERRED

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H.R. 1572. An act to designate the United States courthouse located at 100 North Palafox Street in Pensacola, Florida, as the ''Winston E. Arnow United States Courthouse''.

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

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–3740. A communication from the Members of the Independent Commission on Reform of the United States Olympic Committee, transferring, the Commission's report; to the Committee on Commerce, Science, and Transportation.

EC–3751. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Motor Vehicle Inspection and Maintenance Program—Revised Final Standards for the Acceleration Simulation Mode Exhaust Emissions Test'' (FRL#7544-7) received on August 22, 2003; to the Committee on Environment and Public Works.

EC–3752. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Air Quality Plans for Designated Facilities and Control of Emissions from Existing Commercial/Industrial Solid Waste Incinerator Units; Arizona; Nevada'' (FRL#7534-8) received on August 22, 2003; to the Committee on Environment and Public Works.

EC–3753. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''New Mexico: Incorporation by Reference of Approved State Hazardous Waste Management Program'' (FRL#7479-5) received on August 22, 2003; to the Committee on Environment and Public Works.

EC–3754. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Oklahoma: Incorporation by Reference of Approved State Hazardous Waste Management Program'' (FRL#7479-3) received on August 22, 2003; to the Committee on Environment and Public Works.

EC–3755. A communication from the Executive Vice President, River System Operations and Environment, Tennessee Valley Authority, transmitting, pursuant to law, the report of a rule entitled ''Approval of Construction in the Tennessee River System; Regulations of Structures; Residential Use on TVA-controlled Residential Access Shoreland and TVA Flowage Easement Shoreland'' (RIN3316-AA19) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3756. A communication from the Chairman, Nuclear Regulatory Commission, transferring, a report of an organizational change in the Commission's safeguards and security programs; to the Committee on Environment and Public Works.

EC–3757. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans and Operating Permits Program'' (FRL#7552-9) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3758. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants for Lime Products Manufacturing Plants'' (FRL#7551-7) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3759. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Kern County Air Pollution Control District and San Joaquin Valley Unified Air Pollution Control District'' (FRL#7548) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3760. A communication from the Deputy Associate Administrator, Environmental

Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, South Coast Air Quality Management District'' (FRL#7546-5) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3761. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants for Primary Magnesium Refining'' (FRL#7551-4) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3762. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline)'' (FRL#7551-6) received on September 2 , 2003; to the Committee on Environment and Public Works.

EC–3763. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''South Carolina: Final Authorization of State Hazardous Waste Management Program Revision'' (FRL#7550-3) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3764. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing'' (FRL#7551-3) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3765. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing'' (FRL#7551-2) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3766. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Redesignation of the Follansbee PM10 Nonattainment Area to Attainment and Approval of the Associate Maintenance Plan'' (FRL#7549–1) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3767. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Section 112(1) Authority for Hazardous Air Pollutants; Equivalency by Permit Provisions; National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry; State of North Carolina'' (FRL#7549–6) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3768. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants Surface Coating of Miscellaneous Metal Parts and Products'' (FRL#7549–7) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3769. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants: Site Remediation'' (FRL#7549–3) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3770. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Forsyth County, North Carolina; Update to Materials Incorporated by Reference'' (FRL#7524–4) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3771. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Ohiol Oxides of Nitrogen Regulations'' (FRL#7539–4) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3772. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; Revisions to Visible Emissions and Sulfur Dioxide Regulations'' (FRL#7523–7) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3773. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revision to Pittsburgh-Beaver Valley Area Ozone Maintenance Plan'' (FRL#7524–9) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3774. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Operating Permits Program; State of Kansas'' (FRL#7540–7) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3775. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Award of Grants and Cooperative Agreement for the Special Projects and Programs Authorized by the Agency's FY 2003 Appropriations Act'' received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3776. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Part 71 Federal Operating Permits Program for California Agricultural Sources, Announcement of a New Deadline For Application Submittal'' (FRL#7537–1) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3777. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Prevention of Significant Deterioration (PSD) and Non-attainment New Source Review (NSR): Reconsideration'' received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3778. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Regulation to Prevent and Control Particulate Air Pollution from Combustion of Fuel in Indirect Heat Exchangers'' (FRL#7525–2) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3779. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans Revisions to Florida State Implementation Plan: Transportation Conformity Rule'' (FRL#7541–9) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3780. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Missouri'' (FRL#7542–3) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3781. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plan for Designated Facilities and Pollutants; Commonwealth of Kentucky and Jefferson County, Kentucky'' (FRL#7542–6) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3782. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Waste Management System; Exclusion for Identifying and Listing Hazardous Waste and a Determination Equivalent Treatment; Final Exclusion'' (FRL#7541–7) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3783. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List'' (FRL#7542–7) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3784. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Great Basin Unified Air Pollution Control District'' (FRL#3784) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3785. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''List of Approved Spent Fuel Storage Casks: Standardized NUHOMS –24P, –52B, and –61BT Revisions'' (RIN3150–AH26) received on August 26, 2003; to the Committee on Environment and Public Works .

EC–3786. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Adjustment of the Maximum Retrospective Deferred Premium'' (RIN3150–AH23) received on August 26, 2003; to the Committee on Environment and Public Works.

EC–3787. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Report to Congress on the Fiscal Year 2001 Low Income Home Energy Assistance Program; to the Committee on Health, Education, Labor, and Pensions.

EC–3788. A communication from the Human Resources Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary

for Public Affairs, received on August 11, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–3789. A communication from the Assistant Secretary of Labor for Mine Safety and Health, transmitting, pursuant to law, the report of a rule entitled ''Testing and Evaluation by Independent Laboratories and Non-MSHA Product Safety Standards'' (RIN1219–AA87) received on September 2, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–3790. A communication from the Assistant Secretary for Administration and Management, Department of Labor, transferring, pursuant to law, the Department's revised Commercial Activities Inventory for the Year 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–3791. A communication from the Assistant General Counsel, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Indian Education Discretionary Grant Program'' (RIN1810–AA93) received on September 2, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–3792. A communication from the Assistant General Counsel, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Community Technology Centers Program'' received on September 2, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–3793. A communication from the Assistant General Counsel, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Community Technology Centers'' received on September 2, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–3794. A communication from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Commission's revised draft Strategic Plan for Fiscal Years 2004–2009; to the Committee on Health, Education, Labor, and Pensions.

EC–3795. A communication from the Director, Regulations, Policy, and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices; Obstetrical and Gynecological Devices; Classification of the Breast Lesion Documentation'' (Doc. no. 2003P–0301) received on September 2, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–3796. A communication from the Director, Regulations, Policy, and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''New Drug and Biological Drug Products; Evidence Needed to Demonstrate Effectiveness of New Drugs When Human Efficacy Studies Are Not Ethical or Feasible'' (RIN0910–AC05) received on September 2, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–3797. A communication from the Director, Regulations, Policy, and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Food Labeling: Health Claims; Soluble Dietary Fiber From Certain Foods and Coronary Heart Disease'' (Doc. no. 2001Q–0313) received on September 2, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–3798. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to Mild Traumatic Brain Injury in the United States; to the Committee on Health, Education, Labor, and Pensions.

EC–3799. A communication from the Assistant Secretary for Civil Rights, Department of Education, transmitting, pursuant to law, the Office of Civil Rights' Annual Report for Fiscal Years 2001 and 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–3800. A communication from the White House Liaison, Office of Civil Rights, Department of Education, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary, received on September 2, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–3801. A communication from the Secretary of Health and Human Services, transmitting, a letter containing the Secretary's recommendation for the applicable percentage increase in Medicare's hospital inpatient prospective payment system rates for fiscal year 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–3802. A communication from the White House Liaison, Office of Management, Department of Education, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary, received on September 2, 2003 ; to the Committee on Health, Education, Labor, and Pensions.

EC–3803. A communication from the Human Resources Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy in the position of Deputy Secretary of Labor, received on September 2, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–3804. A communication from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, the Commission's Annual Report on the Federal Work Force for fiscal year 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–3805. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' received on August 22, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–3806. A communication from the Acting Chairman, Merit Systems Protection Board, transmitting, a report of proposed legislation relative to reauthorization of the Board; to the Committee on Governmental Affairs.

EC–3807. A communication from the Chairman and General Counsel, National Labor Relations Board, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 2001 through March 31, 2002; to the Committee on Governmental Affairs.

EC–3808. A communication from the Chairman, National Endowment for the Arts, transmitting, pursuant to law, the 2003 inventories of commercial activities and inherently governmental activities performed by employees of the Endowment; to the Committee on Governmental Affairs.

EC–3809. A communication from the Trade Representative, Executive Office of the President, transmitting, pursuant to law, the Representative's FY 2004 Performance Plan and FY 2002 Annual Performance Report; to the Committee on Governmental Affairs.

EC–3810. A communication from the Secretary of Transportation , transmitting, pursuant to law, the Department of Transportation's Report on Management Decisions and Final Actions on Office of Inspector General Audit Recommendations for the period ending March 31, 2003; to the Committee on Governmental Affairs.

EC–3811. A communication from the Administrator, General Services Administration, transmitting, a copy of lease prospectuses in support of the General Services Administration's Fiscal Year 2004 Capital Investment and Leasing Program; to the Committee on Governmental Affairs.

EC–3812. A communication from the Chair, Equal Employment Opportunity Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period ending March 31 , 2003; to the Committee on Governmental Affairs.

EC–3813. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, the Board's Performance Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–3814. A communication from the Vice President of the United States, transmitting, an alternative plan for across-the-board and locality pay increases payable to civilian Federal employees; to the Committee on Governmental Affairs.

EC–3815. A communication from the Auditor of the District of Columbia, transmitting, a report relative to the Advisory Neighborhood Commission; to the Committee on Governmental Affairs .

EC–3816. A communication from the Director, Office of Personnel Management, transmitting, a report relative to the Federal student loan payment program; to the Committee on Governmental Affairs.

EC–3817. A communication from the Chairman, National Labor Relations Board, transmitting, pursuant to law, the Board's Office of Inspector General's inventory of inherently governmental and commercial activities; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DEWINE, from the Committee on Appropriations, without amendment:

S. 1583. 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, and for other purposes (Rept. No. 108–142).

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S.J. Res. 1. A joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH for the Committee on the Judiciary.

Glen E. Conrad, of Virginia, to be United States District Judge for the Western District of Virginia.

Kim R. Gibson, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.

Larry Alan Burns, of California, to be United States District Judge for the Southern District of California.

Dana Makoto Sabraw, of California, to be United States District Judge for the Southern District of California.

Michael W. Mosman, of Oregon, to be United States District Judge for the District of Oregon.

Henry F. Floyd, of South Carolina, to be United States District Judge for the District of South Carolina.

(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. DOMENICI (for himself and Mr. BINGAMAN):

S. 1582. A bill to amend the Valles Preservation Act to improve the preservation of the Valles Caldera, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DEWINE:

S. 1583. 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, and for other purposes; from the Committee on Appropriations; placed on the calendar.

ADDITIONAL COSPONSORS

S. 171

At the request of Mr. DAYTON, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 171, a bill to amend the title XVIII of the Social Security Act to provide payment to medicare ambulance suppliers of the full costs of providing such services, and for other purposes.

S. 300

At the request of Mr. MCCAIN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 300, a bill to award a congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of Congress that there should be a national day in recognition of Jackie Robinson.

S. 386

At the request of Mr. CORZINE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 386, a bill to establish a grant program to enhance the financial and retirement literacy of mid-life and older Americans and to reduce financial abuse and fraud among such Americans, and for other purposes.

S. 451

At the request of Ms. SNOWE, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 451, a bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, to provide for a one-year open season under that plan, and for other purposes.

S. 460

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 460, a bill to amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2004 through 2010 to carry out the State Criminal Alien Assistance Program.

S. 473

At the request of Mr. FEINGOLD, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 473, a bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States.

S. 491

At the request of Mr. REID, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 491, a bill to expand research regarding inflammatory bowel disease, and for other purposes.

S. 514

At the request of Mr. BUNNING, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 514, a bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits.

S. 629

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 629, a bill to amend the Internal Revenue Code of 1986 to assist individuals who have lost their 401(k) savings to make additional retirement savings through individual retirement account contributions, and for other purposes.

S. 664

At the request of Mr. HATCH, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 664, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, to increase the rates of the alternative incremental credit, and to provide an alternative simplified credit for qualified research expenses.

S. 893

At the request of Mr. SANTORUM, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 893, a bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

S. 1023

At the request of Mr. HATCH, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1023, a bill to increase the annual salaries of justices and judges of the United States.

S. 1172

At the request of Mr. FRIST, the name of the Senator from Kentucky (Mr. MCCONNELL) 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. 1222

At the request of Mr. NELSON of Nebraska, the name of the Senator from Arkansas (Mrs. LINCOLN) 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 names of the Senator from Minnesota (Mr. DAYTON) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1245, a bill to provide for homeland security grant coordination and simplification, and for other purposes.

S. 1252

At the request of Mr. DAYTON, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1252, a bill to provide benefits to domestic partners of Federal employees.

S. 1344

At the request of Mr. CORZINE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1344, a bill to amend the Electronic Fund Transfer Act to require additional disclosures relating to exchange rates in transfers involving international transactions, and for other purposes.

S. 1390

At the request of Mr. ENSIGN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1390, a bill to protect children and their parents from being coerced into administering a controlled substance in order to attend school, and for other purposes.

S. 1431

At the request of Mr. LAUTENBERG, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1431, a bill to reauthorize the assault weapons ban, and for other purposes.

S. 1485

At the request of Mr. KENNEDY, the names of the Senator from South Dakota (Mr. DASCHLE), the Senator from Massachusetts (Mr. KERRY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 1485, a bill to amend the Fair Labor Standards Act of 1938 to protect the rights of employees to receive overtime compensation.

S. 1497

At the request of Mr. MCCAIN, the name of the Senator from New Jersey

(Mr. CORZINE) was added as a cosponsor of S. 1497, a bill to amend the Communications Act of 1934 to revise and expand the lowest unit cost provision applicable to political campaign broadcasts, to establish commercial broadcasting station minimum airtime requirements for candidate-centered and issue-centered programming before primary and general elections, to establish a voucher system for the purchase of commercial broadcast airtime for political advertisements, and for other purposes.

S. 1531

At the request of Mr. LEAHY, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 1531, a bill to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall.

S. 1545

At the request of Mr. HATCH, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from New Jersey (Mr. CORZINE), the Senator from California (Mrs. FEINSTEIN), the Senator from Delaware (Mr. CARPER), the Senator from Indiana (Mr. BAYH), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New York (Mrs. CLINTON) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 1545, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents.

S. RES. 170

At the request of Mr. DODD, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 170, a resolution designating the years 2004 and 2005 as ''Years of Foreign Language Study''.

S. RES. 210

At the request of Mr. HATCH, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. Res. 210, a resolution expressing the sense of the Senate that supporting a balance between work and personal life is in the best interest of national worker productivity, and that the President should issue a proclamation designating October as ''National Work and Family Month''.

S. RES. 212

At the request of Mrs. FEINSTEIN, the names of the Senator from South Dakota (Mr. DASCHLE), the Senator from Minnesota (Mr. COLEMAN) and the Senator from Tennessee (Mr. FRIST) were added as cosponsors of S. Res. 212, a resolution welcoming His Holiness the Fourteenth Dalai Lama and recognizing his commitment to non-violence, human rights, freedom, and democracy.

AMENDMENT NO. 1552

At the request of Ms. MIKULSKI, the names of the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Nebraska (Mr. NELSON), the Senator from Indiana (Mr. BAYH), the Senator from Arkansas (Mr. PRYOR) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of amendment No. 1552 proposed to H.R. 2660, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1556. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

SA 1557. Mr. NELSON of Florida proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra.

SA 1558. Mr. KOHL proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra.

SA 1559. Mrs. MURRAY (for herself, Mr. KENNEDY, Mr. DODD, Mr. LEAHY, Mr. JEFFORDS, Mr. BINGAMAN, and Mr. JOHNSON) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra.

SA 1560. Mr. DEWINE (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra.

SA 1561. Mr. DEWINE (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra.

SA 1562. Mr. DODD (for himself, Mr. DEWINE, Mr. KENNEDY, Mrs. LINCOLN, and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra; which was ordered to lie on the table.

SA 1563. Mr. BINGAMAN (for himself, Mr. REID, and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra; which was ordered to lie on the table.

SA 1564. Mr. COLEMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra; which was ordered to lie on the table.

SA 1565. Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra.

SA 1566. Mr. KENNEDY (for himself, Ms. COLLINS, Mr. DODD, Mr. REED, Mr. BINGAMAN, Mrs. MURRAY, Mr. KERRY, Mr. LIEBERMAN, Mr. EDWARDS, Mr. PRYOR, Mr. CORZINE, Ms. STABENOW, Mr. AKAKA, Mr. LAUTENBERG, Mr. SCHUMER, Mr. JEFFORDS, and Mr. HARKIN) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra.

SA 1567. Mr. CONRAD (for himself, Mr. ROBERTS, and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra; which was ordered to lie on the table.

SA 1568. Mr. DASCHLE (for himself, Ms. COLLINS, Mr. CONRAD, Mr. DORGAN, Mr. DODD, Mr. BAUCUS, Mr. PRYOR, Mr. BINGAMAN, Mrs. LINCOLN, Mr. JOHNSON, Mr. KERRY, and Mr. NELSON of Nebraska) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra.

SA 1569. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra; which was ordered to lie on the table.

SA 1570. Mr. DEWINE submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra; which was ordered to lie on the table.

SA 1571. Mr. DEWINE submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra; which was ordered to lie on the table.

SA 1572. Mr. DODD (for himself, Mr. HAGEL, Mr. JEFFORDS, Ms. COLLINS, Mrs. MURRAY, Mr. DORGAN, Mr. BINGAMAN, Mr. KERRY, Ms. MIKULSKI, Mr. PRYOR, Mr. COLEMAN, and Ms. STABENOW) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra.

SA 1573. Ms. MIKULSKI submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra; which was ordered to lie on the table.

SA 1574. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra; which was ordered to lie on the table.

SA 1575. Mr. HARKIN (for himself, Mrs. CLINTON, Mr. CORZINE, Mr. KERRY, Mr. BINGAMAN, Mrs. MURRAY, and Ms. STABENOW) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra.

SA 1576. Mr. EDWARDS submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra; which was ordered to lie on the table.

SA 1577. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra; which was ordered to lie on the table.

SA 1578. Mr. DEWINE (for himself, Mr. ALEXANDER, Ms. STABENOW, Mr. GRASSLEY, and Mr. VOINOVICH) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra.

SA 1579. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1556. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 19, line 16, strike ''$351,295,000'' and insert ''$301,197,000''.

On page 63, line 2, strike ''$1,188,226,000, of which $1,025,292,000'' and insert ''$1,238,324,000, of which $1,073,000,000''.

On page 63, line 7, strike ''$59,610,000'' and insert ''$62,000,000''.

SA 1557. Mr. NELSON of Florida proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 61, between lines 14 and 15, insert the following:

SEC. ___. GAO STUDY AND REPORT ON THE PROPAGATION OF CONCIERGE CARE.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study on concierge care (as defined in paragraph (2)) to determine the extent to which such care—

(A) is used by medicare beneficiaries (as defined in section 1802(b)(5)(A) of the Social Security Act (42 U.S.C. 1395a(b)(5)(A))); and

(B) has impacted upon the access of medicare beneficiaries (as so defined) to items and services for which reimbursement is provided under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(2) CONCIERGE CARE.—In this section, the term ''concierge care'' means an arrangement under which, as a prerequisite for the provision of a health care item or service to an individual, a physician, practitioner (as described in section 1842(b)(18)(C) of the Social Security Act (42 U.S.C. 1395u(b)(18)(C))), or other individual—

(A) charges a membership fee or another incidental fee to an individual desiring to receive the health care item or service from such physician, practitioner, or other individual; or

(B) requires the individual desiring to receive the health care item or service from such physician, practitioner, or other individual to purchase an item or service.

(b) REPORT.—Not later than the date that is 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the study conducted under subsection (a)(1) together with such recommendations for legislative or administrative action as the Comptroller General determines to be appropriate.

SA 1558. Mr. KOHL proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place insert the following:

SEC. ___. In addition to any amounts otherwise appropriated under this Act under the heading of ADMINISTRATION ON AGING, there are appropriated an additional $1,000,000: *Provided,* That in addition to the amounts already made available to carry out the ombudsman program under chapter 2 of title VII of the Older Americans Act of 1965 (42 U.S.C. 3058 et seq.), there are made available an additional $1,000,000.

SA 1559. Mrs. MURRAY (for herself, Mr. KENNEDY, Mr. DODD, Mr. LEAHY, Mr. JEFFORDS, Mr. BINGAMAN, and Mr. JOHNSON) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

In the matter under the heading ''TRAINING AND EMPLOYMENT SERVICES'' under the heading ''EMPLOYMENT AND TRAINING ADMINISTRATION'' in title I, add at the end the following:

Subject to the following sentence, for necessary expenses of the Workforce Investment Act of 1998, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act of 1998, $801,000,000, of which—

(1) $100,000,000 is available to carry out activities described in section 132(a)(1) of that Act (relating to adult employment and training activities);

(2) $159,000,000 is available to carry out activities described in subparagraphs (A) and (B) of section 132(a)(2) of that Act (relating to dislocated worker employment and training activities and other activities for dislocated workers);

(3) $99,000,000 is available to carry out chapter 4 of subtitle B of title I of that Act (relating to youth activities);

(4) $250,000,000 is available to carry out section 169 of that Act (relating to youth opportunity grants);

(5) $23,000,000 is available to carry out section 167 of that Act (relating to migrant and seasonal farmworker programs);

(6) $20,000,000 is available to carry out section 166 of that Act (relating to Native American programs); and

(7) $150,000,000 is available for the acquisition and improvement of one-stop center infrastructure, including acquisition of real estate, payment of rent or utilities, improvement of technology, and staff development.

The amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $7,696,199,000 and the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $5,982,301,000: *Provided,* That of the funds appropriated in this Act for the National Institutes of Health, $370,000,000 shall not be available for obligation until September 30, 2004.

SA 1560. Mr. DEWINE (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 61, between lines 14 and 15, insert the following:

SEC. ___. (a) IN GENERAL.—To provide funding for poison control centers under the Poison Control Enhancement and Awareness Act (42 U.S.C. 14801 et seq.), there are appropriated a total of $27,600,000, including amounts otherwise made available in this Act for such centers.

(b) OFFSET.—Amounts appropriated under title III under the heading ''Program Administration'' for building alterations and related expenses for relocation shall be reduced by $5,300,000.

SA 1561. Mr. DEWINE (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 61, between lines 14 and 15, insert the following:

SEC. ___. (a) IN GENERAL.—To carry out programs to support graduate medical education programs in children's hospitals under section 340E of the Public Health Service Act (42 U.S.C. 256e et seq.), there are appropriated a total of $305,000,000, including amounts otherwise made available in this Act for such programs.

(b) OFFSET.—Amounts appropriated under title III under the heading ''Program Administration'' shall be reduced by $15,000,000.

SA 1562. Mr. DODD (for himself, Mr. DEWINE, Mr. KENNEDY, Mrs. LINCOLN, and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 61, between lines 14 and 15, insert the following:

SEC. ___. In addition to any amounts otherwise appropriated under this Act for the support of the improved newborn and child screening for heritable disorders program authorized under section 1109 of the Public Health Service Act (42 U.S.C. 300b–8), there are appropriated an additional $10,000,000 to carry out such program: *Provided,* That of the funds appropriated under this Act for the National Institutes of Health, $19,000,000 shall not be available for obligation until September 30, 2004: *Provided further,* That the amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $6,905,199,000: *Provided further,* That the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $6,773,301,000.

SA 1563. Mr. BINGAMAN (for himself, Mr. REID, and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC. 306. (a) In addition to any amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, an additional $20,000,000 to carry out part H of title I of the Elementary and Secondary Education Act of 1965 (school dropout prevention).

(b) Of the funds appropriated in this Act for the National Institutes of Health, $4,000,000 shall not be available for obligation until September 30, 2004.

(c) The amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $6,915,199,000 and the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $6,763,301,000.

SA 1564. Mr. COLEMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to

amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, line 12, strike ''$14,174,115,000'' and insert ''$14,712,115,000''.

SA 1565. Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 36, line 16, strike the period at the end and insert '': *Provided further*, That the amount $6,252,256,000 under the heading 'Health Resources and Services' shall be deemed to be $6,272,256,000 of which the additional $20,000,000 shall be available for carrying out sections 765 and 767 of the Public Health Service Act: *Provided further*, That the amount $4,588,671,000 under the heading 'Disease Control, Research, and Training' shall be deemed to be $4,631,871,000: *Provided further*, That the amount $1,726,846,000 under the heading 'Public Health and Social Services Emergency Fund' shall be deemed to be $1,756,846,000: *Provided further*, That the amount $1,116,156,000 under the heading 'Public Health and Social Services Emergency Fund' shall be deemed to be $1,146,156,000 *Provided further*, That the amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $6,988,399,000: *Provided further*, That the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $6,690,101,000: *Provided further*, That of the funds appropriated in this Act for the National Institutes of Health, $93,200,000 shall not be available for obligation until September 30, 2004.

SA 1566. Mr. KENNEDY (for himself, Ms. COLLINS, Mr. DODD, Mr. REED, Mr. BINGAMAN, Mrs. MURRAY, Mr. KERRY, Mr. LIEBERMAN, Mr. EDWARDS, Mr. PRYOR, Mr. CORZINE, Ms. STABENOW, Mr. AKAKA, Mr. LAUTENBERG, Mr. SCHUMER, Mr. JEFFORDS, and Mr. HARKIN) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On the appropriate page and line, insert before the period the following: '': *Provided further*, That of the funds appropriate in this Act for the National Institutes of Health, $1,470,000,000 shall not be available for obligation until September 30, 1994''.

On page 76, between lines 4 and 5, insert the following:

SEC. ____. (a) INCREASE IN FUNDING.—In addition to any amounts otherwise appropriated under this Act for Federal Pell Grants under subpart 1 of part A of title IV of the Higher Education Act of 1965, there are appropriated an additional $1,688,000,000 for such grants. In addition to any amounts otherwise appropriated under this Act for Federal Supplemental Education Opportunity Grants under subpart 3 of part A of title IV of the Higher Education Act of 1965, there are appropriated an additional $115,000,000 for such grants. In addition to any amounts otherwise appropriated under this Act for Federal Work-Study Programs under part C of title IV of the Higher Education Act of 1965, there are appropriated an additional $157,000,000 for such programs. In addition to any amounts otherwise appropriated under this Act for the Leveraging Educational Assistance Partnership Program under subpart 4 of part A of title IV of the Higher Education Act of 1965, there are appropriated an additional $33,445,000 for such program. In addition to any amounts otherwise appropriated under this Act for Federal Trio programs under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965, there are appropriated an additional $160,000,000 for such programs. In addition to any amounts otherwise appropriated under this Act for Gear Up programs under chapter 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965, there are appropriated an additional $57,000,000 for such programs. In addition to any amounts otherwise appropriated under this Act for loan cancellations under the Federal Perkins Loans program under part E of title IV of the Higher Education Act of 1965, there are appropriated an additional $33,000,000 for such loan cancellations. In addition to any amounts otherwise appropriated under this Act for the Graduate Assistance in Areas of National Need program under subpart 2 of part A of title VII of the Higher Education Act of 1965, there are appropriated an additional $13,200,000 for such program. In addition to any amounts otherwise appropriated under this Act for the Thurgood Marshall Legal Educational Opportunity Program under subpart 3 of part A of title VII of the Higher Education Act of 1965, there are appropriated an additional $7,000,000 for such program. The amount $4,050 under the heading 'Student Financial Assistance' in this title shall be deemed to be $4,500. The amount $9,935,000 under the heading 'Higher Education' in this title shall be deemed to be $15,000,000.

(b) BUDGETARY AUTHORITY.—The amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $9,151,909,000. The amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $4,526,591,000.

SA 1567. Mr. CONRAD (for himself, Mr. ROBERTS, and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 27, line 2, insert before the period the following: '': *Provided further*, That $5,000,000 shall be made available to carry out the rural emergency medical service training and equipment assistance program under section 330J of the Public Health Service Act (42 U.S.C. 254c-15)''.

SA 1568. Mr. DASCHLE (for himself, Ms. COLLINS, Mr. CONRAD, Mr. DORGAN, Mr. DODD, Mr. BAUCUS, Mr. PRYOR, Mr. BINGAMAN, Mrs. LINCOLN, Mr. JOHNSON, Mr. KERRY, and Mr. NELSON of Nebraska) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 76, between lines 10 and 11, insert the following:

SEC.____. In addition to any amounts otherwise appropriated under this Act to carry out part B of title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7341 et seq.), there are appropriated an additional $132,347,000 to carry out such part: *Provided*, That of the funds appropriated in this Act for the National Institutes of Health, $25,000,000 shall not be available for obligation until September 30, 2004: *Provided further*, That the amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $7,027,546,000: *Provided further*, That the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $6,650,954,000.

SA 1569. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . Not later than May 1, 2004, the Secretary of Health and Human Services shall submit to the appropriate committees of Congress a report concerning the manner in which the Department of Health and Human Services expends Federal funds for research, patient care, and other activities relating to Hansen's Disease. The report shall include—

(1) the amounts provided for each research project;

(2) the amounts provided to each of the 12 treatment centers for each of research, patient care, and other activities;

(3) the per patient expenditure of patient care funds at each of the 12 treatment centers; and

(4) the mortality rates at each of the 12 treatment centers.

SA 1570. Mr. DEWINE submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 61, between lines 14 and 15, insert the following:

SEC. ____. In addition to any amounts otherwise appropriated under this Act to carry out mother-to-child HIV transmission prevention activities, there are appropriated an additional $60,000,000 to carry out such activities.

SA 1571. Mr. DEWINE submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 61, between lines 14 and 15, insert the following:

SEC. ____. In addition to any amounts otherwise appropriated under this Act to carry out mother-to-child HIV transmission prevention activities, there are appropriated an additional $60,000,000 to carry out such activities. Amounts appropriated under this section shall be designated as emergency spending pursuant to section 502(c) of House Concurrent Resolution 95 (108th Congress).

SA 1572. Mr. DODD (for himself, Mr. HAGEL, Mr. JEFFORDS, Ms. COLLINS, Mrs. MURRAY, Mr. DORGAN, Mr. BINGAMAN, Mr. KERRY, Ms. MIKULSKI, Mr. PRYOR, Mr. COLEMAN, and Ms. STABENOW) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 76, between lines 10 and 11, insert the following:

SEC.____. In addition to any amounts otherwise appropriated under this Act for grants to States under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), there are appropriated an additional $1,200,000,000 for such grants: *Provided,* That of the funds appropriated in this Act for the National Institutes of Health, $84,000,000 shall not be available for obligation until September 30, 2004: *Provided further,* That the amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $8,095,199,000: *Provided further,* That the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $5,583,301,000.

SA 1573. Ms. MIKULSKI submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 61, between lines 14 and 15, insert the following:

SEC. ____. STUDIES CONCERNING MAMMOGRAPHY STANDARDS.

(a) STUDY BY GAO.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the program established under the Mammography Quality Standards Act of 1992 (section 354 of the Public Health Service Act (42 U.S.C. 263b)) (referred to in this section as the ''MQSA'') to—

(A) evaluate the demonstration program regarding frequency of inspections authorized under section 354(g) of the Public Health Service Act (42 U.S.C. 263b(g)), including the effect of the program on compliance with the MQSA;

(B) evaluate the factors that contributed to the closing of the approximately 700 mammography facilities nationwide since 2001, whether those closings were due to consolidation or were a true reduction in mammography availability, explore the relationship between certified units and facility capacity, and evaluate capacity issues, and determine the effect these and other closings have had on the accessibility of mammography services, including for underserved populations, since the April 2002 General Accounting Office report on access to mammography; and

(C) evaluate the role of States in acting as accreditation bodies or certification bodies, or both, in addition to inspection agents under the MQSA, and in acting as accreditation bodies for facilities in other States and determine whether and how these roles affect the system of checks and balances within the MQSA.

(2) REPORT.—Not later than 16 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives a report on the study described in paragraph (1).

(b) STUDY BY THE INSTITUTE OF MEDICINE.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of Health and Human Services shall enter into an agreement with the Institute of Medicine of the National Academy of Sciences for the conduct of a study and the making of recommendations regarding the following:

(A) Ways to improve physicians' interpretations of mammograms, including approaches that could be taken under the MQSA without negatively impacting access to quality mammography.

(B) What changes could be made in the MQSA to improve mammography quality, including additional regulatory requirements that would improve quality, as well as the reduction or modification of regulatory requirements that do not contribute to quality mammography, or are no longer necessary to ensure quality mammography. Such reduction or modification of regulatory requirements and improvements in the efficiency of the program are important to help eliminate disincentives to enter or remain in the field of mammography.

(C) Ways, including incentives, to ensure that sufficient numbers of adequately trained personnel at all levels are recruited and retained to provide quality mammography services.

(D)(i) How data currently collected under the MQSA could be used to improve the quality, interpretation of, and access to mammography.

(ii) Identification of new data points that could be collected to aid in the monitoring and assessment of mammography quality and access.

(E) Other approaches that would improve the quality of and access to mammography services, including approaches to improving provisions under the MQSA.

(F) Steps that should be taken to help make available safe and effective new screening and diagnostic devices and tests for breast cancer.

(2) REPORT.—Not later than 15 months after the date on which the agreement is entered into under paragraph (1), the Institute of Medicine shall complete the study described under such subsection and submit a report to the Secretary of Health and Human Services, the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate, and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives.

(3) FUNDING.—Of the amounts appropriated under this title to the Office of the Secretary of Health and Human Services for general departmental management, $500,000 shall be made available to carry out the study under this subsection.

SA 1574. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

In the matter under the heading ''TRAINING AND EMPLOYMENT SERVICES'' under the heading ''EMPLOYMENT AND TRAINING ADMINISTRATION'' in title I, add at the end the following:

For necessary expenses of the Workforce Investment Act of 1998, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act of 1998, $50,000,000 to carry out activities described in section 132(a)(2)(B) of that Act (relating to dislocated worker employment and training activities and other activities for dislocated workers). There shall be transferred from the account relating to the Department of Labor's Working Capital Fund, $5,000,000 to the account relating to carrying out activities described in section 132(a)(2)(B) of the Workforce Investment Act of 1998 (relating to dislocated worker employment and training activities and other activities for dislocated workers). There shall be transferred from the account relating to the Department of Labor's management cross cut activities, $5,000,000 to the account relating to carrying out activities described in section 132(a)(2)(B) of the Workforce Investment Act of 1998 (relating to dislocated worker employment and training activities and other activities for dislocated workers).

On page 2, line 23, strike ''$276,608,000 shall be for activities'' and insert ''$226,608,000 shall be used with priority given to carry out the amendments made by section 203 of the Trade Adjustment Assistance Reform Act of 2002 and shall be for activities''.

SA 1575. Mr. HARKIN (for himself, Mrs. CLINTON, Mr. CORZINE, Mr. KERRY, Mr. BINGAMAN, Mrs. MURRAY, and Ms. STABENOW) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 76, between lines 10 and 11, insert the following:

SEC.____. (a) ADDITIONAL FUNDS.—

(1) IN GENERAL.—In addition to any amounts otherwise appropriated under this Act for the Fund for the Improvement of Education under part D of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7241 et seq.), there are appropriated an additional $1,000,000,000 for such fund that shall be used by the Secretary of Education to award formula grants to State educational agencies to enable such State educational agencies—

(A) to expand existing structures to alleviate overcrowding in public schools;

(B) to make renovations or modifications to existing structures necessary to support alignment of curriculum with State standards in mathematics, reading or language arts, or science in public schools served by such agencies;

(C) to make emergency repairs or renovations necessary to ensure the safety of students and staff and to bring public schools into compliance with fire and safety codes;

(D) to make modifications necessary to render public schools in compliance with the

Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794);

(E) to abate or remove asbestos, lead, mold, and other environmental factors in public schools that are associated with poor cognitive outcomes in children; and

(F) to renovate, repair, and acquire needs related to infrastructure of charter schools.

(2) AMOUNT OF GRANTS.—The Secretary shall allocate amounts available for grants under this subsection to States in proportion to the funds received by the States, respectively, for the previous fiscal year under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq).

(b) OFFSET.—Of the funds appropriated in this Act for the National Institutes of Health, $352,000,000 shall not be available for obligation until September 30, 2004: *Provided*, That the amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $7,895,199,000, and the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $5,783,301,000.

SA 1576. Mr. EDWARDS submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 61, between lines 14 and 15, insert the following:

SEC. ____. In addition to any amounts otherwise appropriated in this Act for programs and activities under the Health Care Safety Net Amendments (Public Law 107-251) and the amendments made by such Act, and for other telehealth programs under section 330 of the Public Health Service Act (42 U.S.C. 254b et seq), there are appropriated an additional $10,000,000 for such programs and activities, including $2,500,000 for a minimum of 10 telehealth resource centers which provide assistance with respect to technical, legal and regulatory, service delivery or other related barriers to the deployment of telehealth technologies, $5,000,000 for network grants, and $2,500,000 for grants to State professional licensing boards to carry out programs under which such licensing boards of various States cooperate to develop and implement State policies that will reduce statutory and regulatory barriers to telemedicine: *Provided*, That $30,000,000 of the amount appropriated under this Act for the National Institutes of Health shall not be available for obligation until September 30, 2004: *Provided further*, That the amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $6,905,199,000: *Provided further*, That the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $6,773,301,000.

SA 1577. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 76, between lines 10 and 11, insert the following:

SEC. ____. In addition to any amounts otherwise appropriated under this Act for the Federal Trio programs under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq.), there are appropriated not more than $16,000,000 that shall be used by the Secretary of Education to award grants to Upward Bound, Upbound Math/Science, and McNair grant applicants that submitted applications for grants under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq.) for fiscal year 2003 that were eligible to receive grants but did not receive grants because the applications were received after the closing date or exceeded the 100 page limit. If the amount appropriated under this section is insufficient to pay the full amounts that all applicants are eligible to receive under this section, the Secretary shall ratably reduce such amounts: *Provided*, That of the funds appropriated in this Act for the National Institutes of Health, $1,500,000,000 shall not be available for obligation until September 30, 2004: *Provided further*, That the amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $6,911,199,000: *Provided further*, That the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $6,767,301,000.

SA 1578. Mr. DEWINE (for himself, Mr. ALEXANDER, Ms. STABENOW, Mr. GRASSLEY, and Mr. VOINOVICH) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 74, line 1, strike ''$409,863,000, of which $13,644,000'' and insert ''$406,863,000, of which $10,644,000''.

On page 76, between lines 11 and 12, insert the following:

SEC. ____. For necessary expenses for the Underground Railroad Education and Cultural Program, there are appropriated $3,000,000.

SA 1579. Mrs. FEINSTEIN submitted an amendment intended to be proposed to SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, insert the following:

SEC. ____. (a) STATE ELECTION.—

(1) IN GENERAL.—In lieu of the Federal medical assistance percentage otherwise determined for the State under section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) (without regard to the application of section 401 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 (42 U.S.C. 1396d note)), a State may elect to have the alternative Federal medical assistance percentage determined under subsection (b) apply to the State for purposes of expenditures under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) for fiscal years beginning on or after the date of such an election, but only with respect to expenditures under title XIX of such Act that exceed the total amount of expenditures incurred under that title with respect to the State for fiscal year 2003.

(2) IRREVERSIBLE ELECTION.—A State election under paragraph (1) shall be irreversible.

(3) LIMITATION.—A State may not make an election under paragraph (1) before October 1, 2003.

(b) ALTERNATIVE FEDERAL MEDICAL ASSISTANCE PERCENTAGE.—

(1) IN GENERAL.—Subject to paragraph (4), the alternative Federal medical assistance percentage determined under this subsection is, with respect to a State and a fiscal year, 100 percent reduced by the product of 0.40 and the ratio of—

(A) the State's economic resources per person in poverty, as defined in paragraph (2); to

(B) the economic resources per person in poverty for all States, as defined in paragraph (3).

(2) STATE'S ECONOMIC RESOURCES PER PERSON IN POVERTY.—For purposes of paragraph (1)(A), except as provided in paragraph (4)(C)(i), with respect to a State, the State's economic resources per person in poverty is the ratio of—

(A) the most recent 3-year average of the total taxable resources of the State, as determined by the Secretary of the Treasury; to

(B) the most recent 3-year average of the number of individuals residing in the State whose income is below the official poverty income threshold (as determined by the Secretary of Commerce).

(3) ECONOMIC RESOURCES PER PERSON IN POVERTY FOR ALL STATES.—For purposes of paragraph (1)(B), the economic resources per person in poverty for all States is the ratio of—

(A) the sum of the most recent 3-year averages determined under paragraph (2)(A) for all States; to

(B) the sum of the most recent 3-year averages determined under paragraph (2)(B) for the 50 States and the District of Columbia.

(4) SPECIAL RULES.—

(A) HOLD HARMLESS; CAP ON INCREASES.—Subject to subparagraph (B), with respect to a State making an election under this section, the alternative Federal medical assistance percentage determined for the State for a fiscal year under this subsection—

(i) shall not be less than the Federal medical assistance percentage determined for the State under section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) for the fiscal year; and

(ii) only with respect to each of fiscal years 2004 through 2013, shall not exceed—

(I) the Federal medical assistance percentage determined for the State under section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) for the preceding fiscal year by more than 1 percent; and

(II) the alternative Federal medical assistance percentage determined for the State under this subsection for the preceding fiscal year by more than 1 percent.

(B) OVERALL CAP.—In no event may the alternative Federal medical assistance percentage determined for a State for a fiscal year exceed 83 percent.

(C) ALASKA; DISTRICT OF COLUMBIA.—

(i) ALASKA.—In the case of Alaska, the State's economic resources per person in poverty is the ratio of—

(I) the most recent 3-year average of the total taxable resources of the State, as determined by the Secretary of the Treasury; to

(II) the most recent 3-year average of the number of individuals residing in the State whose income is below the official poverty income threshold (as determined by the Secretary of Commerce), multiplied by 1.05.

(ii) DISTRICT OF COLUMBIA.—The alternative Federal medical assistance percentage for the District of Columbia for any fiscal year is 70 percent.

(c) SCOPE OF APPLICATION.—An election under this section shall apply only for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) and shall not apply with respect to—

(1) disproportionate share hospital payments described in section 1923 of such Act (42 U.S.C. 1396r–4);

(2) payments under title IV or XXI of such Act (42 U.S.C. 601 et seq., 1397aa et seq.); or

(3) any payments under XIX of such Act that are based on the enhanced FMAP described in section 2105(b) of such Act (42 U.S.C. 1397ee(b)).

(d) DEFINITION OF STATE.—In this section, the term ''State'' has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Madam President, I would like to announce for the information of the Senate and the public that the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources will hold a hearing on September 11, 2003 at 2:30 p.m.

The hearing was originally scheduled to consider S. 432, S. 849, and S. 511. In addition to these bills, the Committee will now consider S. 1582, which would amend the Valles Caldera Preservation Trust Act.

Because of the limited time available for the hearing, 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, Washington, D.C. 20510–6150 prior to the hearing date.

For further information, please contact Frank Gladics, Dick Bouts, or Meghan Beal (202–224–7556).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DEWINE. Madam President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on September 4, 2003 at 9:30 a.m., in open and closed session to receive testimony on the proposed lease of 100 KC–767 aerial refueling tanker aircraft by the U.S. Air Force.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DEWINE. Madam 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, September 4th at 10:00 a.m. The purpose of this hearing is to receive testimony on the Department on Energy Polygraph Program.

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

COMMITTEE ON FINANCE

Mr. DEWINE. Madam President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, September 4, 2003, at 10:00 a.m., to hear testimony regarding U.S.-Cuba Economic Relations.

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

COMMITTEE ON THE JUDICIARY

Mr. DEWINE. Madam President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, September 4, 2003, at 9:30 a.m. in Dirksen Room 226.

Agenda

I. Nominations: Henry W. Saad to be United States Circuit Judge for the Sixth Circuit; Larry Alan Burns to be United States District Judge for the Southern District of California; Glen E. Conrad to be United States District Judge for the Western District of Virginia; Henry F. Floyd to be United States District Judge for the District of South Carolina; Kim R. Gibson to be United States District Judge for the Western District of Pennsylvania; Michael W. Mosman to be United States District Judge for the District of Oregon; Dana Makoto Sabraw to be United States District Judge for the Southern District of California; Mauricio J. Tamargo to be Chairman of the Foreign Claims Settlement Commission of the United States.

II. Bills: S.J. Res. 1, A joint resolution proposing an amendment to the constitution of the United States to protect the rights of crime victims [KYL, CHAMBLISS, CORNYN, CRAIG, DEWINE, FEINSTEIN, GRAHAM, GRASSLEY]; S. 1451, Runaway, Homeless, and Missing Children Protection Act [HATCH, LEAHY].

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. DEWINE. Madam President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, September 4 at 2:30 p.m. to hold a closed hearing.

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

SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS AND PROPERTY RIGHTS

Mr. DEWINE. Madam President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on the Constitution, Civil Rights and Property Rights be authorized to meet to conduct a hearing on ''What is Needed to Defend the Bipartisan Defense of Marriage Act of 1996,'' on Thursday, September 4, 2003, at 2:00 p.m. in SD226.

Witness List

Panel I: Rev. Dr. Ray Alexander Hammond II, Pastor, Bethel AME Church, Boston, MA; Mrs. Maggie Gallagher, President, Institute for Marriage and Public Policy, New York, NY; Mr. Gregory S. Coleman, Esq., Weil Gotshal & Manges LLP, Former Solicitor General, State of Texas, Austin, TX; Mr. Michael P. Farris, Esq., Chairman & General Counsel, Home School Legal Defense Association, President and Professor of Government, Patrick Henry College, Purcellville, VA; Prof. Dale Carpenter, Associate Professor of Law, University of Minnesota Law School, Minneapolis, MN; Mr. Keith Bradkowski, San Francisco, CA.

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

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. DEWINE. Madam President, I ask unanimous consent that the Subcommittee on Science, Technology and Space be authorized to meet on September 4, 2003, at 3:30 pm on a new kind of science.

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

PRIVILEGE OF THE FLOOR

Mr. JEFFORDS. Madam President, I ask unanimous consent that Dan Crimmins, a fellow on my staff, be granted floor privileges during our consideration of the fiscal year 2004 Labor-HHS-Education appropriations bill.

ORDERS FOR FRIDAY, SEPTEMBER 5, 2003

Mr. SESSIONS. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:15 a.m., Friday, September 5. I further ask unanimous consent that following the prayer and pledge the morning hour be deemed expired.

I assume we will still be able to have a prayer and pledge in this body and that the courts will not have struck it down sometime in the interim.

I ask unanimous consent that the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H.R. 2660, the Labor-HHS-Education appropriations bill, with the time until 9:30 a.m. equally divided between the two bill managers or their designees; provided that at 9:30 a.m. the Senate proceed to a vote in relation to the Clinton amendment No. 1565, to be immediately followed by a vote in relation to the Harkin amendment No. 1575; provided further that no amendments be in order to either amendment prior to the vote, and there be 5 minutes for debate equally divided in the usual form prior to the second vote.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Madam President, reserving the right to object, I say through the Chair to the distinguished acting leader that as of this evening we have worked now for 2 days to come up with a finite list of amendments on our side. My friend, the manager of the bill, the Senator from Pennsylvania, Mr. SPECTER, has asked me about this. If he has asked me once, he has asked me 15 times. We came up with a list. And now

tonight we can't get approval from the majority that this is a finite list. I really do not understand that. I hope it is just some clerical problem or some Senator who maybe couldn't be contacted. But I hope after all we have been through that we would have an agreement tomorrow on a finite list of amendments on this most important bill.

I say that we are trying to help. We understand. I spoke to the two leaders today. As soon as we complete this bill, we will go to the energy and water appropriations bill, which is an extremely important bill. It is a $25 billion bill which is all nondiscretionary money. It is money to fund the nuclear weapons program in addition to many other very important programs that are important around our country, including the Bureau of Reclamation, the Corps of Engineers, and other multibillion-dollar programs.

I hope we can move forward and conclude this legislation. It seems rather strange, as far as I am concerned, that the minority is talking about moving an appropriations bill, but that is the way it is.

We have said all week that we have one issue that we had to vote on next week for obvious reasons. We have to have four Democratic Senators who are running for President. We want to make sure they are all here. That has been recognized by Senator SPECTER and by the majority leader. We had a tentative time set up to do that.

I hope before we adjourn tomorrow that we can get the agreement that has been prepared by both staffs. I think it would move toward concluding this legislation. But also I think it sets the proper tone for what is going to be a most difficult remaining legislative session this year.

I have no objection to the request by the Senator from Alabama.

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

Mr. SESSIONS. Madam President, I note that Senator SPECTER certainly has been working our side to get that agreement. Without dispute, there will certainly be far fewer amendments pursued to vote on from the Democratic side. But that is all right. I know the Senator is close to having that done. I thank the Senator for working his side.

PROGRAM

Mr. SESSIONS. Madam President, for the information of all Senators, tomorrow the Senate will resume debate on the Labor-HHS-Education appropriations bill. At approximately 9:30 a.m., the Senate will begin two back-to-back rollcall votes. The first vote will be in relation to the Clinton amendment on bioterrorism workforce, which will be immediately followed by a vote in relation to the Harkin amendment on school renovation. Following those votes, Members are encouraged to remain in the Chamber to offer and debate their amendments. The chairman and ranking member will be here to accommodate those Members who are available to offer amendments tomorrow.

ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. SESSIONS. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:20 p.m., adjourned until Friday, September 5, 2003, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate September 4, 2003:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

STEPHEN W. HUMPHREY, 0000
DAVID B. ROYAL, 0000
RANDY J. YOVANOVICH, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

NELSON * ARROYO, 0000
KENNETH R. * BEALE, 0000
DONNETTE A. * BOYD, 0000
BILL * BURRELL, 0000
HENRY E. * CLOSE III, 0000
MARK A. * CRUMPTON, 0000
MICHAEL L. * DANIEL, 0000
SHANE C. * GASTER, 0000
GLENN A. * HAWKINS, 0000
KENNETH M. * JENKINS, 0000
GASTON L. * JONES JR., 0000
DAVID L. * MANSBERGER, 0000
SHON * NEYLAND, 0000
MICHAEL S. * RASH, 0000
WARREN K. * ROBINSON, 0000
SCOTT L. * RUMMAGE, 0000
PAUL D. * SUTTER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

JAMES J. * BALDOCK IV, 0000
WENDY L. BARNES, 0000
DAVID M. * BERTHE, 0000
JOHN R. * BROOKS, 0000
KENNETH S. * BROWN, 0000
RICHARD T. * BROYER, 0000
SHELLI R. * CANNONDEKREEK, 0000
MELANIE C. * CARINO, 0000
MELISSA L. * CHECOTAH, 0000
JASON D. * EITUTIS, 0000
PATRICIA D. * FOWLER, 0000
SABINA C. * GARRETT, 0000
DOUGLAS A. * GIMLICH, 0000
JOHN F. * GINNITY JR., 0000
JERRY A. * HARVEY, 0000
RICHARD T. * HAWK, 0000
JEFFREY G. HENDERSON, 0000
KEITH A. * HIGLEY, 0000
JOSEPH G. D. * IBANEZ, 0000
RANDALL C. LAMBERT, 0000
GENE A. * LONG, 0000
CAMILLE R. * LOONEY, 0000
PATRICK A. * MARTINEZ, 0000
RICHARD L. * MAY II, 0000
MARK R. * MEERSMAN, 0000
JOSELITO C. * MENESES, 0000
SEAN P. * MURPHY, 0000
MICHAEL A. * NIELSEN, 0000
MICHAEL C. * ORR, 0000
ROBERT M. * PAZ, 0000
KATHY * PFLANZ, 0000
KEVIN S. * SMITH, 0000
RICHARD K. * SMITH, 0000
SCOT S. SPANN, 0000
MARVIN W. * TODD, 0000
KEVIN J. WATSON, 0000
THOMAS E. * WILLIFORD, 0000
BRIAN K. * WYRICK, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

KIMBERLY L. * ARNAO, 0000
BRIAN L. * BENGS, 0000
SCOTT D. * BOEHNE, 0000
JANE E. * BOOMER, 0000
THERESA A. * BRUNO, 0000
JOSHUA T. * BURGESS, 0000
THOMAS E. * BYRON, 0000
JOHN A. CARR, 0000
OLGA M. * CORNELL, 0000
DOUGLAS F. * CRABTREE, 0000
RICHARD L. * DASHIELL, 0000
JOSEPH F. * DENE, 0000
CHAD L. * DIEDERICH, 0000
PATRICK D. * DYSON, 0000
GINA M. * EAKER, 0000
JAMES S. * FLANDERS, 0000
MICHAEL J. * FREYERMUTH, 0000
GLEN L. * FUNKHOUSER JR., 0000
STEPHEN P. * GANTER, 0000
ROBERT M. * GERLEMAN, 0000
JOHN E. * GILLILAND, 0000
EDWARD D. * GRAY, 0000
MOISETTE INTONYA * GREEN, 0000
TOMMY E. GREGORY, 0000
STEVEN J. * GROCKI, 0000
JAMES J. * GROSS, 0000
ROBERT S. * HALL, 0000
KATHLEEN J. HARTMAN, 0000
MARTIN A. * HOFFMAN, 0000
JULIE J. R. * HUYGEN, 0000
JOSEPH S. IMBURGIA, 0000
KIMBERLY M. * JOHNSON, 0000
STEVEN M. * KELSO, 0000
RICHARD H. LADUE JR., 0000
LUCAS J. * LANDRENEAU, 0000
BRADFORD U. * LARSON, 0000
MICHELLE M. * LINDO, 0000
TERESA G. * LOVE, 0000
DEBRA A. LUKER, 0000
ROBERT E. * LUTTRELL III, 0000
JENNIFER KLEIN * MARTWICK, 0000
RICHARD J. V. * MARTWICK, 0000
CHRISTOPHER * MCMAHON, 0000
CAREY A. * MERRILL, 0000
MARK A. * MICCHIO, 0000
SERGIO C. MUNIZ JR., 0000
THANH LAN BICH * NGUYEN, 0000
CHRISTOPHER J. * NOWICKI, 0000
MYNDA L. G. * OHMAN, 0000
BRUCE D. * PAGE JR., 0000
JOSEPH P. * PIAZZA, 0000
LYNDELL M. * POWELL, 0000
SLOAN M. P. * PYE, 0000
KATHLEEN V. E. * REDER, 0000
ERICA L. * RICHARDSON, 0000
LACHANDRA C. * RICHARDSON, 0000
RICHARD W. * ROCKENBACH II, 0000
ANGELA P. * ROSE, 0000
KENNETH W. * SACHS, 0000
SHELLY W. * SCHOOLS, 0000
STEPHEN E. * SEE, 0000
SHANNON L. * SHERWIN, 0000
KATHRYN E. * STENGELL, 0000
KEVIN P. * STIENS, 0000
BRIAN J. * SUCKMAN, 0000
JOHN G. * TERRA, 0000
JILL M. * THOMAS, 0000
MARK DANIEL * TRUJILLO, 0000
MATTHEW D. * VANDALEN, 0000
SHAWN E. * VANDENBERG, 0000
DANIEL L. * WARNOCK, 0000
DAVID J. * WESTERN, 0000
SANDRA K. * WHITTINGTON, 0000
KEVIN J. * WILKINSON, 0000
JAMES M. WINNER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

DAVID H. * ADAMS JR., 0000
TIMOTHY P. * ALLMANN, 0000
MICHELLE D. * AMBROSE, 0000
STEVEN M. ANDERSON, 0000
BARBARA J. * AUSTEN, 0000
VERONA * BOUCHER, 0000
DARRYN N. * BRYANT, 0000
DANE V. * CAMPBELL, 0000
BRETT R. * CARNER, 0000
LISA L. * CAULDER, 0000
CARLOS M. * CEBOLLERO, 0000
JOHN D. CHILDS, 0000
CHRISTOPHER D. * CLINE, 0000
JAMES R. * COKER, 0000
BRIAN L. * COSTELLO, 0000
ANTHONY S. * CUNNINGHAM, 0000
JAMES P. * CZARZASTY, 0000
LORA * DARBOPIETSZAK, 0000
AMIE W. * DARYANANI, 0000
JAMES A. * DAUBER, 0000
BRYAN TERRI * DAVIS, 0000
DONALD P. * DORENKAMP, 0000
TAM T. * DUONG, 0000
DAVID O. * EDDINGTON, 0000
DAVID R. * ENGLERT, 0000
FRANK M. * FISCHER, 0000
GABRIEL P. * FLORIT, 0000
KRISTINE F. * FUMIA, 0000

CLARENCE D. A. * GAGNI, 0000
OSCAR K. * GIBBS, 0000
ANITA M. * GLENNRELLER, 0000
REVONDA L. * GRAYSON, 0000
DANIEL K. * GULLEKSON, 0000
STEPHEN P. * HAMM, 0000
AMY E. * HAYNES, 0000
GARRETT L. * HEITMANN, 0000
BARRIE J. * HIGHBY, 0000
NEIL A. * HOLDER, 0000
FREEMAN HOLIFIELD JR., 0000
NEIL MICHAEL * HORNER, 0000
TIMOTHY J. * HORNYAK, 0000
TIMOTHY D. * HOWERTON, 0000
RICHARD * HUTCHISON, 0000
ALISA * IRIYE, 0000
MARK W. * ISAJIW, 0000
JAMES R. * KAHLER, 0000
SHELBI J. * KANESHIRO, 0000
PHILIP A. * KEMP, 0000
CLIFFORD P. * LAPP, 0000
DEREK J. * LARBIE, 0000
HUEY * LATHAM III, 0000
DEBRA A. * LEE, 0000
DARIN R. LEREW, 0000
LAURA M. * LOCHNER, 0000
DENISE ANN * LOCKHART, 0000
PAULINE M. * LUCAS, 0000
MARYBETH E. * LUNA, 0000
EILEEN K. * LUTERZO, 0000
GUY R. MAJKOWSKI, 0000
JUDY A. * MANNO, 0000
JUDITH NMI * MARTELL, 0000
DAMIAN G. * MCCABE, 0000
CHARLES S. * MCCALEB, 0000
CRAIG A. * MCCLUER, 0000
SHARISSE D. * MCCOY, 0000
JEFFREY E. * MCLEAN, 0000
LILLIE M. * MELLS, 0000
TRACY L. * MIDDLETON, 0000
TIFFANY J. MORGAN, 0000
ERIN K. * MORRIS, 0000
BRIAN T. MUSSELMAN, 0000
MARIO G. * NICOLAS, 0000
WANDA L. * NORRIS, 0000
KARL S. * OGILVIE, 0000
ERIC V. * OLSEN, 0000
KAREN A. * ORTS, 0000
EDMUND * OSEIWUSU, 0000
DENNIS * OSULLIVAN, 0000
LYNN A. * PADILLA, 0000
BERLINDA A. * PADILLAOTTO, 0000
DANIEL N. * PARK, 0000
VIRGINIA ANNE * PARKER, 0000
SHANNON L. * PHARES, 0000
ROBERT T. * POHLER, 0000
PHILLIP T. * POTTER, 0000
JESSE W. * RICHARDSON, 0000
TODD M. * ROCK, 0000
JAMES P. * RONYAK JR., 0000
JAVIER * RUIZ, 0000
JEFFREY G. * RUTTER, 0000
DAVID A. * SANCHEZ, 0000
DEBORAH K. * SCHUEREN, 0000
JON M. * SEELEY, 0000
THOMAS L. * SHAAK, 0000
JAMES E. * SHIELDS, 0000
JOANNA L. * SHOWEN, 0000
JOSEPH W. SILVERS, 0000
KARI K. * SMITH, 0000
JULIA N. * SUNDSTROM, 0000
SCOTT E. * SWINGLE, 0000
JAMES C. * TANNER, 0000
DAVID A. * TORRES, 0000
BRUCE K. * TOWERS, 0000
BARBARA E. * TUCKER, 0000
JOSEPH A. * VANCE, 0000
DAVID C. * WALMSLEY, 0000
JAMES E. * WARE, 0000
JEFFREY S. * WEST, 0000
MATTHEW C. * WEST, 0000
ROSS K. * WHITMORE, 0000
JACKIE E. * WILKS, 0000
THOMAS L. * WILLIAMS, 0000
RICHARD L. WOODRUFF JR., 0000
WENDYANN R. * WYATT, 0000
CHRISTOPHER P. * WYNENS, 0000
ELIZABETH M. * YOGERST, 0000
BRIAN A. * YOUNG, 0000
JAMES A. * YOUNG, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

LAURIE A. ABNEY, 0000
REGINA D. * AGEE, 0000
DARRELL T. * AINSWORTH, 0000
KEITH R. * ANDERSON, 0000
NICOLE H. * ARMITAGE, 0000
TONEY L. * BANKS, 0000
LESLIE C. * BARKER, 0000
KEVIN L. * BIZER, 0000
SINETTA A. * BLUNT, 0000
DAWN B. * BROOKS, 0000
SAHVER * BURNHAM, 0000
PERRY A. * CARLSON, 0000
WILLIAM A. * CHANCE, 0000
CATHERINE C. * CLARK, 0000
JONI M. * CLEMENS, 0000
ELIZABETH * COLON, 0000
MICHELIN Y. * CONERLY, 0000
ELIZABETH A. * COOLEY, 0000
ZINA M. * CRUMP, 0000
KAREN E. * DEATON, 0000
SUSAN F. * DUKES, 0000
APRIL L. * ECKERMAN, 0000
STEVEN W. * FLEMING, 0000
KATHLEEN T. * FOULK, 0000
EDMOND V. * GERNER JR., 0000
JERRY R. * GINGRICH, 0000
MICHELLE L. * GONZALES, 0000
ANGELA R. * GONZALEZ, 0000
NEIL J. * GOTHIER, 0000
KIMBERLY A. * GRAHAM, 0000
CHRISTINE R. * GUNDEL, 0000
GERALD W. * HALL JR., 0000
MELODY L. * HEUSDENS, 0000
OVELLA J. * HILLERY, 0000
JOACHIM M. * JERNANDER, 0000
PATRICIA I. * JOHN, 0000
KELLIE A. * JOHNSON, 0000
MICHAEL J. * JOHNSON, 0000
MARINA L. * JOHNSTON, 0000
PHYLLIS F. JONES, 0000
NANCY A. * KEITHLEY, 0000
CYNTHIA * LOCKE, 0000
KATHERINE A. * LONDON, 0000
DAISY * LOPEZ, 0000
LESTER P. * LORETO, 0000
KATHERINE M. * LOWRY, 0000
KIMBERLY L. * MANNING, 0000
KATHLEEN MARTIN, 0000
MARIA DE RIVERA * MELENDEZ, 0000
KIMBERLY B. * MERRITT, 0000
MARY F. * MULLINS, 0000
BRENT D. * MUMPOWER, 0000
GERALDINE G. * NELSON, 0000
BRADLEY D. * NIELSEN, 0000
NICOLE R. * OGBURN, 0000
JULIE R. * OSTRAND, 0000
NANCY L. * PAPPAS, 0000
JOEY P. * PASKEVICIUS, 0000
THOMAS A. * PAXTON, 0000
DEEANN M. * PERKUCHIN, 0000
ANN M. * PERRY, 0000
DONNA M. * QUIST, 0000
DONNA L. * RAU, 0000
RHONDA L. * RICHTER, 0000
JERRY D. * RUMBACH, 0000
TAMARA * RYAN, 0000
MICHELE Y. * SHELTON, 0000
DEBRA A. * SHELWOOD, 0000
WARD J. * SIERT, 0000
RANDALL L. * SIRMANS, 0000
DEBRA A. * SMITH, 0000
JAMES S. * SPEIGHT, 0000
MELISSA M. * STECKLER, 0000
JENNIFER A. * STEILS, 0000
JAMES A. * STRYD, 0000
BARBARA A. * SUSEN, 0000
PATRICIA A. B. * TATE, 0000
BART A. * THOMAS, 0000
LINDA J. * THOMAS, 0000
BEVERLY A. * THORNBERG, 0000
JAMES J. * TORBETT, 0000
TONI L. * TURNIPSEED, 0000
KARIN P. * VANDOREN, 0000
CYNTHIA A. * WARATUKE, 0000
PAUL S. * WARD, 0000
JULIANA * WEEKS, 0000
CANDY S. * WILSON, 0000
KEITH A. * WILSON, 0000
PAULA M. * WINTERS, 0000
KATHERINE S. * WOFFORD, 0000
PAMELA J. * YOUNG, 0000
DEEDRA L. * ZABOKRTSKY, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

JOHN T. AALBORG JR., 0000
PAUL H. ABAIR, 0000
JEFFREY M. ABRAHAM, 0000
ARIEL O. * ACEBAL, 0000
TERRENCE A. * ADAMS, 0000
LISA D. ADAMSMCNEME, 0000
THOMAS L. * ADKINS II, 0000
SCOTT A. * AEBI, 0000
CHRISTOPHER M. * AFFUL, 0000
FRANCIS B. * AFINIDAD, 0000
ALLISON L. * AGAR, 0000
INES M. AGOSTO, 0000
MINNA A. AHLMANN, 0000
DAVID KARL * AHRENS, 0000
ROLAND * AKINS III, 0000
HOBART R. ALFORD, 0000
BRENT B. * ALLEN, 0000
CRAIG D. ALLEN, 0000
JACK E. * ALLEN, 0000
JAYSON L. * ALLEN, 0000
RONALD GENE * ALLEN JR., 0000
THOMAS W. ALLEN, 0000
CHRISTOPHER J. * ALLEY, 0000
MATTHEW L. * ALLEY, 0000
AARON T. ALLGEYER, 0000
DONALD S. ALLISON, 0000
EDUARDO E. * ALONSO, 0000
JOSEPH R. * ALTHOFF III, 0000
RYAN C. * AMEELE, 0000
RICHARD P. AMISANO JR., 0000
ANTHONY P. * AMOROSO, 0000
KOREY E. AMUNDSON, 0000
MARK C. ANARUMO, 0000
ALEXANDER B. ANASTASIOU, 0000
VICTOR A. * ANAYA, 0000
BRET D. ANDERSON, 0000
CHRISTOPHER B. * ANDERSON, 0000
HEATHER J. * ANDERSON, 0000
JAMES G. ANDERSON, 0000
JOHN M. * ANDERSON, 0000
RANDALL H. * ANDERSON, 0000
WILLIAM S. * ANDERSON, 0000
JEREMY A. * ANFINSON, 0000
JOHN J. ANTEDOMENICO, 0000
REBECCA LYNN * ANTONAK, 0000
STANLEY B. * ARANT, 0000
GEOFFREY B. * ARING, 0000
MICHAEL M. * ARMIJO, 0000
BRIAN S. ARMSTRONG, 0000
JOSHUA D. * ARMSTRONG, 0000
TIMOTHY J. * ARNOLD, 0000
CHARLES D. * ASHMORE JR., 0000
MICA L. * ASHMORE, 0000
ISREAL L. * ASKEW JR., 0000
BRIAN J. * AULT, 0000
RICHARD M. * AUSEMS, 0000
KEITH D. * AYOTTE, 0000
MARK E. AZUA, 0000
RICHARD A. * BABCOCK, 0000
JEFFREY L. BABINSKI, 0000
BRIAN K. * BAILEY, 0000
JAMES R. * BAILEY JR., 0000
RICHARD W. * BAILEY, 0000
WILLIAM C. BAILEY, 0000
ELAINE S. * BAIN, 0000
CHRISTOPHER H. * BAIRD, 0000
JOY O. * BAITY, 0000
STEVEN L. * BAKER, 0000
GREGORY T. * BALDWIN, 0000
RICHARD J. * BALDWIN, 0000
JEFFREY A. * BALTES, 0000
ROBERT J. * BANDSTRA, 0000
DERRICK M. * BANKS, 0000
RAYMOND M. * BARBEN, 0000
RICHARD T. * BARBER, 0000
DAVID C. BARES, 0000
CODY W. * BARKER, 0000
MARTIN W. BARKER, 0000
PATRICK A. * BARNETT, 0000
STEVEN J. * BAROSKO, 0000
SHANE A. * BARRETT, 0000
ALLAN D. BARTOLOME, 0000
LOYD E. BARTON, 0000
AARON C. * BASS, 0000
GLENN * BASSO, 0000
PATRICK E. * BAUGHAN, 0000
MICHAEL V. BAUTISTA, 0000
DAVID J. * BAWCOM, 0000
LYNNE M. * BAYLEY, 0000
BAKER B. BEARD, 0000
JOHN T. BEATTIE, 0000
BRAD L. * BEATTY, 0000
ELISSA C. BEDDOW, 0000
JOHN D. * BEDINGFIELD, 0000
ROBERT L. * BEHNKEN, 0000
BRADY C. BEIGH, 0000
LAUNA J. BELLUCCI, 0000
JON C. * BENDER, 0000
MICHAEL D. * BENNES, 0000
DANIEL W. * BENNETT, 0000
MARCEL L. BENOIT, 0000
JAMES L. * BENSLAY JR., 0000
J. D. * BENSON JR., 0000
STEVEN A. BENTON JR., 0000
DAVID W. BERG, 0000
LYNN A. * BERG, 0000
BRIAN K. BERGERON, 0000
CHARLES WILSON * BERGERON, 0000
TREVIS D. * BERGERT, 0000
STEPHEN E. * BERGEY, 0000
TODD D. BERGMAN, 0000
ARTHUR J. BERMEL JR., 0000
REBECCA B. BERNARDINI, 0000
RAYMOND BERNIER, 0000
DARREN W. * BERRY, 0000
STANLEY M. * BERRY, 0000
PETER A. BERUBE, 0000
BRIAN J. * BEVERIDGE, 0000
DAVID L. BIBIGHAUS, 0000
JOHN V. * BIELECKI, 0000
RODNEY D. * BIENFANG, 0000
JAMES J. BIERYLA, 0000
ROBERT L. * BILLINGS, 0000
JONATHAN A. * BISHOP, 0000
MICHAEL W. * BISHOP, 0000
MARK W. BJORGEN, 0000
MICHAEL B. BLACK, 0000
CATHY B. * BLACKLOCK, 0000
JEFFREY L. * BLACKMON, 0000
JOHN C. * BLACKWELL, 0000
CONNOR S. BLACKWOOD, 0000
TONI L. * BLAIR, 0000
STEPHEN K. * BLAKE, 0000
JONATHAN N. BLAND, 0000
JAMES F. * BLANKENSHIP, 0000
ROCCO A. * BLASI II, 0000
DANIEL D. * BLEVINS, 0000
STEVE L. BLEVINS, 0000
EDWARD A. * BLITT, 0000
MARK E. BLOMME, 0000
MARGARET I. * BLOOM, 0000
GRAHAM K. BLOXOM, 0000
PAUL A. * BLUE, 0000
SAMUEL N. * BLUNT, 0000
JOSEPH A. * BOBROWSKI, 0000
BRIAN K. * BOGUE, 0000
LELAND B. BOHANNON, 0000
DAVID A. * BOLES, 0000
MICHAEL S. * BOLLING, 0000
CHARLES D. BOLTON, 0000
DARRELL J. * BOLTON, 0000
JOSEPH C. * BONITA, 0000
JAMES A. * BOOKER, 0000

RICHARD E. * BOONE, 0000
LEONARD * BOOTHE, 0000
CHRISTOPHER L. * BORING, 0000
MATTHEW A. * BOSCHERT, 0000
MICHAEL J. BOSILJEVAC, 0000
JOHN W. BOSONE, 0000
RAYMOND A. * BOULTER, 0000
LEE A. * BOUVIER, 0000
ERIK T. * BOVASSO, 0000
ANDREW P. * BOWDER, 0000
JAMES R. BOWEN, 0000
ANISSA M. * BOWERS, 0000
MATTHEW T. * BOWERS, 0000
DANNY K. * BOYD, 0000
MICHELE A. * BOYKO, 0000
PHILIP J. * BOZEMAN, 0000
LORENZO C. BRADLEY, 0000
MARK A. * BRAMMER, 0000
JASON D. * BRANCH, 0000
JOHN M. * BRANDT JR., 0000
RYAN P. * BRANDT, 0000
KRISTOPHER A. * BREAUX, 0000
BRIAN A. BRECH, 0000
MATTHEW J. BRECHWALD, 0000
JACQUELINE D. BREEDEN, 0000
MATTHEW C. * BRENNAN, 0000
LISA M. * BRENNEMAN, 0000
PAUL D. * BRENNER, 0000
JOHN D. BREUKER, 0000
AUGUSTIN P. * BRIGUET, 0000
JOHN R. BRIMMER, 0000
BERNARD C. * BRINING, 0000
MICHAEL L. BRINK II, 0000
ANDREW D. * BRINKMAN, 0000
CHRISTIAN C. * BROCK, 0000
BRENT G. BROCKINTON, 0000
SCOTT W. * BROKAW, 0000
DANIEL T. * BROOKS, 0000
KAREEM C. BROOKS, 0000
KENT W. * BROOME, 0000
CYNTHIA JS * BROTHERS, 0000
MICHAEL D. BROTHERS, 0000
CHARLES E. * BROWN JR., 0000
DARREN J. BROWN, 0000
DIANE L. BROWN, 0000
ELI V. * BROWN, 0000
JASON A. * BROWN, 0000
JASON M. * BROWN, 0000
SCOTT A. * BROWN, 0000
SCOTT C. * BROWN, 0000
JOSEPH W. * BROWNING, 0000
JAMES A. * BROYLES JR., 0000
DANIEL E. * BRUCE, 0000
JAMES A. BRUNER II, 0000
PAUL J. * BRUNER, 0000
COREY A. * BRUNSON, 0000
LOUIS D. BRYAN, 0000
DAVID W. BRYNTESON, 0000
JOHN D. * BUCHANAN, 0000
JOHN E. BUCHANAN, 0000
RICHARD T. * BUCKLEY, 0000
GREG D. BUCKNER, 0000
TRAVIS P. BUFORD, 0000
BRADLEY M. * BUGG, 0000
ERIC S. BULGER, 0000
SUSAN M. * BULLETT, 0000
SCOTT R. * BULLIS, 0000
STEPHEN H. BUNTING, 0000
DANIEL K. BUNTS, 0000
TRAVIS A. BURDINE, 0000
STEPHEN G. * BURGH, 0000
TIMOTHY J. BURKE, 0000
MICHAEL G. * BURKOTT, 0000
JAMES R. * BURLEIGH, 0000
JEFFREY M. * BURNSIDE, 0000
DERREN P. * BURRELL, 0000
WILLIAM C. BUSCHUR, 0000
EDWIN D. * BUTLER, 0000
JOHN D. * BUTLER, 0000
ROBERT B. * BUTLER, 0000
STEVEN BUTTIE, 0000
ROBERT L. BUZZELL JR., 0000
JOBERT F. * CALIMLIM, 0000
DONALD C. CALLAGHAN, 0000
STEVEN M. * CALLIS, 0000
ROD A. * CAMERON, 0000
JASON M. * CAMPBELL, 0000
WINSTON M. * CAMPBELL, 0000
BRYAN H. * CANNADY, 0000
KELLY A. CANTRELL, 0000
MARK L. * CANTRELL, 0000
THOMAS L. * CANTRELL, 0000
HOUSTON R. * CANTWELL, 0000
PAUL S. CAPES, 0000
KELLEY J. * CARDINALE, 0000
MICHAEL K. CARNEY, 0000
SEBASTIAN J. * CARRADO, 0000
CHRISTOPHER M. * CARROLL, 0000
GREGORY T. * CARTER, 0000
JENNINE S. * CARTER, 0000
CHARLES F. CARVER, 0000
JANET E. * CASEY, 0000
TRUDY M. CASSEN, 0000
EDUARDO CASTANEDA JR., 0000
ANTONIO * CASTILLO, 0000
CHARLES F. * CELNIK, 0000
YUN J. * CERANA, 0000
DAVID S. CHACE, 0000
RYAN C. * CHANDLER, 0000
CHRISTOPHER W. * CHANG, 0000
JENNIFER L. CHANGERY, 0000
JAMES W. * CHAPPELEAR, 0000
KATHERINE H. CHARECKY, 0000
ROBERT L. CHARLESWORTH, 0000
JOHN W. CHASTAIN III, 0000
NICHOLAS H. * CHAVASSE III, 0000
JULIAN C. CHEATER, 0000
COREY C. * CHEERS, 0000
CHRISTIAN J. * CHEETHAM, 0000
JERMONT CHEN, 0000
RONALD A. * CHERNAK, 0000
WESLEY R. * CHIDESTER, 0000
TIMOTHY W. * CHILDRESS, 0000
ERIK K. * CHINN, 0000
DAI H. * CHO, 0000
CHRISTOPHER A. CHOCOLAAD, 0000
BRYAN J. * CHOI, 0000
JOHN C. CHONG, 0000
JAMES C. CHRISLEY, 0000
SARAH J. CHRIST, 0000
JENNIFER S. * CHRISTOVICH, 0000
PHILLIP A. * CHRONISTER, 0000
KRISTI K. CHURCH, 0000
RICHARD D. CIMINO, 0000
RAYMOND S. CIRASA, 0000
JEFFERY M. * CLAPP, 0000
JEFFREY D. * CLARK, 0000
JEFFREY M. CLARK, 0000
GEORGE M. * CLARKE, 0000
MICHAEL L. * CLAVENNA, 0000
GLEN A. * CLINCH, 0000
IRA C. * CLINE, 0000
MATTHEW J. * CLIVER, 0000
DAVID N. * CLOUGH JR., 0000
PATRICK CLOWNEY, 0000
KENNETH P. * CLOYS, 0000
JOHN G. * COCHRAN, 0000
MICHELLE G. COGHILL, 0000
WARREN O. * COHN, 0000
CHRISTOPHER L. COLCORD, 0000
BARRY A. * COLE, 0000
JAMES E. COLE, 0000
JENNIFER J. * COLE, 0000
SCOTT S. * COLE, 0000
TIMOTHY C. * COLE, 0000
LISA K. * COLEMAN, 0000
MICHAEL L. * COLEMAN, 0000
MYRNA L. * COLEMAN, 0000
TODD L. * COLEMAN, 0000
BRADFORD D. * COLEY, 0000
ARLENE COLLAZO, 0000
KEITH E. * COLLIER, 0000
BRIAN R. * COLLINS, 0000
RICHARD I. * COLLINS, 0000
STEPHEN P. * COLVIN, 0000
JASON R. COMBS, 0000
TODD E. COMBS, 0000
JOHN E. COMMINS, 0000
ALLAN J. * CONKEY, 0000
DAVID S. * CONLEY, 0000
BRIAN D. * COOK, 0000
CHAD W. COOK, 0000
MICHAEL J. * COOK, 0000
EVAN E. * COOPER, 0000
JAMES D. * CORDEIRO JR., 0000
DUSTIN P. CORDIER, 0000
THOMAS A. * COREJ, 0000
NOLAN R. * CORPUZ, 0000
PEDRO A. * COTTOPEREZ, 0000
CHRISTOPHER P. * COULURIS, 0000
DONALD A. * COURNOYER, 0000
STEPHEN B. COWART, 0000
YANCEY S. * COWEN, 0000
MARK C. * COX, 0000
SAMUEL D. COX, 0000
THOMAS C. * COX, 0000
DANIEL R. COZZI, 0000
JOSEPH G. * CRANCE, 0000
MICHAEL S. CRANSTON, 0000
RYAN B. CRAYCRAFT, 0000
DAVID A. * CRENSHAW, 0000
JAMES L. * CREVER, 0000
FAE M. CRISSMAN, 0000
ADRIAN M. CROWLEY, 0000
KEVIN S. * CRUIKSHANK, 0000
BRIAN A. CRUM, 0000
CARY N. CULBERTSON, 0000
TIMOTHY M. CULLEN, 0000
JON A. CULP, 0000
CASE A. CUNNINGHAM, 0000
FRED R. CUNNINGHAM, 0000
JOHN A. * CUPP III, 0000
MICHELLE M. DALE, 0000
JEFFREY D. DALRYMPLE, 0000
MATTHEW J. * DALY, 0000
RYAN J. * DANDREA, 0000
CHRISTOPHER A. * DANFORD, 0000
WALTER B. * DANIELS, 0000
BILLY D. * DARNELL, 0000
NATHANIEL * DASH JR., 0000
ROBERT A. * DAVIDSON II, 0000
CURTIS G. DAVIS, 0000
DANNY E. * DAVIS, 0000
DONALD L. * DAVIS JR., 0000
ERIC O. * DAVIS, 0000
ETHAN J. * DAVIS, 0000
JAMES E. DAVIS, 0000
JUDY B. * DAVIS, 0000
TIMOTHY J. * DAVIS, 0000
LYLE M. * DAWLEY, 0000
DAVID P. DAY, 0000
JOHN R. * DEA, 0000
MICHAEL S. * DEAL, 0000
KENNETH W. * DEAN, 0000
KARL R. DEERMAN, 0000
JEFFREY P. DEJOANNIS, 0000
CATHLEEN E. * DELAGARZA, 0000
MICHAEL T. DELLERT, 0000
MARK E. * DELORY, 0000
JOHN B. * DEMIZIO, 0000
WILLIAM F. * DENEHAN JR., 0000
JOHN R. * DENIZ III, 0000
BRIAN R. * DENMAN, 0000
CHARLES W. * DENNISON, 0000
CHRISTOPHER P. * DENNISON, 0000
JAMES A. DEREUS, 0000
DARREN R. * DEROOS, 0000
SCOTT D. * DERSHEM, 0000
BRIDGET A. * DESROSIERS, 0000
DENNIS P. * DICKERSON, 0000
JASON D. DICKINSON, 0000
JOHN E. * DIERLING, 0000
BRYAN C. DILLARD, 0000
KAREN E. M. * DILLARD, 0000
MATTHEW E. * DILLOW, 0000
ANDREW S. DIPPOLITO, 0000
JEFFERY T. * DITLEVSON, 0000
DONALD B. * DIXON, 0000
ANDREW J. * DOANE, 0000
WILLIAM F. DOBBS, 0000
MICHAEL P. * DOMBROWSKI, 0000
MICHAEL D. * DONAHUE, 0000
GARY J. * DORMAN, 0000
JEFFREY G. * DORMAN, 0000
SHANE A. DOUGHERTY, 0000
ROBERT A. * DOUGLASS, 0000
WILLIAM M. DOUGLASS, 0000
LANCE N. * DOVER, 0000
GEORGE S. * DOWDY, 0000
CHRISTIAN J. * DOWNS, 0000
BERNADETTE J. * DOZIER, 0000
CHRISTOPHER A. * DRAP, 0000
XAVIAN L. DRAPER, 0000
EDWARD H. * DROLLETTE, 0000
MICHAEL A. DUCHARME, 0000
PAUL J. DUDLEY, 0000
KATHY J. * DUKE, 0000
EVANGELINA F. DUMAN, 0000
ROBERT E. DUMAN, 0000
MICHAEL S. * DUNKEL, 0000
DAVID R. * DUNKLEE, 0000
JOHN A. DUNLAP, 0000
DANIEL I. * DUNN, 0000
TIMOTHY C. DUNN, 0000
KEVIN M. DYDYK, 0000
DAVID S. EAGLIN, 0000
EDWARD L. * EARHART, 0000
KEVIN M. * EASTLAND, 0000
BRYAN N. EBERHARDT, 0000
CHRISTOPHER R. EDEN, 0000
ANTHONY N. * EDENS, 0000
ALAN W. EDWARDS, 0000
ALBERT M. EDWARDS III, 0000
DOUGLAS C. EDWARDS, 0000
MARVIN T. EE, 0000
LAMAR A. * EIKMAN, 0000
WALTER H. * EILERS, 0000
GARY L. * ELLIOTT, 0000
JONATHAN P. ELLIOTT, 0000
RYAN M. * ELLIOTT, 0000
THUTAM V. ELLIOTT, 0000
CHRISTOPHER L. ELLIS, 0000
PETER V. * ELLUM, 0000
JOHN A. * ELOLF, 0000
JOEL J. * ELSBURY, 0000
MICHAEL E. * EMERSON, 0000
DEREK G. EMMONS, 0000
TROY L. * ENDICOTT, 0000
MATTHEW L. * ENFIELD, 0000
WILLIAM D. ENGBERG, 0000
JOSEPH A. * ENGELBRECHT III, 0000
WILLIAM T. * ENGLAND, 0000
BLAIR F. * ENGLISH, 0000
MICHAEL W. * ERHARDT, 0000
MICHAEL S. ERICKSON, 0000
CHAD J. ERSPAMER, 0000
REBECCA J. ERWIN, 0000
JUPE A. ETHERIDGE, 0000
JOHN S. * EUBANKS, 0000
CHARLES F. * EVANS, 0000
CHRIS M. EVANS, 0000
MATTHEW A. * EVANS, 0000
JOSEPH M. * EVERT, 0000
LARA L. * FALARDEAU, 0000
TRENT C. * FALON, 0000
THOMAS G. FALZARANO, 0000
BRIAN M. * FARRAR, 0000
DAVID B. * FAULK, 0000
ROCKY A. FAVORITO, 0000
WALTER M. * FEE, 0000
SANDRA G. * FELTON, 0000
MICHAEL C. * FENIMORE, 0000
THOMAS E. * FERENCZHALMY, 0000
JEFFREY C. * FERRER, 0000
PETER M. FESLER, 0000
OPPERMAN ANITA A. * FEUGATE, 0000
GREGORY S. * FIELDS, 0000
ANTHONY W. * FIFE, 0000
BRUCE A. * FIKE, 0000
ROBERT K. * FILBEY, 0000
PATRICK J. * FINAN, 0000
ROBERT C. FINCH, 0000
STEPHEN T. * FINN, 0000
JOSEPH E. * FINNEGAN, 0000
KARL C. * FISCHBACH, 0000
SHILOH D. FISCHER, 0000
ANTHONY FISICHELLA JR., 0000
RUSSELL L. * FLAMING, 0000
CHARLES C. * FLANDERS, 0000
DEREK L. * FLETCHER, 0000
MARC A. * FLORES, 0000
WAYNE E. FLOYD, 0000
DAVID C. * FLYNN, 0000
CHRISTOPHER J. FOGLE, 0000
STEPHEN M. * FOLENA, 0000
CHRISTOPHER M. FOLLIN, 0000
JOHN W. FONCANNON, 0000
ARTHUR P. * FORD IV, 0000
CHRISTOPHER T. FORD, 0000
THOMAS C. * FORD, 0000
JASON D. FOREST, 0000

LORIANN * FORINGER, 0000
CAROLYN S. FORNER, 0000
FELICIA A. * FOSTER, 0000
JOSEPH R. * FOSTER, 0000
ROBERT T. * FOSTER, 0000
JAMES G. FRANCIS, 0000
TIMOTHY P. * FRANZ, 0000
ANDREW J. * FRASCH, 0000
KAYLIN * FREEDMAN, 0000
CHARLES K. * FREEMAN, 0000
BRIAN J. FREIBURGER, 0000
RICHARD J. * FREY, 0000
ABRAHAM F. FRIEDMAN, 0000
RICHARD E. * FRIENDLICH, 0000
MARK T. FRITZINGER, 0000
YVONNE M. * FROMM, 0000
ALLEN W. * FRY, 0000
CURTIS L. * FRYMAN, 0000
MARK S. * FUHRMANN, 0000
DANE F. * FULLER, 0000
JACK D. * FULMER II, 0000
STEVEN A. * FUNANICH, 0000
RYAN O. * FUNKHOUSER JR., 0000
DANIEL C. * FURLEIGH, 0000
JUDSON M. * FUSSELL, 0000
JOHN T. * GABRIEL, 0000
LEO L. GAGE JR., 0000
GREGORY J. * GAGNON, 0000
ROGER P. * GAGNON, 0000
JOHN S. * GAILLIARD, 0000
SCOTT J. GALAYDICK, 0000
JEFFREY S. * GALLAGHER, 0000
SEAN P. GALLAGHER, 0000
MICHAEL P. * GALLANT, 0000
ROBIN GALLANT, 0000
FRANCISCO M. GALLEI, 0000
BRIAN D. GALLO, 0000
MATTHEW C. GAMBLIN, 0000
ANTHONY S. GAMBOA, 0000
SHAWN M. * GANDER, 0000
ALEJANDRO R. * GANSTER, 0000
CHARLES M. * GAONA, 0000
JOSEPH E. * GARDENHOUR, 0000
DEREK C. * GARDNER, 0000
DWYNE L. * GARDNER, 0000
TED R. GATLIN, 0000
CHRISTOFF T. * GAUB, 0000
MARTIN P. GAUPP, 0000
OMAR * GAUTHIER, 0000
GREGORY A. * GAUTREAUX, 0000
TONYA M. * GENEWICK, 0000
ROBERT J. GIANNONI, 0000
LEONARD J. * GIAQUINTO, 0000
KIMBERLY M. * GIBELING, 0000
JANE E. GIBSON, 0000
ANGELA P. GIDDINGS, 0000
JOHN K. * GILBERT JR., 0000
BRYAN M. GILLESPIE, 0000
JOHN F. GILLESPIE JR., 0000
CHRISTOPHER W. GILMORE, 0000
JASON A. GIRARD, 0000
NICOLA P. GISMONDI, 0000
DAWN M. * GITHENS, 0000
CARINA R. * GIVENS, 0000
DAVID W. * GLASS, 0000
ROY G. GLASSCO, 0000
ERIC V. * GLASZ, 0000
DAVID R. * GLAUNER, 0000
JEFFRY W. GLENN, 0000
MARK D. GLISSMAN, 0000
JOHN C. * GLOVER, 0000
MATTHEW R. GLOVER, 0000
GREGORY J. * GOAR, 0000
BRIAN M. * GODFREY, 0000
MICHAEL D. * GODSEY, 0000
MICHAEL K. * GODWIN, 0000
ROBERT J. GOMEZ, 0000
KELLEY C. * GONZALES, 0000
LEONEL GONZALEZ, 0000
RICHARD D. * GONZALEZ, 0000
AENEAS R. * GOODING, 0000
STEPHEN A. GOODMAN, 0000
TIMOTHY A. * GOODROE, 0000
GARY E. GOOSEN, 0000
DUANE L. * GORDIN, 0000
KEVIN J. * GORDON, 0000
LANE B. * GOSS, 0000
ERIC C. GRACE, 0000
ALEX GRACIA, 0000
SCOTT E. GRAHAM, 0000
SCOTT R. * GRAHAM, 0000
ROBERT S. * GRAINGER, 0000
DONALD R. * GRANNAN, 0000
CARL H. * GRANT JR., 0000
DARREN P. GRAY, 0000
JEFFREY B. * GRAY, 0000
STEPHEN D. * GRAY, 0000
JAMES W. * GREATHOUSE JR., 0000
CRAIG A. * GREEN, 0000
MARCUS D. GREEN, 0000
MICHAEL R. * GREEN, 0000
NATHAN C. GREEN, 0000
STEVEN A. * GREEN, 0000
VINCENT A. * GREENER, 0000
RICHARD L. * GREENSLIT, 0000
MICHAEL P. * GREGORITSCH, 0000
ERICA STONE GREGORY, 0000
DAVID A. GREIN, 0000
JENNIFER S. GRESHAM, 0000
JON H. * GREUEL, 0000
ETHAN C. GRIFFIN, 0000
KEVIN S. * GROFF, 0000
STEPHEN C. GROTJOHN, 0000
SCOTT A. GROVER, 0000
MICHAEL GRUNWALD JR., 0000
NICOLE F. GUDIKUNST, 0000
ROBERT C. GUDIKUNST, 0000
MONICA P. GUERRA, 0000
DANIEL A. * GUINAN, 0000
SHAWN M. GUNTER, 0000
MARK T. * GUSTAFSON, 0000
MARTIN J. * GUTHRIE, 0000
CHARLES A. * GUTIERREZ, 0000
DIANA L. * GUYTON, 0000
LUCAS L. HAAK, 0000
GARRY A. HAASE, 0000
CHAD S. * HALE, 0000
DAVID S. * HALES, 0000
MICHELLE L. * HALL, 0000
WID D. * HALL III, 0000
DAVID L. HAMBY, 0000
STEWART A. HAMMONS, 0000
DIETER U. * HANEY, 0000
MICHAEL J. * HANLON, 0000
LOUIS W. HANSEN, 0000
DAVID G. * HANSON, 0000
KENT E. HARBAUGH JR., 0000
DANIEL P. * HARBOWY, 0000
CHARLES M. * HARDING JR., 0000
RICHARD J. HARGRAVE, 0000
DAVID F. * HARGY, 0000
CRAIG M. HARMON, 0000
RICHARD M. * HARMON, 0000
THOMAS D. * HARMON, 0000
MICHAEL J. * HARNER, 0000
SHAUN D. * HARRADEN, 0000
SEAN P. * HARRINGTON, 0000
CHRISTOPHER HARRIS, 0000
LARRY R. * HARRIS, 0000
LAWRENCE * HARRIS III, 0000
MARLENE A. * HARRIS, 0000
ROBERT J. * HARRIS JR., 0000
JASON J. HARRISON, 0000
RICHARD A. * HARRISON, 0000
STEVEN E. * HARROLD, 0000
CHAD JAMES * HARTMAN, 0000
MARY E. HARTMAN, 0000
ROBERT E. * HARTMANN, 0000
HOLLY M. * HARVEY, 0000
BRYAN K. * HASTY, 0000
BRIAN J. * HAUG, 0000
SHANE C. HAUGHIAN, 0000
JEFFREY D. * HAVLICEK, 0000
DANIELLE L. * HAWKINS, 0000
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RICHARD B. * HAYES JR., 0000
GARY T. * HAYWARD, 0000
BRIAN E. HAZEL, 0000
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WADE S. * HEGELE, 0000
TIMOTHY J. * HEINTZELMAN, 0000
DWAYNE A. * HELTON, 0000
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SHANE M. * HENDERSON, 0000
TAMARA J. * HENDERSON, 0000
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DOUGLAS J. * HERMES, 0000
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JESSE D. HERNANDEZ, 0000
ERICH D. HERNANDEZBAQUERO, 0000
KERN S. * HERSCHELMAN, 0000
MARK D. * HESSE, 0000
DALE E. HETKE, 0000
WILLIAM D. HEUCK JR., 0000
VAUGHN R. HEYER, 0000
SCOTT G. HEYLER, 0000
TARAN S. * HICKIE, 0000
GEOFFREY P. HICKMAN, 0000
JUAN M. HIDALGO, 0000
MICHAEL R. HIDDESSEN, 0000
SAMUEL B. * HIGHLEY, 0000
ELDRICK L. HILL, 0000
SHARON M. * HILL, 0000
TRAVIS J. * HILL, 0000
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LESLIE F. HIMEBROOK, 0000
BRIAN A. HINSVARK, 0000
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LANCE A. HOBSON, 0000
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DEAN L. HOEKSTRA, 0000
KENNETH L. * HOFFMAN, 0000
LOUIS R. * HOFFMAN, 0000
TODD A. * HOHN, 0000
JOHN K. * HOLANI JR., 0000
GEORGE A. HOLLAND III, 0000
WILLIAM A. * HOLLAND, 0000
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RYAN D. * HOLLMAN, 0000
ANGELA P. * HOLMAN, 0000
ANDREW W. HOLMBERG, 0000
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JAMES L. * HOOPER, 0000
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BRETT L. * HOOVER, 0000
TODD M. HOOVER, 0000
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DEBBIE L. * HORNE, 0000
MARK T. * HORNER, 0000
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STEACY W. HOUSHOLDER, 0000
JASON R. HOVER, 0000
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TIMOTHY C. * HOWARD, 0000
THOMAS P. * HOWE, 0000
RICHARD D. HOYT JR., 0000
LANCE M. * HRIVNAK, 0000
DARRELL L. HUBBARD, 0000
STANTON Y. * HUBBARD, 0000
TODD A. HUDGINS, 0000
RICHARD E. * HUFFMAN JR., 0000
ROBERT C. * HUME, 0000
ROBERT S. * HUME, 0000
FREDERICK A. * HUNT JR., 0000
DEVIN E. * HUNTER, 0000
SCOTT W. * HURRELBRINK, 0000
BRITT K. HURST, 0000
JOSEPH R. HUSCROFT JR., 0000
GEORGE A. HUTCHINSON, 0000
DALE E. HYBL, 0000
ANGELA L. * HYRNE, 0000
SUSAN E. IDZIAK, 0000
BRIAN A. IGNOTOWICZ, 0000
ELIZABETH A. * IIJIMA, 0000
THOMAS S. * IMRICH, 0000
MICHAEL D. INGERSOLL, 0000
W. K. INNES, 0000
JONATHAN B. * IRELAND, 0000
GRANT L. IZZI, 0000
HAROLD L. * JACKMAN JR., 0000
BRIAN A. JACKSON, 0000
GARY L. * JACKSON, 0000
KI L. JACKSON, 0000
PETER E. * JACKSON, 0000
ROBERT D. JACKSON, 0000
ERIC J. * JACOBS, 0000
TIMOTHY E. * JACOBS, 0000
STEVEN D. * JACQUE, 0000
JAMES J. JAGODZINSKI JR., 0000
NICHOLAS L. JAHN, 0000
SHASHI S. * JAIRAM, 0000
KARLO M. * JAJLIARDO, 0000
JEROME M. * JAMES, 0000
BRIAN T. JANNEY, 0000
PETER G. * JANYSKA, 0000
NATHANIEL S. * JAROS, 0000
RICHARD L. JARRELL, 0000
CORY S. * JEFFERS, 0000
BLAKE W. * JEFFRIES, 0000
MATTHEW P. JEFSON, 0000
JEFFREY R. * JENKINS, 0000
BRIAN J. * JENRETTE, 0000
JONATHAN A. JENSEN, 0000
MERIELLEN C. * JOGA, 0000
BENJAMIN E. * JOHNSON, 0000
CURTIS W. JOHNSON, 0000
GARY S. * JOHNSON, 0000
JEFFREY M. JOHNSON, 0000
JEFFREY S. * JOHNSON, 0000
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MATTHEW D. JOHNSON, 0000
NIKKI G. JOHNSON, 0000
TRENT L. * JOHNSON, 0000
TROY D. * JOHNSON, 0000
JODIE L. * JOHNSONMICKS, 0000
MATTHEW L. JOHNSTON, 0000
PAUL A. * JOHNSTON, 0000
CURTIS D. * JONES, 0000
GREGG D. * JONES, 0000
JAMES C. JONES, 0000
JASON A. * JONES, 0000
JULIA J. * JONES, 0000
KENNETH M. * JONES, 0000
MICHAEL C. * JONES, 0000
MICHAEL K. * JONES, 0000
PAUL * JONES, 0000
SEAN S. * JONES, 0000
MARVIN R. * JORDAN, 0000
STEPHEN K. * JORDAN, 0000
TIMOTHY R. * JORRIS, 0000
STEPHEN F. JOST, 0000
KEVIN G. * JUDD, 0000
CRAIG E. * JUNEAU, 0000
LAURIE D. JURASZEK, 0000
JOHN W. JURGENSEN JR., 0000
KEITH A. * JUSTICE, 0000
LORI E. * KABEL, 0000
KIMBERLY A. KADRYNA, 0000
JAMES R. KAFER, 0000
SONG K. * KAGAN, 0000
HAROLD M. * KAHLER, 0000
STEVAN C. * KAIGHEN, 0000
KELLY P. * KANAPAUX, 0000
KERRY A. KANE, 0000
EDWARD A. KAPLAN, 0000
GREGORY G. * KARAHALIS, 0000
MICHAEL J. KARDOES, 0000
LISA M. KARY, 0000
STEPHEN J. * KASSEBAUM, 0000
NEIL W. * KASSEL, 0000
ALAN D. * KASTNER, 0000
MITCHELL A. KATOSIC, 0000
MICHAEL A. * KATZ, 0000
JAMES R. * KEEN, 0000
SEAN T. * KEENE, 0000
GREGORY S. KEETON, 0000
BRIAN T. * KEHL, 0000
MATTHEW C. KEIPER, 0000
RAYMOND C. * KELLERMANN, 0000
DAVID D. KELLEY, 0000
CHRISTOPHER L. * KELSOE, 0000
SCOTT D. KELTER, 0000

JOSEPH P. KENDALL, 0000
JAMES F. * KENNEDY, 0000
MICHAEL E. KENSICK, 0000
DAVID C. KENT, 0000
DAVID J. KENT, 0000
LANCE E. KENT, 0000
BRANNON E. KERR, 0000
DARRELL G. * KERR, 0000
SARAH A. KERWIN, 0000
BAHRAM * KHALIGHI, 0000
SCOTT M. KIEFFER, 0000
DAVID T. * KIES, 0000
DAVID A. * KIESELHORST, 0000
JAMES N. * KILLGORE, 0000
MARK R. * KILLIAN, 0000
VANETTA M. * KILPATRICK, 0000
SUZANNE M. KIM, 0000
TROY C. * KIMBALL, 0000
JAMES L. * KING JR., 0000
LAWRENCE D. * KING, 0000
MARCUS D. * KING, 0000
PAUL F. * KING, 0000
STEVEN R. * KING II, 0000
JOHN E. KIPP JR., 0000
CHRISTOPHER A. KIRBY, 0000
DAVID B. KIRBY, 0000
KEITH R. * KIRK, 0000
MICHAEL L. * KIRKMAN, 0000
PAUL D. KIRMIS, 0000
RICHARD S. * KLARICH, 0000
WILLIAM K. * KLAUSE, 0000
JOHN M. KLEIN JR., 0000
LEE E. KLOOS, 0000
JOHN T. KNACK, 0000
ERIC W. KNAPP, 0000
DANIEL J. KNIGHT, 0000
JASON L. * KNIGHT, 0000
SHANE A. KNIGHTON, 0000
MONTI L. * KNODE, 0000
BONITA A. * KNUCKLES, 0000
BRIAN K. KOBASHIGAWA, 0000
TROY D. * KOEPNICK, 0000
JEREMY D. * KOKENES, 0000
JASON T. * KOLER, 0000
RICHARD R. * KOLTAS, 0000
JASON E. KOLTES, 0000
MICHAEL D. * KONGOS, 0000
PAUL * KOPECKI, 0000
CHRISTOPHER J. KORNMESSER, 0000
WILLIAM C. KOSSICK, 0000
MICHAEL P. * KOSSOW, 0000
NICHOLAS T. KOZDRAS, 0000
CHRISTINA P. KRAG, 0000
JENNIFER R. * KRAMME, 0000
KENNETH R. * KRANZ, 0000
SCOTT A. KRAUSE, 0000
TIMOTHY A. KRAUSS, 0000
STEPHEN M. * KRAVITSKY, 0000
DAVID D. KRETZ, 0000
KEVIN C. * KRUEGER, 0000
BENJAMIN G. * KRUGGEL, 0000
JEFFREY R. KRUSINSKI, 0000
ERIC A. * KRYSTKOWIAK, 0000
THOMAS J. KULAS, 0000
SCOTT E. * KULKA, 0000
JOSEPH D. KUNKEL, 0000
THOMAS E. * KUNKEL, 0000
DAVID M. * KURLE, 0000
JEFFREY R. KUZMA, 0000
JEFFREY A. * KWOKA, 0000
CHRISTOPHER J. LACHANCE, 0000
JOHN A. * LACY, 0000
BOBBY R. * LADD JR., 0000
MICHAEL G. * LAFEVE, 0000
GABRIEL C. * LAJEUNESSE, 0000
JAMES P. * LAKE, 0000
JAMES A. * LAMB, 0000
JAMES W. * LAMB, 0000
KINGSTON * LAMPLEY, 0000
BRIAN J. * LANCASTER, 0000
RICHARD L. * LAND III, 0000
JONATHAN D. LANDIS, 0000
PATRICIA ANN * LANG, 0000
TROY D. * LANICH, 0000
JAMES D. * LAPIERRE, 0000
VINCENT G. LAPPANO, 0000
SHAWN D. LARCHER, 0000
MARC A. * LARUE, 0000
DANIEL T. LASICA, 0000
PENNY L. * LAUCKDUNLOP, 0000
STEVEN D. * LAUGHERY, 0000
KENNETH R. * LAVOIE, 0000
STAN D. LAWRIE, 0000
DOUGLAS W. * LEAMON, 0000
ANDREW W. * LEARN, 0000
ROBERT L. * LEARY, 0000
JASON W. * LEBLEU, 0000
JOHN W. LECLAIR JR., 0000
CLARENCE I. LEE, 0000
JAMES E. LEE JR., 0000
JIM H. LEE, 0000
MICHAEL J. LEE, 0000
GUINEVERE R. LEEDER, 0000
OLIVER K. LEEDS, 0000
ROBERT N. * LEEJOICE, 0000
CHRISTOPHER J. LEEMAN, 0000
JOHN E. LEIF, 0000
GREGG A. LEISMAN, 0000
KATHLEEN L. LEISMAN, 0000
CHRISTOPHER D. * LEMANSKI, 0000
TIMOTHY J. * LEMLEY JR., 0000
MARK D. * LEMONS, 0000
THOMAS A. * LENZ, 0000
DARRYL N. LEON, 0000
CONSTANDINOS LEONIDOU, 0000
LORI K. * LEVENSON, 0000
ROBERT J. * LEW, 0000
BRIAN D. LEWIS, 0000
JOHN T. * LEWIS IV, 0000
MELANIE M. LEWIS, 0000
REX S. LEWIS II, 0000
STEPHEN E. LEWIS, 0000
SUSIE G. * LEWIS, 0000
RODNEY D. LIBERATO, 0000
JOHN C. * LIEBL, 0000
RANDY D. * LIEBL, 0000
JOHN V. LILLER, 0000
LUIS F. LINARES, 0000
STEVEN N. LINDEMUTH, 0000
JEFFREY P. LINGENS, 0000
ROBERT M. LISCH, 0000
DON K. * LITTLE JR., 0000
GARRY M. * LITTLE, 0000
LOUIS C. LITTLETON III, 0000
CHERILYN * LOBASH, 0000
DOUGLAS R. * LOMSDALEN, 0000
MARC N. LONDON, 0000
DAVID B. * LONG, 0000
DAVID F. * LONG, 0000
FRANK J. * LONG, 0000
MICHAEL A. * LONG, 0000
SEAN A. LONG, 0000
TIMOTHY A. * LONG, 0000
WALTER J. * LOOMIS, 0000
MICHAEL E. * LOVE, 0000
DEBRA A. LOVETTE, 0000
JONATHAN E. * LOWE, 0000
FANG LU, 0000
RICHARD D. LUBEY, 0000
ROBERT T. * LUDEMAN, 0000
JOEL J. * LUKER, 0000
JEFFREY M. * LUTSKO, 0000
MICHAEL D. * LUZIUS, 0000
XUYEN QUOC LYHUYNH, 0000
CHAD M. * LYNCH, 0000
CHARLES E. * LYNCH III, 0000
TIMOTHY P. * LYON, 0000
JAMES G. * MACEACHERN JR., 0000
ROBERT B. A. * MACGREGOR, 0000
BRETT J. MACHOVINA, 0000
KENNETH R. MACIE, 0000
MORGAN D. MACKEY, 0000
CHRISTOPHER B. * MADDEN, 0000
MONICA G. * MADEROCRAVEN, 0000
MICHAEL K. * MADRON, 0000
TERRANCE * MAHON, 0000
AARON P. * MAINSTONE, 0000
ALEXANDER W. * MAJOR, 0000
DARREN R. * MAKELA, 0000
JAMIE A. * MAKI, 0000
ANTHONY J. * MALDONADO, 0000
DANIEL R. * MALIN, 0000
JONATHAN D. * MALONE, 0000
LLOYD A. MALONE, 0000
MICHAEL J. MALONE, 0000
JOHN C. * MANERI, 0000
WILLIAM M. G. * MANLEY, 0000
STEPHEN C. MANN, 0000
MICHAEL T. MANOR, 0000
RANDY B. * MARAJ, 0000
KENNETH A. * MARENTETTE, 0000
SEAN C. * MARLER, 0000
AUGUST J. MARQUARDT, 0000
BRIAN M. MARQUETTE, 0000
IAN P. * MARR, 0000
JOSEPH A. * MARROQUIN, 0000
JEFFREY W. MARSHALL, 0000
MATTEO G. * MARTEMUCCI, 0000
ALLEN K. * MARTIN, 0000
JEFFREY S. * MARTIN, 0000
JOHN R. * MARTIN, 0000
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STEVEN V. MARTIN, 0000
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FERNANDO * MARTINEZ, 0000
JOHN W. MARUSA, 0000
MICHAEL M. MARVICH, 0000
CC M. MASOTTI, 0000
ANTHONY J. MASTALIR, 0000
JOHN C. * MATCHETT, 0000
GUY W. * MATHEWSON, 0000
LEONARD A. * MATHIEU, 0000
JESSICA A. MATTHEWS, 0000
WAYNE E. * MATTINGLY, 0000
BRIAN E. MAUE, 0000
BRIAN A. * MAY, 0000
BRADLEY M. * MCALPINE, 0000
TIMOTHY J. * MCARTHUR, 0000
SHAWN B. * MCCAMISH, 0000
CRAIG A. * MCCARTY, 0000
DENISE * MCCASKILL, 0000
DOUGLAS E. MCCLAIN, 0000
CHRISTOPHER J. MCCLEARY, 0000
GREGORY A. MCCLEARY, 0000
KEVIN R. * MCCLUNEY, 0000
MATTHEW S. * MCCONNELL, 0000
DANA C. * MCCOWN, 0000
DWAYNE T. MCCULLION, 0000
JOHN D. * MCCULLOUGH, 0000
JOHN C. MCDANIEL, 0000
BRADLEY W. MCDONALD, 0000
THOMAS A. MCGEE, 0000
WILLIAM B. * MCGRAW, 0000
WILLIAM L. * MCGRAW, 0000
STEPHEN P. MCILVAINE, 0000
TIMOTHY S. * MCISAAC, 0000
KEVIN M. * MCLAUGHLIN, 0000
SEAN C. MCLAY, 0000
JEFFREY S. * MCLEMORE, 0000
DAVID S. * MCMILLAN, 0000
ROBERT J. * MCMURRY, 0000
MATTHEW E. MCQUINN, 0000
TIMOTHY T. * MCWILLIAMS, 0000
HERBERT P. * MEADOWS, 0000
THOMAS E. * MEANS, 0000
WAYNE A. * MEEKMA, 0000
WOODROW A. * MEEKS, 0000
DAVID C. MEGGETT, 0000
STEPHEN W. * MEGINNISS, 0000
JOHN S. MEITER, 0000
ROBERT A. MELZER II, 0000
ANDRE R. * MENARD JR., 0000
JEFFREY T. * MENASCO, 0000
KURT A. * MENCKE, 0000
DAMON L. * MENENDEZ, 0000
DONALD B. MENTCH, 0000
JEFFREY A. * MERCHANT, 0000
JEFFREY C. MERRELL, 0000
BRETT L. MERS, 0000
CARLOS R. MESSER JR., 0000
GREGORY J. * MEYER, 0000
AARON J. MEYERS, 0000
JOSEPH K. MICHALEK, 0000
CHRISTOPHER R. MICHALS, 0000
JONPAUL * MICKLE, 0000
ROBERT J. * MIDDLETON, 0000
MITCHELL D. MIGLIORI, 0000
KORWIN K. MIIKE, 0000
BRIAN D. MIKUS, 0000
MICHAEL T. * MILES, 0000
BRIAN M. * MILLER, 0000
BRYAN D. * MILLER, 0000
CAROL J. * MILLER, 0000
CAROLINE M. * MILLER, 0000
GREGORY J. MILLER, 0000
JAMES H. MILLER, 0000
MICHAEL A. MILLER, 0000
MICHAEL D. MILLER, 0000
MICHAEL K. MILLER, 0000
THOMAS L. * MILLER JR., 0000
CHAD A. * MILLETTE, 0000
DAVID A. MINEAU, 0000
JACK L. * MINER, 0000
BYRON L. MIRANDA, 0000
ALEXANDER * MIRAVITE JR., 0000
DOUGLAS W. * MITCHELL, 0000
LAWRENCE W. MITCHELL, 0000
MARK S. MITCHELL, 0000
MARTIN R. * MITCHELL, 0000
MARK L. * MITCHEM, 0000
DONALD S. * MOCK, 0000
JAMES C. MOCK, 0000
DAVID K. MOELLER, 0000
FERNANDO MOLINA, 0000
THOMAS E. MOLOKIE, 0000
KELLI A. * MOLTER, 0000
VICTOR W. MONCRIEFFE II, 0000
MARK P. MONGILLO, 0000
FELIX MONTERO, 0000
ERIC M. * MOODY, 0000
JEFFREY G. * MOODY, 0000
KYLE T. MOORE, 0000
THOMAS P. MOORE, 0000
ROBERT G. * MOOSE, 0000
ROBERT C. * MOREA, 0000
III DEWITT * MORGAN, 0000
MICHAEL T. MORGAN, 0000
OWEN B. * MORGAN JR., 0000
SIMON R. * MORGAN, 0000
CHAD K. MORRIS, 0000
RANDALL S. * MORRIS, 0000
BRIAN J. MORRISON, 0000
ROBERT J. MORRISON, 0000
MICHAEL J. * MORTON, 0000
PEGGY MOSKALUK, 0000
DARIAN J. * MOTIVALA, 0000
JAMES V. MOTT, 0000
MICHAEL W. * MOYLES, 0000
PAUL J. * MOZZETTA, 0000
KEVIN M. MULLIGAN, 0000
KEVIN P. * MULLINS, 0000
MICHAEL W. * MULLINS, 0000
VERNON L. MULLIS, 0000
JOE D. * MUNGER, 0000
BRIAN S. * MUNOZ, 0000
MICHAEL E. * MURPHY, 0000
SEAN D. MURPHY, 0000
KEVIN D. MURRAY, 0000
PAUL J. MURRAY, 0000
ANDREW J. MUSER, 0000
JODIE MARIE MUSTIN, 0000
CHRISTINA K. * MUTH, 0000
LINDA M. * MUZQUIZ, 0000
ROBERT F. * MYERS JR., 0000
DAVID J. * NADEAU, 0000
JASON D. * NAHRGANG, 0000
KEVIN P. * NAMAN, 0000
JOSEPH E. NANCE, 0000
RONOJIT J. * NATHANIEL, 0000
VINCENZO N. P. * NAZZARO, 0000
ROBERT JAMES * NEAL JR., 0000
MICHAEL T. * NEEDHAM, 0000
LISA J. * NEIDINGER, 0000
GREGORY A. * NELMS, 0000
JOHN S. * NELSON, 0000
TYLER D. NELSON, 0000
GILBERT D. NESS, 0000
CRAIG W. * NEUZIL, 0000
LEO A. * NEVELL, 0000
STEVE E. * NEVILLE, 0000
JOHN P. NEWBERRY, 0000
RAYMOND R. * NEWBILL III, 0000
KENNETH L. * NEWBROUGH, 0000
KENNETH A. NGUYEN, 0000
JESSICA D. * NICHOL, 0000
NEIL G. NICHOLS, 0000
RODNEY H. NICHOLS, 0000
DAWN A. * NICKELL, 0000
MATTHEW J. NICOLETTA, 0000
BRIAN C. NICOLOSI, 0000
NATHAN L. NIEDERHAUSER, 0000

DANE R. NIELSEN, 0000
PETER M. * NIGRO JR., 0000
SCOTT A. * NIPPER, 0000
BARRY N. * NIXON, 0000
BRIAN J. NOE, 0000
JEREMY B. NOEL, 0000
BRIAN R. NOLA, 0000
TARA E. NOLAN, 0000
RIC K. * NORDGREN, 0000
ROGER M. NOREIGA, 0000
WILLIAM J. * NORTON, 0000
KRISTOPHER T. NORWOOD, 0000
PAUL C. * NOSEK, 0000
ROSS C. * NOVACK, 0000
KYLE A. * NOVAK, 0000
GREGORY E. NOWAK, 0000
JOHN P. * NOWAK, 0000
GREGORY S. * NOWLIN, 0000
SHAN B. * NUCKOLS, 0000
CHRISTOPHER P. * NUTTING, 0000
BRENDAN D. OBRIEN, 0000
WILLIAM M. * OCHOA, 0000
THOMAS J. OCONNELL JR., 0000
KEVIN E. * OCONNOR, 0000
WILLIAM N. * OCONNOR, 0000
RICHARD J. * OFCARCIK, 0000
MARTIN J. OGRADY, 0000
DONALD R. OHLEMACHER, 0000
JOHN A. OHM, 0000
STEVEN C. OIMOEN, 0000
ROMAN M. * OKRASINSKI, 0000
DAVID W. * OLANDER, 0000
JAMES A. OLDENBURG, 0000
NATHAN A. * OLIVER, 0000
NICHOLE E. P. * OLIVER, 0000
FELIPE * OLIVERA, 0000
SCOTT R. OLSEN, 0000
KRISTINE L. * OLSON, 0000
DENNIS * OM, 0000
THOMAS C. OMALLEY JR., 0000
KEVIN T. * OMEARA, 0000
MARK T. * ONEAL, 0000
BRYAN C. * OPPERMAN, 0000
MARK D. OREILLY, 0000
AARON G. * ORLUCK, 0000
PAUL H. * ORTH, 0000
REID N. * ORTH, 0000
ELIZABETH A. * ORTIZ, 0000
RYAN K. OSTEROOS, 0000
GUSTAV A. * OTTO, 0000
DAVID E. OUE, 0000
CHRISTOPHER J. OUELLETTE, 0000
CHRISTOPHER T. OWENS, 0000
LEE S. OWENS IV, 0000
ROBB E. * OWENS, 0000
NATHAN B. PADDOCK, 0000
MICHAEL D. PAKIZ, 0000
MARK S. * PALERMO, 0000
JAMES F. * PALUMBO, 0000
JOHN P. PANTLEO, 0000
DAVID R. PARKER, 0000
FRED C. * PARKER JR., 0000
MATTHEW A. PARKER, 0000
JEFFREY J. PARKS, 0000
PENNY E. PARMER, 0000
CHRISTOPHER R. * PARRISH, 0000
MICHAEL R. * PARRISH, 0000
MARK A. PARROTT, 0000
CHRISTOPHER W. PARRY, 0000
TIFFANY L. PASANEN, 0000
MATTHEW A. PASCO, 0000
ROBBIE J. PASSINAULT, 0000
ROBERT L. * PATA, 0000
JASON * PATLA, 0000
SAMUEL E. * PATRICK, 0000
WILLIAM T. PATRICK, 0000
JEFFERY S. PATTON, 0000
ROBERT L. PATTON, 0000
DANIEL C. * PAUL, 0000
JOHN G. * PAUL, 0000
DANIEL T. * PAWLAK, 0000
JEFFREY L. PAYNE, 0000
SCOTT L. * PAYNE, 0000
TODD A. * PEACHEY, 0000
TIMOTHY J. * PEARSON, 0000
PATRICK J. PELKINGTON, 0000
CRAIG D. * PELTZ, 0000
CORNELL A. * PENN, 0000
KEVIN M. * PENROD, 0000
PAUL F. PERKINS, 0000
LEON J. * PERKOWSKI, 0000
NESTOR L. PERONE JR., 0000
TERRI LYNN R. * PERONE, 0000
CRAIG M. PERRY, 0000
AMY G. * PETERSON, 0000
CHARLES H. PETERSON, 0000
JOHN C. PETERSON, 0000
PAUL L. * PETHEL, 0000
EVAN L. PETTUS, 0000
BENJAMIN D. * PHILLIPS, 0000
DANIEL R. * PHILLIPS, 0000
GRADY T. * PHILLIPS, 0000
IAN D. PHILLIPS, 0000
JEREMY C. PHILLIPS, 0000
WILLIAM M. C. * PHILLIPS, 0000
STEPHEN M. PIEPER, 0000
DAVID A. PIFFARERIO, 0000
CHRISTIANE J. PINDAT, 0000
WILLIAM F. * PING III, 0000
KELLY S. * PIRTLE, 0000
RYAN G. * PLUNKETT, 0000
CALLEY J. POARCH, 0000
ROBERT T. * POCHERT, 0000
RANDALL D. POLLAK, 0000
STEVEN A. * POLLIARD, 0000
PATRICK D. POPE, 0000
ANDREW C. POPIEL, 0000
MARK A. * POSTEMA, 0000
SHANE T. * PRATER, 0000
DOUGLAS G. PRATT, 0000
SHARON E. PRESLEY, 0000
HEIDI P. * PRIGGE, 0000
DAVID E. * PRITCHARD, 0000
BRIAN T. * PROULX, 0000
KERRY J. * PROULX, 0000
MICHAEL W. PRUCE, 0000
JEFFREY A. * PRUSS, 0000
MICHELS D. * PRYOR, 0000
JASON M. * PRYSTASH, 0000
MICHAEL J. * PUGSLEY, 0000
STEPHEN G. * PURDY JR., 0000
CHRISTOPHER D. * PURVIS, 0000
MARK B. PYE, 0000
RILEY F. * PYLES, 0000
CHRISTOPHER N. * QUAID, 0000
JASON A. QUEEN, 0000
CHRISTOPHER M. * QUIMBY, 0000
JAMIE J. * QUOLAS, 0000
CHRISTOPHER S. RACHAEL, 0000
ROBERT N. * RADABAUGH, 0000
CHAD D. * RADUEGE, 0000
DANIEL P. RADULSKI, 0000
HUGH M. * RAGLAND III, 0000
SOLEIMAN * RAHEL, 0000
BRIAN E. RALSTON, 0000
MICHAEL J. * RAMIREZ, 0000
ROBERT G. * RAMIREZ, 0000
COREY M. * RAMSBY, 0000
GERALD J. * RAMSEY, 0000
JACQUELINE G. * RANDOLPH, 0000
JOHN E. RANDOLPH, 0000
TOM M. * RANKIN JR., 0000
ANDREW G. RATLIFF, 0000
DANIEL E. * RAUCH, 0000
STEVEN L. * RAUDMAN, 0000
CHAD A. RAULS, 0000
WADE J. RAWLINS, 0000
MICHAEL J. * RAY, 0000
MICHAEL J. RAYNOHA, 0000
RENE C. * REBULANAN, 0000
JAMES D. * RECORD, 0000
CLIFTON D. * REED, 0000
MICHAEL G. REED, 0000
TYRONE A. * REED II, 0000
MARK J. * REENTS, 0000
THERESA A. REESE, 0000
BOB A. * REEVES, 0000
JAY B. REEVES, 0000
LAURA A. REGAN, 0000
ROMERO H. * REID, 0000
MARK D. REIMANN, 0000
JOHN J. * REIMER, 0000
ANDREW S. * REISENWEBER, 0000
JACK M. * REMBISZ, 0000
ROBERT A. REMEY JR., 0000
ROBERT S. RENFRO II, 0000
STEVE L. * RENNER, 0000
BRADLEY D. * RENNICH, 0000
JOHN E. * RENSEL, 0000
KEVIN H. * RESNICK, 0000
ANTHONY G. RETKA, 0000
DEBORAH L. REUTHER, 0000
RAUL * REYES JR., 0000
LEROY P. * REYNOLDS, 0000
ROBERT E. * REYNOLDS, 0000
JESSICA N. RHYNE, 0000
WILLIAM A. * RHYNE, 0000
DOUGLAS P. * RICE, 0000
JONATHAN C. RICE IV, 0000
GLEN S. RICHARDS, 0000
BRYAN D. * RICHARDSON, 0000
VINCENT T. RICHE, 0000
DAVID J. RICHIE, 0000
MICHAEL J. RICHMAN, 0000
LAURIE K. * RICHTER, 0000
CHAD A. RIDEN, 0000
MICHAEL G. RIDER, 0000
JODI M. * RILEY, 0000
WILLIAM J. * RILEY, 0000
CHRISTINE Y. RILOVICK, 0000
DANIEL J. * RISBERG, 0000
TILGHMAN L. RITTENHOUSE, 0000
NICHOLAS C. ROACH, 0000
STEVEN M. ROARK, 0000
CHARLES P. ROBERTS, 0000
CYNTHIA M. * ROBERTS, 0000
GLEN F. * ROBERTS, 0000
SEAN W. ROBERTSON, 0000
SEAN P. * ROBINSON, 0000
WILLIAM C. ROBINSON, 0000
BRETT M. * ROBISON, 0000
BLAINE L. ROCHLITZ, 0000
QUENTON L. * RODGERS, 0000
ROBYNN C. * RODMAN, 0000
ANTONIO E. RODRIGUEZ, 0000
ARNOLD * RODRIGUEZ, 0000
CHRISTINA M. RODRIGUEZ, 0000
DAVID * RODRIGUEZ, 0000
JOSEPH I. * RODRIGUEZ, 0000
VERONICA A. * RODRIGUEZ, 0000
PATRICIA RODRIGUEZREY, 0000
OSCAR RODSON, 0000
JAMES S. * ROE II, 0000
GARY L. ROEDIGER, 0000
STEVEN A. ROEHRICK, 0000
RYAN C. * ROGERS, 0000
JOSEPH A. ROLENC, 0000
SCOTT A. ROMBERGER, 0000
MARTIN D. * ROMIG, 0000
MICHAEL J. * ROONEY, 0000
TREVOR * ROSENBERG, 0000
SCOTT A. * ROTH, 0000
ERROL W. * ROTTMAN JR., 0000
PAUL C. * ROUNSAVALL, 0000
JOEL M. B. * ROUSEY, 0000
SEAN C. ROUTIER, 0000
JEFFREY B. ROWLAND, 0000
RUSSELL W. * ROWLAND, 0000
SCOTT J. * ROXBURGH, 0000
ROBERT D. ROY, 0000
TRICIA A. * RUHMANN, 0000
JAMES E. * RUMBLEY, 0000
MARK C. RUSK, 0000
TIMOTHY R. * RYAN, 0000
VINCENT M. RYDER, 0000
ALLAN C. * SACDALAN, 0000
CHRISTOPHER S. SAGE, 0000
RICHARD M. * SALASOVICH, 0000
BRYAN E. SALMON, 0000
ELLIOT J. SALMON, 0000
BENJAMIN REYES * SALVADOR JR., 0000
WILLIAM C. * SALVIA, 0000
GEORGE R. * SALYER III, 0000
CLAYTON W. * SAMMONS, 0000
SUSAN B. * SAMPLE, 0000
MICHAEL L. * SAMPSON, 0000
RYAN R. * SAMUELSON, 0000
JOSEPH M. * SANCHEZ, 0000
ALAN B. SANDERS, 0000
JAMES K. SANDERS, 0000
ROBERT D. SANDOVAL, 0000
JEFFREY H. SANDROCK, 0000
MARC J. SANDS, 0000
JOHN S. * SANFORD, 0000
NEIL T. * SANGER, 0000
ANTHONY J. SANSANO, 0000
GARY B. * SANTORO, 0000
JOSEPH C. SANTUCCI, 0000
MARK A. * SARAGOSA, 0000
THOMAS I. * SAVOIE, 0000
CHRISTOPHER G. * SAWYER, 0000
MICHAEL G. * SAWYER, 0000
JEFFREY A. * SCHAEFER, 0000
MICHAEL LANE * SCHAFFER, 0000
PAUL H. * SCHAUM, 0000
ERIKA A. SCHENAVAR, 0000
PRESTON S. SCHLACHTER, 0000
WILLIAM F. * SCHLICHTIG, 0000
TIMOTHY J. * SCHMAL, 0000
DONALD A. SCHMIDT, 0000
LANCE E. * SCHMIDT, 0000
JOAN M. * SCHMITZDAVIS, 0000
MICHAEL K. SCHNABEL, 0000
MARK A. * SCHRAMEK, 0000
MICHAEL D. * SCHRIPSEMA, 0000
JOHN P. SCHROEDER, 0000
LES A. * SCHROEDER, 0000
SCOTT A. * SCHROER, 0000
BRIAN A. * SCHUBERT, 0000
LAWRENCE J. SCHUH, 0000
MARTIN E. * SCHULTING, 0000
KIRK M. SCHULTZ, 0000
WILLIAM A. SCHUM, 0000
JOHN H. * SCHUTTE, 0000
GREGORY J. * SCHWABACHER, 0000
PAUL H. * SCHWARTZ, 0000
ANNA L. * SCHWING, 0000
RICHARD T. SCOTT, 0000
ROGER ALAN SCOTT, 0000
SEAN H. * SCOTT, 0000
GREGORY J. * SCOUGALL, 0000
CHRISTOPHER R. * SCRUTON, 0000
RANDALL A. * SECHLER, 0000
ROLAND E. SECODY, 0000
EDWARD C. * SEGURA, 0000
LONES B. SEIBER III, 0000
HARRY L. * SEIBERT JR., 0000
BRETT S. SEILING, 0000
SCOTT C. * SELCHERT, 0000
ATHIE L. * SELF, 0000
KEVIN C. * SELLERS, 0000
MARK A. SENG, 0000
JOHN D. SEUELL, 0000
SUZETTE D. SEUELL, 0000
JON M. * SHAFFER, 0000
BRYAN K. * SHARBER, 0000
RAMSEY F. SHARIF, 0000
ROBERT M. SHARPLES JR., 0000
ANTHONY G. * SHEA JR., 0000
DONALD G. SHEESLEY, 0000
RICHARD C. SHEFFE, 0000
MICHAEL L. * SHETLER, 0000
GLEN R. * SHILLAND, 0000
MARCUS J. * SHIPMAN, 0000
DAVID G. SHOEMAKER, 0000
DOUGLAS L. * SHORT, 0000
JASON E. SHROYER, 0000
THOMAS C. * SHRUM, 0000
SHAWN M. * SHUGARS, 0000
DEANNA M. * SICARD, 0000
MICHAEL J. SIERCO, 0000
JAMES W. SIKRA, 0000
JOHN D. * SILVERMAN, 0000
JEFFREY D. * SIMONS, 0000
DAVID G. * SIMPSON, 0000
STEVEN M. SIMS, 0000
DAVID S. * SINGER, 0000
KERI L. SINGLETON, 0000
MATTHEW A. SINNING, 0000
CHRISTOPHER W. * SIPE, 0000
DAVID M. SIRESS, 0000
TIMOTHY A. * SITES, 0000
KURT D. * SKINNER, 0000
MARK T. SKOSICH, 0000
GORDON K. * SLATON, 0000
STEPHEN M. SLOOP, 0000
ALISON E. SLUCAS, 0000
KENNETH G. * SMEENK, 0000
BRADLEY K. SMITH, 0000
CHAD A. * SMITH, 0000
CRISTIAN S. SMITH, 0000

DOUGLAS D. SMITH, 0000
GARY T. SMITH, 0000
JAMES E. C. * SMITH, 0000
JOHN P. * SMITH, 0000
JOHN T. W. * SMITH, 0000
KATHRYN E. SMITH, 0000
MARCIA C. SMITH, 0000
MATTHEW P. * SMITH, 0000
MICHAEL S. * SMITH, 0000
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NICHOLAS A. SMITH, 0000
PAUL P. SMITH JR., 0000
SHANE A. * SMITH, 0000
STEPHEN F. SMITH, 0000
SUSAN R. * SMITH, 0000
TREVOR W. SMITH, 0000
WESLEY P. SMITH, 0000
MARK K. * SNOW, 0000
MARK A. SNOWDEN, 0000
CHRISTOPHER J. * SOLO, 0000
REBECCA J. SONKISS, 0000
TITI SOO, 0000
NATHANIEL A. * SOUTHWORTH, 0000
CHRISTOPHER J. SOVADA, 0000
JENNIFER P. SOVADA, 0000
ANTHONY W. * SPADUZZI, 0000
ADRIAN L. * SPAIN, 0000
MICHAEL J. SPANICH III, 0000
BRADLEY L. SPEARS, 0000
DAVID B. * SPENCER, 0000
YVONNE S. SPENCER, 0000
SCOTT A. SPIERS, 0000
JEFFREY P. SPINNANGER, 0000
RICHARD A. * SPOSATO, 0000
DENNIS R. * SPRENKLE, 0000
STANLEY A. * SPRINGER, 0000
RONALD S. * SPROWLS, 0000
RICHARD G. * STACEY, 0000
KIRK N. * STAHLBAUM, 0000
JEFFREY D. * STANDS, 0000
DAVID L. * STANFIELD, 0000
GEORGE A. STANLEY, 0000
MARK L. STANLEY, 0000
WESTLEY D. STARK, 0000
DEVIN * STATHAM, 0000
GREGORY A. * STAVEN, 0000
JONATHAN A. * STECKBECK, 0000
STEVEN G. * STEEL, 0000
RICHARD V. STEELE, 0000
CRAIG S. STEFAN, 0000
TIMOTHY J. STEFFEN, 0000
WILLIAM F. * STEGEMERTEN, 0000
ROBERT W. STEINDL, 0000
MICHAEL J. STEPANIAK, 0000
JESSE S. * STEVENS, 0000
KENDAL A. * STEVENSON, 0000
ANGELA G. * STICKELS, 0000
WILLIAM J. * STOCKEL, 0000
JOHN D. STOCKWELL, 0000
KENNETH G. STOLTMAN, 0000
DAVID E. * STONE, 0000
LAURA M. * STONE, 0000
JERRY C. * STONECIPHER, 0000
CHARMAINE L. * STOREY, 0000
PATRICK D. * STOVALL, 0000
STEVEN T. STRAH, 0000
ERNESTA J. * STRAIT, 0000
TODD R. STRATTON, 0000
DOUGLAS J. * STRAUSS, 0000
CHRISTOPHER R. STRICKLIN, 0000
ANTHONY C. * STROUP, 0000
JON A. * STRUCK, 0000
ERIC H. STUBBS, 0000
MICHAEL C. SUERMANN, 0000
TERESA L. * SUH, 0000
WILLIAM D. SULLIVAN, 0000
TIMOTHY G. SUMJA, 0000
NORMAN C. SUMMERS, 0000
DONALD A. SUPON JR., 0000
RICHARD E. * SUTTER, 0000
CURTIS B. SUTTON, 0000
PHILLIP A. SUYDAM, 0000
SCOTT A. * SVEINSSON, 0000
JOHN F. * SWANAY, 0000
DONALD M. SWEENEY III, 0000
PHILLIP C. SWENSON, 0000
MARK S. * SWIATEK, 0000
ROBERT A. * SYLVESTER, 0000
PAUL G. * SZWEDA, 0000
JOSEPH L. * TAFFE, 0000
ANDREW J. * TALIERCIO, 0000
JAMES M. TAMURA, 0000
BRYAN C. * TAYLOR, 0000
DANIELLE L. * TAYLOR, 0000
DREW R. * TAYLOR, 0000
JASON W. TAYLOR, 0000
KIM N. * TAYLOR, 0000
PAUL R. TAYLOR JR., 0000
SCOTT T. TAYLOR, 0000
THOMAS A. * TAYLOR, 0000
JOHN D. * TAYMAN, 0000
LAURA L. TEAL, 0000
KENNETH J. * TEBBE, 0000
ARTURO J. * TECSON, 0000
MARY R. * TEETER, 0000
ERNEST J. * TEICHERT III, 0000
MICHAEL P. TERNUS, 0000
DARRYL L. TERRELL JR., 0000
JOSEPH C. TERRONES, 0000
JONATHAN L. * TERRY, 0000
HANS T. THATCHER, 0000
ALLEN L. * THIBEAUX, 0000
KELLEY A. * THIBODEAU, 0000
JEREMY L. * THIEL, 0000
DOUGLAS G. THIES, 0000
JOSEPH A. THILL, 0000
JOSEPH Y. * THOMAS, 0000
RICKY A. * THOMAS, 0000
CHARLES I. THOMPSON, 0000
JAMES E. THOMPSON, 0000
JONATHAN S. * THOMPSON, 0000
KEVIN V. THOMPSON, 0000
ROBERT S. * THOMPSON, 0000
SHAWN C. * THOMPSON, 0000
KERRY L. * TIDMORE, 0000
DAYMEN L. TIFFANY, 0000
JR. VASAGA * TILO, 0000
GREG E. * TITUS, 0000
GREG E. * TOBIN, 0000
STEVEN S. TODD, 0000
TONNEE M. TONNESEN, 0000
DAVID G. TOOGOOD, 0000
ROBERT J. * TOREN, 0000
JOHN M. * TORRES, 0000
JOSEPH P. TORRES, 0000
KYLE E. * TORSTER, 0000
BRIAN E. TOTH, 0000
GARY A. * TOWN, 0000
MICHAEL J. TOWNS, 0000
PHUONG T. * TRAN, 0000
THUAN H. * TRAN, 0000
WILLIAM D. TRAUTMANN, 0000
KEITH L. * TRAVIS, 0000
TIMOTHY J. * TREAT, 0000
JAMES P. * TRESEMER, 0000
DAVID A. * TREYBAL, 0000
JENNIFER R. * TRIEFLER, 0000
JACOB TRIGLER, 0000
RONALD P. * TROSCLAIR JR., 0000
CHRISTOPHER * TROTTER, 0000
RAYMOND T. T. TRUONG, 0000
JOHN E. * TRYON, 0000
RICHARD J. * TRZASKOMA, 0000
ERIC J. TUCKER, 0000
KELLY C. * TUCKER, 0000
STEVEN L. TUGGLE, 0000
TODD W. TUMIDANSKI, 0000
TEERA TONY * TUNYAVONGS, 0000
CHARLES W. * TURNER, 0000
JAMES A. * TURNER, 0000
UDUAK I. * UDOAKA, 0000
KENNETH R. * UHLER, 0000
KERRI L. * UHLMEYER, 0000
DANIEL S. ULMER, 0000
RYAN J. * UMSTATTD, 0000
GEORGE T. * UNSINGER, 0000
MICHAEL J. * VACCARO, 0000
DAVID M. * VACLAVIK, 0000
MACEDONIO * VALDOVINOS, 0000
JEFFERY D. * VALENZIA, 0000
WEEZENDONK JENNIFER H. * VAN, 0000
CHRISTOPHER J. VANDERSYS, 0000
BRIAN C. VANMATRE, 0000
MARK W. * VANMETER, 0000
TAD D. VANNAMAN, 0000
JASON A. VANVALIN, 0000
JAMES D. * VARDEN, 0000
SCOTT A. * VAUGHAN, 0000
MICHAEL S. * VAUGHN, 0000
DANIEL J. VEAL III, 0000
DENNIS R. * VEENEMAN, 0000
JOSEPH L. * VEIT, 0000
EDWARD S. * VEITCH, 0000
MICHELLE A. VESTAL, 0000
DONALD D. * VIEIRA, 0000
KRISTINE N. * VIER, 0000
DAVID C. * VILLAUME, 0000
MATTHEW C. VILLELLA, 0000
JOHN C. VINCENT, 0000
TRAVIS S. VIRES, 0000
FRANK S. * VIRGADAMO, 0000
DIANE E. VITAS, 0000
JASON A. VITAS, 0000
JODI M. VITTORI, 0000
CHRISTOPHER C. VOGEL, 0000
JOACHIM F. C. * VOGT, 0000
ERIC M. VOLD, 0000
DAVID M. VONDRAK, 0000
JOHN J. * VONOSTERHELDT, 0000
TIMOTHY D. * VOSS, 0000
KEVIN P. WADE, 0000
PATRICK C. * WADE, 0000
RICHARD J. WAGEMAN JR., 0000
SANDRA S. * WAGGLE, 0000
JAY P. * WAHLEITHNER, 0000
DONALD S. * WALKER, 0000
PAUL G. * WALKER, 0000
KARILYNNE * WALLACE, 0000
SR. DAVID J. WALLER, 0000
WILLIAM B. WALPERT, 0000
THOMAS B. * WALSH II, 0000
JENNIFER G. * WALSTON, 0000
JAMES W. WAMHOFF, 0000
DANIEL B. * WARD, 0000
DOUGLAS M. * WARE, 0000
CLINTON F. WARNER, 0000
SHAWN R. * WARNER, 0000
JASON A. * WARNICK, 0000
JENIFER B. E. * WARREN, 0000
WILLIAM B. * WARREN, 0000
JESSE M. * WASHBURN, 0000
BRADLEY DAVID * WATERS, 0000
DARRELL T. * WATKINS, 0000
TRACY R. * WATKINS, 0000
STEVEN G. WATSON, 0000
DANIEL E. WEAK, 0000
CHARLES H. * WEAVER, 0000
MICHAEL T. * WEAVER, 0000
WILLIAM T. * WEBB, 0000
MATTHEW J. * WEHNER, 0000
PETER J. * WEIDNER, 0000
GEOFFREY F. WEISS, 0000
HEWETT S. * WELLS, 0000
DUSTIN C. WELSH, 0000
CHRISTIAN A. WENDLER, 0000
KURT A. WENDT, 0000
TREVOR A. * WENTLANDT, 0000
SHELDON S. * WERNER, 0000
ALAN J. WESENBERG, 0000
TRACY L. WEST, 0000
DEANNA L. * WESTENHAVER, 0000
SCOTT A. WESTON, 0000
MICHAEL R. * WHALEN, 0000
PATRICK J. * WHELAN, 0000
ANTHONY D. * WHITE, 0000
PATRICK J. * WHITE, 0000
ROBERT T. * WHITE, 0000
WILLIAM P. * WHITE III, 0000
RANDY C. A. WHITECOTTON, 0000
MICHAEL F. * WHITEHEAD, 0000
TREVOR J. * WHITEHILL, 0000
JILL L. * WHITESELL, 0000
LANCE D. WHITFILL, 0000
PAUL H. * WHITMORE, 0000
MICHAEL G. WHYTE, 0000
CURTIS J. WICHERS, 0000
JEFFREY C. * WIEMERI, 0000
RICHARD T. * WIGLE, 0000
JOHN B. WILBOURNE, 0000
ROBERT D. * WILFONG, 0000
LANCE A. WILKINS, 0000
CHRISTOPHER J. * WILL, 0000
BRENT D. * WILLIAMS, 0000
CHRISTOPHER S. * WILLIAMS, 0000
DARIN L. WILLIAMS, 0000
DAVID B. WILLIAMS, 0000
SHON P. WILLIAMS, 0000
TIMOTHY P. * WILLIAMS, 0000
BRETT A. WILMORE, 0000
DONALD S. * WILSON, 0000
JAMES S. * WILSON, 0000
REGINA S. * WINCHESTER, 0000
BRIAN K. WINKLEPLECK, 0000
JOHN W. * WINKLER, 0000
WILLIAM R. * WINSTEAD, 0000
JOSEPH R. WIRTHLIN, 0000
WAYNE L. * WISNESKI, 0000
MICHAEL F. WITTROCK, 0000
THOMAS Q. * WOFFORD, 0000
AMY * WOLF, 0000
JASON Z. WOLLARD, 0000
GREGORY R. WOOD, 0000
MARK F. WOOD, 0000
ZACHARY A. WOOD, 0000
WILLIAM A. * WOODALL JR., 0000
KENNETH P. WOODCOCK, 0000
WILLIAM A. * WOOLF, 0000
MARK D. * WORKMAN, 0000
BLAINE J. * WORTHINGTON, 0000
ERIC W. WRIGHT, 0000
JONATHAN L. WRIGHT, 0000
JOSEPH B. WURMSTEIN, 0000
ALBERT J. * WYKOFF III, 0000
ALEXANDER M. WYLIE, 0000
SAXON T. YANDELL, 0000
SARAH H. YANG, 0000
HEATHER H. * YATES, 0000
JEFFREY L. * YEATMAN, 0000
KENNETH E. YEE, 0000
KYON R. * YI, 0000
JOHN A. * YOCUM, 0000
SANG H. YOO, 0000
BANTA M. * YORK III, 0000
BRIAN J. * YOUNG, 0000
MICHAEL B. * YOUNG, 0000
RICARDO D. * YOUNG, 0000
RANDY JOSEPH * YOVANOVICH, 0000
HELEN H. * YU, 0000
YOUNGKUN S. * YU, 0000
JAMES * YURACK, 0000
ROEL ZAMORA, 0000
SCOTTIE L. ZAMZOW, 0000
JOHN P. * ZAPATA, 0000
ZACHARY B. ZEINER, 0000
DEAN E. * ZEZEUS, 0000
JAMES J. ZIRKEL, 0000
STEVEN M. ZUBOWICZ, 0000
WILLIAM A. ZUTT, 0000

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JOHN B. MUNOZATKINSON, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

COLIN D. SMITH, 0000

CONFIRMATION

Executive nomination confirmed by the Senate September 4, 2003:

THE JUDICIARY

STEVEN M. COLLOTON, OF IOWA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT.

WITHDRAWALS

Executive message transmitted by the President to the Senate on September 04, 2003, withdrawing from further Senate consideration the following nominations:

MIGUEL A. ESTRADA, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT, WHICH WAS SENT TO THE SENATE ON JANUARY 7, 2003.

KERRY N. WEEMS, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, WHICH WAS SENT TO THE SENATE ON JULY 22, 2003.

EXTENSIONS OF REMARKS

CORRECTING AN INJUSTICE TO INJURED SERVICE MEMBERS

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Mr. YOUNG of Florida. Mr. Speaker, my wife Beverly and I spend considerable time visiting with injured soldiers, sailors, marines, airmen, and coasties at the Walter Reed Army Medical Center and the National Naval Medical Center in Bethesda. Our goal is to provide comfort and support to the service members and their families.

This is a project Beverly has led for many years, long before the inception of Operations Enduring Freedom and Iraqi Freedom. Throughout the years, we have helped solve many problems large and small that involved patient care, benefits, and tangled bureaucracy.

Recently, though, we learned of a problem that I consider a serious affront to those injured in battle and training. Upon being discharged from the hospital, our enlisted personnel and officers are served with a bill to pay for their ''subsistence'' while in the hospital. The current daily rate for these charges is $8.10.

We learned about this from our visits with Staff Sergeant William L. Murwin, who spent 26 days in the hospital recovering from injuries incurred in Iraq. Sergeant Murwin is a reservist in the Marine Corps who was injured when a 10-year-old Iraqi dropped a grenade in the HUMVEE he was driving. As a result of the explosion, Sergeant Murwin is a partial amputee, having lost a large part of his foot.

Upon his discharge July 18th to return home to Nevada and his job as a sheriff's deputy, Sergeant Murwin was handed a bill from the hospital for $210.60 to pay for his food and subsistence. Beverly and I paid this bill for Sergeant Murwin because we consider it an injustice to ask those who have served us so courageously in Afghanistan and Iraq to pay for their food while hospitalized.

Legislation I am introducing today would amend current law to prohibit service members injured in combat or training from being billed for the food while hospitalized. Congress initially initiated the system of charging for subsistence costs for officers who were hospitalized in 1958 under Public Law 85–861. The 97th Congress amended this law in 1981 with Public Law 97–22 to include enlisted service members.

Mr. Speaker, this is a long overdue correction to our statutes. No one wants to see these men and women have to write a check for their hospital stay, least of all the staff of our nation's military hospitals. We should be honoring and thanking those in uniform for their service to the cause of peace and freedom, not billing them for their food. And we should be doing all we can to help them recover from their injuries, not ask them to write a check to the U.S. Government.

It is my hope that my colleagues in the House will join me in sponsoring this legislation and in urging the Committees with jurisdiction to expedite its enactment as a fitting tribute to all those who serve so valiantly and unfortunately have returned home injured, missing limbs, and in many cases being permanently disabled. It is the least we can do for our nation's keepers of peace and defenders of freedom.

TRIBUTE TO MR. WILLIAM ''BILLY'' ROLLE

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Mr. MEEK of Florida. Mr. Speaker, I rise to pay tribute to Mr. William ''Billy'' Rolle, Former Head Coach of the Miami Northwestern Senior High School Football Team. He has become the winningest varsity coach in the recent history of Miami-Dade Public Schools, the nation's fourth largest school system. This Friday, September 5, 2003, Coach Rolle will be inducted into the Sports Hall of Fame of Florida A&M University in Tallahassee, Florida.

Coach Rolle will join members of his family in this elite circle of achievement to be so honored by this great university, my Alma Mater. Honorees include his late father William Rolle, his mother Frankie Shannon Rolle, his aunt Sophia and his uncle Walter White, his late cousin FAMU Coach Bob Mungen and his late godbrother, the legendary Robert ''Bob'' Hayes.

Indeed, this is a milestone in the annals of FAMU's athletic glory, and has distinctly elicited so much following from the constituents of the 17th Congressional District. As I join them in extolling the hard work and sacrifices of his parents, the faculty and staff of Miami Northwestern Senior High School located in the heart of Liberty City, I want to likewise commend the exemplary role of this honoree. Due to his utmost commitment to his students, particularly his student-athletes, Coach ''Billy'' Rolle has become the cornerstone of excellent programs that buttress academic scholarship on one hand, and athletic achievement on the other.

I would like to congratulate him for fast becoming the legendary coach that he is now known among his colleagues and in high school football circles not only across Florida, but across the nation as well. I am also to privy to his work ethic and dogged discipline throughout his coaching years, paving the way for excellence both in the classroom and on the gridiron. Known for his no-nonsense approach to forthright guidance and counseling among his student-athletes, Coach ''Billy'' Rolle has certainly surrounded himself with excellent coaching staffs whose knowledge and sensitivity to sporting activities befitting the school ambiance superbly complements and supplements the learning needs of his students.

His sterling approach to educating, motivating and mentoring the members of his football teams has led to two District Championships in the year 2000, and culminating in four District Championships at Miami Northwestern Senior High with a hard-to-beat record of 60 wins against only 9 losses. As Assistant Coach, he contributed to the winning of the 1995 6–A Florida Football State Championship, and as Head Coach, he likewise won the 1998 6–A Florida Football State Championship. These enviable achievements were made possible by his emphasis on utmost personal responsibility and his ability to converge same into a zealous dedication to the demands of teamwork above any and all individual accomplishments.

As a whole, our community is genuinely honored by the leadership of Coach ''Billy'' Rolle. Accordingly, his being enshrined into the Sports Hall of Fame at Florida A&M University this Friday is an unerring testament to his honoring the family of students and parents, the faculty and staffs of various senior high schools to which he has been assigned all through these years since 1983. The dedication of his sterling efforts toward molding the minds and hearts of countless young student-athletes gives honor and respect to a community that is fully cognizant of his many sacrifices and unselfish contributions.

This is the magnificent legacy Coach William ''Billy'' Rolle genuinely bequeaths to all of us as he enters the Sports Hall of Fame. Suffice it to say that his pursuit of athletic excellence amidst scholastic achievement is not beyond the reach of those willing to dare the impossible through hard work, discipline and resilience. Indeed, I am privileged but deeply humbled to represent him, his wife Loretta and his two children, B.J. and Sheree, along with his noble forbears, in the United States Congress, knowing full well that together they have done so much to dignify the pride of a grateful community.

IN HONOR OF THE FRIENDS OF JEFFERSON PATTERSON PARK AND MUSEUM'S RECEIPT OF A 2003 CHESAPEAKE BAY GATEWAYS NETWORK GRANT

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Mr. HOYER. Mr. Speaker, I rise today to recognize the Friends of Jefferson Patterson Park and Museum. This organization received a 2003 Chesapeake Bay Gateways Network Grant for a project designed to enhance opportunities for visitors to explore the lands and stories of Jefferson Patterson Park and Museum.

The Chesapeake Bay Gateways Network, which includes more than 120 museums, state parks, wildlife refugees and other sites in five states and the District of Columbia, was created to enhance the experience of visitors to

the Chesapeake Bay and its many roads, rivers and trails. Authorized by the Chesapeake Bay Initiative Act of 1998, the Gateways Network is coordinated by the National Park Service in partnership with the Chesapeake Bay Program.

During the past four years, Gateways Network Grants have funded new maps, improved signs, and expanded trails that have made visits to parks, wildlife refuges and water trails even more exciting and enjoyable than they had previously been. These grants help enhance the public's ability to learn and enjoy the Chesapeake's stories and significance, explore its natural and cultural resources, and become involved in helping conserve and restore the Bay and its watershed. Through these projects and other Gateways Network efforts more and more people recognize the Chesapeake as a true national treasure.

In 2003, the National Park Service is awarding $1,387,309 in grant funding, matched by over $2 million in partner contributions. Thirty-two grants are being made to Gateways throughout the Bay watershed in Maryland, New York, Pennsylvania and Virginia. The Friends of Jefferson Patterson Park and Museum is receiving a grant of $41,400 and $62,563 in partner contributions.

The project proposed by the Friends of Jefferson Patterson Park and Museum will extend the Shoreline Loop Trail to 3.75 miles, adding to 50 percent to its length, and resulting in the longest publicly accessible shoreline in Calvert County, Maryland. Greater public access to the Patuxent River will help people enjoy this scenic Chesapeake Bay tributary. A trail map and guide will be prepared and a series of wayside exhibit panels will also be added along the trail to interpret the environment and the diverse cultures that have influenced this site over time. The park will also develop an overall interpretive plan for the park to guide both this project and all future interpretive efforts.

Mr. Speaker, it is with the assistance and vision of organizations such as the Friends of Jefferson Patterson Park and Museum that the Chesapeake Bay and the entire region has become the treasure that we know it to be today. Mr. Speaker, please join me in congratulating the Friends of Jefferson Patterson Park and Museum on receiving this grant and wishing them the best of luck in completing their project.

ADDRESS OF MOTHER THERESA TO THE NATIONAL PRAYER BREAKFAST, FEBRUARY 5, 1994

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Mr. PITTS. Mr. Speaker, I submit the following for the RECORD.

On the last day, Jesus will say to those on His right hand, ''Come, enter the Kingdom. For I was hungry and you gave me food, I was thirsty and you gave me drink, I was sick and you visited me.'' Then Jesus will turn to those on His left hand and say, ''Depart from me because I was hungry and you did not feed me, I was thirsty and you did not give me to drink, I was sick and you did not visit me.'' These will ask Him, ''When did we see You hungry, or thirsty or sick and did not come to Your help?'' And Jesus will answer them, ''Whatever you neglected to do unto one of these least of these, you neglected to do unto Me!''

As we have gathered here to pray together, I think it will be beautiful if we begin with a prayer that expresses very well what Jesus wants us to do for the least. St. Francis of Assisi understood very well these words of Jesus and His life is very well expressed by a prayer. And this prayer, which we say every day after Holy Communion, always surprises me very much, because it is very fitting for each one of us. And I always wonder whether 800 years ago when St. Francis lived, they had the same difficulties that we have today. I think that some of you already have this prayer of peace—so we will pray it together.

Let us thank God for the opportunity He has given us today to have come here to pray together. We have come here especially to pray for peace, joy and love. We are reminded that Jesus came to bring the good news to the poor. He had told us what is that good news when He said: ''My peace I leave with you, My peace I give unto you.'' He came not to give the peace of the world which is only that we don't bother each other. He came to give the peace of heart which comes from loving—from doing good to others.

And God loved the world so much that He gave His son—it was a giving. God gave His son to the Virgin Mary, and what did she do with Him? As soon as Jesus came into Mary's life, immediately she went in haste to give that good news. And as she came into the house of her cousin, Elizabeth, Scripture tells us that the unborn child—the child in the womb of Elizabeth—leapt with joy. While still in the womb of Mary—Jesus brought peace to John the Baptist who leapt for joy in the womb of Elizabeth.

And as if that were not enough, as if it were not enough that God the Son should become one of us and bring peace and joy while still in the womb of Mary, Jesus also died on the Cross to show that greater love. He died for you and for me, and for the leper and for that man dying of hunger and that naked person lying in the street, not only of Calcutta, but of Africa, and everywhere. Our Sisters serve these poor people in 105 countries throughout the world. Jesus insisted that we love one another as He loves each one of us. Jesus gave His life to love us and He tells us that we also have to give whatever it takes to do good to one another. And in the Gospel Jesus says very clearly: ''Love as I have loved you.''

Jesus died on the Cross because that is what it took for Him to do good to us—to save us from our selfishness in sin. He gave up everything to do the Father's will—to show us that we too must be willing to give up everything to do God's will—to love one another as He loves each of us. If we are not willing to give whatever it takes to do good to one another, sin is still in us. That is why we too must give to each other until it hurts.

It is not enough for us to say: ''I love God,'' but I also have to love my neighbor. St. John says that you are a liar if you say you love God and you don't love your neighbor. How can you love God whom you do not see, if you do not love your neighbor whom you see, whom you touch, with whom you live? And so it is very important for us to realize that love, to be true, has to hurt. I must be willing to give whatever it takes not to harm other people and, in fact, to do good to them. This requires that I be willing to give until it hurts. Otherwise, there is not true love in me and I bring injustice, not peace, to those around me.

It hurt Jesus to love us. We have been created in His image for greater things, to love and to be loved. We must ''put on Christ'' as Scripture tells us. And so, we have been created to love as He loves us. Jesus makes Himself the hungry one, the naked one, the homeless one, the unwanted one, and He says, ''You did it to Me.'' On the last day He will say to those on His right, ''whatever you did to the least of these, you did to Me, and He will also say to those on His left, whatever you neglected to do for the least of these, you neglected to do it for Me.''

When He was dying on the Cross, Jesus said, ''I thirst.'' Jesus is thirsting for our love, and this is the thirst of everyone, poor and rich alike. We all thirst for the love of others, that they go out of their way to avoid harming us and to do good to us. This is the meaning of true love, to give until it hurts.

I can never forget the experience I had in visiting a home where they kept all these old parents of sons and daughters who had just put them into an institution and forgotten them—maybe. I saw that in that home these old people had everything—good food, comfortable place, television, everything, but everyone was looking toward the door. And I did not see a single one with a smile on the face. I turned to Sister and I asked: ''Why do these people who have every comfort here, why are they all looking toward the door? Why are they not smiling?''

I am so used to seeing the smiles on our people, even the dying ones smile. And Sister said: ''This is the way it is nearly everyday. They are expecting, they are hoping that a son or daughter will come to visit them. They are hurt because they are forgotten.'' And see, this neglect to love brings spiritual poverty. Maybe in our own family we have somebody who is feeling lonely, who is feeling sick, who is feeling worried. Are we there? Are we willing to give until it hurts in order to be with our families, or do we put our own interests first? These are the questions we must ask ourselves, especially as we begin this year of the family. We must remember that love begins at home and we must also remember that ''the future of humanity passes through the family.''

I was surprised in the West to see so many young boys and girls given to drugs. And I tried to find out why. Why is it like that, when those in the West have so many more things than those in the East? And the answer was: ''Because there is no one in the family to receive them.'' Our children depend on us for everything—their health, their nutrition, their security, their coming to know and love God. For all of this, they look to us with trust, hope and expectation. But often father and mother are so busy they have no time for their children, or perhaps they are not even married or have given up on their marriage. So their children go to the streets and get involved in drugs or other things. We are talking of love of the child, which is where love and peace must begin. These are the things that break peace.

But I feel that the greatest destroyer of peace today is abortion, because it is a war against the child, a direct killing of the innocent child, murder by the mother herself. And if we accept that a mother can kill even her own child, how can we tell other people not to kill one another? How do we persuade a woman not to have an abortion? As always, we must persuade her with love and we remind ourselves that love means to be willing to give until it hurts. Jesus gave even His life to love us. So, the mother who is thinking of abortion, should be helped to love, that is, to give until it hurts her plans, or her free time, to respect the life of her child. The father of that child, whoever he is, must also give until it hurts.

By abortion, the mother does not learn to love, but kills even her own child to solve her problems. And, by abortion, that father

is told that he does not have to take any responsibility at all for the child he has brought into the world. The father is likely to put other women into the same trouble. So abortion just leads to more abortion. Any country that accepts abortion is not teaching its people to love, but to use any violence to get what they want. This is why the greatest destroyer of love and peace is abortion.

Many people are very, very concerned with the children of India, with the children of Africa where quite a few die of hunger, and so on. Many people are also concerned about all the violence in this great country of the United States. These concerns are very good. But often these same people are not concerned with the millions who are being killed by the deliberate decision of their own mothers. And this is what is the greatest destroyer of peace today—abortion which brings people to such blindness.

And for this I appeal in India and I appeal everywhere—''Let us bring the child back.'' The child is God's gift to the family. Each child is created in the special image and likeness of God for greater things—to love and to be loved. In this year of the family we must bring the child back to the center of our care and concern. This is the only way that our world can survive because our children are the only hope for the future. As older people are called to God, only their children can take their places.

But what does God say to us? He says: ''Even if a mother could forget her child, I will not forget you. I have carved you in the palm of my hand.'' We are carved in the palm of His hand; that unborn child has been carved in the hand of God from conception and is called by God to love and to be loved, not only now in this life, but forever. God can never forget us.

I will tell you something beautiful. We are fighting abortion by adoption—by care of the mother and adoption for her baby. We have saved thousands of lives. We have sent word to the clinics, to the hospitals and police stations: ''Please don't destroy the child; we will take the child.'' So we always have someone tell the mothers in trouble: ''Come, we will take care of you, we will get a home for your child.'' And we have a tremendous demand from couples who cannot have a child—but I never give a child to a couple who have done something not to have a child. Jesus said, ''Anyone who receives a child in my name, receives me.'' By adopting a child, these couples receive Jesus but, by aborting a child, a couple refuses to receive Jesus.

Please don't kill the child. I want the child. Please give me the child. I am willing to accept any child who would be aborted and to give that child to a married couple who will love the child and be loved by the child. From our children's home in Calcutta alone, we have saved over 3000 children from abortion. These children have brought such love and joy to their adopting parents and have grown up so full of love and joy.

I know that couples have to plan their family and for that there is natural family planning. The way to plan the family is natural family planning, not contraception. In destroying the power of giving life, through contraception, a husband or wife is doing something to self. This turns the attention to self and so it destroys the gifts of love in him or her. In loving, the husband and wife must turn the attention to each other as happens in natural family planning, and not to self, as happens in contraception. Once that living love is destroyed by contraception, abortion follows very easily.

I also know that there are great problems in the world—that many spouses do not love each other enough to practice natural family planning. We cannot solve all the problems in the world, but let us never bring in the worst problem of all, and that is to destroy love. And this is what happens when we tell people to practice contraception and abortion. The poor are very great people. They can teach us so many beautiful things. Once one of them came to thank us for teaching her natural family planning and said: ''You people who have practiced chastity, you are the best people to teach us natural family planning because it is nothing more than self-control out of love for each other.'' And what this poor person said is very true. These poor people maybe have nothing to eat, maybe they have not a home to live in, but they can still be great people when they are spiritually rich.

When I pick up a person from the street, hungry, I give him a plate of rice, a piece of bread. But a person who is shut out, who feels unwanted, unloved, terrified, the person who has been thrown out of society—that spiritual poverty is much harder to overcome. And abortion, which often follows from contraception, brings a people to be spiritually poor, and that is the worst poverty and the most difficult to overcome.

Those who are materially poor can be very wonderful people. One evening we went out and we picked up four people from the street. And one of them was in a most terrible condition. I told the Sisters: ''You take care of the other three; I will take care of the one who looks worse.'' So I did for her all that my love can do. I put her in bed, and there was such a beautiful smile on her face. She took hold of my hand, as she said one word only: ''thank you''—and she died.

I could not help but examine my conscience before her. And I asked: ''What would I say if I were in her place?'' And my answer was very simple. I would have tried to draw a little attention to myself. I would have said: ''I am hungry, I am dying, I am cold, I am in pain,'' or something. But she gave me much more—she gave me her grateful love. And she died with a smile on her face. Then there was the man we picked up from the drain, half eaten by worms and, after we had brought him to the home, he only said, ''I have lived like an animal in the street, but I am going to die as an angel, loved and cared for.'' Then, after we had removed all the worms from his body, all he said, with a big smile, was: ''Sister, I am going home to God''—and he died. It was so wonderful to see the greatness of that man who could speak like that without blaming anybody, without comparing anything. Like an angel—this is the greatness of people who are spiritually rich even when they are materially poor.

We are not social workers. We may be doing social work in the eyes of some people, but we must be contemplatives in the heart of the world. For we must bring that presence of God into your family, for the family that prays together, stays together. There is so much hatred, so much misery, and we with our prayer, with our sacrifice, are beginning at home. Love begins at home, and it is not how much we do, but how much love we put into what we do.

If we are contemplatives in the heart of the world with all its problems, these problems can never discourage us. We must always remember what God tells us in Scripture: ''Even if a mother could forget the child in her womb''—something impossible, but even if she could forget—''I will never forget you.''

And so here I am talking with you. I want you to find the poor here, right in your own home first. And begin love there. Be that good news to your own people first. And find out about your next-door neighbors. Do you know who they are?

I had the most extraordinary experience of love of neighbor with a Hindu family. A gentleman came to our house and said: ''Mother Teresa, there is a family who have not eaten for so long. Do something.'' So I took some rice and went there immediately. And I saw the children—their eyes shining with hunger. I don't know if you have ever seen hunger. But I have seen it very often. And the mother of the family took the rice I gave her and went out. When she came back, I asked her: ''Where did you go? What did you do?'' And she gave me a very simple answer: ''They are hungry also.'' What struck me was that she knew—and who are they? A Muslim family—and she knew. I didn't bring any more rice that evening because I wanted them, Hindus and Muslims, to enjoy the joy of sharing.

But there were those children, radiating joy, sharing the joy and peace with their mother because she had the love to give until it hurts. And you see this is where love begins—at home in the family.

So, as the example of this family shows, God will never forget us and there is something you and I can always do. We can keep the joy of loving Jesus in our hearts, and share that joy with all we come in contact with. Let us make that one point—that no child will be unwanted, unloved, uncared for, or killed and thrown away. And give until it hurts with a smile.

Because I talk so much of giving with a smile, once a professor from the United States asked me: ''Are you married?'' And I said: ''Yes, and I find it sometimes very difficult to smile at my spouse, Jesus, because He can be very demanding—sometimes.'' This is really something true. And this is where love comes in when it is demanding, and yet we can give it with joy.

One of the most demanding things for me is travelling everywhere—and with publicity. I have said to Jesus that if I don't go to heaven for anything else, I will be going to heaven for all the travelling with all the publicity, because it has purified me and sacrificed me and made me really ready to go to heaven.

If we remember that God loves us, and that we can love others as He loves us, then America can become a sign of peace for the world. From here, a sign of care for the weakest of the weak—the unborn child—must go out to the world. If you become a burning light of justice and peace in the world, then really you will be true to what the founders of this country stood for. God bless you!

H. CON. RES. 249 EXPRESSING THE SENSE OF CONGRESS ON CONTINUED ENGAGEMENT IN IRAQ

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Mr. HASTINGS of Florida. Mr. Speaker, this is the second resolution concerning post-war Iraq that I have introduced this month. My Resolution is similar to an amendment that passed unanimously in the Senate on July 16, 2003. It calls on the President to reach out to our allies in NATO, the United Nations, and the Organization for the Prohibition of Chemical Weapons (OPCW) for help in postwar Iraq.

First, it calls on the President to request assistance from NATO to raise a force for postwar Iraq similar to Afghanistan, Bosnia, and Kosovo. Even though some NATO members, Great Britain, Spain, Italy and Poland, are already contributing troops to our effort in Iraq,

American troops make up 90% of coalition forces.

And second, it calls on the President to seek military and civilian police assistance from members of the United Nations to aid in promoting stability and security in post-war Iraq.

The U.S. and coalition forces currently occupying Iraq are being met with constant resistance and are being attacked on an average of twelve times a day. Increasing the number of troops and police from other countries will reduce the risks to U.S. and coalition forces currently in Iraq. International armed forces and police must assume some of the responsibilities for maintaining law and order in Iraq while a domestic police force and reformed military is trained and established. Pentagon officials estimate that it will take a year to train one division of 12,000 Iraqi troops.

My Resolution also calls on the Organization for the Prohibition of Chemical Weapons, along with other international and nongovernmental organizations, to provide assistance to the coalition partnership in Iraq.

Mr. Speaker, it's time to move past any negative feelings concerning countries that opposed our attempts to secure a U.N. endorsement for the war. A report published by the Center for Strategic and International Studies, funded by the Department of Defense, reported that ''the window of opportunity for achieving postwar success is closing and requires immediate and dramatic action.''

Our ultimate goal for the Iraqi people is a multi-ethnic, multi-religious Arab state that is capable of self-rule. This goal can only be achieved with the help and support of the vast global community.

Mr. Speaker, United States and coalition forces managed to liberate Iraq in a mere three weeks, and I would certainly be remiss if I did not take the opportunity to commend those brave men and women for their efforts to date. However, the goals we have set, from restoring critical infrastructure, to establishing an interim government, to maintaining law and order in Iraq, simply cannot be achieved alone. We've won the war, now we have to win the peace.

REMEMBERING THE JEWS OF ARAB NATIONS

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Mrs. LOWEY. Mr. Speaker, I rise to call attention to an article entitled, ''Justice for Jews from Arab Nations,'' which was printed in the International Herald tribune on July 1, 2003. I respectfully request that this article be entered into the CONGRESSIONAL RECORD.

The article was written by Ms. Giulia Boukhobza, a Jew who was born in Libya in 1951. The story she tells is one of anti-Jewish legislation, seizure of assets, and, ultimately, ethnic cleansing. Beginning in 1948, over 800,000 Jews were expelled from their homes in Arab countries, as those countries sought revenge for the creation of a Jewish state. Ms. Boukhobza was forced to flee from Libya in 1967.

This article is her testimonial, bringing to light an important part of the history of Israel and the Middle East. Thank you.

[From International Herald Tribune, July 1, 2003]

JUSTICE FOR JEWS FROM ARAB NATIONS

(By Giulia Boukhobza (IHT))

NEW YORK: This is the first time I have ever written about my experience as a Jew from Libya, It's not easy for me. The memories are still painful.

Jews had a continual presence in Libya for over two thousand years, predating the Arab conquest and occupation by centuries, My own family had lived on Libyan soil for hundreds of years, if not longer.

I was born in Libya in 1951, the year of the country's independence.

Most of the nearly 40,000 Jews left Libya between 1948 and 1951 because of a wave of anti-Jewish rioting, beginning in 1945, that left hundreds dead and injured and thousands homeless. My family, however, decided to stay and see if things would improve. After all, it was our home, it was our language, and it was the land of our ancestors. And the new Libyan constitution offered guarantees that gave us hope.

We were wrong, The hope was misplaced. The guarantees were absolutely worthless. By 1961, Jews could not vote, hold public office, obtain Libyan passports, buy new property, or supervise our own communal affairs. In other words, at best we were second-class residents—I can't even say citizens—though this was our birthplace and home.

Our fate was sealed six years later. In June 1967, the anti-Jewish atmosphere in the streets became terrifying, so much so that my family could not leave our house in Tripoli, My parents and I, along with my seven brothers and sisters, sat frightened at home for days,

And then the mob came for us.

I can't even begin to describe the scene. It seemed there were a thousand men chanting ''Death to the Jews.'' Some had jars of gasoline which they began to empty on our house. They were about to strike a match. We were near hysteria. But then one man from the mob courageously spoke up. He said he knew us and we should be left alone. Amazingly, the mob complied and moved elsewhere.

Other Jews, however, were not as lucky. Some, including close friends of ours, were killed, and property damage was estimated in the millions of dollars.

Our family went into hiding for several weeks before we were finally able to leave the country and reach Italy. We arrived with barely a suitcase each.

Today, to the best of my knowledge, there is not a single Jew left in Libya, not one. An ancient community has come to a complete end.

My family had to start from scratch in Italy. We bad nothing and no one. But we persevered. We knew that we weren't the world's first Jewish refugees, or the last, and that we would just have to make the best of a difficult situation. And that's exactly what we did.

We did not wallow in self-pity. We did not seek to make ourselves wards of the international community. And we didn't plot revenge against Libya. We simply picked up the pieces of our lives and moved on.

The more I think about what befell us, though, the angrier I become. In effect, we were triple victims.

First, we were uprooted and compelled to leave our home forever solely because we were Jews.

Second, our plight was largely ignored by the international community, the UN and the media. Do a search and you'll be shocked at how little was written or said about this tragedy.

And third, Libya erased any trace of our existence in the country. Even the Jewish cemeteries were destroyed and the headstones used in the building of roads.

In other words, first our homeland was taken away from us, then our history as well.

I can no longer be a Jew of silence, nor can I allow myself to become a forgotten Jew. It is time to reclaim my history. It is time to demand accountability for the massive human rights violations that occurred to us in Libya.

That's why, after 36 years, I've chosen to speak out today.

CBO'S NEW PROJECTIONS ON THE BUDGET AND THE ECONOMY

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Mr. SMITH of Michigan. Mr. Speaker, last week the Congressional Budget Office released their new projections on the budget and the economy. I commend the reading to my colleagues. Projected deficits, overspending, for 2003 is $401 billion and if you include what Congress is borrowing from the Social Security Trust Fund it amounts to $562 billion. For next year (2004) the on-budget deficit is $644 billion. Deficit spending means future tax increases.

I submit for the RECORD, Mr. Speaker, an article, in the Investor's Business Daily, by Stephen Moore, President of the Club for Growth.

WASHINGTON'S BIGGEST DEFICIT IS THE SHORTFALL OF COURAGE

(By Stephen Moore)

The new estimates by the federal budget office that the budget deficit this year will reach $400 billion and next year will reach $500 billion should be a major source of embarrassment to the Republicans in Washington—assuming they have any fiscal conscience left to embarrass.

President Bush and Congress have simply refused to make fiscal choices—they have cut taxes, increased the military budget, the foreign aid budget and increased social spending all at the same time. Now we are swimming in red ink.

Next month they are set to enact a $460 billion Medicare bill to provide drug benefits to the wealthiest age group in America. This will be the biggest new entitlement program in 25 years.

The tide of red ink will rise even higher, with economists at the National Center for Policy Analysis suggesting that the debt from this program could exceed $3 trillion over the next 50 years.

SHOULD BE ASHAMED

The new Congressional Budget Office numbers gloomily inform us that in Bush's four years in office, the budget will be up by $500 billion. That's a bigger increase than the amount the budget grew in Bill Clinton's eight years in office. It's hard to imagine that the budget would grow that fast even if Carol Moseley Braun had been elected to the White House.

There's also no hint that the GOP has been chastened by the enormous deficits it is responsible for or the meteoric rise in spending.

Example: Rep. Mark Kennedy of Minnesota is now fighting a lonely battle to try to trim the cost of the upcoming highway bill that is slated to have a cost of about 50% more than the last bloated highway bill.

I have said it before and will say it again: This is fiscal child abuse. Passing on costs to future generations for today's wasteful government spending is an assault on the financial well-being of our children. Conservatives can no longer apologize for the Republicans' miserable financial mismanagement. They should be infuriated by it.

I believe that Bush has been a star when it comes to enacting pro-growth tax changes. The tax code has taken a pro-investment, pro-worker direction through cuts in the death tax, the capital gains tax, the dividend tax and the income tax rates.

Bravo. Bush is absolutely right that the first step to getting the deficit under control is to get back on high economic growth trajectory. And tax rate cuts will certainly help achieve that faster growth.

Don't believe a word of the Democratic whine from presidential wannabes like Dick Gephardt and Howard Dean that if only we hadn't cut taxes, the budget would be under control. That's a fantasy.

Without the tax cuts, the budget would still be in huge deficit and the budget would have probably grown even more recklessly.

IGNORED DEAL

A fascinating new study was just released by the House Republican Study Committee under the able leadership of Rep. Sue Myrick of North Carolina. The RSC shows that if Congress had simply lived under the spending limits set forth in the 1997 budget deal agreed to by Clinton and the Republicans in Congress, the budget would be balanced today—even with Bush's tax cuts.

Meanwhile, my own budget analysis shows that every Congress since 1994 has accelerated expenditures at a faster pace. Conclusion: It's the spending, stupid!

There's a spirited debate in Washington about how the budget deficit impacts our economy. Some say deficits cause inflation and higher interest rates. Maybe so, but there's little evidence of that effect.

Some say interest payments on debt crowd out other spending—which may be true, but if it is, that's a good thing, because it constrains the congressional spending appetite.

My belief is that budget deficits are primarily harmful because they make it too easy for politicians to spend money now and then pass the bill to taxpayers later. And many of those future taxpayers are too young to vote now, so we have an unrivaled case of taxation without representation.

NO FREE LUNCH

The ultimate blame for the enormous mushrooming of deficit spending ultimately rests with the White House. The buck simply doesn't stop at this president's desk. Bush wants more guns and more butter, and wants to pretend that no one will ever have to pay for the profligacy.

But Milton Friedman taught us years ago that ''there ain't no such thing as a free lunch.'' Government spending comes out of somebody's hide—eventually.

What' reprehensible is that the Republicans now say in unison: Let the 2-year-olds pay for it. And someday they will. This is the coward's solution. A balanced budget requirement with an expenditure limitation is probably necessary because the biggest deficit in Washington these days is the deficit of courage.

IN MEMORY OF JAMES MARSHALL STANLEY

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Mrs. CAPPS. Mr. Speaker, today I would like to pay tribute to an extraordinary citizen of the Santa Barbara community, Mr. James Marshall Stanley. On August 1, 2003, Jim Stanley passed away in Santa Barbara, California. His years of service and dedication leave a great legacy among many individuals and organizations in this community and beyond.

James Marshall Stanley was born on April 2, 1907 in Oregon, graduated from high school in Portland, Oregon and went on to graduate from Portland Engineering School in 1927. Jim married in 1930 and moved with his wife's family to Santa Barbara in 1931.

During World War II, Mr. Stanley worked at a San Pedro shipbuilding yard and in 1943 joined the Merchant Marines as a Chief Radio Operator. He took part in numerous convoys during the War, supplying cargo, ammunitions and oil on board US Liberty and Victory ships. On August 15, 1945, James M. Stanley was honorably discharged from the Armed Forces of the United States and in 1949 was discharged from the US Merchant Marines. As a WWII hero, James M. Stanley was honored by the American, British, Russian and Finnish Governments for his participation in the fight against Nazism.

Following the War, James returned to his family in Santa Barbara where he owned and operated many small businesses before his retirement in 1972. Jim Stanley was a member of SCORE and worked as a Regional Director for Region IX of the U.S. Small Business Administration as well as worked as an advocate for the Los Angeles District of the Veterans Administration.

In addition to service to his country, service to his local community through volunteerism was an important part of Jim Stanley's life. Mr. Stanley was very active in the International Lions Club, which he joined in 1957. Not only was James Stanley the permanent President of the Tri-Counties Lions Sight and Hearing Center at St. Francis Medical Center for over 30 years, but also served as the International President of Lions Sight and Hearing Centers. Following his passion of providing sight to those less fortunate, Mr. Stanley helped found the non-profit S.E.E International, which organizes surgical eye expeditions and provides free services to the people of developing countries suffering from curable eye diseases. For his service in these areas, James Stanley was awarded a ''Golden Apple'' award in 1991 and a ''Golden Oak Leaf' award in 1998 by the Santa Barbara County School District.

In addition to his strong dedication to the Lions organization and S.E.E. International, Jim Stanley was a member of the US Navy League and the North Russia Club (which unites the veterans from the North Atlantic convoys from various countries). Mr. Stanley also supported such organizations as UNICEF, the International Red Cross, Paralyzed Veterans of America, SS Lane Victory Project, the Wilcox-Douglas Family Preservation Project and the SBCC Choir.

James Marshall Stanley was a person of great honor, serving his local community, his country, and truly touching the whole world. Through the years that I have known Jim Stanley I not only consider him a community hero, but a friend. His service and dedication has been appreciated by many throughout the world over the years and we will honor his memory for many years into the future.

TRIBUTE TO COMMITTEE STAFF DIRECTORS

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Mr. OBEY. Mr. Speaker, I commend to the members of the House the following remarks by our former colleague Lee Hamilton:

REMARKS HONORING COMMITTEE STAFF DIRECTORS, JULY 17, 2003

It is my pleasure to say a few words in honor of the vital role that you play as committee majority and minority staff directors in the House.

Let me thank Ron Sarasin for that kind introduction, and Ron and Susie Dicks for their work in helping preserve and enhance our understanding of this magnificent Capitol. I often thought how fortunate I was to be able to work in this magnificent Capitol complex.

Let me also thank them and many of you here tonight for making this dinner possible with your support.

The contributions of staff directors to the work of the Congress are immeasurable. I am reasonably confident that every committee Chairman and Ranking Member would say they simply could not do their work without your leadership. I hope that gives each of you a full measure of satisfaction.

I want to talk for a few minutes about the role of the Congress in this country, the importance of politicians, and why your efforts are so important and worthwhile.

PUBLIC ATTITUDES TOWARDS CONGRESS

You are, of course, familiar with those who are cynical about your work and the work of Congress. The brightest wits in American life have had their fun at the expense of the Congress.

H.L. Mencken said that, ''with the right pressure, Congressmen would cheerfully be in favor of polygamy, astrology or cannibalism.''

Mark Twain said, ''suppose you were an idiot, and suppose you were a member of Congress. But I repeat myself.''

Will Rogers said that, ''Congress was a never-ending source of amusement, amazement, and discouragement.'' Even so, we honor him with that magnificent statue just off the House floor.

We have all seen surveys like those showing that 66 percent of Americans can name the hosts of various game shows, while only 6 percent can name the Speaker of the House.

When I was a Member, I was never particularly disturbed by such survey results. After all, Americans are busy people with many demands on their time, and it is not easy to put in a full day's work and then read an article about Congress or turn on C-Span to watch the House or Senate in session.

Nor was I bothered by the barbs—after all, we have to appreciate that the bashing of Congress is one of America's all time favorite indoor sports.

What did bother me, though, was the extent to which people do not understand or appreciate some of the basic concepts that

underlie the workings of the Congress, and the role that Congress plays in the life of our representative democracy.

Even if Americans don't know the name of their senators or representative, they should know something about the importance of what they do to make the country work. Even if they don't know the players or the details of the legislative process, they should know something about how they relate to our system of government. If too many Americans get those concepts wrong, it does matter to the health of our democracy.

ROLE OF THE CONGRESS AND COMMITTEES

In my experience, far too few Americans really understand the most important function of the Congress. It is not, in my view, to pass any particular piece of legislation, or even a budget—but its historic mission is to maintain freedom.

The great phrases ring through our history—''We the people,'' ''consent of the governed,'' ''a more perfect union.'' These aren't just technical terms of political science. They are words that embody America's civic faith. You and I, above all others, are expected to know them in our bones, and to apply these grand concepts.

We rely on elected representatives to identify, sort out, and solve the difficult issues of state. It did not have to be this way. Our country would be vastly different if the Founders had placed power in the hands of a single ruler, or given much less voice to the American people.

In the Congress, Americans have a forum for debate and deliberation in which they can feel a stake. Traditional lawmaking is not just a nicety—it's a necessity if we're to remain a democracy. The lawmaking process allows us to resolve differences, and to live together peacefully, productively and successfully.

Most Americans may be familiar with the diagram of how a bill becomes a law. Whenever I see those charts I think to myself how sterile they are. They do not convey the dynamics—the frustration, the excitement, the complexity and the necessity of the process.

Very few Americans understand that the details of this process of deliberation guarantee that their voices are heard, and freedom is protected.

I worry that astute legislators often bypass steps in the lawmaking process, arguing—in effect—that the ends justify the means. This ''unconventional lawmaking'' is increasingly applied to important legislation. But in doing this we bypass and put at risk the very democratic process that defines our system.

My view is that important proposals should not bypass the traditional process, including the committee review, because that is one important place where deliberation takes place. That's where Members and staff can ask the hard questions. Committees provide expertise, and an opportunity to consider the merits and smooth out the problems in proposals. This is where we build consensus.

Some Americans feel that the legislative procedure is too slow and deliberative—they are annoyed by what they perceive as inside-the-Beltway scuffling, and wonder why Congress can't get things done faster.

But do we really want a speedy system in which laws are pushed through before alternatives are considered and consensus developed? We misunderstand Congress' role if we demand it be a model of efficiency and quick action.

Our Founders designed a system in which all new proposals get careful scrutiny by going through many layers of review. They were far less interested in moving good ideas efficiently, than they were in preventing bad ideas from becoming the law of the land in the heat of the moment.

People may sometimes complain about the process, but they benefit from its legislative speed bumps when they want their views heard, their interests protected, and their rights safeguarded.

As former Speaker Sam Rayburn used to say: ''One of the wisest things ever said was, 'Wait a minute.'" That—in a phrase—is the essential role played by Congressional committees.

IMPORTANCE OF POLITICIANS

Democracy—after all—is a process, not a product. And what our democracy really needs is more politicians.

That was one line I used to say that was sure to get a reaction. Very few of my constituents agreed.

Showing skill as a politician has come to mean demonstrating the ability to raise campaign funds, engaging in the tit-for-tat of negative advertising, jockeying for public support based on polls and focus groups, or skewering an opponent with a one-liner during a televised debate.

People have come to view the word politician—particularly with regard to the Congress—with disdain. Plenty of voters feel that politicians sell-out their beliefs and promises. ''Stick to your guns,'' they urge.

But controversy and conflict are unavoidable in a nation as large and diverse as ours—a diversity that is rightly represented in the peoples' House. To avoid ripping apart at the seams, our country needs people who know how to accommodate different points of view and work for common solutions—it needs politicians.

You are an essential part of this effort. By working behind the scenes, knowing what Members want, proposing compromises, addressing all the difficult details of legislation, and dealing with all the worthy groups wanting contradictory things, you—as well as your bosses—have to be politicians in order to keep our democracy running.

BEING A GOOD POLITICIAN

For the most part, people don't pay attention to how their hopes, dreams and ambitions are turned into public policy through the lawmaking process. Most citizens and journalists take that very political process for granted. They shouldn't.

Constituents often asked my position on a substantive issue. I don't think anyone inquired about my political skills—and, in this world, political skills are essential to get things done.

The key to being an effective legislator or staffer is respecting that system and figuring out how to make it work. So what political skills do you need? Does a Member need?

First, you know how to consult, particularly with your colleagues—talking to them, listening to them, making sure they feel they are in the loop. Support for ideas is largely built one-on-one, but also in larger forums. Key individuals—inside and outside of the Congress—have their own ideas and valid concerns, and they expect to be able to share them.

Lyndon Johnson had his own way of putting this with a sign he had in his Senate office: ''You ain't learning nothing when you're talking.''

Second, you calm—rather than inflame—discussions of controversial issues. Things can get pretty heated in the Congress, and disagreement is inevitable in a House as large and diverse as ours. It is relatively easy to make a bad situation worse. One thing that I'm certain of is that you cannot produce good legislation in a bad atmosphere—you can produce heat in such an environment, but not light.

Third, you know how to persuade. It takes an enormous amount of persuasion to build a majority in support of an idea. You all know how much persuasion is involved in getting approval of even a modest piece of legislation. You have to line up support and be in touch with sometimes hundreds of individuals from both parties, in the Congress and outside the Congress.

Fourth, you must be willing to share credit. I remember former Speaker Tip O'Neill putting his arm around me and giving me some advice as we walked down the hall. ''Neil,'' he said—he called me Neil for my first decade in Congress because I reminded him of a Boston baseball player named Neil Hamilton. ''Neil, you can accomplish anything in this town if you're willing to let someone else take the credit.''

Finally, you know how to compromise. Compromise is essential to producing law in our system. Good politicians—legislators and staff—are able to find points of agreement that will allow a consensus to emerge. They will look for solutions that allow both sides to claim—if not victory—at least some gains.

Your skills are crucial in finding acceptable solutions. Compromise might involve altering some key words; phasing in a change; inserting a new provision; requiring a study; splitting differences in funding; delaying or postponing implementation of a section. You have to seek these accommodations among rival interests because you know that it is necessary to make the Congress—and country—work.

From my perspective, the ability to build consensus is probably the most important single skill needed in the Congress—by Members and staff. Any fool can blow a meeting or discussion apart—it takes real political skill to bring people together. That is why we need more politicians of your skill these days—not fewer.

WHY IS IT WORTHWHILE

Well, is this demanding, tedious process of passing legislation worthwhile? You and I know well the frustrations:

As a Member, I always felt it was hard to keep on the right side of the voter. When I was in my District, I heard complaints that I wasn't spending enough time in Washington; when I was in Washington, people said I was ignoring the home folks and only paid attention to them during elections.

When I drove an old car in my District, people said it looked like something a farmer would use for hauling trash; when I got a new car, they said the lobbyists had gotten to me.

When I wore an old suit, people said I had no class; when I wore a new one, I was accused of going high-hat.

When I missed church, people said I was an atheist; when I attended church, I was a pious fraud, trolling for votes in church.

When Congress passed a lot of laws, we were a meddlesome Congress; when we weren't passing laws, we were an incompetent, do-nothing Congress ignoring the needs of the country.

When we supported the president, people said we were a rubber-stamp; when we opposed the president, we were disloyal and obstructionist.

You can never please everyone when you are working in Congress, no matter how many hours you put in, no matter how skillful you are.

You all know too well what I'm talking about as staff directors when I talk about the frustrations, among them: committee meetings go on without end; the work is tedious, requiring that you go over legislation comma by comma; you are constantly running from one meeting or appointment to another; your daily schedule is always being interrupted, revised, or simply scrapped; if you have a family, you're going to miss many important family events; and you cannot

plan ahead, whether for an evening off or for a vacation, because some event or emergency always demands that Congress stay in session longer than planned.

All the political posturing, sniping and scrambles to claim credit for good things—or avoid blame for bad—sometimes becomes disheartening, as does the constant maneuvering for partisan advantage. And for putting up with all of this, you get paid less than you could make in the private sector, while facing harsh and frequent criticism.

Yet despite it all, most members run for reelection and remain in Congress as long as they can. Most of you worked long and hard to become a committee staff director.

Is it all worthwhile? Yes, of course it is.

Why? Let's be frank—some of it satisfies the ego. Some like the power and the trappings of power—when you speak, people listen, and that is very satisfying. But most of you, I think, are truly motivated by the belief that, as hard as it is, you can make a difference and enhance the lives of ordinary Americans.

Then, too, it is all pretty exciting—and interesting. The sheer challenge of public policy issues attracts us. There is a pervasive sense on Capitol Hill that it is where the issues of greatest importance to the nation are being sorted out. This is where the action is. Sometimes this is misplaced, but often it is not.

You struggle over the issues that aroused the passions of this country's founding generation. How much power should the federal government be given? How should powers be separated among the branches? How do we resolve the tension between encouraging individual liberty and security? What role should our country play in the world?

These great issues are subject to debate every time a new federal budget comes to a vote, or a major presidential initiative gets introduced on Capitol Hill. When you start working in Congress, you get a chance to take part in this ongoing debate—our great experiment with democracy.

Your public service gives you a stimulating, proud and lively career.

CONCLUSION

So I salute each of you for the vital role that you play within this institution, and in your service to your fellow Americans.

You are contributing to the success and direction of this country. I hope you feel that by working in the Congress you are given the unique opportunity to make a difference in the lives of people and the great affairs of this Nation.

I would wager that no matter where your career takes you from Capitol Hill, that you will look back on your public service as the most rewarding of your career.

The work is hard, the recognition rare, the monetary reward modest. But your reward is a deeply fulfilling life in public service and a key role in American democracy. What more could you want?

TEXTILE SHORT SUPPLY PROCEDURES

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Mr. CRANE. Mr. Speaker, I would like to submit for the RECORD and the benefit of my colleagues, a letter from Mr. David M. Spooner, Textile Negotiator for the United States Trade Representative, to Senator CHARLES E. GRASSLEY, Chairman of the Committee on Finance, clarifying the textile commercial availability provisions in the Singapore and Chile Free Trade Agreements.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE, WASHINGTON, DC, JULY 25, 2003.

Hon. CHARLES E. GRASSLEY,

Chairman, U.S. Senate Committee on Finance, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN GRASSLEY: I understand that the Committee has received inquiries regarding the textile commercial availability provisions in the Singapore and Chile Free Trade Agreements and am therefore writing to clarify the agreements' commercial availability sections.

The Singapore FTA would deem as not commercially available all products designated as such prior to November 2002 (prior to the completion of the SFTA negotiations) for the AGOA and CBTPA preference programs. The Chile FTA does not contain such a provision. In the future, for both the Singapore and Chile FTAs, to designate additional items as not commercially available, either the United States or our trading partners would have to utilize the consultation provisions of the agreement's ''Revision of Rules of Origin'' section. This section requires the Parties to consult, upon request, to consider whether particular goods should be subject to different rules of origin to address issues of availability of supply of fibers, yarns or fabrics in the free trade area and requires the Parties to endeavor to conclude their consultations within 60 days of the request.

I hope the above explanation is helpful. Please feel free to have Committee staff contact my office at 202–395–3026 if the Committee has any comments or questions.

Sincerely,

DAVID M. SPOONER,
Textile Negotiator.

TRIBUTE TO CHIEF TRAYNOR HALFTOWN—BROADCAST PIONEER OF PHILADELPHIA

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to honor the memory of the legendary Chief Traynor Halftown, the children's entertainer who passed away on July 5, 2003. His passing was broadly covered in the media and accepted as a personal loss for millions in the Philadelphia region who felt they knew him as a friend.

Chief Halftown was a true original and an entertainer at heart. Chief Halftown delighted the children of Delaware Valley for 49 years with his stories, cartoons and live talent acts. He offered a different view of Native Americans than was seen in most TV westerns. The Chief Halftown Show was one of Philadelphia's most popular programs. It was the longest running children's TV show in history, from 1951 to 1999—48 years on WFIL–TV Channel 6—Philadelphia. He had a live audience with selected children visiting his set each week. Some little known facts about the ''Chief'' include the fact that he had a fabulous voice. Prior to his children's TV career, he was a successful nightclub singer and had a much in demand lounge act. He was also quite a sportsman, including the fact that he was an ''Ace'' bowler.

Beginning from the early 1950's, Chief Halftown was an outstanding presence at community activities, business openings, sports events and holiday parades in countless towns. His scheduled appearances filled the calendar and drew adoring crowds at personal appearances until just recently.

A veteran of World War II, he served his country honorably and after discharge from the Army moved into Springfield, PA with his wife, Margaret. Unable to have children, this remarkable couple opened their home to three children from reservation families who then attended Delaware County, PA schools. Two boys and one girl, all now enjoy success in business and have families of their own.

Because of early exposure to substance abuse on his Seneca reservation, upper New York State, and due to a short period of personal dependency, he became known as a ''sponsor helper'' for others having such problems. He aided thousands of Pennsylvanians through his example and guidance for nearly 60 years. His passing is a tragic loss to many professionals who dedicated their own lives to this specific health care field.

In his eighties, he continued to produce children's ''amateur contests'' and made visits to nursing homes and assisted living facilities. For those elder citizens he wrote and presented a series of programs on the culture of Native Americans. The visits became popular events for confined and ailing seniors.

Mr. Speaker, our region has lost not only a legend in the broadcast industry, but a dear friend. I wish Margaret Halftown, his widow, my heartfelt condolences and may she find comfort in knowing that the many children and adults the Chief impacted deeply value his dedication and generosity of spirit and the example of his life and work. Chief Traynor Halftown exemplified the spirit of service that has made this country great. It is proper to remember and honor a man of such worth and character with great respect for what he accomplished and stood for.

HONORING 25TH ANNIVERSARY OF EMPLOYEE BENEFITS RESEARCH INSTITUTE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Mr. GEORGE MILLER of California. Mr. Speaker, the past few decades have posed some difficult challenges for America's workers and some hard choices for those who seek to guarantee them a brighter future. I can think of no area that is simultaneously as broadly important and increasingly complex as pension and health benefit issues. As Congress struggles with the challenge of ensuring the health and pension benefit promises made to tens of millions of workers and retirees, I want to thank the Employee Benefits Research Institute for its considerable contribution to providing education and information to members of Congress and the Nation. As EBRI marks its 25th anniversary, I want to thank them for helping us understand the issues and say that we all look forward to their counsel in the future.

EBRI is one of the only organizations dedicated to gathering employee benefit information and presenting it to the public in a timely

fashion. Regrettably, on a subject that affects almost every individual in the country, there is no government agency that collects and distributes information about workplace benefits. EBRI deserves our deepest commendation for consistently stepping into the gap and attempting to provide information that is critical to the decision-making ability of public policymakers. EBRI's strength is that it is a non-advocacy organization so that legislators on both sides of the aisle can use its resources.

America's pension system has changed a lot since ERISA was enacted and EBRI was created. Often workers don't fully understand the changes that can have a big impact on their retirement. Sometimes legislators fail to fully grasp the magnitude of the adjustments we're called onto make. Educating both groups is both a full-time job and a worthy goal.

Because of EBRI's work, we know more than we otherwise would have. I hope they continue shedding light on workplace benefits in the decades ahead because I think that will improve the odds that legislators like us will be able to make enlightened important decisions that benefit working men and women.

THE HOUSE PAYS TRIBUTE TO DANA M. STEIN, EXECUTIVE DIRECTOR OF THE CIVIC WORKS, INC.

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Mr. CARDIN. Mr. Speaker, I rise today to pay special tribute to Dana M. Stein, executive director and cofounder of Civic Works, Inc., a non-profit youth corps that has provided critically needed services to the Baltimore area since 1993. Mr. Stein's leadership of Civic Works has transformed the organization into an outstanding AmeriCorps program—helping the community and teaching new skills to young adults.

Mr. Stein has dedicated his career to helping improve our community. He has a B.A. degree from Harvard University and a law degree from Columbia University. In 1985, he received a Masters in Public Affairs from Princeton University. He has used his knowledge and skills to reach out to others and to make a difference.

Under his direction, approximately 200 Civic Works' participants help rehabilitate low-income housing, build urban parks and gardens, clean and restore urban vacant lots and tutor and mentor school-age children. While providing important services that would otherwise go undone, Civic Works' participants also receive help in their education and citizenship skills.

Civic Works has been recognized for its successes. In 1999, it was awarded the PEPNet Award from the National Youth Education Coalition (NYEC). It also is a four-time YouthBuild sub-grantee and has been recognized through the 2003 National Association of Services and Conservation Corps Excellence in Corps Operations.

I hope my colleagues in the U.S. House of Representatives will join me in saluting Dana M. Stein on the 10th Anniversary of Civic Works. He is a committed American who understands how to build a better community.

TRIBUTE TO KOREAN WAR VETERANS

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor the Korean War Veterans Citrus Chapter 192 and all the brave men and women that answered the call to duty during the Korean War.

Sunday, July 27 commemorates the 50th Anniversary of the Armistice signing that officially ended hostilities in the war torn nation.

This conflict enlisted the services of 6.8 million American men and women between 1950 and 1955. Despite the enormity of this effort, many who served regrettably feel that their sacrifice has been forgotten by a nation in the murky fog of time.

I commend the Veterans of Citrus County 192 for their efforts to memorialize their comrades in arms who paid the ultimate sacrifice. On Saturday, July 26 the Korean War memorial will be dedicated at the Citrus County Court House. This eloquent marker will serve as a reminder to our nation of the surviving Korean War Veterans, as well as the POWs and MIAs that never returned.

IN MEMORY OF BOBBY BONDS

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to a man that is considered one of the greatest athletes ever to come out of the Inland Empire. Bobby Bonds, a 14-year major league baseball player from Riverside, California, passed away on Sunday, August 24, 2003. His legacy, however, lives on.

Bobby Bonds was born with the talent and followed a dream. He began his baseball career in the Patterson Park Little League in Riverside's eastside neighborhood. Even then, crowds would gather to watch him play.

In high school, Bobby excelled in more than one sport. He could be spotted being shuttled from the baseball field to the track field in order to compete; his love of sports was unparalleled. He also played basketball and football. Bobby was the 1964 state long jump champion and later graduated high school in 1965. He was immediately signed by the San Francisco Giants and worked his way up through the minor leagues. He was leading the Pacific Coast League in hitting when he joined the major leagues in 1968.

In his first season, Bobby hit 32 home runs and stole 45 bases, becoming the fourth and, at 23 years old, youngest member of baseball's 30-30 club.

In 1971, Bonds was selected to the All-Star team, and later played in three All Star games. He won three Gold Gloves for fielding excellence as an outfielder. In 1973 he hit a career-high 39 home runs, was named Most Valuable Player. Four years later he would have another career-high of 115 runs.

After retiring from baseball in 1982, Bobby became a first-base coach for the Cleveland Indians and joined the Giants coaching staff in 1993 when his son joined the team. After his role as the first-base coach, he became a special assistant for the Giants.

Bobby is survived by his wife, Pat; a daughter, Cheryl Dugan; three sons, Barry, Ricky, and Bobby Jr., his mother, Elizabeth; a brother, Robert; and a sister Rosie.

Although Bobby moved away from Riverside many years ago his influence remains. A park in Riverside was renamed the Bobby Bonds Park and the Bobby Bonds Head Start/State Preschool opened last November.

Bobby's tireless passion for the game of baseball and his love of his hometown of Riverside, California will long be remembered by the residents of Riverside that grew up next door to him and the kids everywhere who grew up inspired by his life.

TRIBUTE TO VA VOLUNTEER DOROTHY PATRICK

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Dorothy Patrick, a constituent of mine who has selflessly given her time to the veterans of my Fifth Congressional District for more than 15 years.

My district is home to thousands of our Nation's veterans and has the fourth-largest concentration of American heroes in the Nation. So it is only natural that at our veterans' clinics and hospitals there's never a shortage of things to do and never a time when additional helping hands are not desperately needed.

It was once said that, aside from love, the most precious thing a person can give another person is labor. Dorothy has given over 11,000 hours of her labor to help the veterans of Florida's Fifth Congressional District—and that is truly something to be honored.

Volunteering at both the Gainesville VA Medical Center and at the Inverness VA Clinic for 15 years, she has given her time to veterans for longer than many people stay at a single job!

David Gilmer, Administrative Officer for the VA's Inverness Community Base Outpatient Clinic, has said of Dorothy ''She not only provides valuable assistance to the veterans who receive care at the Inverness Clinic, but leadership to the other volunteers who help support the VA's mission here in Inverness.''

She's given to the veterans of the Fifth Congressional District as nobly and as altruistically as they've given to all of us. Her service is a testament to the value and virtue of helping others.

Mr. Speaker, I ask that you join me in commending Dorothy for her efforts. I am honored to be her representative in Congress. She is one of the reasons that I am so very proud to represent the Fifth Congressional District of Florida in the House of Representatives.

IN RECOGNITION OF FERNANDO ''FRED'' C. MACHADO

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Mr. NUNES. Mr. Speaker, I rise today to recognize the contributions of Fred Machado to the community and agricultural industry of the great Central Valley of California.

Mr. Machado emigrated from the island of Flores in the Azores, Portugal in 1949 with his family at the age of 16. He worked as an agricultural laborer for a couple of years before joining the U.S. Navy and proudly served in the Korean War.

After fulfilling his duty to his country, Mr. Machado returned home and married Maxine Finney. They purchased a farm and started a family. He was successful in both.

Mr. Machado now operates a 1,500-cow dairy, along with 730 acres of diversified crops, including almonds, grapes, prunes and other field crops.

Over the years, Mr. Machado has served on numerous agricultural industry boards. He was appointed to the USDA Agricultural Trade Advisory Committee during the Reagan Administration, served on the board of the California Farm Bureau Federation, as well as the Fresno County Farm Bureau.

He has also served on the Fresno District Fair Board, the Fresno County Republican Central Committee, the Fresno County Cabrillo Club, the St. Jude Church in Easton and Ag One, among others.

On Aug. 23, the Ag One Foundation will bestow the Community Salute honor on Mr. Machado. Proceeds from the event will establish the Ag One—Fernando 'Fred' C. Machado Scholarship Endowment fund, which will benefit students pursuing a degree in the College of Agricultural Sciences and Technology at the California State University, Fresno.

Please join me in extending congratulations to Mr. Machado.

TRIBUTE TO TONY DEMARZO

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Tony DeMarzo, of the Hernando County 10–13 Club, an organization of retired New York police officers in my Fifth Congressional District of Florida.

Serving as President, Vice President and Director of this organization throughout his 10-year involvement with the 10–13 Club, Tony has shown exemplary leadership and leadership.

Recently, Tony, a personal friend of mine, was honored by his fellow members with a plaque commemorating his service to the organization.

Mr. Speaker, I'd like to read the inscription from that plaque as I believe it outlines a few of the many reasons Tony's friends have chosen to honor him:

It reads: ''In recognition of his distinguished leadership and strong stewardship this plaque is awarded to Antonio ''Tony'' DeMarzo by his many friends and fellow members of the Hernando County 10–13 whereas during the last ten years as President, Vice President, and Director, Tony has overseen and guided the organization to the fruition of many goals. During his most recent tenure Tony established an honor guard, a booster Club and has dramatically increased both the membership and the treasury. Further, he organized the 9–11 disaster fund which raised many thousands of dollars. He also hosted the very successful 2002 national convention. He has been instrumental in creating and maintaining the professional rapport that exists today between the Hernando County 10–13 and the Hernando County Sheriff's Department.''

Mr. Speaker, as we all since 9–11 have been reminded of the importance that our law enforcement officials play in securing our streets and communities, I believe it is also important to honor those who have retired from the profession. Their many years of noble service are not to be overlooked.

Mr. Speaker, I ask you and my colleagues to join me in congratulating Tony DeMarzo for his service while in uniform and his undying commitment to community, which has endured long after he stopped wearing the uniform.

IN RECOGNITION OF MR. JULIAN BATLAN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Mr. PALLONE. Mr. Speaker, I rise today to laud the accomplishments of Mr. Julian Batlan. Mr. Batlan is a truly remarkable individual. He is someone who has unconditionally volunteered his service time and time again to New Jersey's sixth Congressional District, the State of New Jersey, and to the United States of America.

Mr. Batlan comes from a family steeped in rich and noble history. He descends from the first Jewish man to settle on the eastern shores of America in 1655, Mr. Jacob Barsimon. He is also related to Mr. Simon M. Levy who in 1802 was a member of the first graduating class of cadets at the U.S. Military Academy at West Point.

Mr. Batlan, himself, has held his own and has reached the ranks of many of his highly esteemed relatives. His military record is stellar. Mr. Batlan is a decorated combat soldier, serving in World War II in the U.S. 1st Army, 1st Infantry Division in both the 7th and 9th Corps in the European Theater of Operations. He also fought on the fields during the Battle of the Bulge in Rhineland. For his bravery and wounds on the battlefield, Mr. Batlan has received the Silver Star, the Bronze Star, and the Purple Heart. After the war, Mr. Batlan did not stop serving his country. He was able to successfully move from the stage of war to the realm of domestic service through his membership in the Jewish War Veterans.

Mr. Batlan joined the Jewish War Veterans Elin-Unger Post 273 in June 1946. As the charter commander, he was instrumental in founding and organizing the Manalapan-Marlboro, NJ Post 972. Mr. Batlan was the first commander of the Jewish War Veterans Monmouth-Ocean County Council to ever be elected to two terms of office. Mr. Batlan pioneered the highly publicized, annual J.W.V public relations breakfast programs to encourage friendship and understanding between the Jewish and the Italian community. Mr. Batlan continued to unite different cultural groups when he established the Martin Luther King Jr. Brotherhood Breakfast to build bridges between the Jewish community and African-American Community.

Mr. Batlan's strong belief in community building, has led him to serve as President of the Kiwanis International of Eatontown, NJ. He also served as the Scoutmaster of Troop 230, Boy Scouts of America, Linden, NJ. These different activities are just a handful of the many organizations that Mr. Batlan has helped to strengthen.

Once again, Mr. Speaker, I would like to congratulate Mr. Batlan for his energy and vigor in serving the American people, through fighting for democracy in World War II to building bridges of equality today. I ask that my colleagues join me in honoring the distinguished Mr. Julian Batlan.

TRIBUTE TO RAY TREMBLAY

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Ray Tremblay, a constitutent of mine, residing in Levy County in my Fifth Congressional District. Mr. Tremblay, an honorable officer of the law in the city of Chiefland, was recently named the department's 2003 Officer of the Year by his colleagues and superiors and I want to take this opportunity before this body to honor him and to say a few words about why he is deserving of this noble distinction.

Ray Tremblay has served the Chiefland community for nearly a decade. Beginning his service in 1994, he has been a highly visible member of the Chiefland Police Department, attending many school functions and stressing the importance of staying off drugs, wearing seatbelts, and the importance of public service and safety.

Additionally, he has been active in the ''Buckle Up'' program and with the ''Click-It or Ticket'' program, ensuring safety on our highways by issuing numerous warnings and citations to motorists failing to comply with Florida's seatbelt laws.

Ray Tremblay has been described by Chiefland's Chief of Police as someone who always shows the utmost respect and consideration for his fellow officers and supervisors. Always willing to lend a hand, always help cover a shift, and work extra hours without complaint, Mr. Tremblay is a true example of what public servants should be.

Having law enforcement officers like him is what makes our streets and communities safe and what inspires youngsters to continue in the profession of noble, honorable service to their neighbors.

Mr. Speaker, I ask you and my colleagues to join me in saluting Mr. Tremblay and all officers of the law, for the work they do is invaluable and of immeasurable importance to our society and to our safety.

MEDIC RESCUE'S 25 YEARS OF SERVICE

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Ms. HART. Mr. Speaker, on September 12th, I will have the honor of paying tribute to some of my district's most vital heroes in a ceremony commemorating Medic Rescue's 25 years of service. The professionals of Medic Rescue, based in Bridgewater, PA provided life-sustaining medical services and emergency transport to more than 40,000 citizens in my district last year.

In addition to commending their commitment to service, the staff of Medic Rescue should also be praised for their efforts, through various community service programs, to reach out to children, seniors, and the disabled.

The times we live in pose never-before-conceived-of threats to our citizens. It is reassuring to know that my constituents can benefit from this enduring team of first-responders who have a commitment to their patients and their community.

I ask all of my colleagues in the House of Representatives to join me in thanking these brave men and women for their professionalism, their ability to work under pressure, and their effectiveness in carrying out their critical mission.

A TRIBUTE TO GARY CARTER: A NATIONAL BASEBALL GREAT

HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Mr. FOLEY. Mr. Speaker, I rise today to honor and congratulate Gary Carter on his induction into the National Baseball Hall of Fame. On Sunday, July 27, 2003 Gary became the 14th catcher to be enshrined into the 256-member club.

Mr. Speaker, Gary brings with his induction a phenomenal record of talent and service.

After being selected in the third round of the 1972 free agent draft by the Montreal Expos, Gary made the Major League Baseball (MLB) club in 1974. A year later, he was selected as an All-Star and named the Sporting News National League Rookie of the Year. From there, ''The Kid''—the nickname he acquired because of his ever-present smile and youthful passion for the game—led the Expos to their first, and so far only, playoff appearance in 1981.

In 1985, he was traded to the New York Mets. That year, he proved a steady hand in leading a young Mets team to a second-place finish. However, it was the following year—1986—that proved to be the crowning achievement in Gary Carter's illustrious career. That was the year the Mets rocketed to the top of the National League East, capturing the division title and eventually the World Series Championship over the Boston Red Sox.

Gary remained the Mets' catcher through 1989. After single-seasons with the San Francisco Giants and then the Los Angeles Dodgers, he returned in 1992 to the team that gave him his first shot in the majors—the Expos—where he finished his star-studded, 19-year career.

After retirement, Gary continued to work in the game as a broadcaster for the Florida Marlins and the Montreal Expos. In 2002, he was named a minor league catching instructor for the New York Mets.

What has always impressed me the most about Gary is not only his on-field accomplishments, but his steadfast commitment to his community in Florida. Gary has been a key player in helping to raise more than $6 million for the Leukemia and Lymphoma Society by hosting golf tournaments at various Palm Beach County courses. The Gary Carter Foundation based in West Palm Beach has been instrumental in having thousands of dollars in computers, software and books donated to Palm Beach County schools as well as gifts to local children who make strides in the ''Reading Counts'' program.

For all of his wonderful contributions both to baseball and to our community, I want to offer this tribute in the CONGRESSIONAL RECORD to our friend, a community leader and Hall of Famer—Gary Carter.

TRIBUTE TO JACK WILKINSON ON HIS 90TH BIRTHDAY

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Jack Wilkinson, retired teacher in Leavy County.

On Sunday, August 24, Mr. Wilkinson celebrated his 90th birthday. As the son of a pioneering family who moved to the area in the 1840s, Mr. Wilkinson spent most of his years in Leavy County. As a child, he helped his parents on their farm. The neighborhood school he attended, Union School, was one room with grades 1–6 and was used as a church on the weekends. He went on to earn his teaching certificate from the University of Florida, which only enrolled 4,000 students at the time, and is proud to say he saw the very first football game played in ''the swamp.'' Mr. Wilkinson then returned to his hometown of Chiefland, where he lives today. After dedicating half of his life to teaching math and helping students at the very high school he attended, Chiefland High School, Mr. Wilkinson quietly retired to his farm.

I commend Mr. Wilkinson for the teaching services he provided and the 90 years he has given his community.

HEALTHCARE BILL OF RIGHTS FOR ALL AMERICANS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Mr. FRANK of Massachusetts. Mr. Speaker, during the recess, I was pleased to meet with a group of representatives of The United Steel Workers in my district. They presented me with a petition with which I am in strong agreement—calling on those of us who serve in Congress ''to pledge their support for the Healthcare Bill of Rights in its entirety.'' In particular, this petition cited the importance of three key principles, which are: First, everyone has a right to quality healthcare, regardless of financial standing. The government must insure that no American is denied needed healthcare services because of inability to pay; second, healthcare should be affordable for all who need it. The government must see that healthcare costs are brought under control; and third, everyone has a right to affordable prescription drugs. The government must insure that every American has prescription drug coverage. No one should be forced to choose whether or not to buy needed prescribed medicine based on how much money they have.

Mr Speaker, I will not enter here the long list of names of signers of this petition. But I believe that Members should be aware of the strong sentiment that exists on behalf of such an important public policy. And I salute the Steel Workers of America and those who have taken the lead in organizing this petition in my own district and elsewhere, for their commitment to a better America.

TRIBUTE TO THE 98TH BOMBARDMENT VETERANS ASSOCIATION

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to a group whose sacrifices, patriotism, and contributions to our country are immeasurable. I am honored that the 98th Bombardment Veterans Association will be having their annual reunion in my congressional district this year. Their distinguished history is one of duty, honor, courage and sacrifice.

The 98th Bombardment Group was constituted on January 28, 1942, at Barksdale Field, Louisiana. They were activated on February 3, 1942, at McDill Field, Florida with B–24 Liberator Bombers and continued their training at Ft. Myers and Drane Field, Florida.

On July 15, 1942, the 98th was alerted and departed for the Middle East, arriving in Palestine in late July. The 98th was initially assigned to the United States Middle East Air Force. They flew their first mission to Mersa Metruh on August 1, 1942.

One of their most famous missions was on August 1, 1943 when 47 B–24s launched for a low-level raid to Ploesti and only 21 returned safely. The Group Commander, Colonel John R. Kane was awarded the Medal of Honor for his leadership. On another raid on Ploesti on July 9, 1944, Lieutenant Donald Pucket sacrificed his life trying to save three of his crewmembers who could not or would not bail out of their aircraft. He was awarded the Medal of Honor posthumously for his sacrifice.

The 98th continued the campaign against Nazi forces during the rest of World War II, flying a total of 417 missions and earning a total of 15 battle streamers as well as two Presidential Citations. The 98th returned to the U.S. in April of 1945 and was re-designated the 98th Bombardment Group.

In 1950, with the beginning of the Korean Conflict, the 98th arrived at Yokota Air Base, Japan and flew their first mission to Korea on

August 7, 1950. The 98th repeatedly flew against the North Korean Communist forces until the cease fire in 1953. From August 1950 to July 1953, the 98th flew more that 5,000 sorties and dropped more than 40,000 tons of bombs. They earned 10 battle streamers and two Outstanding Unit Awards. They also received the South Korean Presidential Citation. Over the next several years the 98th would be re-designated, inactivated and reactivated until it found its current home as the 98th Range Wing at Nellis Air Force Base in Nevada.

In 1949, Colonel Salvator Manzo, a former commander of the 98th Bombardment Group during World War II, began the idea of forming a veterans association for the 98th. In 1976 his idea became a reality when the 98th Bombardment Group Memorial Veterans Association was formed. B–29 and B–47 veterans were invited to join the group and spouses of deceased 98th veterans are given an honorary membership.

The week of September 2–6, 2003, the group will hold its annual reunion and ceremonies at the March Air Field Museum where commemorative tiles will be laid in honor of the 98th for their service and, in addition, their association name will be added to the prestigious ''Flyers Wall'' at the Historic Mission Inn. Our country is forever indebted to those individuals willing to make the ultimate sacrifice so that the rest of us may live freely and without fear. I consider it an honor and privilege to welcome the 98th Bombardment Veterans Association to my district to celebrate and remember their distinguished history; they are truly living legends.

MAJOR THOMAS HARDIN JR.

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Major Thomas Hardin, Jr., a World War II veteran from Spring Hill, Florida in my Fifth Congressional District.

Over the August recess, Mr. Speaker, I will have the honor of recognizing, Major Hardin for his heroism and bravery as a B–17 pilot, an American soldier flying—because there was no U.S. Air Force—with the British Royal Air Force on January 22, 1945.

On that date, the-then Lieutenant Hardin and his crew lead their formation through extremely intense and accurate anti-aircraft fire over Europe. During the mission, one of their plane's engines was knocked out and the propeller would not feather while oil and fuel were leaking from two other engines.

Despite the terrible odds for survival, Lieutenant Hardin's first concern was for the safety of his crew. He issued an order for his crew to prepare to bail out, but reconsidered, not wanting to risk the crew's capture by hostile forces.

Lieutenant Hardin succeeded in controlling his seriously damaged aircraft across the English Channel to the plane's home base, returning his crew safely to the ground. For his bravery, he was awarded the Distinguished Flying Cross by the Secretary of the Air Force.

Lieutenant Hardin continued his service to this nation as an officer in the army, flying a total of 35 missions over Europe and engaged in combat during the Korean War. He retired as a major and this weekend, I will present Major Hardin's Distinguished Flying Cross to him, more than 50 years overdue.

Though he earned this honor, be never received it from the Defense Department and I am honored to have the opportunity to present to him next month the Distinguished Flying Cross for his selfless devotion to duty and service to the United States.

TRIBUTE TO THE 864TH HAM COMPANY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Mr. KILDEE. Mr. Speaker, I ask the House of Representatives to join me to pay tribute to the members of the Third Army veterans 864th Heavy Automotive Maintenance Company on the occasion of their 48th annual reunion. They gathered together in Lapeer, Michigan on August 31st.

During World War II the 864th HAM Company was instrumental to the success of D-Day and the allied victory. These veterans of the Third Army were originally stationed at Fort Ord in California. During their stint at that post they worked with local authorities to defend the California coastline against a possible invasion by Japanese forces. The mobilization of troops during the first days of World War II was very rapid and troops were often barracked in makeshift quarters. The 864th HAM Company was no exception. When the Company was detailed to the community of Pomona California they were provided temporary barracks at the Sears and Roebuck store.

In 1943 the Company was transported from the United States to the South Hampton Naval Yard outside Portsmouth, England. For the next eight months the 864th HAM Company prepared the vehicles that were going to be a part of the D-Day invasion. In addition to this work they also trained as part of the invasion force.

The Company landed at St. Mere-Eglise France and immediately began the awesome task of supplying rations, ammunition, and medical supplies to the front lines. Under the leadership of General George S. Patton, the statistics for the Third Army during this time are staggering. 2,186,792 tons of supplies were transported. The Third Army had over 99,000 general purpose vehicles and over 21,000 combat vehicles. The veterans of the 864th HAM Company risked their lives to retrieve and repair damaged vehicles. Never shying away from the danger involved, the members of the 864th HAM Company were an integral part of General Patton's march to Berlin. Their versatility was demonstrated during the Battle of the Bulge as they quickly moved from Verderonne to help repel the German counter-attack.

Once the war in Europe ended, the 864th came home and were mustered out of the military in November 1945. As the members of the company scattered throughout the United States and began their civilian lives, they maintained contact with each other. In 1957 they gathered together for the first reunion and the tradition of getting together to remember their fallen fellow soldiers, to reminisce, and share the civilian experiences was born. We as a nation are better for the sacrifices these veterans made so we could all be free. I ask the House of Representatives to rise with me today and honor the members of the 864th HAM Company. Again and again they have earned our respect and admiration and I am deeply grateful for their service to our country.

IN RECOGNITION OF MICHAEL MCKEAND

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Mr. NUNES. Mr. Speaker, I rise today to recognize the heroic sacrifice of a young man from my district, who risked and then lost his own life while saving, a friend.

Michael McKeand was an avid outdoorsman and vineyard manager in Santa Cruz. On July 7, he was returning from a music festival with friends when they stopped along Highway 70 near the Feather River in Plumas County.

Although the river appeared peaceful, there apparently was a strong undercurrent that swept one of McKeand's friends downstream. The 24-year-old man jumped in the water to help and eventually rescued the struggling friend. But in the process, the strong current slammed McKeand against a rock and he drowned.

No one who knew Michael McKeand was surprised to hear of his selfless deed. They were, however, shocked and saddened that the swollen waters of Feather River took his life.

His parents, David and Linda McKeand of Clovis, brother Steven and sister Candace, all mourn his loss, as do many other family and friends.

I invite my colleagues to join me in extending sympathies to McKeand's family, and in honoring their loved one.

TRIBUTE TO VA VOLUNTEER JOAN SHEEHAN

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Joan Sheenan, a constituent of mine who has selflessly given her time to the Veterans of my Fifth Congressional District for more than 8 years.

My district is home to thousands of our Nation's veterans and has the fourth-largest concentration of American heroes in the Nation. So it is only natural, that at our veterans' clinics and hospitals there's never a shortage of things to do and never a time when additional helping hands are not desperately needed.

It was once said that, aside from love, the most precious thing a person can give another person is labor. Joan has given over 2200 hours of her labor to help the veterans of Florida's Fifth Congressional District—and that is truly something to be honored.

Volunteering at both the Gainesville VA Medical Center and at the Inverness VA Clinic

for 8 years, she has given her time to veterans for longer than many people stay at a single job!

David Glimer, Administrative Officer for the VA's Inverness Community Based Outpatient Clinic has said of Joan, ''She not only provides valuable assistance to the veterans who receive care at the Inverness Clinic, but leadership to the other volunteers who help support the VA's mission here in Inverness.''

She's given to the veterans of the Fifth Congressional District as nobly and as altruistically as they've given to all of us. Her service is a testament to the value and virtue of helping others.

Mr. Speaker I ask that you join me in commending Joan for her efforts. I am honored to be her representative in Congress. She is one of the reasons that I am so very proud to represent the Fifth Congressional District of Florida in the House of Representatives.

IN HONOR OF THE NAAMANS LITTLE LEAGUE ALL-STARS

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to some new Delaware heroes—The Naamans Little League All-Stars. The team impressed, inspired and awed Delaware through their dedication, hard work and immense talent. All these qualities impress but more importantly they helped the team succeed in reaching the Little League World Series in Williamsport, Pennsylvania, a feat unmatched by any other team in Delaware history.

Jarad Carney, Kevin Czachorowski, Scott Dougherty, Cory Firmani, Danny Frate, Constantine Fournaris, Michael Julian, Zachary Lopes, Tim Marcin, David Mastro, Vince Russomagno, Kip Skibicki along with Manager Joe Mascelli, Coach Bob Waters and Coach H.J. Lopes all deserve our congratulations. There are so many great players, coaches and great teams in the Little League World Series and we are all so proud of our team for playing so well, playing so hard and making it so far. Each deserves recognition for his achievements.

For those friends and family who couldn't travel with the team, it was certainly a great joy to watch them play on national television. It was an even greater joy to watch them win on national television. But winning is not the only pillar of success. Effort, sacrifice, enjoyment, and friendship are just as important. Even through our television sets we could see these crucial pieces of a great team.

Mr. Speaker, Along with their friends and families, I wish to congratulate the Naamans Little League All-Stars for becoming the Mid-Atlantic Regional Champions. The past few weeks have been exciting, they have made us proud, they have taken a place in Delaware history and they have set a great standard not only for Little League baseball in Delaware, but for Little League Baseball throughout the country.

IN RECOGNITION OF MR. WAYNE B. SALTER

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Mr. PALLONE. Mr. Speaker, I rise today to laud the accomplishments of Mr. Wayne B. Salter, and his 30 years of service as a member of the Benevolent and Protective Order of Elks. Mr. Salter has held various positions within the order, actively living by the Benevolent and Protective Order of Elks' principles of ''Charity, Justice, Brotherly Love, and Fidelity.''

Since Mr. Salter's initiation into Long Branch, New Jersey's Elks Lodge #742 he has served as Esquire, Esteemed Lecturing Knight, Esteemed Loyal Knight, and Esteemed Leading, Knight. He has also held the position of Exalted Ruler for three terms, member of the Board of Trustees two times, Chairman of the Board, and Chairman of the P.E.R. Association.

Mr. Salter is a stellar member of the Benevolent and Protective Order of Elks, an organization that has been helping, and volunteering for communities all over the world since it's founding in 1868. This society is rooted in tradition with the goal to improve life for all. Mr. Salter has done just this, time and time again going above the call of duty. During his term as Leading Knight, Mr. Salter was secretary for the Leading Knights' Clinic as well as chairing most Lodge Committees. Mr. Salter's concern for the greater good of his community led him to take the position of District Chairman for Drug Awareness at which time the State Elks Peer Leadership Program was started.

Mr. Salter has been an invaluable member to the Long Branch Elks Lodge having served on many different committees as well as chairing, the Elks House Committee and Public Relations Committee. For his devoted service, The Long Branch Elks honored him in 1993 by electing him to be Honorary Life Member.

Today, Mr. Salter holds the office of Vice President of the South Central District of the New Jersey State Elks Association. The tireless amount of time and energy that Mr. Salter has given to the Benevolent and Protective order of Elks should be applauded. Once again, Mr. Speaker, I would like to congratulate Mr. Salter for the thoughtful, community-building work that he has been involved with for the past 30 years as a member of the Benevolent and Protective Order of Elks.

TRIBUTE TO LANCE CORPORAL JEREMY P. HOGAN, LANCE CORPORAL JAMES DILEO, PETTY OFFICER NICHOLAS SNIPES AND INFANTRYMAN PATRICK BARKER FOR SERVICE IN IRAQ

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor United States Marine Corps Lance Corporal Jeremy P. Hogan, Marine Reserve Lance Corporal James Dileo, United States Navy Petty Officer Nicholas Snipes and United States Army Infantryman Patrick Barker from my Fifth Congressional District of Florida for their military service in the Middle East. They and their families reside in Crystal River, Citrus County, Florida. In The wake of September 11, 2001, the need to respond to the dangers of terrorism remains vital to our survival. Now that we know of these dangers, we as a nation led by individuals such as these three brave men, continue to respond successfully. Undoubtedly, their, efforts overseas helped liberate an oppressed people from a terrorist regime and made the world a safer place for generations to come.

Please allow me to welcome these troops and troops from all over the world as they return home. The courage they displayed during their stints in the Middle East are exemplary of the America spirit. Their heroism and dedication is what makes our country the most gracious and noble nation on earth. Their bravery will not be forgotten as Americans and freedom loving people all over the world are indebted to their service.

H.R. 2861, THE FISCAL YEAR 2004 VA/HUD AND INDEPENDENT AGENCIES APPROPRIATIONS BILL

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Mr. DeFAZIO. Mr. Speaker, I regret that I was forced to vote against the fiscal year 2004 VA-HUD spending bill today.

However, I could not, in good conscience, vote in favor of a bill that so clearly fails to meet the needs of our nation's veterans.

A vote in favor of this bill is a vote to maintain the status quo, a status quo that has resulted in six month waiting lists, increased out-of-pocket expenses, and limited coverage for many veterans. My vote against this bill is a signal that the status quo is totally unacceptable.

I am not alone in condemning the VA-HUD appropriations bill for its failure to meet the needs of those who selflessly served our country in the armed forces. As top officials of national veterans organizations, including AMVETS, PVA, DAV, and VFW, wrote to Congress regarding H.R. 2861, the legislation is ''wholly inadequate'' and ''represents a flagrant disregard to promises made to veterans by this Congress.''

H.R. 2861 is $2.1 billion below the level set for veterans programs in the House Republican budget resolution. While I thought the House budget resolution was itself inadequate, a lower funding level is a slap in the face to veterans. H.R. 2861 is also $3.3 billion below the levels requested by national veterans organizations. The bill includes shortfalls for medical care, medical research and construction, among other areas.

Mr. Speaker, the federal budget is about priorities. The lack of support for veterans programs in H.R. 2861 shows what happens when the President and his allies in Congress prioritize tax cuts for millionaires over adequately meeting our commitment to veterans.

I reject that prioritization, which is why I voted against this bill. My vote was in favor of

fully funding the benefits our veterans were promised, have earned and deserve.

CONGRATULATIONS TO EAST BOYNTON BEACH LITTLE LEAGUE

HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Mr. FOLEY. Mr. Speaker, I rise today with great enthusiasm to honor and congratulate the East Boynton Beach Little League team and their tremendous accomplishment of competing in the Little League World Series. Their 9-to-2 victory over New England on August 23, 2003 earned them the eighth National Title for the State of Florida and the first for Palm Beach County. This amazing feat earned them a spot in the World Series Title Game against Japan.

In 1939 Carl Stotz founded Little League Baseball in Williamsport, Pennsylvania. Since the inception of the Little League World Series in 1947, the tournament has grown to encompass not only national teams, but teams from all around the globe. It has become the culmination of the world's largest tournament in any sport. East Boynton and Japan were the remaining two teams that survived from 7,000 Little League all-star teams that began play in July.

The East Boynton Beach Little League team was extremely impressive in the way they displayed their extraordinary skills on the field. Their ever-present smiles and the joy they expressed reminded every baseball fan of what the game is all about. Their skills and attitudes both on and off the field are a direct correlation to the teaching and dedication showed by their coaches and parents. My hat is off to coaches Ken Emerson, Joe Irene and Tony Travis; and players Patrick Mullen, Matt Overton, Devon Travis, Richie DeJesus, Jordan Irene, Andrew Weaver, Ricky Sabatino, R.J. Neal, Michael Broad, Cody Emerson and Benny Townend.

Again, Mr. Speaker, I offer my heartfelt congratulations to the East Boynton Beach Little League team. They made Palm Beach County, the State of Florida, and our nation very proud.

TRIBUTE TO KIWANIS INTERNATIONAL

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor the Kiwanis Clubs of America, which are outstanding organizations with strong memberships across this country and worldwide of active, service-minded individuals committed to their communities and their surroundings.

Kiwanis Clubs make their marks by responding to the needs of their communities, pooling their resources to address worldwide issues, and setting an example of service and stewardship that is to be honored and commended.

From humble beginnings in Detroit, Michigan in 1915, the Kiwanis organization has grown to include more than 500,000 members in 80 countries around the globe—making it one of the world's premier service organizations and giving it global notoriety. That, Mr. Speaker is a true testament to all the good work the organization does.

With a motto like, ''We build,'' one cannot help but view Kiwanis as an active group of individuals, solidly committed to positive goals. And the Kiwanis clubs live up to their motto—In one year Kiwanis clubs sponsored 147,000 service projects and raised and spent almost $70 million while contributing 6.2 million hours of volunteer time.

Kiwanis Clubs have a long tradition of excellence and an upstanding reputation as amazing organizations and for that, I commend them. They are truly individuals whose service to their communities is something we should all emulate.

TRIBUTE TO LIEUTENANT COLONEL HOWARD PIERCE MAREE III, UNITED STATES AIR FORCE RETIRED

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Mr. McINTYRE. Mr. Speaker, it is with great pleasure that I rise today and honor Lieutenant Colonel Howard Pierce Maree of the United States Air Force (Retired). On August 15, 2003, Lieutenant Colonel Maree passed away after serving the people of this great nation for nearly twenty-seven years.

Howard Maree was a decorated officer, who spent his career ensuring that the freedoms the United States holds dear are protected and preserved. Throughout his illustrious career, Lieutenant Colonel Maree was honored with the Distinguished Flying Cross with one Cluster, two Silver Star Medals, the Air Medal with five Clusters, World War II Victory Medal, National Defense Medal, European and American Theater of Operations Medals, Korean Service Medal, and Vietnam Service Medal.

As a fighter pilot in three major conflicts, Lieutenant Colonel Maree served his country with dignity and integrity and contributed to many victorious campaigns throughout his career. As an Air Force reservist for over ten years, Lieutenant Colonel Maree continued to serve the people of the United States unselfishly.

We owe Lieutenant Colonel Howard Pierce Maree III our sincere appreciation for his twenty-seven years of committed service to our nation. His devotion to the people of the United States should serve as an example to us all.

May God bless his family, and may God bless this great nation.

COMMEMORATING THE 30TH ANNIVERSARY OF THE TOWN OF ROCHESTER

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Mr. HINCHEY. Mr. Speaker, I rise today to honor the Town of Rochester in Ulster County, New York, which is part of the 22nd Congressional District that I proudly serve. This year marks the 300th Anniversary of the founding of Rochester on June 25, 1703. I am pleased to recognize the Town of Rochester and the important contributions it has made to Ulster County and to the State of New York.

The Town of Rochester is located in the Mid-Hudson Valley, and is bordered on the east by the Shawangunk Mountains, and on the west by the Catskill Mountains. It also includes part of the rich land of the Rondout Valley, and consists of approximately 48,000 acres.

Prior to European settlement, the Rondout Valley was inhabited by the Lenni-Lenape, or Esopus Indians. After the defeat of the Esopus Indians, Captain Martin Cregier led a group from the original Dutch settlement of Wildwyck, on the Hudson River, to what is now Rochester. This group first explored Rochester in 1663, and it was originally called the Town of Mumbakkus. Captain Joachim Schoonmaker led the first group of settlers to Rochester in 1685 from Kingston, NY. A small number of land grants were given out in Rochester by the Kingston trustees, which made up the closest governing body to Rochester at the time. By the time Rochester officially received its patent in 1703, there was already a solid contingent of 334 residents in the town.

Through the eighteenth century, Rochester was mainly a commercial agrarian community. The fertile soil of the Rondout Valley provided ample opportunity for the successful farming industry that Rochester was known for. In order to support the agricultural advances of the region, paper, grist, saw, and other mills were built along the major streams in the Town. Rochester was linked to Kingston and the Hudson River port by what was known as King's Highway. The original historic stone houses of Rochester, many of which remain standing today, were built during this period.

Agriculture remained the dominant economic force in Rochester throughout the nineteenth century as well, with the establishment of the Delaware and Hudson Canal. With the introduction of the Ontario and Western Railroad at the start of the twentieth century, Rochester's economic focus turned to tourism. Resorts, summer homes, and guesthouses were built, which provided Rochester's many New York City visitors with relief from the confinement of city life. Tourism contributed greatly to Rochester's economy during the first half of the twentieth century, and brought new prosperity to the region.

Evidence of Rochester's colonial history remains today, as the Town has one of the highest concentrations of inhabited 18th century homes in the nation. Rochester and the Hudson Valley continue to provide breathtaking scenery and views of the Catskill and Shawangunk Mountains to all their visitors. Small towns like Rochester are an essential component of our nation's past, present, and future, and deserve to be honored and recognized for their numerous contributions to our states and country. Mr. Speaker, it gives me great pleasure to recognize the Town of Rochester, New York as it celebrates the 300th Anniversary of its founding.

INTRODUCTION OF AN AMENDMENT TO THE CONSTITUTION PROVIDING THAT FOREIGN-BORN CITIZENS OF 20 YEARS ARE ELIGIBLE FOR THE OFFICE OF PRESIDENT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Mr. CONYERS. Mr. Speaker, today I am introducing a proposed amendment to the Constitution of the United States that will enable all citizens of this country to be eligible to hold the Office of President. No citizen should be denied the opportunity to seek the nation's highest office. The proposal that I am introducing will allow foreign-born individuals who have been citizens of this country for at least 20 years to be eligible for this office.

As you know, Article II of the Constitution of the United States provides that only natural-born citizens are entitled to hold the Office of President. I believe that this limitation contradicts the principles for which this country stands. This nation prides itself on its diversity of culture, experience, and opinion. This quality is achieved only by welcoming immigrants to this country, allowing them to become citizens, and enabling them to make full contributions to society.

For the most part, the United States treats its citizens, those natural-born and foreign-born, the same. However, when determining who is eligible for the Office of President, this country unfairly distinguishes between the two. Allowing the United States to be a better country because of the contributions that foreign-born citizens make, and then not allowing them to fully participate in all aspects of society, is un-American.

As you may also know, some of our country's foreign-born citizens are our country's greatest public servants. There are also 700 foreign-born citizens who have received the Medal of Honor. It is unjust to deny citizens that have risked their lives for this country the chance to become President of the United States as well. A 2002 Pentagon study reports that more than 30,000 foreign-born citizens are currently serving in the U.S. military.

I realize that constitutional amendments are rare and that those proposed should be subject to great scrutiny. I truly respect one of the documents on which our country was founded, the Constitution of the United States. Therefore, it is after great consideration and with the utmost gravity, that I introduce this proposal today. I am hopeful that my fellow colleagues in Congress will properly consider the proposed amendment and realize that every citizen of the United States should be entitled to dream of becoming President.

TRIBUTE TO HON. BOB STUMP

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Mr. FRANKS of Arizona. Mr. Speaker, George Washington said, ''It should be the highest ambition of every American to extend his views beyond himself, and to bear in mind that his conduct will not only affect himself, his country, and his immediate posterity; but that its influence may be coextensive with the world.''

Bob Stump, a beloved Arizonan and a champion of liberty, extended his gallant views beyond himself and furthered the cause of American freedom in this country and throughout the world.

As a courageous soldier in our Nation's armed forces, Bob exemplified the kind of impassioned and steadfast patriotism that every true American dreams to be.

Serving 26 years as a Member of Congress, Bob Stump left us all a policy legacy of a stronger and more secure America. He also left us a rich personal legacy. Bob was a servant-leader and a man of great personal decency. He was a man who desperately loved and cherished his family. He was also a man of deep abiding faith in Jesus Christ. And now he has walked hand-in-hand with his Savior across the threshold of eternity and stepped into the light of everlasting victory.

Mr. Speaker, Congressman Bob Stump's conduct indeed affected his country in a profound way. I am so very honored today to pause with Arizonans, and Americans everywhere, to pay tribute to this true American hero.

And to Bob Stump, from all of us, I would simply say, ''Rest easy, gentle warrior. Thank you for passing this way and walking so kindly and so nobly among us. We shall never forget you.''

POW BACK PAY BILL

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Ms. HOOLEY of Oregon. Mr. Speaker, in times of war our veterans and their families make sacrifices. The prisoners of war during WWII made great sacrifices, and were not always shown the gratitude they deserve. These American heroes, lost through the passage of time, have been denied the pay that their rank entitled them to for more than 50 years. It is time to stamp ''paid in full'' on this forgotten debt.

I would especially like to honor Dr. David Kliewer, a veteran from Corvallis, OR, who brought this issue to my attention. Dr. Kliewer is a remarkable man who voluntarily joined the Marines in 1939 as a Marine Corps Aviator. He was a POW in the South Pacific, and was promoted to the rank of Major while held in a Japanese POW camp. While imprisoned, he applied and was accepted to Harvard Medical School.

This bill would allow certain forgotten Navy and Marine Corps veterans who were POWs during World War II to collect back pay related to their promotions. These veterans were selected for advancement during their internment, but were unable to receive their promotion or the increase in pay that they were due. This bill corrects this oversight, and ensures that these brave soldiers, sailors, and airmen receive the full amount of back pay they deserve, in dollars adjusted for inflation.

This bill is of considerable importance not just to the surviving veterans, but to the widows who survived their husbands as well. These women, many of whom may not be in a position to meet their needs, have earned and deserve the benefit of this legislation. We must make up this inequity and keep our promise to our Nation's veterans.

I am proud to have introduced this bill in the House of Representatives, and urge my colleagues to join me in correcting this injustice in full. To do otherwise not only devalues the service of these veterans of so long ago, but shows a callous disregard for the men and women of our Armed Forces currently in harm's way in Iraq. I hope that both houses can quickly pass this legislation, and look forward to watching President Bush sign this bill.

A TRIBUTE TO CORPORAL MARK ANTHONY BIBBY UNITED STATES ARMY

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Mr. McINTYRE. Mr. Speaker, it is with great pleasure that I rise today and honor Corporal Mark Anthony Bibby of the United States Army. On July 21, 2003, Corporal Bibby was killed in the line of duty while serving the people of this great Nation in Iraq.

Mark Bibby was a soldier, who, after serving 4 years in the U.S. Army, joined the Reserves so that he could continue his devoted service to our Nation while earning his degree. His educational aspirations were put on hold as he was once again called to serve his country, ensuring that the freedoms the United States holds dear are protected.

Corporal Bibby's love for his fellow man and for the values this Nation holds dear, and his life's commitment to defending those values can best be described by three simple, but profound words: spirit, service, sacrifice.

It was Corporal Bibby's spirit that made him the man that he was—a spirit that recognized and honored values beyond the material, temporal, and physical things of this world. Corporal Bibby's unselfish and unabated service was reflected in his strong work ethic, his strong sense of patriotism, and his strong love for God, his family, and his country. With a strong spirit and unwavering service, Corporal Bibby made the ultimate sacrifice. He risked his life to ensure the safety of others. His valiant actions demonstrated that he knew that freedom is not free. His sacrifice was rich in integrity and reminds us of the gratitude we, as citizens of this great Nation, should have toward him and toward all of our servicemen and women.

We owe Corporal Bibby our sincere appreciation for his years of committed service to our Nation. His devotion to the people of the United States should serve as an example to us all.

May God bless his family, and may God bless this great Nation.

COMMEMORATING THE 80TH ANNIVERSARY OF THE RUDDICK TROWBRIDGE POST NO. 73 OF THE AMERICAN LEGION

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Mr. HINCHEY. Mr. Speaker, I rise to honor the Ruddick Trowbridge Post No. 73 of the American Legion, based in Monticello, New York, which is commemorating the 80th Anniversary of their Post. It is with great pleasure that I join the Post in honoring their present and former commanders and auxiliary presidents on the occasion of this significant milestone.

Named in honor of Ruddick Trowbridge, who was killed in action during World War I in France on August 10, 1918, the Ruddick Trowbridge Post was established in 1923, when its first commander, Sylvester Smith, entered office. The Post was later chartered on June 7, 1930. Since the Post was established, forty-five men have served as commander.

The Ruddick Trowbridge Post has continued to work to ensure that the tremendous contributions and sacrifices made by this nation's veterans are remembered and recognized. In addition, the Post has maintained an active role in the community. The Post has provided scholarships to deserving local students, recognized scouts for their achievements, donated flags to community organizations and municipal governments, and honored deceased veterans by decorating their graves. The Post also holds and participates in ceremonies for Memorial Day, National POW/MIA Day in September and Veterans Day.

As part of the American Legion, which boasts a membership of more than three million veterans and currently includes approximately fifteen thousand posts worldwide, the Ruddick Trowbridge Post has actively promoted the values and focus on community service that define the American Legion organization. I am proud to express my appreciation and great respect to the members of the Post for their distinguished record of service to this great nation as well as the significant contributions they have made to our local communities.

Mr. Speaker, I am delighted to submit these remarks in honor of the 80th Anniversary of the Ruddick Trowbridge Post No. 73 of the American Legion.

PERSONAL EXPLANATION

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Mr. GREEN of Texas. Mr. Speaker, on Friday July 25, 2003, I had to return to Houston for urgent business, and missed a number of votes.

I would like the RECORD to reflect that, had I been present, I would I have voted in the following manner:

On rollcall No. 447, I would have voted ''aye.''

On rollcall No. 448, I would have voted ''nay.''

On rollcall No. 449, I would have voted ''aye.''

On rollcall No. 450, I would have voted ''nay.''

On rollcall No. 451, I would have voted ''aye.''

On rollcall No. 452, I would have voted ''nay.''

On rollcall No. 453, I would have voted ''aye.''

On rollcall No. 454, I would have voted ''nay.''

On rollcall No. 455, I would have voted ''aye.''

On rollcall No. 456, I would have voted ''nay.''

On rollcall No. 457, I would have voted ''aye.''

On rollcall No. 458, I would have voted ''nay.''

On rollcall No. 459, I would have voted ''aye.''

CONGRATULATIONS TO MISSOURI FARM BUREAU FOR REACHING 100,000 MEMBERS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Mr. SKELTON. Mr. Speaker, let me take this means to congratulate the Missouri Farm Bureau for reaching an all-time membership high of 100,000 Missourians. During the last decade, Missouri Farm Bureau membership has grown steadily and will exceed 100,000 by the end of its membership year on August 31, 2003.

Missouri Farm Bureau was first organized in 1915 and was the first such state Farm Bureau to be organized in the Nation. Today, Missouri Farm Bureau is the state's largest farm organization and has offices in each of Missouri's 115 counties. Missouri Farm Bureau also plays an integral role in working with its partners around the country as a member of the American Farm Bureau Federation.

Through the years, Missouri Farm Bureau members have worked to develop grassroots agriculture policy. Their advice is critical to Members of Congress' developing an agriculture strategy that will most benefit Missouri producers. Reaching a milestone of 100,000 members is truly an outstanding accomplishment and is the result of a lot of hard work on the part of Farm Bureau leaders throughout the Show Me State.

Mr. Speaker, I applaud Missouri Farm,Bureau President Charlie Kruse and all 100,000-plus members of this farm organization for their work on behalf of American agriculture. I know that all my House colleagues will join me in congratulating them on a job well done.

UN CAN PICK UP PIECES IF U.S. WILL LET IT

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Mr. FRANK of Massachusetts. Mr. Speaker, upon my return to the United States after a week in the Republic of Cape Verde, which is the ancestral home of many of my constituents, I was pleased to read that the President, in a long overdue move, is seriously thinking about significant UN involvement in our administration of Iraq. Unfortunately, both past history and the description of current efforts fail to give me confidence that the administration is ready to do this in the serious way that is required for success.

The importance of this being done appropriately was recently underlined in an extremely cogent article from one of our most experienced foreign policy experts. Jonathan Moore is a man who began his career working as a key aide to the late Eliot Richardson, himself one of the most distinguished and thoughtful practitioners of foreign policy in recent history. Jonathan Moore has broad firsthand experience in international affairs, and has also been a thoughtful scholar. He served America at the UN under President George H.W. Bush, and he is now an advisor to the UN Development Program on Post Conflict Reconstruction. On Tuesday, August 26, as I was leaving the country, I read the attached article by him in the Boston Globe and I was struck by how well he put the case. As might already be clear from his having begun his work with Eliot Richardson, Jonathan Moore's active political career was as a Republican, which is relevant only to refute any suggestion that there is even the slightest hint of partisanship in his strong critique of the administration.

Few Americans have earned a right to a hearing on this subject more than Jonathan Moore, and I know of no one who has made the case for the appropriate policy to be followed in this difficult situation more cogently. I ask that Jonathan Moore's incisive article be printed here, and I earnestly hope that the administration will heed him.

[From the Boston Globe, Aug. 26, 2003]

UN CAN PICK UP PIECES IN IRAQ IF U.S. WILL LET IT

In the aftermath of last Tuesday's bombing of United Nations headquarters in Baghdad, the United States finds itself in a terrible bind largely of its own making.

Following the successful fighting and takeover, the United States held the initiative as it turned to the immediate postwar challenges of occupation: establishing security, tending to humanitarian relief, getting basic public services functioning, and undertaking efforts to build a democratic nation and to begin serious reconstruction. Now the momentum may have shifted against the United States, putting it in a perilous position.

In all the time building up to the war, the United States insisted on its objective of regime change and its vision of a stable, democratic Iraq exerting a salutary influence on peace and progress in the Middle East. The problem is that the administration did not heed sensible, professional warnings of the inherent dangers and obstacles that would be faced and cautions about the enormous investments that would be required to pull it off. Instead, the administration proceeded by itself in an arrogant and ill-prepared manner.

While the problems the United States has encountered since the war was declared over could not have been predicted with certainty (and who would have wanted to), some were probable, all were possible, and none, even occurring together, should have come as a surprise.

Two factors in the current situation are predominant: establishing and maintaining security in Iraq and the role of the United

Nations. The United States is in the process of botching both of them, and they are intertwined. The administration has failed to control security in Iraq by underestimating the problem and by refusing to take the measures required to achieve it.

When the Security Council refused to give the United States carte blanche for both its war-making and its nation-building, the administration dismissed the United Nations and proceeded unilaterally. (The ''coalition'' is us. Our biggest and best ally, the British, have 11,000 troops in Iraq compared with our 150,000.)

Security is the sine qua non. Nothing else in the administration's ambitious agenda can happen without it. Not only does adequate security in Iraq not exist and is diminishing but the United States, in its insistent monopoly, is exclusively responsible for it and therefore for its failure.

As Washington now casts about for help both in recovering security—with peacekeeping troops from other countries—and in reconstruction—with financing and expertise also from international actors—other nations neither want to participate as U.S. vassals nor are they entirely confident the United States is up to doing a good job.

Two weeks ago the United States scrapped a possible UN resolution designed to attract such help and provide greater credibility for the whole enterprise because the administration didn't want its own authority to be diluted in either realm.

We've been there before and should know better, most recently in Afghanistan. We try to do it on the cheap and alone, stubbornly and churlishly. Defense Secretary Donald Rumsfeld, who months ago brutally put down our Army chief of staff for having suggested the need for up to 300,000 troops to secure postwar Iraq, indicated after the bombing of the UN headquarters and amid other security breakdowns that the current level of U.S. troops envoy to Iraq chided the Iraqis to exert more authority over the situation. This won't work.

Perhaps a strategy would be for the United States first to deploy substantially more troops to Iraq and also support a new Security Council resolution reconfirming coalition authority for the security job but switching principal responsibility to the UN for the reconstruction job—a dual model somewhat similar to the one used in Afghanistan.

This would allow the United States to do what it can do best and the UN to do what it can do best. The United States would still exercise enormous influence in the nation-building arena but with more international involvement in money, experience, and political capital. There would be greater credibility and broad acceptance for such an arrangement, more sharing of credit and blame (the United States would not be exclusively exposed and targeted), and such a regime would be likely to attract more troop contributions to the United States-led security effort.

The administration would still face huge odds. But it would strengthen the prospect and improvement is desperately needed. The United States can't go it alone, and it must not go down and out in Iraq.

INLAND EMPIRE UTILITIES AGENCY

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Mr. DREIER. Mr. Speaker, I rise today to introduce the Inland Empire Regional Water Recycling Initiative. This bill seeks to authorize $30 million total for the Inland Empire Utilities Agency (IEUA) and the Cucamonga County Water District (CCWD), to assist in constructing two water recycling projects which will add 75,000 acre-feet of new water annually to the area's water supply.

Earlier this year, the U.S. Department of the Interior announced a new initiative—Water 2025—Preventing Crisis and Conflict in the West—aimed at preventing chronic water supply problems in the Western United States resulting from drought, growth or other challenges. In addition to the federal strategy, California, more than a year ago, established a special Water Recycling Task Force, managed by the State Water Resources Control Board. The Task Force concluded that by the year 2030, California should develop 1.5 million acre feet of new recycled water.

Water supply issues in California and other Western states are of paramount concern, especially in light of ongoing challenges with the Colorado River Quantification Settlement Agreement. In order to meet the water needs of the Inland Empire, and to help alleviate California's overdependence on the Colorado River, I see this legislation as a key federal-local partnership to bring a significant amount of new water supply to the region.

The Inland Empire Regional Water Recycling Initiative includes two projects, the first of which will be constructed by the IEUA and will produce 70,000 acre-feet of new water annually. This project is expected to be fully constructed and on-line by 2008. The second of these projects, to be constructed by the CCWD, will produce an additional 5,000 acre feet of new water annually. This project is expected to be fully constructed and on-line by 2010. Between these two projects, 75,000 acre feet of new water will be produced annually before the end of the decade.

I am pleased that the Inland Empire Regional Water Recycling Project has the support of all member agencies of IEUA, as well as the water agencies downstream in Orange County. It is also consistent with regional watershed plans, the California Department of Water Resources water recycling task force, the U.S. Bureau of Reclamation's comprehensive water study, and the Department of Interior's ''Water 2025'' plan.

I also want to recognize the hard work of IEUA and CCWD, which serve the Cities of Rancho Cucamonga, Upland, Montclair, Chino, Chino Hills, Ontario, and Fontana. Their dedication to providing the water needs of the region is commendable, and I urge my colleagues to support the Inland Empire Regional Water Recycling Project.

TRIBUTE TO MAX FINESTONE

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Mr. HINCHEY. Mr. Speaker, I would like to take this opportunity to recognize the accomplishments of my friend and constituent Max Finestone, who recently celebrated his 81st birthday. I am proud to say that Max has remained an active member of his community in Ulster County, New York and has dedicated himself to improving this nation and the lives of the people who reside in it.

For the past 60 years, Max has fought for social justice, equal opportunity, education, protection of the natural environment, and the preservation of individuals' rights of free expression. Nearly 50 years ago, Max was called to testify in this building by Senator Joseph McCarthy to defend his own rights of free speech, free thought and free assembly. He was quite wrongly accused of being un-American. To me, and to many others, he represents the finest qualities of an American citizen.

Every day of his adult life before those hearings, and indeed, every day since, Max has exemplified the characteristics of true citizenship—those very characteristics that make our nation great. He was a successful entrepreneur who attended to his customers with the utmost integrity. He epitomizes the values of volunteerism and activism. He tirelessly contributes considerable effort and time to the betterment of his community, advocating for the homeless, feeding the hungry, striving for better quality education and affordable health care and working for a more peaceful and tolerant world. He has been a loving husband to Annette, his wife of 50 years, a proud and devoted father to his two daughters, Laura and Lisa, and a doting grandfather to Eva and Michael.

Mr. Speaker, in this day, when so many people question other people's motives and when voices of disagreement are dismissed as being unpatriotic, we must remember that it is men like Max Finestone, who fight diligently every day for the rights with which we have been blessed and which we must never take for granted. I ask my colleagues in the House to join me today in honoring Max Finestone for his commitment to improving the world around him and for his dedication to his country.

TO POSTHUMOUSLY HONOR JAMES COLLEY, RECIPIENT OF THE ED PASTOR CULTURAL AWARENESS AWARD

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Mr. PASTOR. Mr. Speaker, I would like to pay tribute to a man whose tireless dedication to our community has enriched the lives of our citizens, and especially our youth, in the City of Phoenix. For his contributions, Mr. James Colley has recently been posthumously awarded the Ed Pastor Cultural Awareness Award.

The Ed Pastor Cultural Awareness Award provides an opportunity to highlight innovative culturally sensitive programs and the visionary, creative leaders who design and implement them. This award also recognizes any research related to the promotion of diversity issues in parks and recreation.

It is fitting that this initial award is awarded to a man who directed and created innovative programs and services throughout his career in parks and recreation. The Ed Pastor Award represents the late Mr. James Colley's commitment to all citizens regardless of ethnicity, gender, or age.

Minority youth have long suffered at the hands of gangs, drug abuse, teen pregnancy, and other social ills. Jim dedicated significant

and substantial amounts of department resources to address the needs of youth throughout the City of Phoenix. He also forged collaboration efforts with city and community organizations in an effort to leverage the City's resources.

Jim personally visited many of the inner city areas of Phoenix to discuss issues with the youth themselves. By creating a Youth Advisory Board he was able to get the input directly from those individuals primarily impacted by program policies and their implementation. Input from the Youth Advisory board led to the creation of Camp Colley, a camp created for inner city youth located in Northern Arizona.

During his final two years as Director, Jim had the vision of creating a Latino Institute to meet the ever increasing demands of the burgeoning growth of the Latino population in the City of Phoenix. The Latino Institute now in its third year has implemented community forums in the cities of Phoenix and Glendale.

For these reasons Mr. Speaker, I ask my colleagues to join me in honoring the memory of Mr. James Colley as this year's recipient of the Ed Pastor Cultural Awareness Award.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S11051–S11132

Measures Introduced: Two bills were introduced, as follows: S. 1582–1583. **Page S11118**

Measures Reported:

S. 1583, 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. (S. Rept. No. 108–142)

S.J. Res. 1, proposing an amendment to the Constitution of the United States to protect the rights of crime victims. **Page S11117**

Labor, Health and Human Services, Education Appropriations: Senate continued consideration of H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, taking action on the following amendments proposed thereto:

Pages S11052–62, S11065–95, S11100–07

Adopted:

Nelson (FL) Amendment No. 1557 (to Amendment No. 1542), to provide for a GAO study and report on the propagation of concierge care.

Pages S11052–53

DeWine Modified Amendment No. 1555 (to Amendment No. 1542), to express the sense of the Senate concerning the Pediatric Research Initiative.

Pages S11101–02

Pending:

Specter Amendment No. 1542, in the nature of a substitute. **Page S11052**

Byrd Amendment No. 1543 (to Amendment No. 1542), to provide additional funding for education for the disadvantaged. **Page S11052**

Akaka Amendment No. 1544 (to Amendment No. 1542), to provide funding for the Excellence in Economic Education Act of 2001. **Page S11052**

Mikulski Amendment No. 1552 (to Amendment No. 1542), to increase funding for programs under the Nurse Reinvestment Act and other nursing workforce development programs. **Page S11052**

Kohl Amendment No. 1558 (to Amendment No. 1542), to provide additional funding for the ombudsman program for the protection of vulnerable older Americans. **Pages S11056–57**

Kennedy Amendment No. 1566 (to Amendment No. 1542), to increase student financial aid by an amount that matches the increase in low- and middle-income family college costs. **Pages S11069–77**

Dodd Amendment No. 1572 (to Amendment No. 1542), to provide additional funding for grants to States under part B of the Individuals with Disabilities Education Act. **Pages S11081–86**

Harkin Amendment No. 1575 (to Amendment No. 1542), to provide additional funding for the Fund for the Improvement of Education.

Pages S11090–94

DeWine Amendment No. 1561 (to Amendment No. 1542), to provide funds to support graduate medical education programs in children's hospitals.

Pages S11100–01

DeWine Amendment No. 1560 (to Amendment No. 1542), to provide funds to support poison control centers. **Page S11101**

DeWine Amendment No. 1578 (to Amendment No. 1542), to provide funding for the Underground Railroad Education and Cultural Program.

Pages S11102–03

Clinton Amendment No. 1565 (to Amendment No. 1542), to provide additional funding to ensure an adequate bioterrorism preparedness workforce.

Page S11103

During consideration of this measure today, the Senate also took the following action:

By 46 yeas to 49 nays (Vote No. 325), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 504 of H. Con. Res. 95, Congressional Budget Resolution, with respect to Murray Amendment No. 1559 (to Amendment No. 1542), to restore funding for certain programs under the Workforce Investment Act of 1998. Subsequently, the point of order that the amendment would exceed discretionary spending limits and thus be in violation of section 504 of H. Con. Res. 95, Congressional Budget Resolution, was sustained, and the amendment thus falls. **Pages S11057–62, S11077**

By 52 yeas to 43 nays (Vote No. 326), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 504 of H. Con. Res. 95, Congressional Budget Resolution, with respect to Daschle Amendment No. 1568 (to Amendment No. 1542), to provide funding for rural education. Subsequently, the point of order that the amendment would exceed discretionary spending limits and thus be in violation of section 504 of H. Con. Res. 95, Congressional Budget Resolution, was sustained, and the amendment thus falls. **Pages S11094–95**

A unanimous-consent agreement was reached providing that at 9:30 a.m., on Friday, September 5, 2003, Senate vote on or in relation to Clinton Amendment No. 1565 (to Amendment No. 1542) (listed-above), to be followed by a vote on or in relation to Harkin Amendment No. 1575 (to Amendment No. 1542). **Pages S11124–25**

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m., on Friday, September 5, 2003. **Pages S11124–25**

Energy Policy Act—Conferees: Pursuant to the order of the Senate of July 31, 2003, regarding H.R. 6, to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, the Chair announced the appointment of the following conferees on the part of the Senate: Senators Domenici, Nickles, Craig, Campbell, Thomas, Grassley, Lott, Bingaman, Dorgan, Graham (FL), Wyden, Johnson, and Baucus. **Page S11109**

Nominations Confirmed: Senate confirmed the following nomination:

By 94 yeas 1 nay (Vote No. Ex. 327), Steven M. Colloton, of Iowa, to be United States Circuit Judge for the Eighth Circuit. **Pages S11095–96**

Nominations Received: Senate received the following nominations:

Routine lists in the Air Force, Army, Marine Corps. **Pages S11125–31**

Nominations Withdrawn: Senate received notification of withdrawal of the following nominations:

Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit, which was sent to the Senate on January 7, 2003.

Kerry N. Weems, of Virginia, to be an Assistant Secretary of Health and Human Services, which was sent to the Senate on July 22, 2003. **Page S11132**

Messages From the House: **Page S11115**

Measures Referred: **Page S11115**

Executive Communications: **Pages S11115–17**

Executive Reports of Committees: **Pages S11117–18**

Additional Cosponsors: **Pages S11118–19**

Additional Statements: **Pages S11113–15**

Amendments Submitted: **Pages S11119–24**

Notices of Hearings/Meetings: **Page S11124**

Authority for Committees to Meet: **Page S11124**

Privilege of the Floor: **Page S11124**

Record Votes: Three record votes were taken today. (Total—327) **Pages S11077, S11094–95, S11095–96**

Adjournment: Senate met at 9:30 a.m., and adjourned at 8:20 p.m., until 9:15 a.m., on Friday, September 5, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S11125.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS

Committee on Appropriations: Committee ordered favorably reported the following bills:

An original bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004;

An original bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004;

An original bill (S. 1583) 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

An original bill making appropriations for the Department of Transportation and related agencies, Department of the Treasury, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2004.

TANKER AIRCRAFT

Committee on Armed Services: Committee concluded hearings to examine the proposed lease of 100 KC–767 aerial refueling tanker aircraft by the U.S. Air Force, after receiving testimony from James G. Roche, Secretary of the Air Force; Michael W. Wynne, Acting Under Secretary of Defense for Acquisition, Technology, and Logistics; Joel Kaplan, Deputy Director, Office of Management and Budget; Neal P. Curtin, Director, Defense Capabilities and Management, General Accounting Office; Robert

Sunshine, Assistant Director for Budget Analysis, Congressional Budget Office; and J. Richard Nelson, Assistant Director, Cost Analysis and Research Division, Institute for Defense Analyses.

NEW KIND OF SCIENCE

Committee on Commerce, Science, and Transportation: Subcommittee on Science, Technology and Space concluded hearings to examine certain scientific and technical implications of a new kind of science relative to the exploration of the computational world, after receiving testimony from Stephen Wolfram, Wolfram Research Inc., Champaign, Illinois, author of A New Kind of Science.

DOE POLYGRAPH PROGRAM

Committee on Energy and Natural Resources: Committee concluded hearings to examine the Department of Energy's current efforts and intentions regarding a new polygraph examination policy, after receiving testimony from Kyle E. McSlarrow, Deputy Secretary of Energy; and Stephen E. Fienberg, Carnegie Mellon University, Pittsburgh, Pennsylvania, on behalf of the National Research Council Committee to Review the Scientific Evidence on the Polygraph.

U.S-CUBAN ECONOMIC RELATIONS

Committee on Finance: Committee concluded hearings to examine economic relations between the United States and Cuba, focusing on the embargo, travel, trade and investment, agricultural sales, communications, small enterprise, terrorism, and human rights, after receiving testimony from Alan P. Larson, Under Secretary of State for Economic, Business and Agricultural Affairs; Grant D. Aldonas, Under Secretary of Commerce for International Trade; Dennis K. Hays, Cuban American National Foundation, Wayne S. Smith, Center for International Policy, Mark Falcoff, American Enterprise Institute for Public Policy Research, Tom Malinowski, Human Rights Watch, and William A. Reinsch, on behalf of the National Foreign Trade Council and USA*Engage, all of Washington, D.C.; Richard Owen, Cenex Harvest States Cooperatives, Geraldine, Montana; William A. Messina, Jr., University of Florida Department of Food and Resource Economics, Gainesville; and Philip Peters, Lexington Institute, Arlington, Virginia.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S.J. Res. 1, proposing an amendment to the Constitution of the United States to protect the rights of crime victims; and

The nominations of Larry Alan Burns, to be United States District Judge for the Southern District of California, Glen E. Conrad, to be United States District Judge for the Western District of Virginia, Henry F. Floyd, to be United States District Judge for the District of South Carolina, Kim R. Gibson, to be United States District Judge for the Western District of Pennsylvania, Michael W. Mosman, to be United States District Judge for the District of Oregon, and Dana Makoto Sabraw, to be United States District Judge for the Southern District of California.

DEFENSE OF MARRIAGE ACT

Committee on the Judiciary: Subcommittee on the Constitution, Civil Rights, and Property Rights concluded hearings to examine what is needed to defend the bipartisan Defense of Marriage Act of 1996 (DOMA), focusing on marriage issues including family structure, legal trends and direct challenges to the constitutionality of DOMA, the Constitution's Full Faith and Credit Clause, and federalism, after receiving testimony from Reverend Ray Hammond, Bethel African Methodist Episcopal Church, Boston, Massachusetts; Maggie Gallagher, Institute for Marriage and Public Policy, New York, New York; Gregory S. Coleman, Weil, Gotshal, and Manges, Austin, Texas, former Texas State Solicitor General; Michael P. Farris, Patrick Henry College, Purcellville, Virginia; Dale Carpenter, University of Minnesota Law School, Minneapolis; and Keith A. Bradkowski, San Francisco, California.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

House of Representatives

Chamber Action

Measures Introduced: 17 public bills, H.R. 2999–3015; and 4 resolutions, H. Con. Res. 271–273 and H. Res. 355, were introduced.

Pages H7948–49

Additional Cosponsors: **Pages H7949–50**

Reports Filed: Reports were filed as follows:

H.R. 2040, to amend the Irrigation Project Contract Extension Act of 1998 to extend certain contracts between the Bureau of Reclamation and certain irrigation water contractors in the States of Wyoming and Nebraska (H. Rept. 108–259);

H.R. 2655, to amend and extend the Irish Peace Process Cultural and Training Program Act of 1998 (H. Rept. 108–260, Pt. 1);

H.R. 1813, to amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign centers and programs for the treatment of victims of torture (H. Rept. 108–261, Pt. 1);

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, amended (H. Rept. 108–262, Pt. 1); and

H.R. 2622, to amend the Fair Credit Reporting Act, to prevent identity theft, improve resolution of consumer disputes, improve the accuracy of consumer records, make improvements in the use of, and consumer access to, credit information, amended, (H. Rept. 108–263). **Pages H7947–48**

Transportation, Treasury, and Independent Agencies Appropriations: The House completed general debate and began consideration of amendments for H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004. Consideration will resume on Tuesday, September 9. **Pages H7851–H7922**

Agreed to:

Istook amendment that decreases the amount that the FAA can take from the Airport and Airway Trust Fund for FAA general operating costs;

Pages H7868–69

Lewis amendment that increases funding for the Office of Intelligence and Security; **Page H7878**

LoBiondo amendment, No. 12 printed in the Congressional Record of September 3, that increases funding for the FAA's facilities and equipment program; **Pages H7878–79**

Petri amendment to strike section 114 of the bill that eliminates funding for the Transportation Enhancements Program (agreed to by a recorded vote of 327 ayes to 90 noes, Roll No. 469);

Pages H7870–78, H7891

Hooley amendment, No. 9 printed in the Congressional Record of September 3, that increases funding for the Secretary of Transportation to conduct a study on driver's license security against identity theft (agreed to by a recorded vote of 213 ayes to 203 noes, Roll No. 472); and **Pages H7885, H7893**

Farr amendment expressing the sense of Congress with respect to locality pay. **Page H7920**

Rejected:

Tancredo amendment, No. 25 printed in the Congressional Record of September 3, that would have increased funding for the Federal-Aid Highway program and reduced funding for Amtrak (rejected by a recorded vote of 90 ayes to 322 noes, Roll No. 470); **Pages H7869–82, H7891–92**

Hastings of Florida amendment, No. 4 printed in the Congressional Record of September 3, that would have increased funding for election reform grants to states (rejected by a recorded vote of 186 ayes to 228 noes, Roll No. 471);

Pages H7882–83, H7892–93

Kennedy of Minnesota amendment that would have increased funding for the Tax Counseling for the Elderly program, the Office of Foreign Assets Control, and for the Office of National Drug Control Policy (rejected by a recorded vote of 89 yeas to 325 nays, Roll No. 473); **Pages H7885–87, H7893–94**

Jackson-Lee amendment that strikes section 163 concerning the prohibition of funds to be used for a light rail system in Houston (rejected by a recorded vote of 188 ayes to 222 noes, Roll No. 474; and **Pages H7894–99, H7921**

Cooper amendment to increase funding for the Earned Income Tax Credit and for other IRS compliance initiatives (by a recorded vote of 192 ayes to 219 noes, Roll No. 475). **Pages H7913–18, H7921–22**

Withdrawn:

Hoyer amendment, that was offered and subsequently withdrawn, that would have increased funding for the Office of the Secretary of Transportation;

Pages H7869–70

Quinn amendment, No 16 printed in the Congressional Record of September 3, that was offered and subsequently withdrawn, that would have increased funding for Amtrak and reduced funds for all Treasury Department programs by 4%;

Pages H7883–84

Holt amendment that was offered and subsequently withdrawn, that would have increased funding for the use of alternative multi-passenger vehicles in Yellowstone National Park; and

Pages H7887–88

Kaptur amendment that was offered and subsequently withdrawn, that would have preserved funding for the Help America Vote Act. **Pages H7919–20**

Point of order sustained against:

The section under Federal Aviation Administration dealing with Payments to Air Carriers;

Page H7867

The section of Title I concerning Grants-In-Aid for Airports; **Page H7867**

Section 105 dealing with the authority of the FAA Administrator to accept and use funds for certain airport projects; **Page H7867**

The section on Federal-Aid Highways that rescinds funding under certain sections of the Building Efficient Surface Transportation and Equity Act of 1997; **Page H7867**

Section 110 dealing with general provisions of the Federal Highway Administration; **Page H7867**

Section 111 concerning the Secretary of Transportation's authority to transfer certain funds;

Page H7867

Provisions of Sec. 118 stating that the Secretary of Transportation's authority to revise a loan agreement shall be allowed under certain sections of the U.S. Code; **Pages H7867–68**

The words ''Notwithstanding any other provision of law'' at the beginning of the section dealing with the National Motor Carrier Safety Program;

Page H7868

The section of the National Motor Carrier Safety Program concerning the funding of the Border Enforcement Program's Highway Trust Fund;

Page H7868

Section 130 concerning the Federal Motor Carrier Safety Administration; **Page H7868**

The words ''Notwithstanding any other provision of law'' at the beginning of the section dealing with funding for Highway Traffic Safety Grants;

Page H7868

The provision of Section 140 concerning programs to increase the use of seat belts and the effectiveness of alcohol-impaired driving programs; **Page H7868**

Provision under the section dealing with funding for formula grants for the Federal Transit Administration under section 49 of the U.S. Code;

Page H7868

Section under the Federal Transit Administration dealing with Transit Planning and Research;

Page H7868

The words ''Notwithstanding any other provision of law'' at the beginning of the section under the Federal Transit Administration dealing with Trust Fund Share of Expenses; **Page H7868**

The words ''Notwithstanding section 3037(1)(3) of Public Law 105–178''; at the beginning of the section dealing with Job Access and Reverse Commute Grants; **Page H7894**

Waters amendment, No. 26 printed in the Congressional Record of September 3, that would have ordered a review by the Secretary of Homeland Security of the proposed construction of a remote passenger check-in facility at Los Angeles International Airport; **Page H7879**

Olver amendment that would have increased funding for Amtrak; **Pages H7888–91**

Section 164 concerning the Buy America Act;

Pages H7912–13

Section 212 concerning Prohibition on Contracts with Corporate Expatriates; **Page H7913**

Section 621 concerning the Buy America Act; and

Page H7913

The words ''Notwithstanding any other provision of law'' at the beginning of section 631 and the prohibition on acquiring foreign products under the Trade Agreements Act of 1979. **Page H7913**

Agreed to the unanimous consent request made by Representative Istook to limit the amendments offered to the bill. **Pages H7899–H7900**

H. Res. 351, the rule that is providing for consideration of the bill was agreed to by a recorded vote of 235 ayes to 178 noes, Roll No. 464. Earlier agreed to order the previous question by a yea-and-nay vote of 240 yeas to 173 nays, Roll No. 463 and to table a motion to reconsider the vote on adoption of the rule by a recorded vote of 205 ayes to 180 noes, Roll No. 465. **Pages H7845–51**

Motions to Rise: The House rejected a motion by Representative Obey that the Committee rise by a recorded vote of 100 ayes to 298 noes, Roll No. 466, and later rejected another motion offered by Representative Obey that the Committee rise by a recorded vote of 89 ayes to 302 noes with one voting ''present'', Roll No. 467. Rejected a third such motion by a recorded vote of 87 ayes to 305 noes, with one voting ''present'', Roll No. 468.

Pages H7853, H7855, H7856–57

Tax Relief, Simplification, and Equity Act Motions to Instruct Conferees: Representative Ruppersberger announced his intention to offer a motion to instruct conferees on H.R. 1308, Tax Relief, Simplification, and Equity Act. The House debated Representative Cooper's motion, noted on September 3, to instruct conferees on H.R. 1308. Further proceedings on the Cooper motion will be postponed until Friday, September 3.

Page H7922, H7930–36

Energy Policy Act of 2003: The House agreed to Representative Tauzin's motion for unanimous consent to disagree with the Senate amendment to H.R. 6. Subsequently, Representative Dingell offered a motion to instruct conferees on H.R. 6 to resolve by September 12, 2003, the differences between the House and Senate regarding the electric reliability provisions contained in the House bill (section 16031 of the House bill) and the corresponding provisions contained in the Senate amendment (section 206 of the Senate amendment), and the motion was debated. Further proceedings on the motion will be postponed until Friday, September 5. **Pages H7922–30**

Senate Messages: Message received from the Senate today appears on page H7899.

Amendments: Amendments ordered printed pursuant to the rule appear on page H7950.

Adjournment: The House met at 10 a.m. and adjourned at 11:52 p.m.

Committee Meetings

INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

Committee on Appropriations: Subcommittee on Homeland Security held a hearing on Information Analysis and Infrastructure Protection. Testimony was heard from Frank Libutti, Under Secretary, Information Analysis and Infrastructure Protection, Department of Homeland Security.

BUDGET AND ECONOMIC OUTLOOK UPDATE

Committee on the Budget: Held a hearing on Update of the Budget and Economic Outlook. Testimony was heard from Douglas J. Holtz-Eakin, Director, CBO.

STRENGTHENING PENSION SECURITY AND DEFINED BENEFIT PLANS

Committee on Education and the Workforce: Held a hearing on "Strengthening Pension Security and Defined Benefit Plans: Examining the Financial Health of the Pension Benefit Guaranty Corporation." Testimony was heard from David Walker, Comptroller General, GAO; and Steven A. Kandarian, Executive Director, Pension Benefit Guaranty Corporation.

"BLACKOUT 2003: HOW DID IT HAPPEN AND WHY"

Committee on Energy and Commerce: Concluded hearings entitled "Blackout 2003: How Did It Happen and Why?" Testimony was heard from William J. Museler, President and CEO, Independent System Operator, New York; James P. Torgerson, President and CEO, Independent System Operator, Midwest; David Goulding, CEO, The Independent Market Operator of Ontario, Canada; Gordon van Welie, CEO, Independent System Operator, New England; and public witnesses.

GOVERNMENT ACCOUNTABILITY

Committee on International Relations: Held a hearing on Government Accountability: Efforts to Identify and Eliminate Waste and Mismanagement. Testimony was heard from the following officials of the Department of State: Christopher Burnham, Assistant Secretary, Resource Management and Chief Financial Officer, Bureau of Resource Management; Anne M. Sigmund, Acting Inspector General; John Marshall, Assistant Administrator, Management and Chief Information Officer and Everett Mosley, Inspector General, both with AID; and Jess Ford, Director, Bureau of International Affairs and Trade, GAO.

OVERSIGHT—COLLEGE ATHLETIC CONFERENCES AND ANTITRUST ASPECTS OF BOWL CHAMPIONSHIP SERIES

Committee on the Judiciary: Held an oversight hearing on "Competition in College Athletic Conferences and Antitrust Aspects of the Bowl Championship Series." Testimony was heard from Scott Cowen, Chairman, Presidential Coalition for Athletics Reform; and public witnesses.

OVERSIGHT—INTERNET DOMAIN NAME FRAUD

Committee on the Judiciary: Subcommittee on Courts, the Internet, and Intellectual Property held an oversight hearing on "Internet Domain Name Fraud—the U.S. Government's Role in Ensuring Public Access to Accurate Whois Data." Testimony was heard from James E. Farnan, Deputy Assistant Director, Cyber Crime Division, FBI, Department of Justice; Theodore W. Kassinger, General Counsel, Department of Commerce; and public witnesses.

COMPACT OF FREE ASSOCIATION AMENDMENTS ACT

Committee on Resources: Ordered reported, as amended, H.J. Res. 63, Compact of Free Association Amendments Act of 2003.

COLUMBIA ACCIDENT INVESTIGATION BOARD REPORT

Committee on Science: Held a hearing on ''The Columbia Accident Investigation Board Report.'' Testimony was heard from Admiral Harold W. Gehman, Jr., USN (Ret.), Chairman, Columbia Accident Investigation Board.

ECONOMIC GROWTH—RURAL ECONOMY

Committee on Small Business: Held a hearing to discuss attracting economic growth for the rural economy and whether the federal government is adequately supporting a policy of growth in the rural portions of the country. Testimony was heard from Thomas C. Dorr, Under Secretary, Rural Development, USDA; David A. Sampson, Assistant Secretary, Economic Development, Economic Development Administration, Department of Commerce; Bernard L. Ungar, Director, Physical Infrastructure Issues, GAO; Mark R. Drabenscott, Vice President and Director, Center for the Study of Rural America, Federal Reserve Bank of Kansas City, Federal Reserve System; and a public witness.

COMMITTEE BUSINESS

Permanent Select Committee on Intelligence: Met in executive session to consider pending business.

BRIEFING—GLOBAL INTELLIGENCE UPDATE

Permanent Select Committee on Intelligence: Subcommittee on Intelligence Policy and National Security met in executive session to receive a briefing on Global Intelligence Update. The Subcommittee was briefed by departmental witnesses.

BRIEFING—RECENT COUNTERTERRORISM SUCCESS: HAMBALI

Permanent Select Committee on Intelligence: Subcommittee on Terrorism and Homeland Security met in executive session to receive a briefing on Recent Counterterrorism Success: Hambali. The Subcommittee was briefed by departmental witnesses.

POWER BLACKOUTS IMPLICATIONS—NATION'S CYBERSECURITY AND CRITICAL INFRASTRUCTURE PROTECTION

Select Committee on Homeland Security: Subcommittee on Cybersecurity, Science, and Research and Development and the Subcommittee on Infrastructure and Border Security held a joint hearing entitled ''Implications of Power Blackouts for the Nation's Cybersecurity and Critical Infrastructure Protection: The Electric Grid, Critical Interdependencies, Vulnerabilities, and Readiness.'' Testimony was heard from Cofer Black, Coordinator, Counterterrorism, Department of State; Larry A. Mefford, Executive Assistant Director, Counterterrorism, FBI, Department of Justice; and public witnesses.

Hearings continue September 17.

COMMITTEE MEETINGS FOR FRIDAY, SEPTEMBER 5, 2003

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No committee meetings are scheduled.

Joint Meetings

Joint Economic Committee: to hold hearings to examine the employment situation for August, 9:30 a.m., SD–628.

Next Meeting of the **SENATE**

9:15 a.m., Friday, September 5

Senate Chamber

Program for Friday: Senate will continue consideration of H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, with a vote to occur at 9:30 a.m. on Clinton Amendment No. 1565 (to Amendment No. 1542), followed by a vote on Harkin Amendment No. 1575 (to Amendment No. 1542).

Next Meeting of the **HOUSE OF REPRESENTATIVES**

9 a.m., Friday, September 5

House Chamber

Program for Friday:

Further proceedings on Dingell motion to instruct conferees on H.R. 6.

Further proceedings on Cooper motion to instruct conferees on H.R. 1308.

Consideration of H.R. 2765, District of Columbia Appropriations Act for Fiscal Year 2004 (unanimous consent agreement).

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