

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

The Presiding Officer (Mr. CHAMBLISS) appointed Mr. SHELBY, Mr. SPENCER, Mr. BOND, Mr. BENNETT, Mr. CAMPBELL, Mrs. HUTCHISON, Mr. DEWINE, Mr. BROWNBACK, Mr. STEVENS, Mrs. MURRAY, Mr. BYRD, Ms. MIKULSKI, Mr. REID, Mr. KOHL, Mr. DURBIN, Mr. DORGAN, Mr. INOUE conferees on the part of the Senate.

VOTE EXPLANATIONS

Ms. MURKOWSKI. Mr. President, I announce that on vote No. 406, the Feingold amendment, amendment No. 1904, which occurred earlier today, I was necessarily absent from the Senate on business. Had I been present to vote, I would have voted "nay" on the tabling motion for that amendment.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mrs. BOXER. Mr. President, today, I have a long-standing commitment to a remarkable project in the ongoing downtown Los Angeles redevelopment effort. Therefore, I am unable to be present for the votes today in the Senate.

However, if I had been present, I would have voted "no" on the motion to table the Dorgan amendment.

I would have voted "yes" on the motion to table the Feingold amendment.

I would have voted "yes" on both the Thomas and Mikulski amendments.

I would have also voted "yes" on the motion to waive the Budget Act with regard to the Dodd-McConnell amendment.

Finally, I would have voted "yes" on final passage of the Transportation appropriations bill. •

AMENDMENT NO. 1964

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding passage of H.R. 2989, the Transportation appropriations bill, the amendment at the desk by Senator COLLINS be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 1964) was agreed to, as follows:

AMENDMENT NO. 1964

(Purpose: To limit the use of funds for converting to contractor performance of executive agency activities and functions)

At the appropriate place, insert the following:

SEC. . (a) None of the funds appropriated by this Act may be used for converting to contractor performance an activity or function of an executive agency that, on or after the date of the enactment of this Act, is performed by executive agency employees unless the conversion is based on the results of a public-private competition process that requires a determination regarding whether, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the executive agency by an amount that equals or exceeds the lesser of (A) 10 percent of the cost of performing the activity with government per-

sonnel or, if a most efficient organization has been developed, 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees, or (B) \$10,000,000. With respect to the use of any funds appropriated by this Act for the Department of Defense—

(1) Subsections (a), (b), and (c) of section 2461 of title 10, United States Code do not apply with respect to the performance of a commercial or industrial type activity or function that—

(A) is on the procurement list established under section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

(B) is planned to be converted to performance by—

(i) a qualified nonprofit agency for the blind or a qualified nonprofit agency for other severely handicapped (as such terms are defined in section 5 of such Act (41 U.S.C. 48b)); or

(ii) a commercial business at least 51 percent of which is owned by an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))) or a Native Hawaiian Organization (as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15))).

(2) Nothing in this section shall effect depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(3) The conversion of any activity or function of an executive agency in accordance with this section shall be credited toward any competitive or outsourcing goal, target or measurement that may be established by statute, regulation or policy and shall be deemed to be awarded under the authority of and in compliance with section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) or section 2304 of title 10, United States Code, as the case may be, for the competition or outsourcing of commercial activities.

(b) In this section, the term "executive agency" has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(c) Nothing in this section shall be construed to effect, amend or repeal Section 8014 of the Defense Appropriations Act, 2004 (Public Law 108-87).

UNANIMOUS CONSENT AGREEMENT—S. 1753

Mr. MCCONNELL. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, after consultation with the minority leader, but not before Monday October 27, the Senate proceed to consideration of Calendar No. 312, S. 1753, the National Consumer Credit Reporting System Improvement Act of 2003.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that there be a

period for morning business with Senators permitted to speak therein for up to 10 minutes each.

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

NASA GLENN AWARDS

Mr. DEWINE. Mr. President, I honor the scientists, engineers, and other innovators working with the NASA Glenn Research Center in Cleveland. They are working tirelessly to develop technologies and products that improve the lives of Americans—both in missions to space and in everyday applications here on Earth. Through commercialization initiatives, these products are brought from the laboratory into the marketplace, driving the creation of new jobs and economic growth nationwide.

NASA Glenn recently received six of Research & Design Magazine's "R&D 100" awards, which are awarded annually to the 100 most technologically significant products introduced into the marketplace. This is a tremendous accomplishment for the Glenn Research Center, its employees, and the numerous organizations and individuals who work in partnership with the Center. I recognize each of the award recipients and thank them for their outstanding work:

NASA Glenn's Structures and Acoustics division, in collaboration with the University of Toledo and the Army Office, developed new high-load bearings capable of operating at over 1,000 degrees Fahrenheit. This new bearings technology has opened the door to two new patent applications, and is the result of the hard work and dedication of Gerald Montague, Andrew Provenza, Albert Kascak, Mark Jansen, Ralph Jansen, Ben Ebihara, and Dr. Alan Palazzolo.

A combined airport data and radar device developed by NASA Glenn in collaboration with ViGYAN, Inc., will provide new opportunities for pilots to access weather information while in the sky via a portable device called the "Pilot Weather Advisor". It was made possible by NASA Glenn's Engineering Design and Analysis Center, as well as the personal assistance of Glenn Lindamood.

Thanks to a system developed through a partnership between Zin Technologies and NASA Glenn, real time data plots from the International Space Station are now available to end users through a system known as the "Microgravity Analysis Software System." MASS. NASA staff, including Kevin McPherson, Ted Wright, Ken Hrovat, Eric Kelly, Gene Lieberman, and Nissim Lugasy, teamed up with Zin Technologies' Tim Reckart to make the MASS project possible.

Drawing on NASA Glenn's renowned expertise with icing research, a New York-based company has recently brought the first new FAA approved deicing technology to market in 40 years. This new system will provide protection to sensitive aircraft materials, while also combining two long-recognized deicing techniques. NASA Glenn's Dean Miller and Andy Reehorst, as well as representatives from Cox & Company, developed this important innovation.

Advances in thermal protection technologies known as "DMBZ-15," jointly developed by NASA Glenn and an Ohio firm, will improve the temperatures and wear resistance of aircraft engines and other propulsion systems, extending flight capabilities and

component life spans. Dr. Kathy Chuang of NASA Glenn joined representatives from the Maverick Corporation to accomplish this feat of engineering.

Last, but certainly not least, versatile new lubricant products pioneered by NASA Glenn are now being used to improve commercial steam valves and furnace conveyors. Dr. Christopher Dellacorte and Brian Edmonds, both NASA Glenn researchers, made these lubricants possible.

I extend my most sincere congratulations to everyone involved with each of NASA Glenn's award-winning projects and also thank NASA Glenn's AeroSpace Frontiers newsletter for bringing these wonderful accomplishments to my attention.

CAN-SPAM ACT

Mr. FEINGOLD. Mr. President, I want to add my congratulations to the authors of the CAN-SPAM Act. This is an important topic, and I am pleased that the Senate passed this bill.

The Internet is a medium that in under a decade has completely changed the way we live in this country. And it still has enormous untapped potential to enrich our lives and improve and expand communications and commerce for all of our citizens. E-mail has been called the "killer application" of the Internet, and it is truly ubiquitous in our daily lives in a way that no one could have predicted only a few short years ago. But over the past few years, the spam problem has come to threaten the utility of e-mail in very serious way. By passing this bill, the Senate has begun to address some of the worst abuses false and misleading headers and subject lines, fraudulent and pornographic solicitations, the harvesting of addresses and the hijacking of addresses to send unsolicited e-mail.

I am pleased also that the bill will allow legitimate commercial e-mail to continue to be sent as long as the sender provides a way for the recipients to indicate that they do not want to receive such e-mail in the future. Not all unsolicited commercial e-mail is bad. E-mail is an inexpensive way for businesses to advertise their products and we should not try to stamp out all such communications.

At the same time, some people don't want to receive such e-mails at all and they should be able to make that fact known and have their wishes respected. In addition to requiring that unsolicited commercial e-mail give consumers the ability to opt out of future such communications, I am pleased that portions of Senator SCHUMER's bill, which I have cosponsored, will be incorporated into this bill because I believe a Do-Not-Email List, modeled on the very popular Do-Not-Call List recently activated by the FTC, is something that should be created. Senator SCHUMER's proposal is a sensible and measured approach that I think will help get a Do-Not-Email List off the ground promptly.

It is time to stop spam from bogging down the great promise of the Internet

and e-mail. I am pleased to have voted for this important bill, and I appreciate all the efforts of the Senators who have brought us to this point.

FRANCE, THE EU, AND ANTI-SEMITISM

Mr. BIDEN. Mr. President, yesterday in my opening statement at a hearing of the Committee on Foreign Relations on anti-Semitism in Europe, I criticized the European Union for not having included in its Brussels summit's so-called "Presidency Conclusions" a denunciation of the Malaysian Prime Minister's vile anti-Semitic remarks.

I also recognized that French President Chirac wrote a personal letter to the Malaysian Prime Minister, but I said that I doubted that many Muslims would have access to his criticisms.

This morning, however, I was informed by my friend the French Ambassador that President Chirac's letter had, in fact, been made public.

I am happy to learn this, and I applaud President Chirac for his personal condemnation of the Malaysian Prime Minister's disgusting speech.

This does not, however, change my opinion that the European Union should have included a condemnation in the catalog of external issues delineated in its "Presidency Conclusions."

Most importantly, as yesterday's hearing pointed out, it is imperative that both the European Union and the United States resolutely and publicly oppose the cancer of anti-Semitism wherever in the world it raises its ugly head.

HEALTHY FORESTS RESTORATION ACT

Mr. KYL. Mr. President, 73 million acres of national forests are at unnaturally high risk of catastrophic wildfires because of unhealthy forest conditions. Efforts by the Forest Service to restore forest health and prevent catastrophic wildfires have been frustrated by requirements for detailed documentation, administrative appeals of proposed forest treatment projects, lawsuits and injunctions.

The U.S. Forest Service recognizes that it must be able to move more quickly to achieve results on the ground. One of its reports, "The Process Predicament—How Statutory, Regulatory, and Administrative Factors Affect National Forest Management," dated, June, 2002, cited a study conducted by the National Academy of Public Administration where it was estimated that planning and assessment consume 40 percent of total direct work at the national forest level, representing an expenditure of more than \$250 million per year.

We cannot continue to shuffle paper while our forests burn. Federal land management must address dangerous fuel loads and declining forest health before we can ever hope to stem the wildfires that have plagued Arizona

and other parts of our country. H.R. 1904 allows the Federal land management agencies to take action in protecting forest health.

It would streamline the administrative process by allowing the Federal land management agencies, in their preparation of environmental assessments or environmental impact statements, to describe a proposed action, an alternative of no action, and one additional action alternative if the additional alternative is proposed during scoping or the collaborative process and meets the purpose and need of the project.

The legislation would direct the Secretary of Agriculture to issue interim final regulations which will serve as the sole means by which administrative review may be sought for authorized hazardous fuel reduction projects. It further directs that authorized hazardous fuel reduction projects be subject to judicial review only in U.S. District Court where the Federal land to be treated is located. It would encourage the court to expedite proceedings with the goal of rendering a decision as soon as practicable. It would further direct the court—in its consideration of injunctive relief—to balance the short and long-term effects to the ecosystem of undertaking the project versus the short and long-term effects to the ecosystem of not undertaking the project.

H.R. 1904 would authorize hazardous fuel reduction projects to protect wildland-urban interface areas, municipal watersheds or water supply systems, and areas where windthrow, blowdown, ice storm damage, or the existence of insects or disease poses a significant threat to ecosystems or forests or rangeland resources on Federal land or adjacent non-Federal land, or contain threatened and endangered species habitat.

It outlines a path to unlock the gridlock that has precluded our Federal land managers from moving forward to protect our forest health.

Unfortunately, it appears that even at this date, after the bill has been reported favorably from the Senate Committee on Agriculture, Nutrition, and Forestry, and following lengthy bipartisan discussions, some Members of this Senate remain unwilling to move this vital legislation forward. If we fail to act, our communities and our forests will continue to be at risk from insect damage and fire that threatens our citizens and their homes and property.

Mr. CHAMBLISS. Mr. President, I rise today to express my support for H.R. 1904, the Healthy Forests Restoration Act. I commend the chairman of the Senate Agriculture Committee, THAD COCHRAN, and his staff who have worked tirelessly since this legislation was reported out of Committee to reach a compromise with members on both sides of the aisle who have concerns about this legislation.

In the South forest fires pale in comparison to forest fires of the West. In