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PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, MONDAY, SEPTEMBER 29, 2003 No. 135

House of Representatives

The House met at noon and was called to order by the Speaker pro tempore (Mr. YOUNG of Florida).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 29, 2003.

I hereby appoint the Honorable C.W. BILL YOUNG to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. Ronald F. Christian, Pastor, Evangelical Lutheran Church in America, Fairfax, VA, offered the following prayer:

Almighty God, all the peoples of the world call upon You for mercy in their times of need and all alike have access to Your succor.

All the nations of the world seek Your favor but none have the promise of Your preference.

We gather at this noontime hour to pray.

We pray for wisdom in our decisions so that all may be served with justice.

We pray for courage in our leadership so that our self-interests may not give way to halt the causes of peace and goodwill.

We pray for temperance in our life and appetites so that the world's resources may be fairly distributed.

We pray that justice may roll down in our communities like cool streams in a desert.

Bless, we pray, all those who are in harm's way this day.

Bless, we pray, all those who seek respite in the midst of strife.

Bless, we pray, all whose hands are calloused from the day's labor.

Bless, we pray, all who will harvest the grains of the good earth that we will soon enjoy on our dinner tables.

Amen.

THE JOURNAL

The SPEAKER pro tempore. 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 pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER 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.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 25, 2003.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 25, 2003 at 6:45 p.m.:

That the Senate passed without amendment H.R. 3161.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 26, 2003.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 26, 2003 at 9:20 a.m.:

That the Senate passed without amendment H.J. Res. 69.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 26, 2003.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 26, 2003 at 3:15 p.m.:

That the Senate passed without amendment H.R. 3087.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk.

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APPOINTMENT OF HON. C.W. BILL YOUNG TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS ON THIS DAY

The Speaker pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 29, 2003.

I hereby appoint the Honorable C.W. BILL YOUNG to act as Speaker pro tempore to sign enrolled bills and joint resolutions on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2658. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

H.R. 3087. An act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

H.R. 3161. An act to ratify the authority of the Federal Trade Commission to establish a do-not-call registry.

H.J. Res. 69. Joint Resolution making continuing appropriations for the fiscal year 2004, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. Trandahl, Clerk of the House, reports that on September 26, 2003 he presented to the President of the United States, for his approval, the following bills.

H.R. 2555. Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. tomorrow for morning hour debates.

There was no objection.

Accordingly (at 12 o'clock and 6 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, September 30, 2003, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4458. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Chlorfenapyr; Pesticide Tolerance [OPP-2003-0146; FRL-7320-8] received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4459. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Dimethomorph; Pesticide Tolerances [OPP-2003-0303; FRL-7327-3] received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4460. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Glufosinate Ammonium; Pesticide Tolerance [OPP-2003-0058; FRL-7327-9] received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4461. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Indian Meal Moth Granulosis Virus; Exemption from the Requirement of a Tolerance [OPP-2003-0256; FRL-7328-8] received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4462. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Quinoxyfen; Pesticide Tolerance [OPP-2003-0218; FRL-7318-2] received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4463. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Sethoxydim; Pesticide Tolerance [OPP-2003-0315; FRL-7328-6] received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4464. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Revisions to Regulations for Control of Air Pollution by Permits for New Construction or Modification [TX-155-1-7591a; FRL-7564-5] received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4465. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Nonattainment as of November 15, 1999, and Reclassification of the Atlanta 1-Hour Ozone Nonattainment Area; State of Georgia [GA-57-200341; FRL-7563-4] received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4466. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Priorities List for Uncontrolled Hazardous Waste Sites [FRL-7563-8] received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4467. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Monterey Bay Unified Air Pollution Control District [CA 273-0408a; FRL-7562-8] received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4468. A letter from the Secretary, Department of State, transmitting a report entitled ''Strategic Plan for FY 2004 to 2009''; to the Committee on Government Reform.

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. SENSENBRENNER: Committee on the Judiciary. H.R. 2620. A bill to authorize appropriations for fiscal years 2004 and 2005 for the Trafficking Victims Protection Act of 2000, and for other purposes; with an amendment (Rept. 108–264 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. MCCOLLUM (for herself and Mr. MATSUI):

H.R. 3195. A bill to extend normal trade relations treatment to the products of the Lao People's Democratic Republic; to the Committee on Ways and Means.

By Mr. OBERSTAR (for himself and Ms. NORTON):

H.R. 3196. A bill to amend title 40, United States Code, to provide a comprehensive regional approach to economic and infrastructure development in the most severely distressed regions in the Nation; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOM DAVIS of Virginia (for himself, Mr. WAXMAN, Mr. PLATTS, and Mr. TOWNS):

H.J. Res. 70. A joint resolution recognizing Inspectors General over the last 25 years in their efforts to prevent and detect waste, fraud, abuse, and mismanagement, and to promote economy, efficiency, and effectiveness in the Federal Government; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1508: Mr. FILNER, Mr. PETERSON of Minnesota, and Ms. MAJETTE.

H.R. 1582: Mr. BLUMENAUER.

H.R. 1896: Mr. ISTOOK.

H.R. 2173: Mr. HINCHEY and Mr. SMITH of New Jersey.

H.R. 2269: Mr. SOUDER and Mr. KINGSTON.

H.R. 2512: Mr. SESSIONS.

H.R. 2784: Mrs. MUSGRAVE.

H.R. 2928: Ms. BERKLEY, Mr. ISTOOK, Mr. LARSEN of Washington, Mr. PORTER, and Mr. SULLIVAN.

H.R. 2998: Mr. BISHOP of New York, Mr. GILLMOR, Mr. BURNS, Mr. GOSS, Mr. HAYES, Mr. JEFFERSON, Mr. BILIRAKIS, Mr. CHOCOLA, Mr. SENSENBRENNER, and Mr. FORD.

H.R. 3130: Mr. SOUDER.

H.R. 3150: Mr. BISHOP of New York.

H. Con. Res. 265: Mr. LAHOOD.

H. Res. 357: Mr. PUTNAM.

H. Res. 363: Mr. ENGLISH.

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PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, MONDAY, SEPTEMBER 29, 2003 No. 135

Senate

The Senate met at 1 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

Sovereign God, King of Kings and Lord of Lords, You alone possess immortality and dwell in unapproachable light. We thank You for this land and for freedoms purchased with blood. Forgive our desire to seek the path of least resistance. Remind us, Lord, that few laudable goals are won without sacrifice. Teach us how to endure trials as we strive to live for You, to fight faith's battles leaning on Your strength. Give this Nation Your favor and hold it in the grip of Your gracious providence. Give our Senators a productive day and the wisdom to choose the excellent. May they labor to preserve the greatness of our national heritage as they strive to unite us. Be with each of us throughout this day and keep us in the way of love.

We pray this in Your Holy Name.

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, today we will be in a period of morning business for the purpose of making statements and introducing legislation. At 2 o'clock this afternoon, the Senate will resume consideration of the District of Columbia appropriations bill. It is still our desire to finish this bill this week. The managers were here Friday and will be here again today ready to make progress on the bill.

I announced last Friday that any amendments offered during today's session will be stacked for votes beginning at approximately 5:30 p.m. today. If Members do not come forward with their amendments, it would be my hope that the bill could be brought to third reading and the Senate will then vote on passage of the bill.

On the issue of DC school choice, we spent significant time last week on it, and the Mayor came to the Capitol imploring us to allow the District of Columbia schoolchildren to receive a decent education. We heard a lot of arguments from the other side as to why this should not happen. We heard from the other side that the District's public schoolchildren should be only allowed to go to a better school if the District's nonpublic schools submit a new, onerous, burdensome set of regulations. In other words, the nonpublic or private schools should have to pay for the failure of some of the District's schools. The logic of this type of argument simply is not clear. Children are not horses. They cannot be traded and they should not be traded.

We also heard that because this plan is modest and cannot provide scholarships for all of the District's children, then none of the District's children should have this opportunity to benefit. William Raspberry today in his syndicated column said it very well when he said, ''How does it follow that nobody should get life vests, because there aren't enough to go around?'' That is a good question, made even more puzzling by the fact that the same critics who charge the program for not being generous enough say it is a radical departure from the status quo.

Thomas Sowell, in his syndicated column today, likens this to the classic complaint that the food doesn't taste good, and even worse, there is not enough of it.

Well, the fact of the matter is we have had three full debates on this topic of the District appropriations but concentrating on education in the District. Today will be our fourth day of debate and discussion on this issue.

Despite all of these alleged concerns, the other side—the opposition—has not yet offered any amendments. We have not had them come forward and say this is our amendment; let's have a vote on the amendment. Thus, I am left with the conclusion that the opposition would prefer the schoolchildren in the District remain trapped in schools that are not giving them the opportunities to learn and to grow. I hope this is not the case and that we will press forward and work together to achieve passage of the bill this week.

If we are unable to make progress on the bill today in terms of amendments, we will have votes this afternoon on our judicial nominees. Seven additional judges were reported last Thursday, and we will begin ordering votes on those nominations this week.

This week, as I stated a couple of weeks ago now—almost two weeks ago—my intentions are to have the Senate begin the urgent supplemental request for Iraq and Afghanistan security. That discussion and debate is very important, and I have set aside this week, recognizing that we are going on recess next week, to address this very important issue, which is important because it looks at security in Iraq and in Afghanistan with a real focus on our troops who deserve that support. The full Senate will begin consideration of that bill as soon as it becomes available for floor action.

I know we will have full and complete debate, looking at the various aspects of that bill on the floor of the Senate, and thus as we talked about on

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

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the floor at the end of last week in colloquies going back and forth, late nights are to be expected.

We are at war. There is a war against terrorism. We are talking about security in Afghanistan and Iraq. It deserves the focus of this body. I have asked my colleagues to make their schedules available so we can have full participation. It does mean that during the days and, I suspect, well into the evenings this week, we will be participating in that debate. We do want to finish this emergency appropriations bill this week.

Again, as I mentioned, next week we will be out on recess and into the week after that. The President has made it very clear that the urgency demands we address this bill as soon as possible. That will be this week, and it is our intention to complete that this week.

I thank my colleagues in advance for what will be a challenging week for all of us. I expect the American people can be proud this week as we deliberate on the many complicated issues on which we will have votes to decide those issues and we will then complete our work on this request by the end of the week.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDENT pro tempore. In my capacity as a Senator from the State of Alaska, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until the hour of 2 p.m., with the time equally divided and controlled in the usual form.

In my capacity as a Senator from the State of Alaska, I suggest the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDENT pro tempore. Without objection, it is so ordered.

PUTTING $87 BILLION INTO CONTEXT

Mr. BYRD. Mr. President, my remarks will not be lengthy, but I entitle them as follows: ''Putting $87 Billion Into Context.''

The Senate will soon consider the President's request for an additional $87 billion to fund the U.S. occupation of Iraq and Afghanistan and to aid in their reconstruction.

The $87 billion supplemental brings to a total of $194 billion the amount the United States is spending in Iraq and Afghanistan. Let me repeat that. The $87 billion supplemental brings to $194 billion the amount the United States is spending in Iraq and Afghanistan, more than twice what the administration had led the public to believe just a few months ago.

The 1991 Persian Gulf war, by contrast, cost $61 billion, of which the United States paid only $7 billion. That is $7 billion spent in 1991 compared to $194 billion today, almost 28 times higher.

The Bush administration's $87 billion supplemental request is the largest emergency spending request since 1977. The $87 billion request, just for Iraq and Afghanistan, just for next year, roughly equals, in current dollars, the total amount of money spent to rebuild the entire continent of Europe after World War II. The request is larger than the $74 billion the Defense Department plans to spend on all new weapons purchases next year. The request is more than twice the administration's entire $35 billion homeland security budget for next year. That means that for every $2 spent on the President's supplemental request for Iraq, the administration will spend less than $1 on homeland security here at home.

The $20 billion the President is seeking for Iraq's reconstruction is $2 billion more than we are spending for foreign assistance for every other nation on the planet. The $87 billion request is 50 percent more than we spend on education for the entire United States. Let me say that again. The $87 billion request is 50 percent more than we spend on education for the entire Nation.

With $194 billion spent or requested, the President's war spending in 2003 and 2004 already exceeds the inflation-adjusted cost of the Revolutionary War, the War of 1812, the Mexican War, the Civil War, the Spanish-American War, and the Persian Gulf war combined. The cost of the war and postwar occupation of Iraq will soon surpass the $196 billion inflation-adjusted cost of World War I. The monthly bill for the United States military missions in Iraq and Afghanistan now rivals spending during the Vietnam war.

At $87 billion, the President's request is larger than the economies of 166 countries. It is larger than the individual economies of almost half the States of the Union. That is a lot of money.

If approved, the President's request would increase the Federal budget deficit for fiscal year 2004 to $535 billion; in other words, more than half a trillion dollars. I will say that once more. If approved, the President's request would increase the Federal budget deficit for fiscal year 2004 to $535 billion. The White House is now in danger of violating its own self-imposed limit for budget deficits, 6 percent of gross domestic product or $600 billion.

The administration hopes it will receive an additional $30 billion to $55 billion from other countries and Iraqi oil revenue over the next 2 years, but that money may never materialize. Iraqi oil production is 1 million barrels per day less than before the war. The oil infrastructure has been hobbled by severe looting and sabotage. Certain pipelines have been struck by a series of attacks since the United Nations lifted sanctions this summer. Iraq's oil revenues are likely to fall short of even the most modest expectations of this administration.

As for the tens of billions of dollars the Bush administration is hoping to receive from other countries and international financial institutions, President Bush's request has fallen on deaf ears. The Bush administration has alienated most of the international community. After the Presidential swallowing of pride and having asked the United Nations for help, the Washington Post summed up the President's fundraising efforts with the headline, ''Bush Fails To Gain Pledges On Troops Or Funds For Iraq.''

Increasingly, it appears as if we are on our own in financing the occupation and the reconstruction of Iraq. I urge my colleagues to exercise patience before approving this request. This is not just an ordinary supplemental bill. This is not just a token amount of money. It is the beginning of a major commitment of resources in behalf of the American taxpayer. Before we act, we should make sure that taxpayers understand the size and consequences of this request and what will be asked of them in paying for it.

I yield the floor.

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

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the time for the quorum call, which will be shortly announced, be charged equally to both sides.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

IRAQ APPROPRIATIONS

Mr. BOND. Mr. President, one of the most important issues we may face all year is an issue we are going to be working on this week, and that is the urgent supplemental appropriations to continue and, we hope, wind up our efforts in Iraq. I know there are many different views. I think a little historical perspective may be in order. Some people are even questioning why we are in Iraq. I run into people in my home State who think, as some of the German media apparently does—I saw a report today—that September 11 was just a conspiracy of the United States, and that we really were not under a terrorist attack.

Well, we have known for some time the dangers that terrorism present to the world and to those of us here in America. It was very clear back in 1998:

> One way or the other, we are determined to deny Iraq the capacity to develop weapons of mass destruction and the missiles to deliver them. That is our bottom line.

President Clinton, February 4. Then again on February 17:

> If Saddam rejects peace, we have to use force. Our purpose is clear. We want to seriously diminish the threat posed by Iraq's weapons of mass destruction program.

President Clinton, February 17.

And even better, here is a quote from a day later:

> Iraq is a long way from here but what happens there means a great deal here. For the risks that the leaders of a rogue State will use nuclear, chemical or biological weapons against us or our allies is the greatest security threat we face.

So stated by Secretary of State Madeleine Albright, February 18.

Well, after the tragedy of September 11, 2001, President Bush very forcefully outlined a program to deal with terrorists. He said: We are going to bring terrorists to justice or we will bring justice to the terrorists. He pointed out that we would no longer permit States to harbor terrorist groups, to provide safe havens for terrorists who need the opportunity and the time and the money and the financing to build their terrorist operations through which they could strike the United States.

Well, during the 1990s we did not respond—Khobar Towers, our embassy bombings, USS *Cole*. We treated them as isolated instances when, in fact, they were part of a terrorist scheme. You cannot retaliate against a suicide bomber. You have to deal forcefully. That is why President Bush said we will go after the terrorists, wiping out terrorists where we find them and undoing the governmental structure which protects them.

Well, we have been successful. Magnificent military efforts in Afghanistan disbanded the Taliban. A magnificent, unbelievable effort in Iraq totally shredded the Saddam Hussein government of tyranny and authoritarianism, a government of rape and poisoning of their own citizens. But now we face what President Bush said is going to be an ongoing battle, a continuing battle, the battle against terrorism itself—not just this particular Government or location.

We have before us a request from the President of the United States for $87 billion. Most of it, about $67 billion, is to protect our troops and to keep them there and to keep them safe. Another $21 billion will help the Iraqi people build a country free after 30 years of terrorism, torture, and repression and to develop their own military, their own police force, their own security, their own justice system so they can be safe and start to rebuild the economic structure of their country.

Now, $87 billion is a lot of money. Make no mistake about that. That is really a huge sum. But last week we had extensive hearings with Secretary Rumsfeld, General Myers, and representatives of the State Department and the Department of Defense. I asked them, What was the cost of 9/11? How much did it cost?

We know it cost 3,000 lives or more in the Twin Towers, in the field in Pennsylvania, and here at the Pentagon, and that is a huge tragedy. But when you take a look at the monetary side, the best estimates are a couple hundred billion dollars because we did not deal with terrorists before they dealt with us. They struck us on our territory, on their terms.

The President of the United States came to the Senate and, by a vote of 77 to 23, the Senate authorized him to wage war in Iraq. We did that. We won. But the terrorists are there. The terrorists come back into Baghdad like a roach motel. All the low life, the hideous assassins, the suicide bombers are coming back. And we are fighting with them, we are dealing with them there. We need $66 billion. It costs well over $4 billion a month to keep our troops there.

The people of Iraq, in response to opinion polls, have clearly said, by an overwhelming majority, that they want us there because they see the difference that has happened in their country. They know with the Baath Party still functioning, remnants of the Republican Guard, al-Qaida, and other terrorist groups coming in there, they are not safe unless they have a security shield. Right now, we are that security shield. And we are doing some good things as well.

One of the things Secretary Rumsfeld pointed out was the tremendous progress we are making to help Iraq get back on its feet so it is safe. In less than 5 months, virtually all major Iraqi hospitals and universities have been reopened. They are taking down huge caches of weapons that have been stored away by the Saddam government and by terrorists.

Mr. President, 70,000 Iraqis have been armed and trained and will be graduating into the military, and 40,000 Iraqi police are conducting joint patrols with coalition forces. A new Iraqi council has appointed government cabinet members. Iraqi municipal councils are functioning in almost all towns and villages, and some 8,000 civil affairs projects have been undertaken by our troops.

Now we need to do something more. We need to win the peace, and this $21 billion is the best investment we can make in winning the peace. Because only when we have won the peace and put in place an Iraqi military and police force and government that is able to protect itself can we safely bring our troops home and not worry about having to go back 5 or 10 years later, after they have rejuvenated their chemical and biological weapons programs and perhaps achieved the goal of nuclear explosives. We will not have to go back again and do what we just did.

The terrorists are firing at our troops over there. The war on terrorism is going on in Baghdad. But make no mistake about it, they are not just shooting at our soldiers and innocent Iraqis and Iraqi police; they are shooting at American public opinion because their greatest hope is they can sow discord in the United States and force a pullback of our forces before the peace is won, to allow all those horrible terrorists to regroup and come together and launch another attack against their neighbors, against those who have been friendly with us, and, yes, against the United States.

I hope we will have a good, vigorous debate. I hope we can move quickly to pass the emergency supplemental appropriations bill. Let's vote on it up or down. Let's get it moving and support our troops, but let's also get it moving so we can win the peace. Right now, with our forces over there, the battle in the war on terrorism is focused on Baghdad. It is tragic it has to be anywhere, but we have carried the battle to them. Because of the strong leadership of this administration, we are fighting the battle of terrorism in Baghdad—not in Boston or Boise or Ballwin, MO or Belton, MO.

I believe that reports from our troops in the field, who say, ''Yes, this is dangerous, this is deadly, but we would rather be fighting them here than on our homeland,'' are right on. The people who are over there know what their mission is. They know how important their contributions are to safety and security, not just in Iraq, and in their neighborhood in the Middle East, but to our own safety, our own well being.

Mr. President, 62 percent of the Iraqis in Baghdad, according to a Zogby poll, believe the hardships they have faced since the war have been worth it to rid the country of Saddam Hussein, his evil sons, and the brutal regime. That is an incredible vote of confidence for what the United States has done.

In a different poll, when asked how long U.S. troops should remain in the country, two-thirds of the Iraqis said the U.S. troops should stay at least another year. I am afraid those numbers are higher than we would get in the Senate right now, but it tells you what

we are doing is important for them as well as for us.

We want them to have a secure and peaceful country, but we want them to be able to enforce the law, to confront paramilitary troops with their own forces. That is what the $21 billion goes for. It is a lot of money, but if it gets our troops out just 5 months sooner, it will save us that much in supporting our own military. And we all know it will save us much more in exposure of our fighting men and women to the terrorist attacks that are now going on in Baghdad.

I hope we can move effectively and quickly. Let's have some up-and-down votes. Let's get on with it. We are at war. The President said all along that the war on terrorism is going to be a long war. But we have a chance to gain a major foothold. I hope we can move this emergency supplemental for Iraq and Afghanistan as quickly as possible.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2765, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2765) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes.

Pending:

DeWine/Landrieu Amendment No. 1783, in the nature of a substitute.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, we are back on the District of Columbia appropriations bill. It is my hope that we will, within the next several days, be able to conclude our deliberations on this bill.

This bill, as we have discussed at length already, is a very positive bill. Senator LANDRIEU and I have worked on it with the help of the other members of the committee. It does a great deal for the children of the District of Columbia. One of the things Senator LANDRIEU and I are both proud of is the work it does for the foster care system, a system that has truly been broken in the District. The District of Columbia has had some serious problems in regard to its foster care system. The Washington Post and other news media outlets have reported time and again about the foster care system. This legislation, for the first time, commits the Federal Government to try to assist in the repair of the system.

The bill also continues the work of the Congress with the District to deal with some very severe infrastructure problems—a sewer problem, for example.

It also addresses the school problem in the District of Columbia, which is the one area that has been contentious. We have taken some time already to debate the issue. As I have pointed out, this bill takes a balanced approach to the school challenge. It is a program that has been designed by the Mayor. It is an innovative program that provides for $40 million of new money—I emphasize that this is new money—that will be injected into the system: $13 million that will go to public schools, $13 million to charter schools for the creation of new charter schools, and $13 million used for a brand new program to create scholarships for the poorest children in the District of Columbia.

It is a program that, as the Mayor has said, was designed by him, a program he supports, as he has publicly stated, and that he has asked the Congress, the Senate to approve. It is a program that will go a long way to help the children of the District of Columbia.

I ask this afternoon for my colleagues who do have amendments—I know Senator LANDRIEU will be discussing in a moment an amendment she and Senator CARPER will be proposing; I know Senator DURBIN has an amendment, and some of the other colleagues may have amendments—to come to the Chamber and offer their amendments so we can move the bill forward. We are prepared to vote on the amendments. It is time for us to do that so we can move this legislation forward.

I yield to my friend and colleague, Senator LANDRIEU.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I thank my colleague from Ohio who has been a great partner in this effort. He and I share a great deal of pride in the underlying bill. It was built and crafted with a tremendous amount of bipartisan support.

As he mentioned, one of the cornerstones and key provisions is a push, an initiative, to help support, change, and transform the foster care system in the District. Although it is not a Federal responsibility directly, as the District of Columbia, and as a major city in our country, we hope to have a model that is beneficial not only to the District and the residents in the region but also a model that shines as a bright line around the country as jurisdictions all over the country, including many jurisdictions in Louisiana, are struggling with this same question of how to give the taxpayers the accountability they deserve, how to give the parents and families the respect they deserve, and how and when to step in and separate children, for their own protection, safety, and health, from a family situation that is disintegrating or dysfunctional and try to heal the situation, reunite the child with the family, or, if that cannot happen, move that child through a temporary nurturing foster care situation until that child can either be reunited with the family or placed with an adoptive family.

I commend the District leadership publicly for the improvements that have been made, although we are a long way from where we need to go. With Senator DEWINE's leadership, we were able to put millions and millions of dollars in last year's bill—as I recall, somewhere around $70 million—for a new court system to redesign the superior court, to actually identify—and Senator DEWINE and Senator DURBIN led this effort—and design a special court for domestic cases, for family cases, for child welfare cases, so hopefully we now have coming into play one judge—one child and one judge, one family, so children do not get lost between courtrooms or their files are not lost between social workers. We have one team, one judge working with the child for good resolution.

It takes not only good planning but it takes money. It takes resources. The mayor and the locals have stepped up to increase their budgets. We have stepped up to try, even with things as tight as they are, to find additional funding to support that foster care reform. That includes the courts, in getting the social worker ratios tighter so we do not have 1 social worker for every 50 children but 1 social worker for a manageable 15, 20, or 30, which is still a heavy caseload.

Those are two of the important initiatives. Having the right kind of database, having the right kind of people step to the plate to become foster care parents, to promoting adoption as a way to move children to a permanent, loving home—that takes the cooperation of the social workers, the families, the extended family, and the court.

All of those initiatives are funded in this bill to some degree—not to the extent, of course, that we would like but I think to the extent we can begin to see some real headway in terms of improvement for the children of the District.

There are anywhere from 6,000 to 8,000 children ranging in age from infants to 18 to 21 who need this assistance. The chairman has also been very eloquent regarding the needs of children aging out of the system, children who were taken away from their parents, where parental rights were terminated, and the system we created failed to find that child a new family. So at the age of 18 or 21, the child ages out and is literally handed a plastic bag with a few pieces of clothing and not much else other than good luck, good wishes, and goodbye.

That, of course, is not sufficient. In this bill and other efforts this Congress

is making, we are trying not only to help children aging out of the foster care system in the District of Columbia but all over the Nation. There are 25,000 such young children who age out each year. There are exciting projects underway to help these young people despite the fact that they got a short straw in terms of the way their first 21 years of life went. We are hoping to step in, in a more comprehensive way, and give these young people opportunities for college, for skill development, for social development.

Of course, all the money in the world spent on the back end is not worth the effort that could be in the front end regarding prevention. That is what Senator DEWINE has so correctly done and why I support him in his efforts.

Now a word on the school reform proposal being considered and debated. There were a number of points I tried to make on this proposal Friday. I agree with Senator DEWINE; we should have our Members present amendments to try to get some sort of idea in terms of time. Perhaps we will have today and tomorrow to discuss this issue. Senator DURBIN and a few other Senators on our side will have amendments to lay down.

One of the issues I will discuss is the issue of choice. It was one of the goals of Leave No Child Behind, and an important goal. It was not the central goal. It was not the underlying goal. It was a desirable goal. The goal of Leave No Child Behind was excellence through accountability—excellence for the children in the public school system and accountability to their parents and taxpayers who pick up the tab for that system.

In that legislation, we laid down many ways that jurisdictions can provide more choices for students all over this country, for the millions and millions and millions of children who are in public education. We want real choices, not false choices. I am afraid some voucher proponents who continue to talk about vouchers for private schools say the real issue is choice. It is not choice; it is real choice. It is informed choice. It is not just choice. And it is affordable choice.

Senator CARPER and I, in one of eight points in an amendment we have discussed, tried to point out to the proponents that the $7,500 voucher, while it sounds like a lot of money—and $7,500 is a lot of money—the average private school tuition in the District of Columbia is $10,800. We are trying to point out, as written in the proposal being considered, there is no guarantee that $7,500 voucher would actually get a child into the school of their choice for that amount of money because the school of their choice might have a tuition of $20,000 or $18,000 or $12,000.

One of the aspects of our amendment is, if you are for choice, then be for a real choice; make the voucher real, not fake. We have been criticized as having a filibuster on the cheap. I say that proposal is like vouchers on the cheap.

It is not going to work if the tuition is $20,000 or $15,000 or $12,000. The proponents want to say the taxpayers should be prepared to pick up whatever to give a real choice. Well, that is an expensive whatever. But the opponents want to say we will pick up a voucher for a child to go to a private school, then pick it up. That is what I say. Pick it up. Why stop at $7,500?

One of the parts of our amendment is to have the voucher basically be accepted by the private school—this is all voluntary on the private schools' part, which is a very good part of the underlying bill. This is not mandatory. No private school has to participate, and there would be many reasons, as written in many newspapers in the country, why many private schools in the District would not want to participate. If they are going to participate, they would have to follow certain guidelines—not cumbersome and, in my mind, not anything that would be very difficult to follow—again, just trying to meet the minimum accountability standards. But if we are going to give children a choice, let's give them a real choice and not vouchers on the cheap, No. 1.

No. 2, one of the most important things about creating any system of choices, whether you create more choice in a public school or more choice for children to go to private schools, is to have informed choices. I would think that we could be spending more money—or more effort and money than we are, and I would be surprised that the proponents who have argued for choice, choice, choice, have not put forward a proposal to try to help the parents of the District of Columbia to have more informed choices about the choices they have now, which is completely public school choice.

In order to make good choices—as we have seen, the choices you make are only as good as the information you have with which to make them. We are experiencing this with our foreign policy as we speak. If your information is not as secure and as thorough and deep and as tight as you would like it, maybe sometimes the choices you make would be different if you had the right kind of information. It is the same thing about public schools and about school choice. If you could have a consumer report, like many of us get for the appliances that we purchase, you could tell what kind of washing machine or dryer you would like, or what car you would like to buy. It is quite easy. Not only can you view the product in a number of different locations without a lot of pressure, but you can read in detail about the way the product carries out its work or the way the product functions. The same effort should be underway here.

That is one of the things that Leave No Child Behind put forward in its reform effort, trying to help improve choices, increase choices but informed choices, and why is there now a report card, a report, accountability? It is so parents can know. If I have a choice to send my child to this or that school, it is not just walking in the front door and shaking hands with a few individuals and observing if the school looks like it is in good repair and observing the children in the school; but it is also looking a little beneath the surface. What are the teacher/parent ratios? How large are the classrooms? Is my child getting this kind of attention? What do the records show? How many children have become national merit scholars at this school? How many things do parents want to know about their children? If we are interested in choice—of which I am a strong supporter, which is why I have supported charter schools and this kind of accountability and information—then I would think that the voucher proponents would be interested in that kind of information.

But, again, the amendment we have discussed, laid down—the necessity of gathering that kind of information and evaluation, not telling the public schools what they have to do, or ratios, but reporting mechanisms that would allow parents to make wise choices and would also allow the taxpayer who is picking up this tab to have some sense of whether their money was being used for a good purpose or not. Maybe the taxpayers would have a different view. But no matter what we do, whether we have a voucher that goes—which I have argued goes only to children in failing schools, not a broad-based voucher—to have an opportunity to put the system in place for those children to leave that school and to move to a different school, you are going to have to have better information than the proposal that is before us. So the issue of basically voucher on the cheap choice might sound good but it is not real unless you have the right kind of information.

The third point I wish to make is this. My colleague just said this, and you could argue—and I hate to argue with him on any point because he and I have agreed on so many issues for this bill. But I have to take issue with one statement, and he is not the only one who said it. The other Senators have talked about the concept of extra money or new money. This $40 million that exists in the Senate bill, which is a third for vouchers, a third for charters, a third for traditional public schools, is not new tax dollars. There was no new revenue stream created to pay for this. Part of the money came from the Defense allocation. Part of the money came from Commerce-State-Justice and part of it came from the allocation for the District of Columbia. So this money has come from other places in the budget to come to the District of Columbia. It is not new money. It was here before. It is here now. It is just now shaped for this education initiative.

I agree that the District should get $40 million for a demonstration project

for any number of reasons. I don't agree with all of the details of the voucher proposal, but I hope we can stop saying this is new money because, in my mind, unless there was a proposal like everybody is going to pay one more dollar for their parking tickets or one more penny for sales tax or everybody is going to pay one more something, it is not new money; it is coming from somewhere else to fund this initiative—not from the education budget, that is true, but it is coming from other budgets.

The Wall Street Journal writes about this every week in a very critical way of my position. I say to them, as they wrote again today, several of us who have supported the modification, they want to remind me—they say:

Senator LANDRIEU should remind herself that this is extra education money.

Let me say to the Wall Street Journal and to any other newspaper that would be reporting on this, I don't know if you can convince any educator in America that there is any extra money anywhere for education. I don't think you could argue with any educator anywhere and say there is extra money. People may say we are spending too much in this area, and our money is not being spent well, so let's move it and repair schools; or we have too much money in the repair school budget, so let's move it to buy computers; or we have great computers but we don't have the teachers who have the training to operate the computers and to teach them, so let's take that money and move it. But I don't know anybody who thinks there is extra money in education, and especially extra money for a program that doesn't accomplish the goals that you have outlined and doesn't meet the objectives of Leave No Child Behind.

I will have some other things to say about this article as the day proceeds. I wanted to talk for a minute about the concept of new money, extra money, about choice and the difference between real choice, informed and uninformed choices, and, again, the issue of vouchers on the cheap, because $7,500 will not get many children in the District much because the schools here are quite expensive—not just in the District but in the region and throughout the country. There are many expensive schools that are much more than $7,500.

If we are going to try to help children who are in failed public schools to get a real informed choice, then at least give them a voucher that will get them through the front door and they will not have to go out and have a bake sale in their neighborhood to get the extra money to go because that is not a real choice.

Those are the comments I wanted to make. There are other Senators who will be coming to the floor to speak. 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. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DEWINE. Mr. President, I wish to respond to my colleague's comment about ''new money.'' I hesitate to do this because my colleague and I agree on so many issues. We have worked so well on this bill. But we disagree about this phrase. I will say why I have used this phrase.

First, this is new money. This is new money to the Mayor. If you ask him, ''Mayor, is this new money to you,'' he is going to say: ''Yes, it is, Senator, new money. I didn't have this $40 million, and would I like this $40 million for my schools, for my kids? Yes, I would. I would like 13 million new dollars for my public schools. Yes, I would like 13 million new dollars—new dollars—so I can have these scholarships; I would, indeed.''

It is new money. It is, in fact, new money. It is new to these kids. It is new to their parents. It is new to the schools. It is 13 million new dollars for charter schools, and it will create new charter schools and they will, in fact, be new.

Why do we use the term ''new''? We have to understand the context. One of the arguments made many times against these scholarships, or, as my colleague would say, vouchers, is that you can't do that or you shouldn't do that because it takes money away from public schools. As the debate is taking place across the country, people will say: You shouldn't be taking money away from the public schools and putting it into scholarships; that is not fair.

When this program was designed, when this bill was put together, the decision was made that we were not going to do that. What we want to do and what the Mayor wants to do is make this a win-win-win situation, with no money taken away from the public schools. In fact, money would be given to the public schools. So, yes, in fact, it is new money. That is the context in which the term ''new money'' is used.

Those of us who are in favor of this bill and in favor of this program use the phrase ''new money'' simply to emphasize no money is being taken away from the public schools, and, in fact, it is new money to the public schools, new money for the charter schools and new money, yes, for these scholarships. That is why we use that phrase. Quite frankly, that is why I am going to continue to use it, and I think it is very important to point that out.

I wish to go back to another point my colleague made about the $7,500 scholarship, that it might not be enough at some of these schools. First of all, I think in most cases it will be enough. Let me tell you why. A recent survey conducted by the Washington Scholarship Fund, with assistance from the Health, Education, Labor and Pensions Committee staff, found the average weighted tuition among DC private schools with vacancies to be $6,172, well within the $7,500 scholarship amount provided by this program. That is something we need to keep in mind.

Furthermore, two-thirds of the schools that reported vacancies charge tuition under $7,300 and most have a sliding scale to accommodate a family's ability to pay. We think the fact is this is not going to be a problem, but I say to my colleague, I already indicated to her when we were negotiating earlier last week that I don't have a problem with that particular language in her amendment. It certainly makes sense to me. I don't have any problem with that provision in her amendment.

We have reached the point in this debate when we need to know about the amendments. We talked a lot about them. We need to get them. I am not going to propound a unanimous consent request at this point, but I put everybody on notice, within an hour or two I am going to ask unanimous consent that we set a time certain later today that we have a specific cutoff time so we can get these amendments noticed and so everyone will be notified what the amendments will be. There is no reason we can't put everyone on notice and have a time certain later today when these amendments all can be filed so that we know where we are so we can move forward.

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

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

IRAQ

Mr. KENNEDY. Mr. President, this week, the Senate begins a debate on the most important question facing any government. It is not just about the administration's policies and its conduct in Iraq. It is about the way we pursue American interests in a dangerous world. It is about the way our Government makes one of its most important decisions—whether to send young American men and women to war.

Everything we do this week—every amendment we consider and every word of our debate—should be focused on protecting our men and women in uniform, providing for the support and care of their families, and helping them complete their mission and come home with honor.

It is wrong to put American lives on the line for a dubious cause. Many of us continue to believe that this was the wrong war at the wrong time. There were alternatives short of a premature rush to a unilateral war that could have accomplished our goals in Iraq with far fewer casualties and far less damage to our goals in the war against terrorism.

But above all, at this time, as our men and women face constant danger, as American lives are lost almost daily in Iraq, it is not only wrong, but an irresponsible failure of leadership for the administration to have no plan for Iraq. Our troops deserve a plan that will bring in adequate foreign forces to share the burden and restoring stability and building democracy as part of a vision for the future of Iraq, and bring us closer to the day when our troops will come home with honor.

There is no question that the Senate owes it to our men and women in uniform to provide the support they need. But $87 billion cannot be a blank check. The administration must tell the country what it intends to do with $87 billion and its plans for sharing the burden with our allies at the U.N. and achieving our goals. The American people are entitled to know whether, with all the current difficulties, the administration has a plausible plan for the future, instead of digging the hole even deeper.

During this debate, my colleagues and I will raise questions about the administration's failed policy in Iraq. We do so not only out of concern for its effect on American security but especially out of concern for the safety of American service men and women, who are paying for that failed policy with their lives.

In its effort to secure swift approval of this enormous $87 billion, the administration and its allies undoubtedly will criticize those who raise questions about its policy in Iraq. Rather than acknowledging its failures, the White House and its friends in Congress with attack those who question its policies,and may even accuse us of undermining our troops.

Nothing could be further from the truth. It is the administration's failure to consider other alternatives before rushing recklessly into war that has now put our soldiers at risk. It is the administration's failure to gain international support that has put our soldiers at risk. It is the administration's failure to have a plan to win the peace that has created a breeding ground for terrorism in Iraq and put our soldiers at risk.

The embarrassing rebuff of President Bush by the United Nations last week has made these errors even worse. We may never know for sure who or what persuaded President Bush to go to war in Iraq. We know now that we should not have accepted at face value the claims that Iraq was linked to al-Qaida, or that Iraq was building nuclear weapons, or that Iraq had stockpiles of chemical and biological weapons. Our intelligence agencies clearly had inadequate information to justify such claims by the administration, but it is far from clear why President Bush was persuaded to accept that information as adequate.

There is a greater responsibility now than ever on Congress to have an open and honest debate about these failures, and do all that we can to put our country back on the right course in Iraq and in the larger ongoing war on terrorism.

Our soldiers' lives are at stake. Patriotism is not the issue. Support of our troops is not the issue. The safety of the 140,000 American service men and women serving in Iraq today is the issue, and, it is our solemn responsibility to question, and question vigorously, the administration's current plan to request for funds to restore stability in Iraq, achieve democracy in Iraq, and bring our soldiers home with dignity and honor. So far, the administration has failed, and failed utterly, to provide a plausible plan for the future of Iraq and to ensure the safety of our troops. America's military is the finest in history. It is no surprise that we won the war in just 21 days.

The war was a spectacular victory—but the postwar effort has been a resounding failure. Our soldiers and Marines in Iraq are displaying their extraordinary military skill, but their mission has become infinitely more complex and difficult.

Our soldiers were told they would be welcomed as liberators. Instead, they are increasingly resented as occupiers and are under siege every day. They face surprise attacks and deadly ambushes from an unknown enemy. It is increasingly difficult to tell friend from foe. The average number of daily attacks against American troops has recently increased from 13 to 22.

We are losing a soldier a day; 309 Americans have been killed in Iraq since the war began. In the 150 days since President Bush declared ''mission accomplished'' aboard the USS *Liberty*, 171 American soldiers have died. Ten soldiers from Massachusetts have made the ultimate sacrifice in Iraq.

This chart shows the list of casualities and total deaths. We do not see the number of wounded; we do not hear that number quoted in the Senate because it isn't published. I wonder why it isn't published. What possible justification is there for concealing the number of brave young men and women who have been wounded over there? Why can't the public know the number of these young Americans who have been wounded so we have a better understanding of what the cost has been?

What possible national security threat is there to publishing of the number of American service men and women who are wounded, along with those killed?

These are not just statistics. Each fallen soldier has someone who mourns. The loss—whether it is a parent, a husband or wife, a brother or sister, or a child—weighs heavily on us, and we must do our best to see that their sacrifice is not in vain.

The administration's failure to plan for the security of our forces in Iraq has created a crisis for the military. It is already stretched thin. We do not have enough active-duty soldiers to sustain their presence.

Half of our Army divisions are in Iraq or Afghanistan. Of the 33 active-component Army combat brigades, 18 are in the Middle East. According to the Congressional Budget Office, by March of 2004, all of U.S. active-component combat units will be serving in Iraq or will have served there in the last year.

Let me repeat that. By March of 2004, all of the U.S. active-component combat units will be serving in Iraq or will have served there in the last year.

To solve this urgent problem, some have advocated creating two new divisions in the Army. But that is a long-term answer. These divisions would not be available for another 5 years, and would cost more than $40 billion.

The real crisis in our troop levels comes this spring. If the administration is unsuccessful at getting an additional multinational division, they will have to send in another division of American troops—some combination of Marines and National Guard—and we don't have enough Active-Duty Forces to do the job. Without those international troops, we would have to notify reservists before the end of the month to ensure they will be available by spring. This means more American troops in Iraq.

Even with this large contingent of Active Forces, close to half of the troops now in Iraq are reservists, and they are under increasing strain.

Already, more than 170,000 National Guard soldiers and reservists are on active duty. Of those, about 13,000 have been on active-duty for at least a year. Others return home from deployments, only to turn around and head overseas for another tour.

One reservist I recently spoke to had only 17 days off between tours in Iraq and Afghanistan. The average reservist spends 13 times longer on active duty today than during the 1990s. Many reservists cannot leave the service when their original time is up, and are repeatedly sent on new overseas deployments. As our colleague Representative JOHN MURTHA recently said, ''the reservists are stuck. . . . In fact, we have a draft. We cannot sustain this force.''

Even worse, our National Guard soldiers and reservists believe they are being sent to combat with substandard equipment. Reservists have told me that they used Vietnam-era night vision goggles that obscured more than they revealed, when the latest technology is being used by the regular military. They tell me that they used outdated and less-effective flak jackets. They didn't have the latest body armor with bulletproof ceramic inserts. They tell me that they had to wait for 3 months for appropriate gear. Many units lacked armored Humvees, and needed to hang flak jackets in the windows to protect themselves from attack.

While we haven't seen a fall-off in recruitment or retention in military to some extent, the high unemployment rate is keeping these numbers high.

But inevitably, the hardship and back-to-back extended deployments will take their toll over time. One soldier I recently talked to said that he was leaving the Reserves to avoid being sent away from his new family.

Other families feel the strain of deployment both emotionally and financially. Many give up large civilian salaries when they go on active duty. Some reservists are unwilling to tell employers of their military service obligation for fear they will not be hired.

This was a conversation I had 10 days ago, in my own State of Massachusetts. It is against the law to discriminate against those who are part of the Reserves or the Guard, but they are finding increasing numbers of people who have found their jobs eliminated as a result of the declining economy. They have been trying to find employment. But there is a clear pattern that those who are part of the Reserves or the Guard are not being favorably considered for employment.

As a result, some reservists are unwilling to tell employers of their military service obligation for fear they will not be hired. It is a sad day for patriotism that service to our Nation is considered a negative by employers.

Despite these hardships, the administration proposes to rely even more heavily on the Reserves in the months ahead, increasing their proportion of the force in Iraq to close to two-thirds. Last week, the administration announced that the tours of the 20,000 Army Reserve and National Guard in Iraq could be extended for up to a year, even though those brave of men and women had planned to be home months earlier.

Our National Guard soldiers and reservists love their country. They are proud of their military service. They want to do their job, and they expect to be called to service when the Nation needs them, and to endure periods of difficult separation from their families.

But enough is enough. It is one thing to spend occasional months away from their families and their careers, but it is quite another to spend a year or more in active duty, only to have further callups possible in the near future. Under this administration, they are no longer citizen soldiers. They are treated as full-time troops, and this cannot be sustained.

Much of these problems would not exist if the administration had abandoned its go-it-alone, my-way-or-the-highway foreign policy, and had worked with the international community. If the administration hadn't rushed to war without the broad support of other nations, greater numbers of their peacekeepers would have joined our effort.

The administration agreed to go to the United Nations earlier this month to obtain a new Security Council resolution, but it was a flawed request. The administration still refuses to share power on the ground. They are asking the international community to share the danger, but other nations will still have no say in the future course of Iraq. We have an all ''take'' and no ''give'' policy that does nothing to encourage other nations of the world to share the heavy burden of security.

America, for the foreseeable future, will continue to represent 85 percent of the forces on the ground and suffer 85 percent of the casualties. Indeed, our failure at the United Nations last week led GEN John Abizaid to tell the Senate Armed Services Committee last week:

> The fight against terrorism is far from over. The enemy's ideological base, financial networks and information networks remain strong. Indeed, the demographic and economic conditions that breed terrorists may be worsening and those conditions are heightening the ideological fervor associated with radical Islamist extremism.

It appears to me that statement is a fundamental truth; that is, in the battle against terrorism, for us to assume that there is a limited number of volunteers out there for terrorism is entirely inaccurate. The number of recruits who are going to be resupplying these terrorist groups can go on and on and on.

For us to imagine that with a certain number of troops we will be able to eliminate these terrorists or we will be able to use the military force in such a way that in Iraq can free ourselves from the dangers of terrorism is a failure to understand history and to understand, in terms of political challenges and ideological challenges—such as the British learned in Northern Ireland, as we have seen in Kosovo, we saw in Serbia, and we have seen in the West Bank of Israel—that we have to deal with the idea behind the terrorism to get to the root causes as well as to deal with the immediate challenge.

Secretary Rumsfeld says that if we can train the Iraqis to police themselves, we can turn the country over to them. But in many areas, Iraqi police are afraid to leave their stations for fear that they will be killed for collaborating with Americans. Terrorists bomb police stations and assassinate those who cooperate with us, including moderate clerics and members of the governing counsel.

All of us are profoundly impressed by the dedication, professionalism, and commitment of our soldiers in Iraq. They are willing to endure hardships and dangers in Iraq to complete their mission. But they want to know, their families want to know, and our country wants to know that our policy makes sense.

Today that policy, I believe, is a failure, and American servicemen and women are paying with their lives. Before Congress writes a check for an $87 billion failed policy in Iraq, we must know that the administration has changed course and developed a realistic plan to protect our troops, win the support and respect of the international community, and achieve long-term stability and democracy for Iraq. It is time for the administration to convince Congress and the American people that they have a plan to achieve these goals.

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

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

Mr. BENNETT. Mr. President, I had planned to come to the floor at this hour and discuss the issue of vouchers for the District of Columbia. I will still go back to that topic. However, having listened to my friend from Massachusetts and the comments he has made about Iraq, I will divert from the discussion of vouchers for long enough to make a few points with respect to the situation in Iraq.

I will go back to my first experience with respect to the issue of terrorism. It happened shortly after I was elected. It was back in the early 1990s. I was elected in 1992, and I took office in 1993.

One of my staffers who has foreign policy experience said to me: There are some people you ought to meet.

I said: Fine. What is the subject?

He said: Well, there is something you ought to understand, and these people will come in and brief you on it. I can't sit in on the meeting because my security clearance has expired, and I am not cleared at a high enough level to be present when they brief you. But I think you, as a U.S. Senator, should hear this briefing and understand what it is they have to say.

So not really understanding what was going to happen, I had this briefing take place in my office. Two officers from the CIA came in and sat down with me and talked about the attack on the World Trade Center that occurred in 1993. As they outlined the forces behind that attack, they gave me my first glimpse of international terrorism. I won't go through the details of what they said other than this particular comment. They said: From our point of view, harsh as it may sound, the main thing wrong with the attack on the World Trade Center is that it did not kill more people.

I said: That is a very harsh judgment. What do you mean by that?

They said: Because it killed only six people and the physical damage was cleared up in a relatively short period of time, the American people have been lulled into a false sense of security that they are not at risk.

Then they outlined the full description of international terrorism, where it was, how it operated, and what its goals were. We talked about the religious aspect. We talked about the ideological aspect. I remember saying, as they described the way it was organized: Let me see if I understand exactly what you are telling me. As I understand it, this is basically a church

without a pope; that is, there is no hierarchical structure with a single individual or group of individuals at the top calling the shots all the way down. Instead, it is a series of cells of people who have the same ideological fervor but report to no one. They coordinate but they are not controlled.

These two briefers said: Yes, Senator, you have that about right.

Now, we know there was a center for training for indoctrination and for finance. It was run by Osama bin Laden, and it had as its headquarters, physically, the training camps in Afghanistan. But that does not mean Osama bin Laden or any other central group controlled or coordinated everything that was done worldwide. These are freelancing people, in many respects on their own. They would send people to Afghanistan to be trained and indoctrinated. They would contact Osama bin Laden for funds. But they would develop their own operations and their own initiatives of how they would attack Americans. And this early briefing made it very clear to me that their target was, in fact, Americans. It has always been fashionable to think the primary target for people in the Middle East is Israelis. No, the primary target is Americans. Israelis are seen as surrogates for Americans, but the primary target is Americans.

The concern is that the Americans somehow have entered that portion of the world where these people have previously been dominant, and the Americans have contaminated that world with American ideas. The ideas that are so repugnant are the ideas of freedom, the ideas of equality for women, the ideas of education for children in secular ways to teach them skills so that they can survive in the modern world rather than education that is concentrated entirely on indoctrination of ideas that go back centuries if not millennia.

I came out of that first briefing very disturbed. I tried to ask those who came to brief me if they could give me any timetable. They said: No, we don't know when this will erupt. No one does. But it is there. It is growing. It is powerful. We are the target.

They also said—I remember very clearly—that the primary challenge to Americans would be in chemical and biological weapons. This was before the attempt was made to put a chemical agent into the subway in Tokyo and raised the specter of that kind of thing being done in America.

Well, the years went by. Nothing happened. I tended to forget that briefing and put it aside. I focused, as many in this Chamber know, on the issue of cyber-terrorism and attacks through computers. I held a hearing where I asked the CIA witness who appeared before us: Isn't it likely that the next attack on this country will come in the form of a computer attack because you could do more damage to the economy if you could shut down the computers than any other way?

The CIA witness said: No, Senator, I don't think that is true. It is true that you could do more damage to the economy with computers, but I don't think that is where the attack will come from. The terrorists want something dramatic that will show on television around the world. Television pictures of computers not working just won't cut it for that purpose.

That hearing was held less than 60 days before September 11, 2001, when we saw that particular prophecy—they want something dramatic on television—fulfilled enormously.

What does that have to do with the issues raised by the Senator from Massachusetts as he is complaining that there is no plan in Iraq? He is complaining that the reservists are going to be held too long in Iraq, that we have not leveled with the world, that we don't have enough allies in Iraq, that everything is going terribly wrong in Iraq. It has everything to do with what the Senator from Massachusetts was talking about because the Senator from Massachusetts—and others like him who have chosen to focus on difficulties that America is having in Iraq—has turned his gaze away from the overall challenge of terrorism in the world.

That which I was told in that first briefing is still true. The primary target of terrorists throughout the world is Americans. The primary purpose of terrorism around the world is to drive America out of the Middle East. And the lesson that those terrorists have learned from America's activities since the Vietnam war says that if they just keep chipping away at our resolve, if they just keep bloodying our nose a little bit, Americans will tire, Americans will decide to pull back, and Americans will withdraw. That happened in Somalia. That happened when the first al-Qaida attacks occurred against American Embassies. That happened after the attack on the USS *Cole*.

We protested; we made a brief military gesture, and then, afraid of American casualties, afraid of what public opinion might say in America, we pulled back. Thus emboldened by that kind of history and particularly encouraged by the rhetoric in the United Nations, the terrorist groups are convinced that if they can just hang on in Iraq long enough to cause us to lose resolve at home, we will withdraw our troops from Iraq, we will say it wasn't worth it, we will say, yes, there was some faulty intelligence, and therefore we must correct that by withdrawing altogether, and then we turn not only Iraq but ultimately the entire Middle East over to the terrorists. If we think we have a lot of problems with terrorists now, just wait until they are encouraged by America's lack of resolve.

Of course, things are not going well in Iraq, according to the rosiest of scenarios. They never do in wartime. Think back to the other wars America has fought—more traditional wars to be true, but nonetheless wars that were for our survival. Did the Second World War start out with a series of American victories? Did the Second World War start out with a series of American bungles because we didn't have an adequate plan to deal with the surprise attack on Pearl Harbor? There was a great deal of second-guessing about Pearl Harbor. Franklin Roosevelt was heavily criticized for not having known Pearl Harbor was coming, and some even suggested the conspiratorial theory that he looked the other way in order to provoke a Pearl Harbor. I don't believe that for a second, but that was a part of the political rhetoric of the time. We did not, as a nation, respond to that rhetoric. Instead, we said: Let the books about what may or may not have been done be written later; let us concentrate now on the task at hand. We refused to be distracted or diverted from the task at hand.

My primary challenge and my primary problem with the position enunciated by the Senator from Massachusetts is not that he lacks patriotism. There are those who say that by challenging him, I am challenging his patriotism. I don't do that for a moment. It is not that I challenge his motives or his integrity. I don't for a moment. I challenge his focus. He is focusing on everything that might be challenged as not going correctly and perfectly from the beginning, and he is ignoring the big picture. He is ignoring the primary threat that has been with us for decades, finally exploded on our shores on the 11th of September, and has not gone away. And the question must be asked: If we in fact refuse to put up the money for the $87 billion that has been requested, if we refuse to proceed with the effort to establish a stable and free market-oriented economy and government in Iraq, if we refuse to stay the course and pull back now, all in the name of some abstract sense of balance because the intelligence might not have been perfect, what will be the result?

If we lose focus on the war on terrorism, the terrorists will win. If we decide that short-term political advantage is more important than long-term success, the terrorists will win. It has been said—perhaps it is a cliche, but it is very true—that America is better off fighting terrorists in the streets of Baghdad—yes, even if soldiers die—than we would be fighting them in the streets of Detroit or New Orleans or San Francisco.

One of the reasons we have not had successive events to the bombing of the World Trade Center with airplanes and the attack on the Pentagon since September 11, 2001, is that we have been focusing on destroying the terrorist infrastructure, hunting down their leaders, and disrupting their financial networks. We came to the conclusion that one of the key factors in doing all of those things was an attack on Iraq. Oh, some say, you cannot prove any connection between the people who flew

into the World Trade Center and Saddam Hussein and, therefore, you made a mistake in going into Iraq.

Is there anyone looking at the results of what happened after we went into Iraq who would say the Iraqi people would be better off if we had not done it? Two-thirds of the Iraqis are saying over and over again in various polls and surveys that are done that their lives are better now than before the Americans came in.

Those who say the intelligence was faulty should look at all aspects of the intelligence we didn't have. I will acknowledge that there were many things we did not know until we got on the ground and perhaps the intelligence people should have told us. One of those, about which we hear nothing from the Senator from Massachusetts and others who hold his same position, is that we did not know there was a holocaust going on in Iraq that, percentagewise, was almost as great as the one that went on in Nazi Germany.

Tom Korologos, a friend to many of us in this Chamber, is now serving in Iraq. He takes the congressional delegations that go there to visit the mass graves. He said that is the first place they go, and it gets very quiet very quickly.

We didn't know Saddam Hussein was systematically murdering, torturing, and burying his people in tremendous numbers. The intelligence didn't tell us that. If we had known that, would it have said to us, stay out? If we had had the correct intelligence, would we have said, oh, we cannot go in there if that is going on? There are those who criticized Franklin Roosevelt for not focusing on the Holocaust during the Second World War and not doing more to prevent it. If we had known that, I believe it would have made us go in more quickly and more powerfully than we did. Now we know.

There are those who say we have no plan for the reconstruction of Iraq. Look at how badly it is going. Look at the number of people who are without power and water, and look at all of the damage that was done. Then we realize from the reports on the ground that the lack of power, the lack of water, and the lack of services in Iraq was because of Saddam Hussein, not because of anything the American bombs did. Many Iraqis are saying they have more food, more power, and more water now than they did before the Americans came. But you didn't hear that on this floor from people who are complaining that we have not solved all of the problems in the time we have been there.

Mr. President, as I say, I did not come prepared to talk about that. I have more I want to say on that in a more prepared fashion. I will do that later in the week when we get into the actual debate over the $87 billion supplemental.

The point I want to make—and I will make it again—is that the true story of what is really happening in Iraq is not being told to the American people. That is primarily because those in control of the media, for whatever reason, are not anxious to tell that story. Maybe they consider it as not news. Maybe they consider it will not get as many viewers to show the progress that is being made in Iraq, as compared to what they are showing now, which are the difficulties that are being created in Iraq. I will talk about that also later in the week.

I believe that when the truth comes out, when everything that is really happening in Iraq is truly known, the American people will discover this is an effort of which we can be enormously proud. This is an effort of America at its best. We have not gone into Iraq for territory; we have not gone into Iraq for economic advantage; we have gone into Iraq for the highest possible humanitarian motives, and with all of the difficulties and all of the problems, and all of the guerrilla attacks, we are daily increasing our ability to fulfill those humanitarian motives.

Let me close with this final comment. I was in this Chamber when the proposal was made that America invade Haiti. I was opposed to that. I voted against it. But we were told it was our duty to invade Haiti, not because there was an imminent threat from Haiti, not because Haiti was developing any weapons of mass destruction, not because Haiti was harboring terrorists, not because Haiti was financing terrorists, all of which applied to Iraq. No, we were told we had to invade Haiti because there was an illegitimate President in charge; that that alone was sufficient reason for American military power to be applied to the situation in Haiti. Obviously, there was no military challenge worthy of the name awaiting us in Haiti. That was an easy decision to make in terms of a military activity.

Colin Powell, then a private citizen, along with former President Jimmy Carter and Senator Sam Nunn, went to Haiti in advance of the invasion and essentially talked the Haiti regime into abandoning their posts and leaving peacefully. Sam Nunn reported to those of us in the Senate after that experience what went on, and basically the individual who convinced the Haitian leadership to give up without a fight was Colin Powell. He sat down with the leader of the Haitian armed forces and convinced him that military chivalry did not require that he die at his post; that he had a responsibility to his troops and if there was, in fact, a shootout with the American military, his troops would be destroyed for no good purpose. The man, responding as one military man to another, agreed with Colin Powell and left the country.

We can look back on that event and discover the following: We replaced a brutal dictator, much beloved of American conservatives, with a man who had the claim of being the legitimately elected President. So technically we replaced a usurper with a President who was legitimate.

I remember raising the question on the floor of what would happen if we put this man in charge because his past history suggested that he would become just as brutal a dictator. Oh, no, I was told, no, because the Haitian Constitution does not allow him to run for a second term. We will put him back in power with the military might of America behind him. He will serve out the balance of his term, and then he will step aside because he is a democrat who responds appropriately to democratic institutions and his constitution says he cannot serve a second term. You need not be concerned that he will seize power in a way that will be dictatorial and brutal to his people, Senator BENNETT, because the Haitian Constitution forbids it.

The Haitian economy was in terrible shape at the time the American military invaded Haiti, and we were told: We will have to do something about that; we will have to rebuild Haiti, so we will turn that responsibility over to the United Nations.

Now, not quite a decade later, looking at Haiti, what do we find? Yes, we replaced a brutal dictator who was much beloved of American conservatives, with a brutal dictator who is much beloved of American liberals, and he is still there, the Haitian Constitution to the contrary notwithstanding. He is going to be dictator for life, as long as he can maintain his military power.

How has the United Nations done in rebuilding Haiti? How has the United Nations fared in bringing democracy and prosperity to Haiti? The average Haitian at best is no worse off than he was prior to the American invasion. And at worst he is considerably worse off economically. The island's economy has continued to deteriorate. Brutality, government murder, and assassination has continued to thrive. Nothing is better; a great deal is worse.

I am not suggesting that Iraq is a perfect analogy with Haiti, but I find it interesting that people who are now complaining that we went in to remove a brutal dictator should consider leaving quickly and, thus, open the door to replacement by a brutal dictator and turn the responsibility of seeing that the country is rehabilitated over to the United Nations.

I think the track record demonstrates that the Americans do a better job than the United Nations and, indeed, if the United Nations is to succeed, should we do that in Iraq, the only way they could do it, and Kofi Annan and others realize this, would be to plead with the Americans to provide the security forces, to provide the money, to provide the expertise to see that it happens. If we are going to provide that, we should be in charge of it.

Mr. President, now I return to the subject I came to the Chamber to discuss, and I will do that much more expeditiously than I would have otherwise, having taken that time to respond to the Senator from Massachusetts.

The issue is the question of whether or not we should allow a voucher pilot program to be tested in the District of Columbia. Let me make it very clear the implication of what I have just said: a voucher pilot program to be tested in the District of Columbia. By voting for this pilot program and the funds that would support it, I am not voting for vouchers in Salt Lake City, I am not voting for vouchers in Cleveland, Detroit, St. Louis, or Los Angeles, and I am not voting for a national voucher system. I am voting for a pilot project to be tested in the District of Columbia.

Once we have tested that pilot project and learn how well it works in the District of Columbia, then we can have the debate of whether or not it belongs in other cities around the country. Then we can have the debate as to whether or not it works.

Right now we hear all kinds of rhetoric about how terribly irresponsible it will be. Do we know? No. Let's test it. We can't just turn the whole school system in the District of Columbia over to private schools. No, we can't. Let's have a pilot program.

A pilot program to be tested in the District of Columbia does not threaten public education across the country, does not threaten the budgets of school boards around the Nation, does not threaten anything except those who are in love with the status quo.

What is the status quo in the school system in the District of Columbia? On a per pupil basis, it is wonderful. On a per pupil basis, more money is spent in the District of Columbia than any other jurisdiction in the United States. That sounds terrific. We are spending more money per pupil to educate kids in the District than anyplace else. We are spending about a third more than the national average, and we are spending about two-thirds more than we spend in my home State of Utah. From a spending per pupil point of view, nothing is wrong with schools in the District.

The only problem is the vast majority of kids who are being educated in those schools are not being educated. The vast majority of the kids on whom that money is being spent are coming out of the system badly shortchanged. They can't read. They can't figure. There are whole gaps in their knowledge of things they don't understand.

There are those who say we are just not supporting them enough; we are just not spending enough money. The late Senator from New York, Pat Moynihan, once said half facetiously, but also to make a point, that if you drew a chart with one line being spending and the other line being accomplishments, you could draw the inference that the more money we spend on education, the worse it becomes because, he said, as the spending line has gone up, the accomplishment line had gone down. He didn't want to suggest there was a cause-and-effect relationship there, and I don't either, but I do think from that chart, particularly with respect to the District of Columbia, we can understand that more money for the present system is not the answer.

The people who are most concerned about the education in the District of Columbia have come forward with a request. By that I mean the Mayor, I mean the president of the school board, and I mean ultimately the people most concerned. The parents of the children have said: Will the Congress please give us the opportunity to do a test of a pilot program in the District of Columbia to see if it works? We in the Congress, in the Appropriations Committee so far, have said: Yes, we will give you the money to test a pilot project in the District of Columbia.

From the rhetoric we heard in the committee and the rhetoric I expect on the floor, one would think we had challenged the entire structure of public education in America from the time of Thomas Jefferson forward. We are not. We simply want to have the money to test a pilot project in the District of Columbia, a pilot project which the leaders of the District of Columbia and the parents in the District of Columbia have asked for. I think it is time we gave them what they asked for.

I am perfectly willing to hold out the possibility that after 3, 4, or 5 years of experience, if we determine that it is a failure, I will vote to cut off all funds for it. I am perfectly willing to stipulate that I don't guarantee in any way that this is a silver bullet that is going to solve all of the problems.

I anticipate that at the end of 4 or 5 years, reading scores are still going to be lousy in the District, mathematics skills are still going to be lousy in the District, but maybe, just maybe they will get a little better as the District schools decide they want to compete with those private schools that are educating the children a little better. I am assuming that will happen.

Yes, but we are only providing this for a small percentage of the students in the District of Columbia, and therefore we are shortchanging the others if it is going to work.

Again, we don't know if it is going to work. We are just providing money for a test of a pilot project in the District of Columbia to see what will happen. I believe, as I say, that it will demonstrate better things and more important things. But I say to those who say you are not doing it for all of the kids, it is like the old story which I first heard from an educator. I know it is almost a cliche now that others have used it, but it is appropriate here, and it is the proper way for me to conclude this presentation.

People are walking along the beach and they are seeing on the sand, away from the ocean, starfish that have been washed ashore by a heavy wave, and the wave has then receded and the starfish are in danger of dying outside of the water.

One of the two picks up a starfish and throws it into the water, and the other says: Why are you wasting your time? Look at all these thousands of starfish that are going to die out here and you can't make a difference. It won't make any difference what you do.

And as the first one threw another starfish back into the ocean he said: It will make a difference to this one.

I suggest that there are many children in the District of Columbia for whom this will make a very significant difference. Just because we can't, here, make a difference for them all, we can at least make a difference for this one, and for that one, and for the next one. Let's have the courage to test a pilot project for the District of Columbia and see what happens.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I thank my colleague from Utah for a very strong statement. I think he said it very well. We hope this pilot project will cause the competition that we want to see. We hope it will cause the public school system in the District of Columbia to improve. Certainly, at the very least, what we hope to see is 2,000 children who will directly benefit, who will receive these scholarships. We hope it will make a difference in their lives. That is what we think will, in fact, make a difference.

As he said in his little story that he ended with, it will make a difference in these children's lives. If we can make a difference in one child's life or two children's lives or, in this case, 2,000 children's lives, isn't it worth doing? I think the answer is clearly that it is.

The situation in the District of Columbia school system—my colleague has described that. Other colleagues have described how bad the situation is. We can't turn our backs.

The Mayor has said he will not turn his back. He has tried over the last several years to do what he can to improve the school system. He has dedicated himself to this. He has set it as a priority. He has come to us and said this package that is in front of us today is an integral part of his efforts as Mayor of the city of Washington, DC, an integral part of his efforts to try to improve the lives of the children who live in this great city. Frankly, it is the least we can do to have the courage to follow his direction and come forward with this well-balanced approach.

Again, it is a well-balanced approach. We take this new money, $13 million for new charter schools, $13 million for public schools, and $13 million for the scholarship program. It is, in fact, the right thing to do.

Mr. President, I ask unanimous consent to have printed in the RECORD two pages we received today from the Mayor. It is entitled ''Government of the District of Columbia, Executive Office of the Mayor, Myths and Facts About the D.C. Opportunity Scholarship Program.''

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MYTHS AND FACTS ABOUT THE DC OPPORTUNITY SCHOLARSHIP PROGRAM

[Opponents of the District of Columbia Opportunity Scholarship Program have cited several concerns and criticisms about implementing a scholarship (voucher) program in the Nation's capital. These concerns continue to be shared despite leaders' attempts to address each issue. This document addresses these concerns, and describes the District's broader effort to secure additional Federal support for public schools and expanding options for low-income families.]

Myths and distortions	Facts
1. DC Mayor Anthony Williams is reacting to pressure by the White House and Department of Education to start a voucher program in exchange for receiving Federal dollars for public and charter schools.	In February 2003, Mayor Williams and Kevin Chavous, Chair of the District Council's Education Committee brought their ideas for a Three Sector Education Initiative (includes funding for public and public charter schools, and private school scholarships for low-income families) to the White House and the Department of Education (DOE). The White House and DOE agreed to work with city leadership on its plans for improving education and expanding options for District families.
2. The Federal Government is ''imposing'' a voucher program on the District of Columbia, thus violating the Home Rule Charter.	There is no violation of Home Rule with this program because elected officials of Washington—Mayor Anthony Williams, School Board President Peggy Cooper-Cafritz and Council member Kevin Chavous are actively pursuing and supporting a school voucher program for the District, as are thousands of District families who are seeking a quality education for their children.
3. City Council and Board of Education have voted against vouchers in the District.	In April 2003, the City Council tabled a resolution by a vote of 12–1 that would have resulted in the council voting against the establishment of a voucher program in the District. The positions of the council and school board cited by opponents are actually votes against previous voucher bills before Congress. The Council has never voted against vouchers.
4. District residents do not want the program	Opponents cite a 1981 poll where District residents overwhelmingly voted against a tax credit plan for the District to be funded by local dollars. However, a 1998 poll conducted by the Washington Post found that 56 percent of District residents favored ''using Federal money in the form of vouchers to help send low-income students in the District to private or parochial schools.'' Only 36 percent were opposed.
5. The District has not listened to the people of Washington	At a public hearing of the District's education committee on School Choice in April 2003, 19 of 21 people who testified spoke in favor of establishing a school voucher program in DC. Each year, more than 5,000 low-income families in the District apply for 1,200 scholarships offered through a privately funded scholarship fund.
6. A DC voucher program would take money away from public schools	Mayor Anthony Williams has increased funding to DC Public Schools by 57 percent during his tenure and remains strongly committed to public education. He and Kevin Chavous have gone on record indicating they will hold the District of Columbia Public Schools ''harmless'' for any local funds they might lose for students who might leave DCPS as a result of the proposed scholarship program. This means that DCPS will be able to keep dollars for children they are no longer required to educate and spend those dollars on necessary reforms, such as lowering class sizes, recruiting talented principals and teachers and contributing to the transformation of additional DC public schools. This coupled with $26 million in new funding being sought through this bill for both DCPS and charter schools is a net gain to public education.
7. The scholarship program will only help a few children and is equivalent to abandoning the public schools and the majority of children they serve.	The scholarship program is one part of a carefully crafted education initiative to continue the reform of public schools and the build out of successful charter schools. The scholarship program will bring immediate educational relief to the families who are on long waiting lists for charter schools, transformation schools and out-of-boundary transfers and who can't wait for reform to get their children a good education today. The program is also designed to spur further reform in the public schools—as the scholarship program in Milwaukee, Wisconsin has done.
8. Charters and out-of-boundary program provide enough choice	As Mayor Williams has said, you cannot have too many good educational options for our children. Thousands of DC families are on waiting lists for charter schools and out-of-boundary transfers, and spaces in those schools simply cannot open fast enough. Why should poor families—who often cannot afford to purchase private education or relocate to a neighborhood with a high performing public school—be made to wait on an education that meets their child's needs when parents with money and influence never would? Mayor Williams seeks a scholarship program to help these families now and level the playing field for their children, even as he continues to support reform in the public schools and expansion of the charter schools.
9. Supporting vouchers in the District of Columbia will be the first step to starting a national voucher program.	District officials have no interest in pushing for a national voucher program. This effort is to establish a pilot program in the Nation's Capital only. Mayor Williams, DC Council Education Chair Kevin Chavous, and DC School Board President Peggy Cooper-Cafritz—with the support of thousands of District families—are asking Congress to support a three-sector education initiative, crafted to meet the distinctive needs of the District of Columbia. Because of the District's unique relationship with Congress, and its lack of a State legislature, it is appropriate for locally-elected officials to seek assistance from Congress.
10. The plan before the Senate will not benefit the District of Columbia and its children.	Currently the Senate Appropriation Bill for the District of Columbia will provide $13 million to public schools, $13 million for charter schools and $13 million for a scholarship program that will enable low-income families to send their children to private schools. The funding will support a Three Sector Education Initiative aimed at leveling the playing field for under-resourced families. The effort, championed by Mayor Anthony Williams, Council member Kevin Chavous, School Board President Peggy Cooper-Cafritz and their many supporters, is focused on expanding education options among traditional public, charter and nonpublic schools to ensure all children in the District of Columbia receive the very best education possible in a school of their parents' choice.

Mr. DEWINE. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I think the previous comments by our distinguished colleague from Utah merit a brief response. Again, I thank the chairman of the committee, my colleague from Ohio, for being so cooperative on this issue. As I often say, there is usually no disagreement between us, and this is an unusual situation where we have a slightly different viewpoint on this particular education measure.

In reference to what the Senator from Utah said, I would like to make a couple of points.

No. 1, I think part of the argument which he presented was that opponents to this voucher plan fail to accept the fact that the Mayor of the District of Columbia asked for vouchers.

I want to again reiterate for the record that at no time, to my knowledge—and I have talked with the Mayor privately; I have heard him speak publicly; I have been at any number of meetings; I have heard his testimony; and I have read his testimony—did he come to the Congress and to the President to ask for voucher money. He came to ask for money for help with his school system and said he would be open to a variety of different suggestions.

The administration said—and wisely when we passed Leave No Child Behind—no to vouchers for about 10 or 15 good reasons. It said: Mr. Mayor, we are happy basically to help, but you have to take a portion of this in voucher money. The original proposal was, as I said, $10 million in vouchers only, broad-based vouchers, no help for public schools, no help for charter schools, and vouchers to private schools.

No mayor should be blamed for wanting to have additional money for schools—additional money which is not coming out of his budget, it is not extra to us, it is not new money to the Federal Government, but it is new money to the District—no mayor should be blamed for wanting to have additional funding. So the Mayor said basically: I believe in our charter school program, and I believe in our transitional program for public schools. So I will basically take the vouchers portion and make it the best I can.

If the Mayor has a different position, I would like to hear that. But that is my general understanding. I have said that again. The reason that is important is because part of the amendment that Senator CARPER and I wanted to lay down to clarify is one of the major issues in this debate, which is that some of us don't mind having a demonstration program if it is done in the right way for the District of Columbia. But under no circumstances do we want every mayor in this country—or every Governor or every school board president or every reform leader—to think they have to come to Washington to ask for new money or additional money. The only way they are going to get it is if they give a portion of it to private schools for private school vouchers. We don't think there should be a Federal presence. I don't think there should be a Federal mandate, and certainly no Federal contingency, and in this proposal there is.

That is not right.

The hiding behind and saying the Mayor asked, the Mayor asked—I will tell you the Mayor asked, just as every mayor in the country is asking for help, and every Governor is asking for help, and every school board president is asking for help. Why? Because we raised the bar pretty high on them. We said if 50 percent of your teachers aren't certified by 2006, they have to be certified. We said we realize that you don't have a 100-percent graduation rate. By X time—not mandated but unified—you are going to have to improve your graduation rate or else; and your testing scores, or you are going to have to close your schools and reorganize.

I supported that accountability. I am not complaining that we did that, although the responsibility now is very great on the local level.

I also supported additional funding that would go along with those reforms. Unfortunately, this administration passed a law that left a lot of the funding, basically, on the cutting-room floor. It is not going to get to the communities around this country and in the District of Columbia itself. It fell short by $21 million.

Yes. The mayor asked for help, but he didn't ask for vouchers.

The second thing I want to say is that I agree with my colleague from Utah. That is one of the reasons I supported a middle-of-the-road, if you will, principled compromise, suggesting to the administration that if we really want to have a demonstration project, then I would be—as one of the cosponsors of this historic No Child Left Behind Act, not all Democrats, not all Republicans—most certainly interested in a true demonstration program that lasts for 5 years where the money was divided a third, a third, and a third between charter schools, public schools under improvement, and then, perhaps for children in failing schools to go into other opportunities in this District of Columbia, if the accountability were there and if the measurements were tight enough to show that truly at the end of 5 years we are making any progress.

The reason I think that is compelling is because the situation in Milwaukee—the ''test'' in Milwaukee that has been underway for 13 years with private school choice and private school vouchers—is still inconclusive. The taxpayers in Milwaukee and in the United States want to know whether their taxpayer money is resulting in better academic achievement. There is some evidence to suggest that parents are more satisfied, and that is most certainly a worthy goal. We want parents to be satisfied with their children's education as consumers. But that is not the central focus of Leave No Child Behind. The central focus is academic excellence through accountability so that we can have a school system with as much choice, as much opportunity, and as much transparency for the taxpayer to see if we really get our money's worth through our school system.

If we are going to have a test, the amendment that Senator CARPER and I offer would basically guarantee that at the end of 5 years we would be able to say definitively there are voucher proponents who do not want to know whether a voucher works or not because they are not interested in the accountability portion. They are just interested in the choice or the freedom portion. As long as people have choices, as long as parents generally are happy, what does it matter if their children are failing? If they had real choices and if they could go anywhere with money and informed decisions, that might be something on which we could rely. But they do not have informed choices because the system doesn't allow for that kind of information. It is the same as if you are going to buy a car or an appliance. The vouchers are sort of vouchers on the cheap. You don't really get a voucher to go anywhere you want. Some of these schools cost $20,000. Some of these schools cost $15,000. The voucher they propose doesn't really give you that choice. It is a false choice based on absent information.

But the final point that the Senator from Utah made warrants some comments as well. I have been searching for a way to describe this and to answer. I actually found a better way than I could have written myself in the newspaper last Friday. It is written by Jarvis DeBerry, an African-American columnist who has written on this exact question.

Why not save a few, if you can? That was the story spoken of so eloquently by the Senator from Utah about walking along the sand and saving a starfish and being questioned: Why are you wasting your time? At least I can save one.

I actually happen to agree with that philosophy. But I would like to read this article into the RECORD because it answers it in a way which I think helps frame this debate.

It is entitled, ''Vouchers No Way Out of a Failing Society.''

It is not too long. I think I have the time to read it here.

He says:

If you had a child at a failing school, which person would you look toward for help? Harriet Tubman or Frederick Douglass?

Let me state the question another way: If you had a child at a failing school, would your primary concern be helping your child escape or making sure the schools were improved so that escape would no longer be necessary?

I understand that the question has the effect of reducing Tubman and Douglass to one-dimensional characters: One who escaped slavery, then subsequently worked for freedom by plucking slaves from bondage one by one; the other who also escaped but then became famous for taking the podium and urging the country's leaders to live up to the written promise of freedom and justice.

But what about a better way to illustrate the crossroads at which many black people stand? Is it better to take one's promising child out of the system or stay put and make sure that the system gets better for everybody?

Judging from the attacks that have been aimed at Sen. Mary Landrieu by a group called D.C. Parents for School Choice, it's clear that her opponents want black people to believe that Landrieu is indifferent to black people's interests. Why? Because she sends her children to the tony Georgetown Day and hasn't supported a voucher program that would give about 2,000 D.C. families $7,500 each they could use towards tuition and private parochial school.

It further states:

. . . the woman leading the charge against vouchers in D.C. is black, as is the woman who's pushing for them. The argument that support for vouchers is the more authentically black position is usually made by folks who aren't black.

And what those people usually fail to comprehend is this: While deep down nobody wants a life of poverty and oppression, escaping such a fate often brings with it its own kind of guilt. Why do you think so many young black men who come into money are determined to ''keep it real'' or that poor black people destined for success are admonished to ''Remember where you came from?''

Because solo success seems empty. After she escaped from slavery, Harriet Tubman would have been perfectly justified if she'd never returned to the South. But she made 19 trips back and helped about 300 people escape. The fact that she had to pull out her pistol to keep some escapees on track used to make me think that the people at the end of her pistol were cowards.

But now I wonder if some of them were simply eaten up with guilt because they were escaping and their loved ones weren't.

If D.C.'s voucher program is to give private tuition money to 2,000 students, it does not seem to me to be anti-black to worry about the fate of the other 66,000 or so students who'd be left behind.

But would I try to keep an individual student from trying to escape to a better school? No, I wouldn't. Even though that person's departure would further weaken an already struggling school, and I know vouchers for everybody would not be possible.

This might sound like an argument for the scholarship plan, but I make two points: One, this columnist is writing about moving children out of failing schools, not just any school. And he is talking about only 2,000 slots, allowing children to move out of a system that is not their fault. That is not what this proposal does. This proposal is not limited to children in failing schools.

Although some people argue we should not allow children to move out, I have not. I have argued that under certain carefully crafted circumstances, children could move out while we are fixing the system. But the problem with some voucher proponents is they focus on moving children out and not helping the children still there.

As I have pointed out in this debate, although the proponents say they support charter schools and public schools, there is no guarantee that money will be divided the way it is represented. They state their intention, but there is no guarantee until the administration, the President, comes forward saying there will be no bill because I will veto it if there is not help for the kids left behind. Then the great efforts underway for reform, as well as giving these few 2,000 students an opportunity to a higher performing school; we actually know it is higher performing because we have accountability—the proposal pending before the Senate—continues to have many deficiencies.

Again, Jarvis lays out in this article a key question to the debate. While fixing the public school system—and it is a system that needs fixing—it is not to be unaccounted for. It is clear how much work needs to be done in fixing that system, but it is being fixed. Some who have been working for 25 years to try to fashion the public spirit and focus for fixing the system—some, not all—have also come to the idea that if there are a few spots in schools that are available for these children and it can be done in a fair way with the right kind of evaluation and the right kind of parameters, am I going to stand in the way of a few children getting an opportunity? Not this Senator. There are other Senators who have a different view.

But to say that because I am of that position, that I should be for a whole system of vouchers, which is what this voucher proposal is, hiding behind a DC demonstration project, then absolutely no.

I ask unanimous consent that this article be printed in the RECORD. I hope it answers points raised.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Times-Picayune, Sept. 26, 2003]

VOUCHERS NO WAY OUT OF A FAILING SOCIETY

(By Jarvis DeBerry)

If you had a child at a failing school, which person would you look toward for help: Harriet Tubman or Frederick Douglass?

Let me state the question another way: If you had a child at a failing school, would your primary concern be helping your child escape or making sure the schools were improved so that escape would no longer be necessary?

I understand that the question has the effect of reducing Tubman and Douglass into one-dimensional characters: one who escaped slavery, then subsequently worked for freedom by plucking slaves from bondage one by one, the other who also escaped, but then became famous for taking the podium and urging the country's leadership to live up to its written promises of freedom and justice.

But what better way to illustrate the crossroads at which many black people stand? Is it better to take one's promising child out of the system? Or stay put and make sure that the system gets better for everybody?

Judging from the attack ads that have been aimed at Sen. Mary Landrieu by a group called D.C. Parents for School Choice, it's clear that her opponents want black people to believe that Landrieu is indifferent to black people's interests. Why? Because she sends her children to the tiny Georgetown Day but hasn't supported a voucher program that would give about 2,000 D.C. families $7,500 each they could use toward tuition at a private or parochial school.

But Landrieu's reluctance to jump on the vouchers bandwagon shouldn't be used to determine what she thinks of black people. Besides, as The Washington Post points out, the woman leading the charge against vouchers in D.C. is black, as is the woman who's pushing for them. The argument that support for vouchers is the more authentically black position is usually made by folks who aren't black.

And what those people usually fail to comprehend is this: While deep down nobody wants a life of poverty and oppression, escaping such a fate often brings with it its own kind of guilt. Why do you think so many young black men who come into money are determined to ''keep it real'' or that poor black people destined for success are admonished to ''Remember where you came from''?

Because solo success seems empty. After she escaped from slavery, Harriet Tubman would have been perfectly justified if she'd never returned to the South. But she made 19 trips back and helped about 300 people escape. The fact that she had to pull out her pistol to keep some escapees on track used to make me think that the people at the end of her pistol were cowards.

But now I wonder if some of them were simply eaten up with guilt because they were escaping and their loved ones weren't.

If D.C.'s voucher program is to give private tuition money to 2,000 students, it doesn't seem to me to be anti-black to worry about the fate of the other 66,000 or so students who'd be left behind.

But would I try to keep an individual student from trying to escape to a better school? No, I wouldn't. Even though that person's departure could further weaken an already struggling school, and I know vouchers for everybody will never be possible.

Is what's good for a black person necessarily good for black people? Not always. Though I would argue that the converse is generally true.

What proponents and opponents of vouchers have to do now is frame their arguments in a way that doesn't suggest that those who disagree with them hate black people.

Ms. LANDRIEU. Mr. President, I also have some letters from other African-American leaders in the District who are opposed to the voucher plan, most notably the DC Delegate to Congress, Congresswoman NORTON, who gives a long and detailed explanation of why she is opposed.

Particularly of interest in her letter:

First, the city has the largest number of public charter schools per capita in the nation.

She continues:

Charter schools are so popular here with residents that they have long waiting lists, and many are housed in inadequate facilities and need federal funds.

I am pleased to say part of this proposal is, in fact, for charter schools, except we have no guarantee the administration would veto anything if charter schools were not in the proposal. We are waiting for clarification.

I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 22, 2003.

Senator MARY LANDRIEU,
U.S. Senate,
Washington, DC.

DEAR SENATOR LANDRIEU: On behalf of the home rule majority in the District of Columbia—the majority of the City Council, of the elected members of the DC School Board, and myself—I am writing to ask that no appropriation for private school vouchers be added to the DC FY2004 appropriations bill but that our public and charter schools be funded instead. Especially today when the District, like your state, carries large unfunded No Child Left Behind mandates, we strongly oppose funding private school vouchers with federal money. Our opposition to vouchers matches the consistent position of the congressional majority as well, and we ask that you respect our strong position to the same effect. District of Columbia residents are no different from the almost two-thirds of the American people who oppose private school vouchers or the 37 states that have turned down vouchers.

Please also understand that the federal appropriations voucher proposal is not additional money at no cost to the District. Too little attention has been paid during this controversy to the $25 million in combined federal and local per pupil funding that private school vouchers would cost the DC public schools. We ask that Congress refrain from forcing this expensive additional burden on the District today when the city has already made $40 million in cuts to its public schools. Moreover, the private school voucher authorization is for five years while the proposed public school funds are a one-time appropriation.

We believe that the recent close House vote is an important indication of the national significance of the DC voucher proposal. On September 5, after several votes had been taken, House leaders pulled the DC bill because of the strong possibility of losing. On September 9, 2003, the House passed a voucher proposal by only one vote, and my earlier amendment to eliminate funding for DC vouchers tied 203–203. On both of these votes the majority of House Members favored removing vouchers, but the vote was held open for an extraordinarily extended time in order to get a Member to change his vote so as to achieve a voucher majority. Members understood the precedent for the nation they would be setting in voting to include private school vouchers in any bill for the first time.

We hope that you retain the urgently needed funds for charter school facilities and public schools in the Senate appropriation, but we oppose the three-sector approach that where one-year funding for public and charter schools has been included the public school funding cannot erase the precedent that would be set by funding private schools. Mayor Williams testified that his major objective was to secure funding for vouchers. The belated response to offer some funds to private schools came only after D.C. residents and officials demanded that all funds be directed to charter schools and public transformation schools.

As the city's only congressional representative, I am completely confident in assuring you that the majority of D.C. residents remain as opposed to vouchers as they were when they strongly supported the Clinton veto of the D.C. appropriation bill that included federal money for vouchers, as proposed now. Far from supporting vouchers, District residents responded to the recent vouchers bill by forming a broad coalition, the Coalition for Accountable Public Schools, consisting of many organizations of every variety, elected officials and individuals. Hundreds of D.C. residents, led by ministers and rabbis, recently held a Public Funds for Public Schools Lobby Day in the Senate and House to ask that vouchers be removed from the D.C. appropriation. The most recent resolutions of the D.C. City Council and the School Board and the individual letters from members that you have received strongly repudiate private school vouchers paid for which federal money.

It would be particularly ironic if vouchers were forced on the District. The city out flanks every state in offering three thriving alternatives to its traditional public schools, all publicly accountable, as private schools are not. First, the city has the largest number of public charter schools per capita in the nation. Charter schools here are so popular with residents that they have long waiting lists, and many are housed in inadequate facilities and need federal funds. Second, the District also has established 15 public transformation schools separate from the D.C. system, and the transformation schools have achieved the first ever breakthrough in raising the scores of low income children and children in low performing schools. This success is due almost entirely to additional services for parents and children alike, which, tragically, the city is now in the process of cutting for lack of funds. Third, the District has long allowed any parent dissastified with the neighborhood school to send the child to an out-of-boundary school. Please do not force on the District of Columbia what Congress has not required for the rest of the country, especially considering that the city's track record in establishing publicly accountable alternatives to traditional public schools is better than that of virtually any of the states.

I am enclosing a short statement elaborating my position on vouchers. I ask that you vote against including any proposal for

vouchers in the District of Columbia appropriations bill.

Sincerely,

ELEANOR HOLMES NORTON,
Member of Congress.

VOUCHERS—WHERE I STAND AND WHY

(By Eleanor Holmes Norton)

WHERE SHOULD FEDERAL MONEY FOR D.C. CHILDREN GO?

Two groups of D.C. kids qualify for the federal grants: our children in charter schools and our low-income students in transformation schools where significant test score gains have been made for the first time. The Mayor and Council have made sizable cuts in our schools this year.

WITH FEWER STUDENTS, WILL D.C. PUBLIC SCHOOLS BE BETTER OFF?

The most serious problem with the proposed vouchers has yet to be discussed or to be taken seriously. Our traditional public and charter schools will be hit hard financially if the predicted 2,000 students exit in the fall. Our public schools will lose a combination of $12,557 per pupil in D.C. and federal funds because every school system must be funded on a per pupil basis. That would be a blow D.C. public school funding cannot afford today when it has already been cut.

MUST D.C. KIDS WITHOUT VOUCHERS GO TO ''BAD'' D.C. PUBLIC SCHOOLS?

I have always believed that a child is entitled to a public school alternative to a neighborhood school that does not work for that child. For decades D.C. has allowed children to choose schools elsewhere in D.C. In addition, D.C. leads the country in providing many alternatives to our public school system. Our extraordinary 42 charter schools are the most extensive in the country. They are the most important innovation in the history of public education here. However, their success has brought charter schools mile-long waiting lists and facilities in churches and other crowded facilities that need federal funds.

The best hope for our low income children are our transformation schools that surround these children and their parents with extra services, including tutoring and other services for the children and special services for the parents. All 15 transformation schools have significantly improved their Stanford 9 scores. The extra services these children get are available in none of the other D.C. public or private schools. These are our poorest children, often with the least motivated parents. The least any bill should do is to encourage and fund the improvements we see for the first time in these children. Instead, cuts will make it impossible to fund many of the extra resources that are producing these results or to quickly expand transformation schools.

WHERE DOES D.C. STAND?

When the Congress tried to impose vouchers, the city preferred to see its appropriation vetoed rather than accept vouchers paid for with extra federal funding. Council and School Board resolutions continue to go well beyond the insult of congressional riders. The city's resolutions, including the most recent, specifically argue that federal money should be spent on publicly accountable schools.

DO VOUCHERS WORK BETTER THAN PUBLIC SCHOOLS?

Although the proposed voucher program is called a ''pilot'' by some, the results are already in on vouchers. The GAO study of the Milwaukee and Cleveland vouchers found no evidence of student gains. Ten years of independent, verified research of public and private voucher programs in Cleveland, Dayton, D.C., New York, Chile, and New Zealand have shown no substantial academic gains.

Ms. LANDRIEU. Parents United for D.C. Public Schools sent a long letter opposing the use of precious dollars—although they are new to the District, they are not new dollars to the Federal Treasury—saying they would prefer to use that money in other ways. Their letter warrants a great deal of thought and I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PARENTS UNITED FOR THE D.C. PUBLIC SCHOOLS,
Washington, DC, September 15, 2003.

Hon. MIKE DEWINE,
Chairman, Appropriations Subcommittee on the District of Columbia, Washington, DC.

Hon. MARY LANDRIEU,
Ranking Member, Appropriations Subcommittee on the District of Columbia, Washington, DC.

Parents United for the D.C. Public Schools and the District of Columbia Parent Teachers Association (DCPTA) oppose any action by the Congress of the United States that would use federal funds to support a voucher program in the District of Columbia. Together, we represent the parents of the District of Columbia. Members of Congress may remember Parents United for the lawsuit that compelled the city to correct safety violations and which led to the development of a master facilities plan for the D.C. Public Schools (DCPS).

The majority of our membership has overwhelmingly voiced strong opposition to funding vouchers in the District of Columbia. As the public schools continue to work hard to meet the needs of all students and are held to higher standards, federal dollars should not fund private schools that will choose their students and are held to no standards.

As parents who are engaged and involved with our local schools as well as at the citywide level, we also want to bring to your attention a particularly urgent concern. Since our schools are formula funded, 2000 fewer students leaving DCPS at once mean a loss of $25 million. Recently, the Board of Education took a vote to rescind negotiated pay raises for all staff, part of a $40 million cut in DCPS. More losses would cripple school funding.

On behalf of thousands of D.C. Public School parents, we ask that you cast a no vote for this and any other voucher bill.

Sincerely,

IRIS J. TOYER,
Co-Chair.

DARLENE T. ALLEN,
President, District of Columbia Parent Teachers Association.

Ms. LANDRIEU. And from Kathy Patterson, who represents Ward 3, I have another thoughtful letter. She states in her letter:

There are several other education reforms proposed previously in the District of Columbia schools. I urge you to consider one of these alternatives when the D.C. appropriation comes before the Senate.

Pre-kindergarten education. Today, District of Columbia policymakers allocate sufficiently locally generated tax revenues to provide pre-kindergarten education for roughly half of the 4-year-olds in the city. Many of us view expansion of pre-K education to ALL district 4-year-olds as a top priority for funding. . . .

Not one of the priorities, it is a top priority.

So, again, we can understand why voucher opponents would say why are we so intent on taking this $10 to $13 million to spend on a voucher program, not limited to children in failing schools, saying it is a demonstration project but not really having the evaluation mechanisms to support that contention when you could ask a broad range of liberal to conservative, the whole range of people, what would be the most important thing we could do for education in the District. It would be to fund pre-K and early childhood education. Why? Because we know the benefits of quality early childhood education.

She goes on to say the second great use of this money would be additional bilingual schools.

The Oyster Bilingual Elementary School provides an excellent education to District children, with English and Spanish-speaking teachers in each classroom. While Oyster is located in my Ward, Ward 3, it serves a broad cross-section of children throughout the District. The D.C. Board of Education has fought to replicate the successful program in other areas, an effort that requires additional funding. The Congress could earmark $10 million in support of a second bilingual elementary school within D.C. public schools.

I understand that school is about 40 percent Hispanic and Latino, perhaps 20 to 30 percent African American, and 20 to 30 percent Caucasian children. It is a diverse, excellent school with a wonderful bilingual curriculum. We could create one or two other models based on that with this money.

Finally, she discusses elementary English and math instruction, describing a well-received former initiative of a previous administration of a grant program through the Department of Education designed to provide reading specialists and math specialists to each District elementary school to strengthen instruction in these key areas. The grant was not continued.

I ask unanimous consent that letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 9, 2003.

Hon. MARY LANDRIEU,
U.S. Senate,
Washington, DC

DEAR SENATOR LANDRIEU: I write concerning the District of Columbia FY 2004 Appropriations Bill and, specifically, the federal funding proposed for education reform in the District of Columbia. I appreciate your leadership on this as well as other District issues.

I appreciate the attention that the Congress has given to the educational needs of District children, and understand the amount of work undertaken to craft a package of financial support for education reform in the District of Columbia, including support for the District of Columbia Public Schools. Federal support for a reform initiative here, provided over several years and encompassing rigorous evaluation, can benefit not only children in the District but school children across the country, and I applaud such an approach. At the same time, I cannot support the allocation of taxpayer dollars for private school tuition, particularly when there are so many competing needs.

There are several other education reforms proposed previously in the District of Columbia Public Schools. I urge you to consider one of these alternatives when the D.C. appropriation comes before the full Senate. The $10–$13 million proposed for K–12 scholarships could very usefully be transferred for one of these initiatives:

Pre-kindergarten education. Today District of Columbia policymakers allocate sufficient locally-generated tax revenues to provide pre-kindergarten education for roughly half of the 4-year-olds in the city. Many of us view expansion of pre-K education to ALL District 4-year-olds as a top priority for funding, and we have allocated dollars specifically for this purpose in previous budget cycles. The Congress could earmark $10 million specifically for a pre-K expansion, with the same kind of rigorous evaluation that has been discussed with regard to other alternatives.

Additional bilingual schools. The Oyster Bilingual Elementary School provides an excellent education to District children, with English and Spanish-speaking teachers in each classroom. While Oyster is located in my ward, Ward 3, it serves a broad cross-section of children from throughout the District. The D.C. Board of Education has sought to replicate this successful program in other areas, an effort that requires additional funding. The Congress could earmark $10 million in support of a second bilingual elementary school within D.C. Public Schools.

Elementary English and math instruction. A well-received initiative of Sen. Hillary Rodham Clinton during her tenure as First Lady was a grant program through the Department of Education designed to provide a reading specialist and math specialist to each District elementary school to strengthen instruction in these key areas. The grant was not continued, but represents another very high priority that could be brought forward again, and subject to evaluation to measure its validity as an education reform alternative.

These are just three examples of education reform initiatives strongly supported by District of Columbia policymakers, and, thus, a good menu for the consideration by you in your role as ranking Democrat on the appropriations subcommittee, and by other members of Congress who are also committed to education reform. Each of these options could provide very useful research information of value not only in the District, but throughout the country.

I urge one of these initiatives as an alternative to private school scholarships as a signal of the Congress's strong commitment to improved education outcomes for District children.

Thank you for your consideration.

Sincerely yours,

KATHY PATTERSON.

Think about that, a Federal grant to make sure there was a reading specialist and a math specialist at every elementary school. That grant was not continued but, instead, we hear from this administration: No, we cannot afford that grant but we can afford vouchers.

That is why many Democrats are concerned. That is why they are puzzled. That is why they are perplexed. That is why they are disappointed. That is why they are angry at why we pushed for vouchers when there are so many other needs.

The voucher program, as proposed, is, again, not limited to students in failing schools. It seems to be open-ended. There are no evaluation components tight enough to let us all know—which would be extremely refreshing to me, and a real relief if I could know definitively—whether these private school scholarships or vouchers work. Because if there were, then we could stop spending our time arguing about it and just deal with the facts and move on.

So for that alone I have told people on both sides of the aisle—some opposed and some for—that it might be worth spending the $200 million. It is not $40 million. It is $200 million because for 5 years you are going to have to have $40 million a year.

Now, if this Congress is willing to put up that kind of money in these times, then I most certainly could support it. Again, if it were done in a certain way, meeting the accountability standards of Leave No Child Behind, it would be worth maybe the $200 million to know definitively does the scholarship or the voucher make a difference.

We already know that poor children do better when they leave dysfunctional schools and go to schools that are better organized, more disciplined, and have better instruction. You do not need a study or any money to tell you that.

What we do not know is if a poor child receives a voucher or a scholarship to go to a higher performing private school, basically, or that child receives an opportunity to go to a better public school, can you track to see if the child would do better in the public environment or the private environment? Or does the scholarship matter? Or is it the quality of instruction, class size, et cetera? That is the verdict that is still out. So it would be worth knowing that.

Again, it is not going to cost us $10 million. It is not going to cost us $40 million. It is going to cost us $200 million because we have to have the comparisons of the students in the new charter schools, in the public schools that we are trying to follow as well—the control groups—as well as the scholarship recipients or the voucher recipients.

In addition, I was handed a note that the shadow Senator from the District, Paul Strauss, also opposes vouchers. And he is with us today.

So again there are many, many respected leaders on both sides of this argument in the District. Senator DEWINE and I find ourselves in quite a quandary because we work with all these leaders. We respect them all. We have been working with a broad group of leaders to move the District forward. But this situation deserves debate. It deserves to have the arguments put forward. As I said, if we just come to the floor and, of course, lay our amendments down and argue and debate, tone down the heat and raise the light, then perhaps the District and the country will be helped because we will understand some of the nuances relative to this debate. I hope we are making progress in that regard.

I yield the floor.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Ohio.

Mr. DEWINE. Mr. President, let me respond to a few comments which have been made by my colleague from Louisiana.

First, we seem to keep coming back to this issue about what the Mayor is for and what he is not for. Unfortunately, my colleague keeps inferring that the Mayor of the District of Columbia, Anthony Williams, really, truly is not for this scholarship program. I think we need to get beyond that issue.

I have a letter that I have already entered in the RECORD. It is already part of this RECORD. It is dated September 11, 2003, to me from the Mayor. The Mayor states in part:

This initiative—

He is talking about this three-pronged initiative that we are talking about, which includes the scholarship program—

This initiative was designed by District leadership for District [students] and is not being imposed on the District from outside, as some would have you believe. As mayor, I am trying to make the best choices for the residents of this city, and without a state government to which, under normal circumstances, I would make this request. In this regard, I believe it is appropriate for the federal government to act on behalf of the nation's capital when the local mayor and school board president seek assistance.

Further, in a document that I, a few moments ago, asked to be made part of the RECORD, which is entitled ''MYTHS and FACTS''—I will read a portion of this—

Myth:

D.C. Mayor Anthony Williams is reacting to pressure by the White House and Department of Education to start a voucher program. . . .

Now, this document came from the Mayor's office.

Fact:

In February 2003, Mayor Williams and . . . [the] Chair of the District Council's Education Committee brought their ideas for a Three Sector Educational Initiative [which] (includes funding for public and public charter schools, and private school scholarships for low-income families) to the White House and the Department of Education. The White House and Department of Education agreed to work with city leadership on its plans for improving education and expanding options for District families.

Again, in both of those documents, Mr. President and Members of the Senate, Mayor Williams has said they initiated these ideas. They are the ones who came forward with the plan. They are wholeheartedly in favor of it.

I wish we could put this behind us. The Mayor is in favor of this plan. This is the Mayor's plan. He wants it. I think we should put this behind us and quit talking about it. This is something the Mayor of this city wants.

We talk about accountability. Senator LANDRIEU is talking about accountability. I would ask any of my colleagues who are on the Senate floor

or back in their offices to look at the bill as it now stands to see whether or not they think there is enough accountability.

Senator FEINSTEIN came to the floor last week and added some very helpful language to this bill, which makes the accountability very good. It certainly improved the accountability. We thought we had good accountability in the bill before, thanks, again, to Senator FEINSTEIN and her work in the Appropriations Committee, but her amendment added to the accountability and requires that these scholarship students take the same—the same—test that the District of Columbia public school students take.

Again, we are going to be able to measure how well this program works. We are going to see it year after year after year. The report is going to be there. The parents are going to see it. The taxpayers are going to see it. The residents of the District of Columbia are going to see it. We are going to be able to measure it. We are going to be able to tell how well this program is working—the same tests, identical.

Second, the Feinstein amendment, which has been adopted by this body, which is a part of the bill, requires the Secretary and Mayor to select an independent entity to evaluate the performance of the students participating in the scholarship program.

That is just the highlights. I will not read and take the time of the Members of the Senate. But the accountability is built into this bill now.

If my colleague has other things she wants to put into this bill, we certainly would be more than happy to entertain them and to listen to them, if she has other ideas to improve that accountability.

Again, she talks about vouchers on the cheap. I would say, again, our studies show, and what the HELP Committee's staff has come up with, along with what the District of Columbia officials have come up with, is that clearly most of the availability slots are less than the $7,500.

But for those that would be more, I have no problem with including language in this bill, if my colleague wants to do so, that would require any school which is going to take the voucher to say that is it, they couldn't go back to the parent and say, we want additional money. You are either going to take it as the entire payment or you are not going to accept the student. I have no problem with language in that area to do that. That would be perfectly fine with me.

It is important for us to remember how we got here and why the Mayor wants to do this and why those of us who are strong advocates for this proposal came to the floor to do it. When you look at the statistics of what is going on in the District of Columbia, they are actually shocking figures. How bad are the schools in the District of Columbia? They are bad. Everybody knows that.

If you look at the figures, if you look at the SAT scores, if you look at ACT scores, if you look at graduation rates, all of the statistics—and they have been cited, and I will not take the Members' time to do that—if you look at the dropout rates, if you look at reading scores, the proficiency scores, the math scores, they are shocking. To think that within blocks of this Nation's Capitol, we are tolerating a school system that is not doing any better for the kids, these poor kids who live in our Nation's capital. It is wrong. It is not right. We have an obligation to do something differently.

What we have before us today is something different. In a sense, I could argue it is a radical proposal. But it is really not. It is a conservative proposal. It is a cautious proposal in a sense, because what we do is we say we are going to put more money in the public schools. We are going to take the Mayor's lead, and we are going to put that $13 million more into the public schools, and we will entrust it to the Mayor because that is what he wants.

My colleague from Louisiana has been very interested in charter schools and played a major role in the development of them. The Mayor wants to try to expand charter schools so we will put more money for them. We are not going to put all our eggs in one basket. We are going to try that, too.

But then we are going to try something else, something we have not done before in the District of Columbia; that is, we are going to put some public money, some Federal tax dollars into scholarships for 2,000 kids. That doesn't seem to me to be such a radical proposal. At the same time we are giving more money to the public schools, at the same time we are giving more money to charter schools, let's put $13 million, the same amount as for the other two, let's put in $13 million to create these 2,000 new scholarships for poor kids. Yes, you have to be poor to qualify. Yes, let's keep in mind under this bill the way it is written as to priority, the priority goes to kids from failing schools. Let's create that as well. So we are not putting all our eggs in one basket.

We are not saying we are going one way. We are saying we are going to try something else. We are going to try a balanced approach. We are going to try an approach the Mayor approves of. Let's do something different. We are going to do something a little different, because we are not satisfied with the status quo, because we don't think what is currently going on in our Nation's capital is good enough for the kids who live there.

I say to my colleagues, if you are satisfied with the way things are in the District of Columbia, then take this out of the bill. Go ahead. And when the time comes, vote for the Durbin amendment. Take this out and say: We are going to continue to do things the way we have done them in the past. That is OK.

But if you want to try something different, if you want to try this balanced approach, this rational approach, an approach the Mayor wants to try, then vote down the Durbin amendment, keep the bill the way it is, and let's move forward. Members will have the opportunity tomorrow to do that.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CONCERNS OVER U.S. POLICY IN IRAQ

Mr. FEINGOLD. Mr. President, over the past year, I have come to the floor several times to express my concerns about the U.S. policy in Iraq. I have raised questions about what I have called the administration's ''shifting justifications'' for this war. I have raised questions, both before and after the conflict began, about the administration's plans for finding and securing weapons of mass destruction, for ensuring that the international community is willing to share the burden of reconstruction, and—perhaps most critically—for making certain our action in Iraq does not detract from or undermine the fight against terrorism. I still have many of the same concerns today. I still am not confident that the American people have gotten all the answers and all the information they deserve.

Now many in the administration clearly do not want to talk about weapons of mass destruction in too much detail. They don't really want to talk very much about distorted intelligence. These things are apparently old news in their view.

We fought a war of choice. We remain deeply involved. American troops continue to die. Some don't want to talk anymore about those initial choices that were made. The President told the American people that the main reason he went to war was to prevent Iraq from using weapons of mass destruction against us. Now, however, we are told that the real reason for choosing to go to war in Iraq was to tip off a set of, in effect, democratizing dominos that will change the face of the modern Middle East, perhaps even the entire Muslim world, and then, in so doing, defeat the forces of terrorism. I guess that seems to be the general thrust of the argument.

I don't believe it is a good thing for our democracy or for our standing in the world to switch arguments for a war in midstream. But I do think this idea that the administration is putting forth now, after having moved from many other justifications, also deserves to be seriously and critically considered by this Congress, especially given how often the administration is now invoking this idea that we are going to create a domino effect of democracy throughout the Middle East

by invading Iraq and setting up a government there.

Let us consider three propositions that have been repeated by the administration in recent weeks. First, the assertion that Iraq is now the central front in the fight against terrorism—not Afghanistan, not Saudi Arabia, not Southeast Asia, or east Africa or the central Asian states of the former Soviet Republic, Mr. President, but Iraq as the central focus of the war against terrorism.

In support of this assertion, the administration can, of course, point to the influx of terrorists into Iraq since the United States military campaign began. The country was not, however, a hotbed of terrorist activity directed at American interests before that campaign. But the administration appears to be making a much broader point based on a sort of new domino theory for our new century. This time, instead of propping up dominoes threatened by the forces of communism, we are tipping them over in the name of democracy. By tipping the Iraqi domino, we will change the entire Arab world—or perhaps even the entire Muslim world—or so the argument goes—and this in turn will lead to the demise of the terrorist forces that have attacked America.

In other words, what the administration is really saying is that Iraq is now the central battle in the fight against terrorism because this is where we choose to tip the domino.

How likely is it that the battle for the future of the Middle East or the future of modern Islam is going to be fought at a place and time of American choosing? Are we really that all-knowing or that all-powerful?

I agree that a battle of ideas and wills is underway in the region. I am not at all sure that this kind of battle can be influenced by U.S. military action or a U.S. occupation—at least not in the way we would hope.

I am even less sure that invading and occupying Iraq in an attempt to establish a beachhead for democracy will help us in the campaign against terror. It is that campaign against terror that we should be focused upon. How likely is it that the plans and capacities of terrorists operating, let's say, in the Philippines or Indonesia will be greatly affected by the outcome in Iraq? How about the forces still present along the border between Afghanistan and Pakistan? Will a blow for democracy in Iraq wipe them out?

Most importantly, are we more secure? Are we on a firmer footing in the fight against terrorism if we somehow convince ourselves that this is so? Are we on the right track when the Vice President refuses to acknowledge that we know of no real link between Iraq and the attacks of September 11, and then goes on to insist that the Saudis are good partners in the fight against terrorism, as he did on ''Meet The Press'' earlier this month?

There is something else happening here. I fear that there is. Are we getting distracted, muddled in our thinking, when it comes to our first national security priority? I fear that we actually endanger our security and detract from the fight against terrorism if we all accept this new domino theory as fact.

I can remember hearing a domino theory before, when American troops were fighting a different war. It was an overly simplistic idea that just did not capture all of the different agendas at play in the world—the nationalistic, the self-serving, and the corrupt, to name a few. I am highly skeptical that this theory is any more useful or accurate today.

That earlier conflict also taught me that the right thing to do is to ask hard questions. That is the right thing for the country and the right thing for our brave men and women in uniform. GEN Anthony Zinni made a good point when he spoke earlier this month at the Marine Corps Association and the U.S. Naval Institute Forum. He said the following:

> This is the greatest treasure that the United States has, our enlisted men and women. And when we put them in harm's way, it had better count for something. . . . They should never be put on a battlefield without a strategic plan, not only for the fighting . . . but for the aftermath and winning that war. . . . Our feelings and our sensitivities were forged on the battlefields of Vietnam, where we heard the garbage and the lies, and we saw the sacrifice. We swore never again would we do that. We swore never again would we allow it to happen. And I ask you, is it happening again?

This is what was said by General Zinni in front of the Marine Corps Association of the U.S. Naval Institute. These are powerful words from one of our generals. They remind us of the stakes, and they remind us that the questions about our planning, about the wisdom and intellectual honesty of the ideas that guide it, are very much in order today.

I support our troops and I support their families who are very anxiously waiting for their return. That is why it is so important to get some clarity on the nature of our involvement in Iraq and where we stand in the fight against terror.

The President is, of course, right to reject the notion that one can be ambivalent about terrorism. If we don't have moral clarity when it comes to the fundamentally evil nature of acts that target innocent civilians, that murder noncombatants on a grand and gruesome scale as some sort of perverse act of political theater, then, of course, we are really lost. There is no halfway point on this. There is no middle ground. The battle against terrorism is worth fighting. It is a battle we did not begin, and it is a battle I have supported and will always support wholeheartedly.

I agree with those who say that states that knowingly harbor and support our terrorist enemies are enemies themselves. That is why I voted to support using our military might in Afghanistan to defeat the forces that attacked us on September 11. I believe we have to stay focused on that goal. No evidence that has been presented to me suggests a meaningful link between Iraq and the forces that attacked on September 11—at least not prior to our invasion. Iraq was not the inevitable next battleground in our fight against terrorism. It was a battlefield that the administration chose for its own reasons and now sees as the lead domino that will start the region on the path to peace and democracy.

Second, let us consider the assertion that the forces attacking Americans in Iraq do so precisely because they know we are onto something—they know that we are bringing freedom and democracy to Iraq and therefore are striking a blow against terrorism.

What if they are attacking us simply because we are there, because we are present and vulnerable and easier to target in a climate of disorder and in the context of a population that regards foreign occupation, understandably, with some suspicion, even fearing that we want to install a client regime that will provide us ready access to the country's oil?

Disorder creates opportunity. Consider the lead of a recent Chicago Tribune article:

> Smugglers on motorcycles ferry Arab insurgents across the rugged desert from neighboring Iran, while former Iraqi army officers guide anti-American Afghan veterans through minefields left over from the Iran and Iraq war. Meanwhile, militants disguised as Iranian merchants, religious pilgrims and charity truck drivers bring in illicit drugs, weapons, and explosives into Iraq to fuel the guerrilla campaign.

Of course, terrorist forces do not want us to succeed in Iraq. They do not particularly want us to succeed anywhere. And America should not and cannot hesitate to take the steps we need to protect our security against terrorist threats. But what I find so disturbing about this assertion is it seems to suggest that bad news somehow vindicates current policy—that if they attack our troops, we are getting it right, that the Middle East peace process breaks down because spoilers are threatened by the winds of democratic change blowing from Iraq.

Recently, Deputy Secretary of Defense Paul Wolfowitz explained away the bombing of the U.N. headquarters in Baghdad and a holy shrine in Najaf by asserting that ''Terrorists recognize that Iraq is on a course towards self-government that is irreversible and, once achieved, will be an example to all in the Muslim world . . . pointing a way out of the hopelessness that extremists feed on.''

In other words, what he is saying is, these attacks happen because we are on the right track.

This is a somewhat disturbing formula. Are we to interpret every new horror as an encouraging sign that we have it right, that we are really getting to the bad guys? If an increased terrorist presence and activity in Iraq

tells us we are on track, what will tell us we are off track?

Associated with this is a third idea—the assertion that fighting terrorists in Iraq means we will not have to fight them closer to home. I heard the President say a number of statements like this.

If only this were true. Do we really believe that somehow we can attract all the terrorists to Iraq, bring them all in there and then defeat them? Do we really believe there is a finite number of terrorists whom we can finish off by goading them into attacking us in Iraq? Do any of us believe that right now terror cells are not plotting and planning and operating elsewhere in the Middle East, in East Africa, in Southeast Asia, in central Asia? Global terrorist networks would be a great deal easier to deal with if they could be contained within some national boundaries, such as Iraq, clearly identified and engaged. But this is simply not the reality we confront today.

We have to be honest with ourselves about what is really accomplished in these skirmishes in Iraq in terms of the long-term security of the United States. Unquestionably, there is value in helping the people of Iraq take control of their own destiny. I am enthusiastic about helping the forces fighting for democracy and accountability and human rights around the world to triumph because I believe their success will create a more stable and just world for my children and my children's children to live in. And there are very real threats associated with allowing Iraq to become a failed state—the same kind of threats I have warned are associated with weak states elsewhere, including weak and failed states in sub-Saharan Africa.

To tell ourselves this is the central front of the fight against terrorism strikes me as more dangerous self-delusion, and we cannot afford to be anything less than clear and focused and relentless in fighting the forces that attacked this country on September 11.

That task is complex. It requires military strength, but military strength alone is not sufficient. It also requires international cooperation in sharing intelligence, disrupting terrorist communications, and planning and cutting off their access to financial resources. It requires international good will to sustain that kind of cooperation, and it requires a robust public diplomacy effort founded on respect and honesty so we can win the trust of those who fear we are hostile toward Islam and the Arab world.

We have a lot of work to do, both in Iraq and in the fight against terrorism. This is as serious business as we will ever confront. Lives are on the line—the lives of Americans both in and out of uniform. Rather than relying on simplistic theories and constantly shifting justifications, we need to be honest about the threats we face and the means to overcome them.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Nevada.

Mr. REID. Mr. President, before the Senator from Wisconsin leaves the floor, I wish to express my respect for him. He represents the State of Wisconsin so ably. The one aspect I like about this Senator is you never have to worry how he stands on an issue. He is always very forthright and public in his statements.

As the Chair knows, I spend a good deal of my personal time finding out where the votes are on our side of the aisle. With the Senator from Wisconsin, there is never a problem. He doesn't say: Let me get back to you. Or if he does say that, he does get back to me.

I have the greatest respect and admiration for the Senator. I have also watched how he has been engaged in the international relations of this country. I know how he has been engaged in issues that are important to sometimes only him, but sometimes that is all it takes to focus the attention of the Congress on an issue in which he has been involved.

I had the good fortune when I served in the House to serve on the Foreign Affairs Committee. I do not serve and have not served on the Foreign Relations Committee in the Senate, but I do understand what an important committee it is. I say to my friend from Wisconsin, I feel very good in that he is serving on this committee and, in effect, in doing so is also representing me in his efforts to make sure the American public is advised to what is going on in the rest of the world and our Government is involved, as it should be, around the world.

I publicly applaud and congratulate the Senator from Wisconsin for his speech. I think he has, as usual, studied the issue and has made some tremendous and significant points.

Mr. President, I have a statement I wish to give. It is my understanding the majority wants to propound a unanimous consent request for a vote later today; is that right?

The PRESIDING OFFICER. The Chair advises the Senator from Nevada, no request has been propounded thus far.

Mr. REID. I knew that, but I was trying to be as polite as possible to not get in the way of one being offered. So I will just go ahead with my speech and at some later time I can give everyone a hint that there is going to be a vote at 5:30. That is my understanding.

(The remarks of Mr. REID are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Ohio.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. DEWINE. Mr. President, as in executive session, I ask unanimous consent that at 5:30 today the Senate proceed to executive session to consider the following nomination on today's Executive Calendar: Calendar No. 380, the nomination of Carlos Bea to be United States Circuit Judge for the Ninth Circuit. I further ask unanimous consent that following 2 minutes equally divided for debate the Senate proceed to a vote on the confirmation of the nomination with no intervening action or debate; further, following the vote, that the President be immediately notified of the Senate's action and the Senate then return to legislation session.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, I recently received a call at home and the person was enraged that we were holding up judges. I explained to the person that that was not factual. I want the record to reflect that tomorrow morning we will approve the 160th judge for President Bush. We have turned down three. So that is 160 to 3 is what I told my friend from Nevada.

I have no objection. I further agree that there be 2 minutes equally divided for the debate prior to the vote tomorrow morning.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DEWINE. I further ask consent that at 9:15 a.m., on Tuesday, September 30, the Senate proceed to executive session and an immediate vote on the confirmation of Calendar No. 381, Marcia Crone, to be United States District Judge for the Eastern District of Texas, to be followed immediately by a vote on the confirmation of Calendar No. 384, the nomination of Ronald White to be United States District Judge for the Eastern District of Oklahoma; provided further that following those votes the President be immediately notified of the Senate's action and the Senate then resume legislative session.

Mr. REID. Mr. President, I apologize to my friend from Ohio. I was not paying close enough attention. I thought he had finished the entire request. So I am not going to restate my remarks where I was talking about the number of judges. I wanted to do that now rather than earlier, but my friend gets the point.

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

Mr. DEWINE. Finally, I ask unanimous consent that there be 2 minutes equally divided for debate prior to each of the votes.

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

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, during the course of our debate last Thursday, we had the opportunity to share a number of thoughts about the President's proposed voucher demonstration for the District of Columbia. I have appreciated the opportunity this last week to engage in discussions and negotiations, if you will, with my friend, Senator DEWINE from Ohio, Senator LANDRIEU, and others.

I know there has been some discussion today. I just arrived moments ago. I want to revisit it a little bit. I think we have a vote in about 20 minutes, but I want to take the next few minutes to review some of that conversation.

I said on Thursday and say it again today, I think the measure as it is being amended on the Senate floor is a significant improvement over what was offered in the House and approved by the House. It was a very close partisan vote. I think it passed by one vote. I appreciate the willingness of the other side to at least engage in what I think were good-faith discussions and negotiations.

Among the problems we found with the legislation that came out of committee to the floor was that eligible participating students need not take the same tests that other District of Columbia students take. Most States around the country have adopted academic standards. Once academic standards are adopted, most States are developing tests to understand the students' progress in math or science or English or social studies or other subjects. I understand the District of Columbia has been involved in the process of developing their own academic standards for their own students. I believe they are in the process of developing tests which would reveal student progress.

In the meantime, I think they use a proxy test. If one of my colleagues wants to correct me, feel free, but I think the District of Columbia uses as a proxy test the Standard of Achievement Test to measure how students are doing with respect to reading, writing, and math.

In the State of Delaware, we adopted our standard in 1995 and began giving Delaware State tests in 1998. We actually use the Stanford 9. We actually embed the Stanford 9 achievement test within the Delaware State test so we have some idea how Delaware students are doing with respect to progress against Delaware standards on math, science, and social studies, and also because of the Stanford Achievement Test we have an idea how we are doing with regard to the rest of the country, at least as it relates to reading and mathematics. But I believe the District of Columbia uses only the Standard of Achievement Test at this time. They are developing a standard of achievement test that will find out how local students are doing against the standards that have been adopted. They will now begin using it.

The reason it is important to make sure all our students are taking the same test, whether they happen to be in a traditional public school or a public charter school or in a private or parochial school, that at least once a year they take the same test, is we want to have some way of objectively measuring whether students are making progress and know we are measuring apples and apples and oranges and oranges, and not apples and oranges.

I believe that with the adoption by voice vote of the Feinstein amendment last week, this measure has been amended so now students in parochial, private, traditional public schools and in charter schools here in the District will all be at least taking the same test. That is an important step.

The next step, though, is for us to figure out what we do with the results from that test. That is critically important.

What do we do with the results of those tests? We measure the students' progress toward the District of Columbia's academic standards. It is all well and good if they take the same test, but what if we don't act on those tests or use those tests as most States, including mine, are using the test to help make sure we hold everybody accountable, hold schools accountable, school districts accountable, students accountable, educators accountable?

I used the example last week. I will use something similar to it today to try to make clear we are not interested in creating an administrative nightmare for the parochial schools or the private schools. I don't know how difficult it would be for them 1 or 2 days a year, a couple of days a year, for those schools to ensure the students attending those schools with vouchers take the District's test. On top of that, we are not interested in imposing on a private school or parochial school the accountability system that we find in No Child Left Behind.

There is going to be an independent entity created here in the District of Columbia if this voucher demonstration program is actually adopted and implemented. There would be an entity created called an Eligible Entity. That is what it is actually called. As I understand it, that Eligible Entity would be responsible for, among other things, negotiating with the private and parochial schools, making sure the students who receive these vouchers—actually, I understand the voucher funding would come from the Federal Government through the Eligible Entity to the parents of the students. Then they would choose from among a variety of schools. The schools, if they were oversubscribed, would have a lottery system.

We are not interested in seeing that the parochial and private schools that participate have to go through the No Child Left Behind rules. That is not what we are interested in doing. We do want to know, however, if there are 2,000 kids in this voucher demonstration program, how they are doing relative to the District of Columbia's academic standards. We want to know if we are making good progress with respect to those standards. We want to know if the various subgroups that we are responsible for tracking are doing well, just as we would similar subgroups that are still in traditional public schools in DC or in charter schools here in the District of Columbia.

The data for those students enrolled in private or parochial schools, how well they do on their test scores, can fairly easily be aggregated and pulled out either by the Eligible Entity, collected by the Eligible Entity, or by some appropriate entity in the District of Columbia, and they will know how kids are doing in the sixth grade and the seventh grade to the eighth grade. They will know how they are doing with respect to reading and how they are doing with respect to mathematics, if those kids were receiving their education on a voucher.

Again, we are not trying to make things unduly complicated or difficult for the parochial or private schools. But if this is going to happen, if we are going to try this experiment, I think it is in the interest of everybody, including the kids, including us as decisionmakers, to not impede the ability of students to enroll in a private or parochial school that is interested in participating. The key, though, for us is to make sure that at the end of the day we have data that we can look at as decisionmakers, and the folks in the District of Columbia can look at, and they will actually know with some certainty whether or not the students using those vouchers are making academic progress using the same standards, the same kind of accountability that we are imposing on all the public schools, including the charter schools.

I don't think that is too much to ask. I cited last Thursday a quote from the President. I don't have it with me here, but this is what he announced when he rolled out this proposal last July here in the District of Columbia and talked about these kids. I will paraphrase him: These kids have to operate under the same system of accountability that other kids here in the District would be expected to operate under, to which I would say terrific; I couldn't agree more.

In talking with one of the President's top senior people over in the White House last week, I was concerned to hear that one of the reasons we couldn't have expectations for accountability for progress for kids using these vouchers to go to private or parochial schools is because there is kind of an expectation that given their backgrounds and the problems and academic difficulties they bring to the school, we probably couldn't reasonably expect them to make the kind of progress kids in traditional public schools or public charter schools would be making.

It reminded me that the President is fond of talking about the soft bigotry of low expectations. Boy, as soon as I heard those words, I couldn't help but think that strikes of something akin to soft bigotry of low expectations.

We say we expect kids who are in some of these deplorable schools in the District—we are going to take kids out of those miserably failing public schools and put them in a parochial school or a private school and not expect them to perform in those schools or at least match or exceed the scores

in the schools from which they came. Something is wrong here. Maybe I misinterpreted or misunderstood what was being said on the phone. I hope I was.

But the scores of those kids who get out of the environment they are studying in should soar.

The last point I want to make is, if you have 2,000 vouchers to hand out to a pool of kids, where do you find the students to give them to? How do you make that determination? As far as I know, we still haven't bridged our differences here.

Senator LANDRIEU and I, along with others on both sides—but more Democrats and some Republicans—have contended that we ought to make every effort to ensure that those vouchers, whether it is 2,000 or however many we have, go to kids in schools that are failing. There is a question about whether we have enough failing schools in the District of Columbia in order to make sure that those vouchers are fully implemented and exercised and used.

I am at a loss as to what to say on that. If the schools in this District are half as bad as we have all heard, there are more than enough kids in schools that any of us would deem failing to use those 2,000 vouchers for, and argue for more. There are 15 public schools in the District of Columbia that are deemed to be failing by the standards that are currently being used. I think that is going to change as this District of Columbia test is developed and implemented in the next couple of years.

In my State, we have been making great progress academically for the last year or so. We have several times the number of failing schools as the District of Columbia has.

I know in talking with Senator LANDRIEU in the last week or so that the State of Louisiana has a whole lot more—just in New Orleans alone many times more than 15—failing schools. There are going to be plenty of kids in failing schools here a year or so from now when it is up and running, if it is ever up and running—more than enough kids in these failing schools.

I would suggest to our friends on the other side of the aisle and to the administration that we shouldn't get bogged down on this point. Let us just give the vouchers to kids in failing schools, be done with it, and move on.

The last piece that is troubling—and it was troubling to us before but even more so now—is when legislation comes to the Senate, whoever the President is, whether it is a former President, President Bush, President Clinton, the former President Bush, President Reagan, there is a statement of administration policy that comes with regard to the legislation. Senator LANDRIEU and I were trying to obtain from our Republican colleagues and from the administration an agreement that what emerges from conference would actually be the language and the principles that were laid out that we and our friends talked about a whole lot last week. We are asking for assurances from the administration and our Republican colleagues that regardless of what we vote on or agree to on the Senate floor—and the whole package could be agreed to on the Senate floor, but when we go to conference with the House of Representatives, you just never know what is going to come out of the conference. We didn't want to be hoodwinked. We didn't want to enjoy a period of victory on the Senate floor only to find that what emerges from the conference of the House of Representatives is something that looks quite different.

Our concerns were underlined, maybe with an exclamation point at the end, when we saw the statement of administration policy.

I don't have it before me. Does Senator LANDRIEU happen to have a statement of administration policy?

Ms. LANDRIEU. Yes.

Mr. President, I do have a statement of administration policy. I appreciate my colleague raising that issue. I know we are scheduled for a vote at 5:30. We only have a few more minutes for this discussion.

But as my colleague from Delaware has stated, there is a statement of administration policy that basically focuses on the $13 million voucher proposal. It does not mention charter schools. It does not mention additional funding for traditional public schools.

We subsequently received a letter from Secretary Paige after this document was presented indicating that his Department is in support of the three-sector approach. But the Senator from Delaware is correct. Until we have a more definitive statement from the administration and our Republican colleagues, even if we accept that language in this bill, there would be really no confirmation.

Mr. CARPER. Mr. President, I believe the Senator from Nevada wishes to say something before we vote at 5:30. I don't want to impede him.

Mr. DEWINE. Mr. President, I wonder if my colleague will yield for a question?

Mr. CARPER. Yes.

Mr. DEWINE. I was really asking my colleague if Secretary Paige's letter—and, of course, my colleague from Louisiana just referenced that letter—I wonder if my colleague would agree that the letter from the Secretary is a pretty definitive letter. The Secretary is the Secretary and does represent the administration. So it seems to me that it is, in fact, the administration's policy to support the three-pronged approach that we have been talking about here on the Senate floor.

Mr. CARPER. I am encouraged that the Secretary has promulgated a letter. I don't know to what extent it also bears an imprimatur of OMB and the senior folks in the White House. I am encouraged by the letter.

The point I am trying to make is that we are uneasy in the first place about entering into some kind of agreement on the Senate floor, and then just seeing that dissipate in conference. In the administration's statement they don't even mention the $13 million for public and charter schools, which just further exacerbates our uneasiness.

Let me yield, if I may, to the Senator from Nevada.

Mr. ENSIGN. Mr. President, how much time remains before the vote?

The PRESIDING OFFICER. One minute.

Mr. ENSIGN. Mr. President, I ask unanimous consent that I be able to speak for 4 or 5 minutes.

Ms. LANDRIEU. I have to object. I am going to have to object.

The PRESIDING OFFICER. Objection is heard.

Ms. LANDRIEU. Right after the vote, we can agree to time, if the Senator wishes.

Mr. ENSIGN. I ask my colleague, Mr. President, is there a reason 4 minutes is a big deal?

Ms. LANDRIEU. There is actually a reason. I am sorry. After the vote, we would be pleased to have the Senator speak.

Mr. ENSIGN. Mr. President, I will take the remaining time.

I make a couple of comments. We call this a voucher bill, a scholarship bill, Pell grants for kids, GI bill for some of the most disadvantaged students in the District of Columbia. What we are talking about is the children. Are we going to leave children behind in arguably one of the worst school districts in America or are we going to allow them to at least have a chance, a couple of thousand of them, to have a chance they otherwise would not have? Not only that, can we show something that works? The current system in Washington, DC is not working. At least give the kids and their parents a chance. Instead of putting the bureaucracy first, put the children first.

EXECUTIVE SESSION

NOMINATION OF CARLOS T. BEA, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the hour of 5:30 having arrived, the Senate will proceed to executive session to consider the following nomination which the clerk will report.

The legislative clerk read the nomination of Carlos T. Bea, of California, to be United States Circuit Judge for the Ninth Circuit.

The PRESIDING OFFICER. There are 2 minutes divided for debate on the nomination.

Mr. HATCH. Mr. President, I am pleased that we are considering the nomination of Judge Carlos Bea to serve on the U.S. Court of Appeals for the Ninth Circuit. He has had an exemplary legal career in California as a successful attorney and an impartial

jurist, and will serve with honor and distinction on the ninth circuit.

After a distinguished 32-year career in private practice, Judge Bea was appointed and subsequently elected to his current position as a judge on the San Francisco Superior Court in 1990. He was re-elected, without opposition, to the Superior Court bench in 1996 and 2002. In this capacity, he has handled literally thousands of cases and presided over hundreds of trials. In fact, his colleagues and attorneys who practice before him have commented publicly that Judge Bea is at his best when handling complex trials and difficult legal issues.

As with other nominees to the ninth circuit that this committee has considered this year, Judge Bea's colleagues overwhelmingly support his confirmation to the Federal appellate bench. Thirty-seven judges of the San Francisco Superior Court, who serve with Judge Bea and work with him every day, sent a letter to the committee praising his skills as a jurist, and recognizing his service on many of the Superior Court's management committees. He also serves, at the State level, on the California Judicial Council's Advisory Committee on Access and Fairness.

In addition to his Superior Court colleagues, California Supreme Court Justice Carlos Moreno, San Francisco Mayor Willie Brown, and representatives of the San Francisco Bay Area's Hispanic community all wrote to the Judiciary Committee, expressing enthusiastic support for Judge Bea's confirmation to the ninth circuit.

I join them in strong support for Judge Bea's confirmation and urge my colleagues to do likewise.

I yield the floor.

Mr. LEAHY. Mr. President, tonight the Senate votes on the nomination of Judge Carlos Bea of California to the ninth circuit. In just 9 months this year, the Senate has confirmed 58 of President Bush's judicial nominees, which is more than Republicans allowed to be confirmed for President Clinton in 4 of the 6 years of Republican control. In fact, in just 9 months this year, the Republican led Senate has confirmed the same number of judicial nominees as they allowed for President Clinton in all 12 months of 1995. I recall well that the following annual session, 1996, Republicans allowed only 17 judicial nominees to be confirmed all year and not a single circuit court nominee was allowed a confirmation vote by the Senate.

I am glad that, in moving the nomination of Judge Bea to the ninth circuit, the Republican leadership has chosen not to follow the delaying approach they took on the nominations of two other Latino circuit court nominees of President Bush, Judge Edward Prado to the fifth circuit and Judge Consuelo Callahan to the ninth circuit. The two Democratic home State Senators support the nomination of Judge Bea and have worked to expedite his consideration. I expect most if not all Democratic Senators will vote to confirm him, just as they did Judge Prado and Judge Callahan and the scores of Hispanic nominees we have worked so hard to confirm over the last 11 years.

For 2 full years this White House refused to nominate any Latino for the circuit courts other than the highly divisive and controversial nomination of Miguel Estrada. Then the White House refused to work with the Senate to provide the information needed to consider that nomination. Ultimately Mr. Estrada asked that his nomination be withdrawn so that he could devote his attention to his law practice at a prestigious law firm. The Republican leadership delayed Senate consideration of Judge Edward Prado's nomination for a month, then delayed consideration of the nomination of Judge Consuelo Callahan. Their false claim of anti-Hispanic bias among Democrats has been rebutted by the facts.

Democrats have voted to confirm 13 Latinos nominated by President Bush to the Federal courts. Last Congress, Senate Democrats swiftly confirmed six Latino judicial nominees chosen by President Bush—Christina Armijo of New Mexico, Judge Phillip Martinez of Texas, Randy Crane of Texas, Judge Jose Martinez of Florida, Magistrate Judge Alia Ludlum of Texas, and Jose Linares of New Jersey. This Congress, Democrats have unanimously supported the confirmation of seven other Latino judicial nominees—Edward Prado of Texas to the fifth circuit, Consuelo Callahan of California to the ninth circuit, S. James Otero of California, Cecilia Altonaga of Florida, Xavier Rodriguez of Texas, and Frank Rodriguez Montalvo of Texas. And today we vote on the nomination of Judge Bea.

Democrats supported the appointment of 11 Latinos nominated by President Clinton to the appellate courts, but Republicans blocked 3 of them. Of the 12 Latino appellate judges currently seated in the Federal courts, 8 were appointed by President Clinton and 2 by President Bush.

Republicans blocked six Latino nominees of President Clinton from ever receiving a vote—three for the circuit courts and three for the district courts. Republicans blocked Enrique Moreno, who President Clinton nominated to the fifth circuit; Jorge Rangel, who President Clinton nominated to the fifth circuit; and Christine Arguello, who President Clinton nominated to the tenth circuit. In addition, Republicans refused to allow votes on district court nominees, Ricardo Morado, R. Samuel Paz, and Anabelle Rodriguez. Although Republicans denied confirmation votes for six Latinos nominated by President Clinton, among the more than 60 other judicial nominees, Democrats have opposed only a handful of President Bush's judicial nominees.

Many Hispanic nominees of President Clinton were also delayed by Republicans including immigrants Judge Rosemary Barkett and Judge Sonia Sotomayor, as well as Mexican-Americans Judge Richard Paez and Judge Hilda Tagle. Republicans filibustered Judge Paez's nomination for more than 4 full years before finally allowing him a confirmation vote.

Like many of President Clinton's Hispanic nominees, Judge Bea's nomination is supported by the Mexican American Legal Defense and Education Fund and others in the local community.

After today's vote, the Senate's tally is 158 to 3 with 158 lifetime judicial nominations confirmed and three of the most extreme having been blocked. This stands in stark contrast to the Republican record during their prior 6 years of control of the Senate, when Republicans allowed the confirmation of 248 of President Clinton's judicial nominees and blocked confirmation votes on 63 of his judicial nominees, 20 percent. The historical record shows that in 6 years of control, Republicans blocked votes on almost two dozen of President Clinton's circuit court nominees, including five nominees for the fourth Circuit, three for the fifth Circuit, three for the sixth Circuit, three for the ninth Circuit, two for the tenth Circuit and two for the D.C. Circuit. Indeed, in the third and fourth year's of President Clinton's second term, when they controlled the Senate majority and timetable, less than half of President Clinton's circuit nominees were confirmed. Despite this history, Democrats held the first hearings and votes in years for President Bush's nominees to the fourth, fifth, sixth, tenth and D.C. Circuits. Only a handful of the most extreme or controversial nominees of President Bush have been blocked from receiving votes.

Despite the recent past when Republicans blocked so many more circuit court nominees of President Clinton, they seem determined to use judicial nominations for their 2004 election strategy. As the Los Angeles Daily Journal reported last week:

> Despite the fact that judicial nominations barely register on the public's radar screen, Republicans say the issue is a good one for them. They plan to continue to push hard for Bush's nominees, even in the face of firm Democratic opposition. And, they believe, the more nominees that Democrats block, the more the Republican charge of Democratic ''obstructionism'' will resonate with voters, ultimately paying dividends in the 2004 elections, especially in the South. ''Our strategy has been: We don't want to see these people go down, but if they're going to go down, the Democrats have to hurt for it,'' said the [Republican] aide. Bush himself has said he intends to make his judicial nominees an issue in 2004. ''I'm reminding people of the issue of judges,'' Bush said in a roundtable meeting with Texas reporters last week. ''I will elevate this issue as the course of the campaign goes on.''

For 5 of the 6 full years that Republicans controlled the Senate during the Clinton administration they did not allow 12 circuit court nominees to be confirmed all year. With Judge Bea's

confirmation, Democrats will have joined in the confirmation of far more circuit court nominees of this President than Republicans allowed on average for President Clinton. In the years 1995 through 2000 just seven circuit court nominees were allowed to be confirmed per year on average. This is the twelfth circuit judge confirmed in the last 9 months. This is in addition to the 17 circuit judges confirmed while I chaired the Judiciary Committee and Democrats made up the Senate majority in 2001 and 2002. That totals 29 circuit judges confirmed in the last 26 months.

Republicans do not want to discuss these facts and seem to hope that the American public is not closely watching the actual work of the Senate since 1995. Far from being obstructionist, Senate Democrats have been accommodating in confirming the vast majority of President Bush's judicial nominees, 150 so far. Despite the very real Republican obstruction of dozens and dozens of President Clinton's judicial nominees, we have turned the other cheek in voting for President Bush's very conservative nominees to seats kept open by Republican obstruction of President Clinton's nominees.

As a consequence, there are now fewer vacancies on the Federal courts today and earlier this year than at any time in the past 13 years. Had we not created new seats for this President to fill, we would be at the all-time low vacancies of the Reagan administration. There are more lifetime appointed Federal judges serving on the bench today than at any time in American history. This is hardly the portrait of obstructionism that Republicans will try to sell to the American people.

We have been fair but we will not be rubberstamps for this or any administration. The stakes are too high and the Constitution is too important to do otherwise.

Mrs. BOXER. Mr. President, I want to comment on the nomination currently pending before the Senate, Judge Carlos Bea for the Ninth Circuit Court of Appeals.

I was delighted to meet Judge Bea and his family at his Judiciary Committee hearing earlier this month.

Judge Bea was born in Spain but has lived in California for most of his life. He received both his undergraduate and law degrees from Stanford University. He practiced law in the San Francisco area for over 30 years before he was appointed a judge on the San Francisco Superior Court. He was elected to the seat in 1990 and has been reelected twice by the voters of San Francisco. He has also taught at Stanford and Hastings law schools.

In addition to his accomplishments in the legal community, Judge Bea is also an Olympic athlete. He played on the Cuban national basketball team during the 1952 Olympic games.

As a judge, he is widely respected for his keen intelligence. As one reporter noted, ''he has received high marks for his specialty, handling complex civil litigation disputes.''

I intend to support this nomination.

The PRESIDING OFFICER. If all time is yielded back, the question is on the nomination.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The PRESIDING OFFICER (Mr. TALENT). The question is, Will the Senate advise and consent to the nomination of Carlos T. Bea, of California, to be United States Circuit Judge for the Ninth Circuit.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Kansas (Mr. ROBERTS) and the Senator from Rhode Island (Mr. CHAFEE) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. CORZINE), the Senator from Illinois (Mr. DURBIN), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. Graham), the Senator from Vermont (Mr. JEFFORDS), the Senator from Massachusetts (Mr. KERRY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Arkansas (Mrs. LINCOLN), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

I also announce that the Senator from Rhode Island (Mr. REED) is absent attending a funeral.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) and the Senator from New Jersey (Mr. LAUTENBERG) would each vote ''yea.''

The PRESIDING OFFICER (Ms. MURKOWSKI). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 86, nays 0, as follows:

[Rollcall Vote No. 368 Ex.]

YEAS—86

Akaka	DeWine	Lugar
Alexander	Dodd	McCain
Allard	Dole	McConnell
Allen	Domenici	Mikulski
Baucus	Dorgan	Miller
Bayh	Ensign	Murkowski
Bennett	Enzi	Murray
Bingaman	Feingold	Nelson (FL)
Bond	Feinstein	Nelson (NE)
Boxer	Fitzgerald	Nickles
Breaux	Frist	Pryor
Brownback	Graham (SC)	Reid
Bunning	Grassley	Rockefeller
Burns	Gregg	Santorum
Byrd	Hagel	Sarbanes
Campbell	Harkin	Schumer
Cantwell	Hatch	Sessions
Carper	Hollings	Shelby
Chambliss	Hutchison	Smith
Clinton	Inhofe	Snowe
Cochran	Inouye	Specter
Coleman	Johnson	Stabenow
Collins	Kennedy	Stevens
Conrad	Kohl	Sununu
Cornyn	Kyl	Talent
Craig	Landrieu	Thomas
Crapo	Leahy	Voinovich
Daschle	Levin	Warner
Dayton	Lott	

NOT VOTING—14

Biden	Graham (FL)	Lincoln
Chafee	Jeffords	Reed
Corzine	Kerry	Roberts
Durbin	Lautenberg	Wyden
Edwards	Lieberman	

The nomination was confirmed.

The PRESIDING OFFICER. The President will be notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

MORNING BUSINESS

Mr. FRIST. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators to speak for up to 10 minutes each.

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

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

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

SEXUAL MISCONDUCT ALLEGATIONS AT THE AIR FORCE ACADEMY

Mr. DAYTON. Madam President, last week, in a hearing of the Senate Armed Services Committee, I listened to some of the most disturbing testimony I have heard in my entire almost 3 years now in the Senate. Testifying were members of a congressional panel investigating the sexual harassment charges raised at the U.S. Air Force Academy. The hearing, which is the third one this year on this matter, is a great credit to its chairman, Senator WARNER. There is no one in this body for whom I have greater respect than the senior Senator from Virginia, now in his 25th year of outstanding service to the State of Virginia and to our Nation. He and his colleague of 25 years, Senator LEVIN of Michigan, don't always agree, but they always work cordially and constructively together to lead that committee and establish a bipartisan or nonpartisan relations way.

As former Secretary of the Navy, the chairman, who strongly supports the services, clearly does not relish in this kind of critical review of one of the Academies. He does not evade it either. To the contrary, he faced up to it responsibly and resolutely, which led to the hearing last week and to another one scheduled for tomorrow. Last week's testimony was provided on behalf of the congressional panel established by the Congress to investigate sexual misconduct allegations at the Air Force Academy. It was eloquently

presented by its chairwoman, the Honorable Tillie Fowler, a former U.S. Congresswoman from the State of Florida. Seven other members of the panel appeared with Chairwoman Fowler and answered a number of the committee's questions.

I cannot do justice to the outstanding work of this panel. In just a matter of 2 months, they accomplished more than most Government investigations do in 2 years, or even longer. They probed more deeply, they assessed the conditions at the Academy over the past 10 years more comprehensively, and they reported more concisely, yet insightfully and incisively, than grander commissions with more time and costing much more money. They have all performed a very important service to their country and this Congress, which established and charged them with this mission. They did so with great distinction, and I thank them.

While the report was excellent, its findings were by far the opposite. My colleagues will recall that our colleague, Senator ALLARD, in whose State the Academy is located, brought complaints from a couple of his constituents to the Academy and then to the Secretary of the Air Force when he was not satisfied with the Academy's responses. Senator ALLARD also deserves great credit for bringing those deplorable offenses to the Air Force Academy's leadership to deal with them and bring them to the attention of the full Senate and bring the larger spotlight of public attention on to these abuses.

As the first abuses were reported, other women, present and former cadets at the Academy, disclosed rapes and other sexual assaults against them, and Senator ALLARD has heard from a total now, at this time, of 39 women. That number could be even higher by this time.

After denying there was a serious problem, first, by Academy officials, then by the Air Force service and civilian leaders, and the growing number of victims making accusations of being sexually assaulted at the Air Force Academy and continued pressures of Senator WARNER and Senator LEVIN and Senator ALLARD, there was finally forced the necessary attention and investigations and initial actions by those who have been accused.

The publicly reported experiences of women cadets were truly horrible. In fact, twice horrible—horrible in the rape or the physical attack against them by another cadet at the Academy, and horrible in the callous indifference or even putative responses of Academy officials—toward them, the victims, not toward their alleged attackers.

Here is a brief summary of one first year female cadet's nightmare at the Air Force Academy. This is a published report in the Washington Post:

> Once not very long ago, [her] eyes shown bright when she spoke of piloting airplanes. Few her age seem to be too promising in a future in aviation. But now when the conversation turns to flying, the former Air Force academy cadet dips and stares at the floor. Ever since, she says, a fellow cadet raped her a year ago in her freshman year at the academy, her dreams of flying F–16s and her love of the Air Force have crumbled. At age 18, she was a first-year cadet at the academy. But even in that elite group she was one of a very few in her class who had a private pilot's license. In November, 2001, she was chosen as the year's first freshwoman to fly an Air Force plane, roaring above the academy's football stadium before a game. Her downward spiral began a year ago when a cadet whom she knew slightly from the academy raped her in her dormitory room, she said. What she did not know then is that the same senior, once a star of the academy boxing team, had been accused of sexually assaulting a civilian in California 3 months earlier, as well as another freshman cadet at the academy more than a year before that.

Thus began her dizzying fall from grace. Struggling academically and athletically, emotionally devastated, and she said, harassed and hounded by the academy leadership for minor disciplinary infractions, she finally quit last Christmas. The Academy did not discipline the male cadet for his alleged on-campus assault because Academy officials said evidence was lacking. However, it did expel and court martial and convict him on the charge of forcible sodomy in California. He is now serving an 18-month sentence in a Navy brig.

While the female cadet remains angry about the sexual assault, she is angriest at her treatment by the Academy's majors, colonels, and generals who she said turned the tables on her after she reported the assault. She said some officers criticized her for acting affectionately with her boyfriend, who is a different person from the individual who committed the rape. They said she was ''no lady'' and suggested her behavior was generally promiscuous. It is not a problem of a few bad cadets, the woman now says, the problem is a few bad generals.

For a long time, after first denying there was a significant problem with cadet sexual assaults at the Air Force Academy, the Academy and Air Force leadership questioned how extensive the problem really was. On a couple of occasions during the past decade when students were surveyed on the subject, an alarmingly high percentage of female cadets reported they had been raped or otherwise sexually assaulted during their 1 to 4 years at the Air Force Academy.

The response of the Academy administration was to claim the surveys were not statistically valid, and in two instances, simply not to ask that question in the next year's survey, just defies belief. Talk about sticking their heads in the sand. They really didn't want to know how bad the problem was at the Academy. Now we have a good idea.

One of the accomplishments of the Fowler panel was to obtain from the Department of Defense and inspector general preliminary data from its May 2003 survey of female cadets at the Air Force Academy. Of 579 women in the classes of 2003 to 2006, 88 percent of all women cadets at the Academy at that time responded to this survey: 43 cadets, 7.4 percent, said they had been victims of at least one rape or attempted rape during their 1 to 4 years at the Air Force Academy. That is 1 out of every 13 women. In the senior class, those women who had been there for 4 years, 11.7 percent, or 1 out of 8 female cadets were raped or victims of attempted rape during their 4 years at the Academy; 109 female cadets, 19 percent of all respondents, said they suffered one or more sexual assaults during their years there. That is almost 1 out of every 5 female cadets being sexually assaulted at the Air Force Academy.

The Air Force response to this survey? They consider the definition of ''sexual assault'' used in the survey too broad and thus the percentage too high. That definition is a sexual assault is:

> Cadet victim, witness, assistance, and notification procedures—the touching of another without their consent in a sexual manner, including attempts in order to arouse, appeal to, or gratify the lust or sexual desires of the accused, the victim, or both. Sexual assault includes, but is not limited to, rape, sodomy, fondling, unwanted touching of a sexual nature and indecent sexual acts the victim does not consent to or is explicitly or implicitly forced into. It is immaterial whether the touching is directly upon the body of another or is committed through a person's clothing.

That sounds like a clear definition of sexual assault to me, and the keywords are ''without their consent.''

A couple of the other survey findings were that over two-thirds of women cadets, 68.7 percent, reported they had experienced sexual harassment, defined as unwanted and uninvited sexual attention in the form of ''sexual teasing, jokes, remarks or questions'' while at the Academy—over two-thirds of women cadets.

Of the sexual assault victims, only 19 percent, less than 1 in 5, were reported to the authorities, and of those who did report these incidents, almost half, 46 percent experienced what they called reprisals. That is how extensive these atrocities were if the Academy or Air Force leadership had wanted to know, but they didn't.

An internal Academy working group decided whatever problem did exist there was attributable to, according to the report, among other things, the definition of ''sexual assault'' in the Academy instruction book was confusing, the training had little focus on the moral leadership or character components of deterrence, and, amazingly enough, the self-defense training given to fourth class women cadets often occurred too late in the semester to be effective.

Let me repeat that. The self-defense training given to fourth class—in other

words, first-year women—often occurred too late in the semester to be effective. In other words, the Academy didn't get around to giving them self-defense training before they were raped or sexually assaulted there.

The Fowler panel, which is a document I commend to all of my colleagues as being both incisive and insightful in its own right, and the example of what an outside panel can accomplish in a brief period of time, stated other than the reassignment of recent Academy leadership and retiring the immediate past superintendent in lower grade, the Air Force has not held any member of the Academy leadership accountable for a decade of ineffective action or, in many cases, inaction concerning sexual assaults and the culture that tolerated them.

While the record is not complete, the evidence before the panel shows the highest levels of leadership had information about serious problems at the Academy, yet failed to take effective action. It may be impossible to ever fully know what the Air Force leadership knew or suspected about sexual assault problems in the past 10 years, nonetheless the panel uncovered substantial information showing Air Force headquarters had serious and repeated indicators of a problem. If the Air Force headquarters did not act on this information or did so tepidly, it should be held accountable for avoiding its responsibility and accepting sexual misconduct as an unavoidable condition at the Air Force Academy.

By contrast, when the general counsel of the Air Force, who had led a review of a working group and a report issued by the same, stated that, in the words of the Fowler panel, despite the considerable evidence of long-term knowledge by the Air Force and the persistence of sexual misconduct problems at the Academy, the working group, headed by the Air Force general counsel, concluded that ''there was no systemic acceptance of sexual assault at the Academy or institutional avoidance of responsibility.'' In other words, nobody was responsible for all of these atrocities occurring over the previous 10 years, probably longer but not reported or documented before that time. Nobody in positions of command at the Air Force Academy or the Air Force itself is responsible for any of this, and the Fowler report clearly documents instances time after time over that decade where the top command knew, was informed, and failed to act, failed to follow through, replace, failed to communicate, failed to even hold meetings as frequently as required, failed time after time in a myriad of ways to assume the responsibility that they had for the young lives that had been entrusted to them by their families and who were recommended for those appointments by Members of this body and the House of Representatives, who placed their faith and trust in that institution, and not just let down, they were abused, their lives were emotionally devastated, their careers at the Air Force Academy were, in many instances, destroyed, and the perpetrators of these violent crimes, these rapes and sexual assaults, have gone untouched, unsanctioned, and now are pervasive throughout the Air Force itself.

It is so bad, in fact, that in one survey taken by the panel, over 20 percent, over one-fifth of those cadets the Air Force surveyed didn't believe women belonged at the Air Force Academy. The Air Force Academy has been accepting women since 1973—in other words, since before those cadets were born.

How did they conclude, based on the history, since the time they came into consciousness, that women who are an integral part of the Air Force Academy ''did not belong'' there? How could they not belong any more or less than male cadets?

The panel concluded, as one of them said, the culture at the Air Force Academy is infected. This is not a matter of misguided young adults. In fact, I know from my experience, as I am sure my colleagues have had approximately the same experience, the young men and women who we nominate for appointment to the Air Force Academy, or any of the service academies, are extraordinary young men and women. At least in my State of Minnesota they have to compete with other extremely well-qualified young men and women, and they are selected only after a careful review process. They have to have distinguished careers in high school with their curricula. I have not seen and I would not nominate anybody who has had problems with sexual misconduct or problems in understanding their responsibilities at such an academy to be inclusive, to be honorable, and that they report any violations cited by a commission of these kinds of actions.

According to the panel, what has happened—and I would concur from my own brief experience—is that the culture is infecting those cadets with the wrong ideas, with the wrong views, and with the notion that they can commit those acts with no consequence, that those who are the victims are the ones who are going to be punished, and the honor code notwithstanding, they should just look the other way or ignore what they see happening.

What a terrible climate to create at this institution which is paid for with taxpayer dollars and which is producing men and women who we are going to rely on to pilot Air Force planes and defend this Nation for years to come.

As I said, the very distinguished chairman of the Senate Armed Services Committee, Senator WARNER, deserves such enormous credit for spiriting this inquiry on the part of our committee. He has scheduled another hearing tomorrow where the Secretary of the Air Force and the general counsel of the Air Force are scheduled to testify. I look forward to that hearing so we can get answers to some of these unresolved questions, answers that better be found by the time this matter has been concluded, because, otherwise, I have serious questions whether the Air Force Academy is in a fit position to continue to receive the young men and women of this country and whether, despite the new leadership, it is so systemically ''infected,'' to use the panel's word, with these cultural biases that it is simply not fit to continue to provide training, especially the training of moral conduct and leadership, that these young men and women deserve and which our Nation requires.

To be continued, I will report to my colleagues on my impressions after that hearing, after receiving that report.

I yield the floor, and 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. MCCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ORDERS FOR TUESDAY, SEPTEMBER 30, 2003

Mr. MCCONNELL. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:15 a.m., Tuesday, September 30. I further ask that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day and the Senate then proceed to executive session for two votes on judicial nominations as provided under the previous order; provided that following the second vote the Senate begin a period for morning business until 11:30 a.m. with the first half of that time under the control of Senator HUTCHISON or her designee and the remaining time be under the control of the minority leader or his designee; provided further that at 11:30 a.m. the Senate resume consideration of H.R. 2765, the DC appropriations bill. I further ask consent that the Senate recess from 12:30 to 2:15 for the weekly party lunches.

Mr. REID. No objection.

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

PROGRAM

Mr. MCCONNELL. Madam President, for the information of all Senators, tomorrow the Senate will immediately proceed to executive session to vote on two judicial nominations. The first vote will be on the nomination of Marcia Crone to be a United States District Judge for the Eastern District of Texas. The second vote will be on the nomination of Ronald White to be

a United States District Judge for the Eastern District of Oklahoma.

Following the two judge votes, the Senate will begin a period of morning business until 11:30. Following morning business, the Senate will resume debate on H.R. 2765, the District of Columbia appropriations bill.

The majority leader has stated on a number of occasions his intent to try to finish that bill early this week. The managers will be here again tomorrow, waiting for any additional amendments that may be offered. Therefore, it is hoped we can conclude this bill during tomorrow's session.

As mentioned earlier today, the Senate will begin consideration of the Iraq emergency supplemental just as soon as that bill is available. Rollcalls will therefore occur each day this week on that bill as we press to try to complete it.

Madam President, if there is no further business to come before the Senate——

Mr. REID. If I could say, just before the Senator gives his final statement here, I appreciate very much the majority allowing the time for us to speak. There are a number of Senators on this side who wish to speak. I appreciate very much the thoughtfulness of the Senator from Kentucky and the majority leader in allowing us to go forward on this basis. Having been in his position on a number of occasions, I know how difficult it is to keep people around, but I appreciate his doing it.

ORDER FOR RECESS

Mr. MCCONNELL. If there is no further business to come before the Senate, I ask the Senate stand in recess under the previous order, following the remarks of Senators DASCHLE, HARKIN, and REID.

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

The Senator from Iowa.

BREACH OF NATIONAL SECURITY

Mr. HARKIN. Madam President, I remember when I was a young boy, right towards the end of World War II, and there was a famous sign I saw at the American Legion club in my small town in Iowa. The sign said, ''Loose Lips Sink Ships.''

Later on when I went into the military and served in the military, I always remembered that, especially when it came to dealing with sensitive information, that we had to be very careful, very cautious about how we dealt with information which, if it got into the wrong hands, could be injurious to the United States of America.

I mention that because if what I have been hearing and reading about in the news media is anywhere near the truth, then we have a very serious breach of national security emanating from the administration. This is no small matter, about the disclosure of the identity of a CIA agent, an undercover agent, the identity of whom could not only be harmful to that individual herself but to persons with whom she had contact and dealings in other countries.

This July a noted columnist, Robert D. Novak, on July 14, disclosed a covert operative's identity. That is a violation of Federal law. I am not certain Mr. Novak knew that was a violation of Federal law. He should have. He has been in this business a long time. But he printed this disclosure. Where did he get the information? Mr. Novak said he got the information from two senior administration officials. The story goes on to say that:

> Yesterday, a senior administration official said that before Novak's column ran, ''two top White House officials called at least six Washington journalists and disclosed the occupation of Wilson's wife [who is the undercover agent who was disclosed by Mr. Novak]. ''Clearly it was meant purely and simply for revenge,'' the senior official said of the alleged leak.

What happens when a disclosure like this goes out is that if agents in the field are on pins and needles about whether they are going to be disclosed at some time, it is going to threaten our intelligence capabilities around the globe. And in fighting international terrorism, the most important thing we need is not the U.S. military, it is not bombers and missiles or a nuclear arsenal or nuclear submarines—in order to combat and beat international terrorism, what we need is good information. Intelligence—intelligence sharing with our allies. If our agents in the field—working undercover with the contacts, the kind of sources they need—if they believe their identity is going to be disclosed in a newspaper column, what does that say to them about how they can do their business? This threatens our intelligence-gathering capabilities.

In fact, I can think of no single action that probably has done more to hurt our ability to fight international terrorism than this disclosure of this undercover agent's name. I say that because it is going to cast a cloud over those who risk their lives daily who are already out there gathering information to protect our country.

You might ask: What precipitated this? Why was this leaked? Evidently it was leaked because this person's husband had revealed the truth about President Bush's deception in his State of the Union Message about Iraq trying to get uranium from Niger.

This individual, Joseph C. Wilson, IV, former U.S. Ambassador, publicly challenged President Bush's claim that Iraq tried to buy ''Yellow Cake'' uranium from Africa for possible use in nuclear weapons. Because Mr. Wilson had such good credibility when he put this out, it raised questions about whether the President was being forthright in his State of the Union Message. That is why one senior official said that clearly it was meant purely and simply for revenge.

We have the leaking of an undercover individual's name because her husband had revealed the truth about the deception in the State of the Union Message.

I don't know who these two individuals are in the administration, nor how high up they are. Mr. Novak said they were two senior administration officials. Another senior administration official said two top White House officials. Who are they? I guess I would have to ask if President Bush is really serious about cooperating and finding out who it was that violated Federal law—a criminal activity punishable by up to 10 years, a felony. If the President is really serious, and he said he was here—Mr. McClellan, the President's press secretary, said it is a serious matter and it should be looked into.

If the President is serious about cooperating and getting the truth out, ABC News ''The Note'' today posed these questions which I agree should be answered:

Has President Bush made clear to White House staff that only total cooperation with the investigation will be tolerated? If the President has not done this, why hasn't he?

Has the President insisted that every senior staff member sign a statement with legal authority that they are not the leaker and that they will identify to the White House legal counsel who is? If the President hasn't asked his staff to do that, why hasn't he?

Has President Bush required that all of his staff sign a letter relinquishing journalists from protecting those two sources? If he hasn't, why hasn't he?

Has President Bush said that those involved in this crime will be immediately fired? If he hasn't, why not?

Has Mr. Albert Gonzalez distributed a letter to White House employees requiring them to preserve documents, logs, and records? It is very important. Has Albert Gonzalez distributed a letter to White House employees telling them to preserve documents, logs, and records? If he hasn't, why hasn't he?

Has Mr. Andrew Card named someone on his staff to organize compliance with these? If he hasn't, why hasn't he?

These are things the President has to do if he really and truly wants to cooperate, if he truly wants to get these two individuals identified, and if he truly wants to have them prosecuted to the fullest extent of the law, which they ought to be.

This is not some obscure real estate deal out in the middle of nowhere. I repeat this is not some obscure real estate deal out in the middle of some wilderness area. This has to do with our fight against international terrorism and whether or not those who are charged with the responsibility of collecting and gathering intelligence for us will be protected and their identities protected. Or will we send a signal that they are fair game, that someone in the White House can leak their name, that some columnist will print it in the paper and identify them as an undercover agent for the CIA?

This is serious business. The sooner the President of the United States gets

to the bottom of it and complies—and, yes, as soon as we have a special counsel, an independent counsel, not from the Justice Department but a special independent counsel needs to be appointed immediately to make sure that logs, records, and phone logs are not destroyed, that computer files are not erased, and to make sure that we find out who it was who did this to our intelligence communities. Nothing less than a special counsel with full investigative powers, with the full powers of subpoena, nothing less than that will suffice to clear this up and to assure the American people that the President and those close around him had nothing to do with this.

Mr. REID. Madam President, will the Senator yield?

Mr. HARKIN. I yield to my friend from Nevada.

Mr. REID. I haven't heard all of the Senator's statement, but what I have heard leads me to believe after having read about this myself that whoever did this is a traitor. Whoever leaked this is someone who has subjected someone who is an undercover spy for this country to being murdered. I think that it even puts the columnist at risk, Bob Novak, who I like very much. I don't always agree with his politics, but he is a person who has always been very good to me.

I am very happy that the Senator from Iowa has weighed in on this.

I also acknowledge that something should be done. It is my understanding that the majority and the Democratic leader, the ranking member of the Foreign Relations Committee, the ranking member of the Defense Committee, and the ranking member of the Intelligence Committee have written a letter to the Attorney General and the President tonight calling for just what the Senator from Iowa has asked—that there be a special counsel selected to go into this. Some of the things that the special counsel went into during the last few years are minor compared to the gravity of this.

I personally applaud and congratulate the Senator from Iowa for bringing this to the attention of the people of America.

Mr. HARKIN. I thank my friend from Nevada. I am glad to hear that those individuals have sent a letter to the President and to the Attorney General. I hope our friends on the other side of the aisle will do the same. I hope the majority leader and the chairmen of those respective committees will do the same and ask for a special independent counsel.

The word ''traitor'' is not misleading. It is not trying to blow this out of proportion. I think the Senator is absolutely right. Whoever leaked this and put not only this agent at risk—think about all of the contacts this agent had in other countries. Think about the chilling effect this puts on our intelligence gathering to combat international terrorism. The word ''traitor'' is certainly not going beyond the bounds.

I think the Senator is right. This is not some obscure little thing. This is not some obscure real estate deal out in the middle of nowhere. This affects the security and safety of our country.

I don't know who did this. But they have to be punished.

Mr. REID. Will the Senator yield for another brief comment?

We have had some espionage people who have turned on us in recent years. They have had very high publicity. I think of the man in Kansas who turned and became a double agent, so to speak, which led to the deaths of American operatives in other countries.

Is this any less than that? It is on the same plane. Whoever did that is certainly guilty of crimes—not punishable by death, perhaps, as Hanssen was subject to, but certainly punishable for many years in Federal prison. I appreciate the Senator bringing this to the attention of the American people through speaking in the Senate.

Mr. HARKIN. I thank my friend.

A CROSSROADS FOR U.S. ENERGY POLICY

Mr. REID. Mr. President, last month a power blackout stranded millions of commuters and shut down businesses in the northeast and midwest. A few weeks later we saw the sharpest weekly increase ever in gasoline prices, just in time for Labor Day. And in Nevada, California and other western States, consumers are still smarting from energy market manipulation by Enron and other companies.

It is clear, as President Bush recently pointed out, that our Nation desperately needs an energy policy.

But not just any energy policy. It must be the right policy, one that protects consumers, safeguards our environment, and bolsters our national security.

That means we must ensure the reliability of our electricity markets, make a serious commitment to conserve energy, balance the interests of big oil companies against the interests of consumers, and kick our addiction to oil from the Middle East.

Unfortunately, some of the ideas that seem likely to emerge from the conference committee on the Energy bill would make matters worse, not better. Although the need for a new energy policy is urgent, we must not be stampeded down the wrong path.

The Environmental Protection Agency took a dangerous step in that direction just a few weeks after the August blackout, when it relaxed pollution rules for some electric power plants.

Allowing old plants to spew more pollution into our air is not the way to create a reliable supply of electricity. It is certainly not a good thing to spew this into the air for my children and my grandchildren. Instead, we must develop our abundant sources of clean, renewable energy: water, the wind, the sun, and the heat within the Earth.

These resources can provide steady, reliable power that is not subject to wild market swings, protecting consumers from shortages and price spikes. Developing renewable energy also creates new jobs. And renewable energy is made in the USA, not subject to the whims of foreign powers.

I am proud that Nevada is a leader in developing our renewable resources. By 2013, the State of Nevada has committed to produce 15 percent of our electricity from renewable sources. State initiatives like this are important and good.

These State initiatives that require a certain percentage of electricity is generated from renewable energy is spurring the growth of geothermal power in Nevada, California and other western states.

Our Nation also needs to set an ambitious but attainable goal for developing renewable energy. Unfortunately, it appears that the conference committee will not include such a goal in the bill that will be offered for our consideration.

We not only need goals for renewable energy, we need incentives that will help us reach them.

Thanks to rapidly improving technology and tax incentives, development of wind power has exploded in the past several years.

I have introduced legislation to expand the production tax credit from wind to include geothermal and solar power. This bipartisan legislation, cosponsored by Senator SMITH of Oregon and 14 others, would also extend the tax credit so businesses could invest in renewable energy with more certainty.

If we are serious about an energy policy that helps consumers and our environment, these provisions must be included in any eventual agreement with the House.

Another bad idea that is being promoted as the panacea for our energy problems is nuclear power.

Nuclear power sounds okay until it is time to dispose of the dangerous radioactive waste. Then nobody wants the stuff anywhere near their community including those scientists who insist it is ''safe.''

As most of my colleagues are aware, Nevadans are fighting a plan to dump the Nation's nuclear waste at Yucca Mountain, about an hour away from the fastest-growing urban area in the country, Las Vegas. We want our State to be a proving ground for renewable energy, not a dumping ground for nuclear waste. That should also be the thrust of our national policy for producing more electricity.

When it comes to fueling our cars and trucks, we have to kick the Middle East oil habit. It compromises our national security and leaves consumers vulnerable to market manipulations by nations like Saudi Arabia, which contributed to the recent spike in U.S. gas prices by slashing exports.

Unfortunately, we can not drill our way to energy independence. The U.S. currently uses 25 percent of the petroleum produced in the world, yet we

hold only about 3 percent of the Earth's known reserves. We can not create more oil under the ground, and drilling in a pristine area like the Arctic National Wildlife Refuge would do very little to boost total production.

There is a solution, however: We can do a better job of conserving oil, with stricter fuel standards for all vehicles, including popular SUVs. By reducing our dependence on foreign oil, conservation will make us more secure; it will also help consumers and the environment.

Some people suggest that fuel cell technology will allow us to convert our vehicles from petroleum to hydrogen, but that will not happen overnight. In the meantime we need a clean way to produce hydrogen fuel. Burning fossil fuels to make hydrogen will still pollute our air and increase global warming. Clean, renewable energy should be part of the hydrogen solution.

As we move into the 21st century, we face tremendous energy challenges, but we also have great opportunities.

We must reduce our dependence on foreign oil and make a bold commitment to clean, renewable energy.

I hope the members of the conference committee will keep these principles in mind as they work to prepare a bill for our consideration. Anything less would be a failure of vision and leadership.

STRENGTHENING CHILD NUTRITION PROGRAMS

Mr. DASCHLE. Mr. President, the Senate has a special bipartisan tradition of support for child nutrition, and I am pleased to promote that tradition by joining with Senators ELIZABETH DOLE and PAT ROBERTS in cosponsoring S. 1549, which would expand children's access to the free school lunch and breakfast programs.

This idea was first suggested to me by Senators Bob Dole and George McGovern at a conference last year at Dakota Wesleyan College in Mitchell, SD. Since our conversation, I have heard from a number of schools in South Dakota that many families whose children qualify for a reduced price lunch find it difficult to pay even the reduced fee. For some families, the fee can actually be an insurmountable barrier to participation.

The main purpose of the school lunch program is to make sure that children have a reliable, nutritious lunch every day. If a lower income family can't afford to pay for a reduced price lunch, it follows that they will also struggle to afford to provide a bag lunch for their child.

S. 1549 has strong support within my State. The South Dakota State Board of Education and more than two dozen local school boards have passed resolutions urging Congress to eliminate the reduced price school meal program.

Expanding children's access to the free school lunch and breakfast programs would unquestionably help promote better child nutrition in America. I have cosponsored S. 1529 because I support that goal.

I also support other equally important child nutrition and food program improvements. For example, lowering the area eligibility guideline in the summer and child care food programs from the current 50 percent to 40 percent would provide services to more children in low-income communities. Increasing children's access to fresh fruits and vegetables, whole grains, low-fat dairy products, and lean meats are important steps in improving overall health and reducing obesity. Reducing the paperwork burden for participants in the Summer Food Program would help make sure more children have access to healthy food when school is not in session. Making for-profit child care centers that serve low-income children eligible to participate in the Child and Adult Care Food program, and additional improvements to other nutrition programs, including food stamps, are long overdue.

Strengthening food support for low-income families is a sound investment in the long-term health and well-being of our children, and each of these initiatives is a worthy goal. Collectively, they are goals, I believe, a nation as great as the United States should strive to achieve. However, the current budgetary climate makes any of these investments extremely difficult.

Just 2 years ago, record budget surpluses were projected that could have been used to fund this priority. Today, the nonpartisan Congressional Budget Office, CBO, projects massive deficits for many years to come, nearly 40 percent of which CBO attributes to the Bush tax cuts.

The President chose to make tax cuts his economic priority, effectively at the expense of investments in our children. The Republican budget resolution, adopted earlier this year, made the same choice. It prioritized additional tax cuts, while providing no additional resources to the Senate Agriculture Committee for child nutrition or other improvements to food programs.

Unless we can take steps to reorder the priorities in the federal budget, this means any costs resulting from improvements we might make in nutrition programs must be paid for by cutting the same programs or by increasing the deficit.

The administration has proposed to require schools to increase their efforts to verify participating families' incomes which would have the result of generating budget savings. Sound reasonable? But the Department of Agriculture just released results from several new studies that show increasing income verification does virtually nothing to reduce errors but will significantly diminish participation by eligible children. The burden would be particularly acute for small, rural schools, like many in my state, that do not have the personnel to handle the increased paperwork. We clearly should not attempt to feed one group of children by forcing another group of eligible children out of the program.

I support harmonizing the school meal income guidelines with the WIC income guidelines, as S. 1549 proposes. Under current circumstances, this may take some time to achieve. I will continue to work with my colleagues on a bipartisan basis to explore how we might make improvements in our nutrition programs, including advancing the goal of S. 1549. I encourage my colleagues to take a serious look at S. 1549 and consider promoting this legislation as part of a comprehensive, long-term strategy to invest in important national nutritional priorities.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak 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 Islip Terrance, NY. On September 23, 2003, two brothers from Colombia were attacked by white students at East Islip High School. The incident, in which anti-Hispanic epithets were spoken, occurred in a hallway of the school. The victims, a junior and a senior, were treated at Southside Hospital for undisclosed injuries.

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.

DIABETES PREVENTION & TREATMENT ACT OF 2003

Mr. KENNEDY. Mr. President, it is a privilege to be a sponsor with Senator COCHRAN of S. 1666, the Diabetes Prevention & Treatment Act of 2003.

Today, our health care system spends 1 out of every 4 Medicare dollars on diabetes. Almost 200,000 Americans die because of diabetes each year, and almost one-third of Americans alive today are not aware that they have the disease.

The tragedy is that with the simple preventive and treatment measures available today, we can dramatically improve the likelihood that patients will never develop type 2 diabetes, and we can give good care to those who have type 1 diabetes. With only 30 minutes of walking a day and a healthy diet, people can reduce their chance of developing type 2 diabetes by 58 percent.

Despite these innovations far too many citizens do not realize they are

at risk for diabetes or that they may already have the disease. Even more shocking is the disproportionate manner in which diabetes affects children and communities of color. Our bipartisan legislation is intended to see that as many citizens as possible receive the education, treatment, and care they need at the earliest and most treatable stages of the disease.

The Diabetes Prevention and Treatment Act will apply proven methods of prevention and control throughout the country. Its success will produce major improvements in health, and major reductions in diabetes-related costs.

The bill authorizes quality improvement grants for diabetes. It supports the widespread application of best practices in diabetes prevention and control. It also authorizes further education initiatives and outreach strategies, including public awareness campaigns, public service announcements, and community partnership workshops.

In addition, the bill strengthens the ability of the Centers for Disease Control to support State programs, with the goal of establishing a comprehensive, fully funded program in every State. It strengthens the ability of the National Institutes of Health to enhance the role of federally funded centers for diabetes research and training. It authorizes additional initiatives to identify the genetic basis of diabetes and its complications. It expands research on diabetes in historically underserved and minority populations.

The bill will help to reduce diabetes in children and in communities of color, where it disproportionately affects American Indians, Latinos, and African Americans. In the American Indian and Alaskan Native communities, type 2 diabetes has rates 8 to 10 times higher than among whites. African American adults have a 60 percent higher rate, and Latinos have a 90 percent higher rate of type 2 diabetes than whites.

People of color also have unacceptably high death rates from diabetes. African Americans and Latinos die twice as often from the disease as whites, and American Indians and Alaskan Natives die three to four times as often. The bill provides the CDC and NIH with new resources to discover why this epidemic is disproportionately affecting communities of color.

The epidemic level of type 2 diabetes among children is also extremely disturbing. Ten years ago type 2 diabetes was unheard of in the pediatric community. Today, apparently because of poor nutrition and more sedentary behavior, children are developing a disease that 10 years ago usually only affected adults 45 years of age or older. The bill's provisions on children expand and intensify research on this crisis, and add long-term epidemiological surveillance for type 1 and type 2 diabetes and the establishment of regional clinical research centers.

Saving lives will save costs too. Providing better testing, prevention, and treatment for diabetes will save billions of dollars a year in the years ahead. By 2008, we could save $5.7 billion on costs of end-stage renal disease alone.

Many leaders from the diabetes community have worked closely with us on this legislation this year. I commend them for their leadership and I look forward to early action by Congress to approve this bipartisan legislation.

DON'T ASK, DON'T TELL

Mr. KENNEDY. Mr. President, this November marks 10 years since our Nation imposed the discriminatory law known as ''Don't Ask, Don't Tell'' on the lesbian, gay, and bisexual patriots of our Nation. During the past decade, almost 10,000 men and women have been fired from our Armed Forces simply because of their sexual orientation.

Many of those men and women have sought the assistance and advocacy of Servicemembers Legal Defense Network, SLDN, the Nation's only legal aid and advocacy organization for those harmed by the military's gay ban. In August, SLDN's executive director, C. Dixon Osburn, commemorated 10 years of service to the organization he founded and the brave Americans it serves. Mr. Osburn cofounded the organization in 1993 with former Army CPT Michelle Benecke.

Under Mr. Osburn's leadership, SLDN has provided legal services to 5,000 service members and obtained 35 changes in military policy and practice related to ''Don't Ask, Don't Tell, Don't Pursue, Don't Harass.'' Also under his leadership, SLDN's policy efforts have included obtaining new Pentagon and Service policies on anti-gay harassment, an Executive order on hate crimes in the military and an Executive order providing, for the first time, a limited psychotherapist privilege in the armed forces.

Due in large part to Mr. Osburn's work, The Boston Globe has said ''[SLDN] knows far more than the Pentagon about what reality is like in the military and helps individuals caught in the mess.'' Deb Price of The Detroit News also commended their work, nothing that: ''SLDN has repeatedly forced the Pentagon not just to take notice, but to change.'' And the Nation reports, ''It's amazing how much this small legal-aid group has accomplished already.''

Mr. Osburn received the 1994 GAYLAW Distinguished National Service Award, and the 1998 Kevin Larkin Award for Public Service from the Massachusetts Lesbian and Gay Bar Association. In 1998, Mr. Osburn was named by the Advocate magazine as one of the Top 10 National Gay Leaders. In 2000, under Mr. Osburn's leadership, SLDN received ''Organization of the Year'' awards from both the District of Columbia Bar Association Young Lawyers Division and the International Lesbian & Gay Museum of History. I am honored today to recognize his decade of leadership at the helm of SLDN and his unparalleled advocacy for our men and women in uniform.

RETIREMENT OF ROD L. BETIT

Mr. HATCH. Mr. President, I rise today to pay special tribute to a wonderful public servant, Rod L. Betit, who is retiring after a long and distinguished career in public health policy and administration for the State of Utah. His leadership and integrity leave the Utah Department of Health with a long legacy of initiative and excellence.

In 1992, Utah Gov. Norman Bangerter appointed Rod as the Executive Director of the Utah Department of Health making him the longest serving Health Director in the country. This appointment put him in charge of more than 1,300 employees with an annual budget in excess of $1 billion. While serving in this position, Rod established himself early on as an innovator, and someone who was not afraid to try new things. He developed a priority management approach for the Department which significantly improved the Department's ability to make progress in areas such as childhood immunization rates, tobacco control, American Indian health care system issues, youth suicide prevention, and health information systems development.

In addition, Rod has designed and launched a number of innovative health access programs by obtaining special federally-approved waivers. Some of his greatest achievements have included the nation's only comprehensive public mental health system, a managed care program that focuses on moving nursing home residents back into the community; and more recently an initiative that uses a unique 1115 waiver under Medicaid that establishes a Primary Care Program that brings basic health coverage to 25,000 working Utahns whose employers do not offer health care coverage. More than 11,000 adults had enrolled in the first six months of this program. United States Health and Human Services Secretary Tommy Thompson had this to say about the new program: ''I am approving this waiver over the objections of my staff because I see great potential for this approach to help reduce the number of working uninsured throughout the country once its success has been demonstrated by Utah.''

Rod's leadership abilities and vision prompted Utah Gov. Michael Leavitt to call on him for additional service in 1995 when he asked him to assume the role of the Executive Director of the Utah Department of Human Services while retaining his position with the Department of Health. This is the only time in Utah history that one person has been appointed to oversee two key agencies in state government. The Department of Human Services was facing some very difficult challenges at that time, and Rod, in true capable and courageous fashion, was able to step in

and make a difference. He solved some key problems and was able to return to running only the Department of Health 2 years later.

Prior to assuming the role of Executive Director in 1992, Rod served as the Utah Director of the Division of Health Care Financing. In this position he was responsible for all facets of the state Medicaid program and the Utah Medical Assistance Program. Rod's experience directing the Alaska Medical Assistance Program for 12 years before coming to Utah had served him well, and established him as a capable leader.

Rod has not only made a name for himself in Utah he is widely respected throughout the Nation. He is frequently called upon to represent the States' perspectives before Federal officials. He is a recognized expert on Medicaid and health care financing, and is widely viewed as an expert on health care reform.

Rod is returning to his native Alaska to become the President and CEO of the Alaska State Hospital and Nursing Home Association. He will also be able to pursue his love of King salmon fishing, and to be near his family. He will be deeply missed throughout Utah for his expertise, commitment and leadership. I want to commend Rod for the exemplary service he has given to the Utah Department of Health, Utah State Government, and to our nation. He is not only a truly great public servant, he is a loving husband and father to his wife, Ellen, and their three children. I wish Rod the very best life has to offer and pray for his continued good health, success, and happiness.

A TRIBUTE TO TENNIS GREAT ALTHEA GIBSON

Mr. HOLLINGS. Mr. President, some 40 years ago while investigating a case near the intersection of US 15 and State Highway 26, up a dirt road, there were located four shacks. One was the home of Ms. Elizabeth Gibson. I asked her if she had ever heard of Althea Gibson. She pointed to the shack and said she was born right there in that shack. That was the first time I had ever heard that Althea Gibson was a native South Carolinian.

Of course, she had to leave South Carolina to become a success. The good news now is that you can stay in the State and succeed. Over the weekend we lost Althea Gibson. We lost this championship athlete at the age of 76. USA TODAY has an interesting article of her success, and I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TENNIS TRAILBLAZER ALTHEA GIBSON DEAD AT 76

(By Doug Smith)

She took the snap from center, faded back like a seasoned quarterback and then threw a perfect spiral on target to a receiver 35 yards down field. Althea Gibson was 58 at the time, testing her arm in a friendly game of touch football in Washington, D.C.

''I'm a little rusty, but I can still chuck it,'' she said.

In her younger days, Gibson, who was 76 when she died Sunday of respiratory failure at an East Orange, N.J., hospital, played tennis with the same unexpected boldness and talent.

A trailblazer for African-Americans as well as women, Gibson fulfilled her dreams of becoming a great tennis champion despite the racial barriers of that era. She won 11 major titles, including the 1956 French Open, Wimbledon (1957–58) and U.S. Open (1957–58) and was the first African-American to play in Grand Slam events.

She was named Associated Press and Babe Zaharias Woman Athlete of the Year in 1957–58 and was honored with a New York ticker-tape parade in July 1957 after becoming the first African-American to win Wimbledon.

Gibson won her first tournament at 15, becoming the New York State black girls' singles tennis champion. Boxer Sugar Ray Robinson helped pay for her travels.

''We all know people who influence us and, if we are lucky, we meet a few in our lives who improve us,'' tennis legend Billie Jean King said. ''Althea Gibson improved my life and the lives of countless others. She was the first to break so many barriers and from the first time I saw her play, when I was 13 years old, she became, and remained, one of my true heroines.

''It was truly an inspiration for me to watch her overcome adversity,'' King added. ''Althea did a lot for people in tennis, but she did even more for people in general. In a tribute, Arthur Ashe once said, 'Politically, Althea's acceptance was crucial to my own. It made it easer for other blacks to follow.' ''

Zina Garrison, a 1990 Wimbledon finalist, Lori McNeil, Leslie Allen and Serena and Venus Williams say they were inspired by Gibson's success. Gibson had lived as a recluse in her East Orange home since suffering a stroke in 1994. Besides her longtime friend Fran Gray, Garrison and former New York mayor David Dinkins were among only a few who spoke to or visited Gibson over the last few years.

Garrison said she made a surprise visit to Gibson in her home last month after the U.S. Open.

''I just decided that I wanted to see her,'' Garrison said. ''She looked at me and said 'What are you doing here?' I said, 'I came to see you. Looks like you're doing OK. You're still feisty.' She started laughing and said, 'I might look good, but I don't feel that great. I'm just tired, tired of being here.''

''I think of all that she had done in golf, as a singer, her tennis, the music that she played, and I realize that she broke barriers for women, not just for African-Americans.''

Born on a cotton farm in Silver, S.C., on Aug. 25, 1927, she moved with her family to New York when she was 3. She grew up on the rugged streets of Harlem and made the transition from farm girl to city girl without missing a step. She excelled in baseball, basketball, football and was unbeatable in paddle tennis and stickball champion in the Police Athletic League.

When not involved in tennis or team athletics, Althea spent most of her teenage years in pool halls and bowling alleys. In 1946, Gibson was rescued from a possible life of poverty by two black physicians—Hubert Eaton and Robert Walter Johnson—when she showed potential as a tennis player.

With her mother's approval, the physicians devised a plan that allowed Gibson to live with Eaton in Wilmington, N.C., during the school year and spend the summers training on Johnson's backyard court in Lynchburg, Va. She quickly became the premier African-American woman player in the country.

She took up golf in 1960 and became the first black woman on the LPGA Tour two years later, but she never won a tournament and earned little money.

Recently, Gibson, Fran Gray and others had collaborated on a book, ''Born to Win: The Althea Gibson Story,'' to be published next year.

''I called her champ and still do,'' Dinkins said. ''We say everybody stands on somebody else's shoulders, and we're talking about people like Martin Luther King, Malcolm X, Sojourner Truth and Harriet Tubman. A whole lot of people—tennis players and many who are not tennis players—stand on Althea's shoulders, because when any black achieves in any discipline, it helps everybody else. It's unfortunate that she never realized and reaped the rewards that she was due.''

ADDITIONAL STATEMENTS

TRIBUTE TO ROBERT J. ''BOBBY'' PFEIFFER

• Mr. INOUYE. Mr. President, one of Hawaii's most widely respected business and community leaders has passed away. Robert J. ''Bobby'' Pfeiffer was, as his friends described him, ''an old sea dog'' who rose from deck hand aboard tugs and steamers to become Chief Executive of one of Hawaii's most important companies, Alexander & Baldwin, Inc., and of its subsidiary, Matson Navigation Co., Inc.

He was a man of vision who was always in touch with the concerns of all of the people of Hawaii. He often said, ''What is good for the community is good for business.''

I would like to honor the late Mr. Pfeiffer by asking to have the following biography of Mr. Pfeiffer printed in the RECORD.

The material follows:

ROBERT J. ''BOBBY'' PFEIFFER, MARCH 7, 1920–SEPTEMBER 26, 2003

CHAIRMAN EMERITUS, ALEXANDER & BALDWIN, INC.; CHAIRMAN EMERITUS, MATSON NAVIGATION COMPANY, INC.

''Old sailors never die, they just drop the anchor,'' Robert J. ''Bobby'' Pfeiffer said over a decade ago as he was contemplating retirement. Pfeiffer, one of Hawaii's most renowned sailors and captains of industry, dropped the anchor on September 26, 2003, at age 83, at his home in Orinda, Calif., after a lengthy illness

During his 12½ years at the helm of Alexander & Baldwin, Inc., Bobby Pfeiffer became practically synonymous with business leadership in Hawaii. He charted a course of modernization and diversification, and led A&B through one of its strongest periods of growth and prosperity. At the same time he earned a reputation for leadership—personal as well as corporate—in support of charitable and other community causes.

Mr. Pfeiffer's maritime and business career spanned 58 years, nearly 38 of them with A&B and its ocean transportation subsidiary, Matson Navigation Company, Inc. During that nearly four-decade period, he served as A&B's chief executive longer than all but two of his predecessors, and he piloted Matson for 19 years, longer than any of that company's chief executives since its founder, Captain William Matson.

For his significant contributions to the mid- and late-20th-century modernization of American shipping, Bobby Pfeiffer was recognized with the transportation and maritime industries' highest honors.

Early Years

The descendent of an eight-generation line of sea captains, Bobby Pfeiffer was born in Suva, Fiji, in 1920. He came to Hawaii with his family the following year and spent his early childhood in Hilo and Ka'u on the Big Island. It was there, in a mostly Hawaiian community, that he learned to speak Hawaiian—''otherwise you couldn't eat!'' he would later explain—and ''developed an affection for the Hawaiian people that [he] never lost.'' He even learned to dance the hula. His affection for Hawaiian people deepened when, as a young man, he worked on inter-island steamers with Hawaiian shipmates. He developed enormous respect for their seagoing skills and ''friendly, compassionate, generous'' qualities.

Mr. Pfeiffer moved to Honolulu in 1929 with his family, and he was soon spending all his spare time at the waterfront, in the holds and on the docks, helping unload freight, checking cargo, riding forklifts without permission, and learning to run equipment. By age 12 Bobby Pfeiffer was working summers for Inter-Island Steam Navigation Company, Ltd. His first assignment: deckhand on a harbor tug. Within three years he earned an operator's license for vessels up to 75 feet long and could legally skipper harbor tugs.

He showed leadership qualities and initiative early. By the eight grade, already captain of Roosevelt Intermediate School's junior police squad, Bobby Pfeiffer was chosen president of all junior police on Oahu. As he entered high school, his ambition was to attend West Point and make the Army his career. Knowing that McKinley High School had an excellent ROTC program, he decided on his own to transfer from Roosevelt, then one of Hawaii's elite ''English-standard'' schools. ''I attended McKinley for three weeks before my parents found out,'' he remembered. He worked his way up to cadet colonel of the ROTC Brigade and earned an appointment to West Point. Shortly before graduation in 1937, however, Bobby Pfeiffer's father lost his job, which prompted the young man to abandon his plans for West Point.

Instead, Bobby Pfeiffer went to work full-time for Inter-Island Steam Navigation, starting the day after graduation. Being a sailor ''was a hard life,'' he said. ''Many times we collapsed on mail sacks in the 'tween decks to snatch an hour or two of sleep.'' His hard work was rewarded and he was soon made an officer. By 1941 he was back ashore, serving as terminal superintendent.

During World War II, Mr. Pfeiffer served in the U.S. Navy. At the end of the war, he married a fellow naval officer, Mary Elizabeth worts, at Koloa Union Church on Kauai. While he would remain in the Naval Reserve until 1965 (retiring with the rank of commander), he soon returned to Inter-Island Steam Navigation, where by 1950 he had risen to executive vice president. Later that year a U.S. Department of Justice order split the company in three; Bobby Pfeiffer was picked to head one of the successor companies, Overseas Terminal, Ltd. He remained with the company until 1955, when he moved to Alhambra, Calif., to become vice president and general manager of Pacific Cut Stone and Granite Co.

Matson

Mr. Pfeiffer began his long association with Matson in 1956, when he was named vice president and general manager of Matcinal Corporation, a Matson stevedoring and terminal subsidiary in Alameda, Calif. Except for the two years (1958–60) that he managed Pacific Far East Line's terminal and cargo operations division in San Francisco, Bobby Pfeiffer would spend the rest of his career with Matson and its corporate parent, Alexander & Baldwin.

Returning to Matson in 1960—as vice president and general manager of Matson Terminals, Inc.—Bobby Pfeiffer promptly earned a place in U.S. maritime annals by helping negotiate the historic labor agreement that made possible the most significant advance in shipping since steam replaced sail: containerized cargo. Today the standard method of shipping, containerized cargo was then in its infancy, having been pioneered in the Pacific by Matson, beginning in 1958.

The Pacific Maritime Association, the shippers' group, made Bobby Pfeiffer chairman of its steering committee, charged with negotiating the ground rules for containerized cargo with the International Longshoremen's and Warehousemen's Union (ILWU), headed by Harry Bridges. Over ''months of intense negotiations,'' that Bobby Pfeiffer would later call ''labor-management statesmanship at its finest,'' the parties created the Mechanization and Modernization (M and M) Agreement. ''The union held a coast-wide caucus to consider whether to resist [containerization] . . . or to bargain for a 'share of the machine.' '' Bobby Pfeiffer said. ''The caucus opted to go after a share of the machine.'' The result was a significant rise in longshore workers' wages and a new lease on life for the U.S. merchant fleet.

In 1962 Mr. Pfeiffer was named president of Matson Terminals, the first step in an 11-year rise to the presidency of parent Matson Navigation Company. He was made a Matson vice president in 1966, in charge of the company's Far East freight division. In 1970 Matson promoted him to senior vice president for operations, and in 1971 to executive vice president. In 1973 he was named Matson president and, at the same time, senior vice president of its corporate parent, A&B.

During his nearly two decades at the helm, Bobby Pfeiffer led Matson's transformation into one of the world's most efficient ocean transportation companies, shaping and directing a $400 million capital investment program that modernized both the company's fleet and its terminals in Hawaii and on the West Coast.

A&B

Noting Bobby Pfeiffer's successes at Matson, A&B promoted him to executive vice president in 1977, appointed him to its board of directors in 1978, and, in October 1979, named him president and chief operating officer. Less than three months later, in January 1980, A&B appointed him CEO. In October of the same year, he was elected chairman of the board. After 25 years, the former deckhand had sailed home to Hawaii.

Mr. Pfeiffer established a far-reaching legacy at A&B. He developed a strategic plan that focused on completing the technological renewal of Matson—which he continued to head personally for some years—as well as on reinvigorating the company's property development and management activities, and revitalizing its roots in agriculture. He made the Hawaiian word imua—''go forward''—his motto.

To help realize the potential of A&B's extensive landholding as a revenue generator—a full-fledged ''third leg,'' alongside Matson and sugarcane—Bobby Pfeiffer began diversifying the company's real estate assets, starting with the sale of the Wailea Resort on Maui, which A&B had been developing for nearly two decades. He reinvested the proceeds in a new portfolio of income-producing commercial properties on the U.S. mainland, which were managed not only for current income, but also with an eye to appreciation and resale, so as to keep the portfolio growing in value. He also expanded the development and management activities of subsidiary A&B Properties from Maui to Kauai. By 1985, profits from A&B's real estate activities surpassed those from sugar.

Mr. Pfeiffer also led the battle to keep A&B's sugar business viable. He oversaw the completion and expansion of investments in drip irrigation of the company's sugar plantations on Maui and Kauai, and the pioneering automation and computerization of its sugar mills. Together with his success in bringing plantation operating costs under control, these steps kept A&B's sugar business profitable when most other plantations in Hawaii were failing. Bobby Pfeiffer also diversified into coffee on a portion of the company's Kauai lands. A&B's Kauai Coffee Company is now the largest coffee grower in Hawaii.

As a result of these efforts, under Bobby Pfeiffer's leadership, A&B's annual revenue and total assets both nearly tripled, while shareholder equity practically doubled.

Enroute to these achievements, Bobby Pfeiffer saw his leadership seriously challenged. In 1985 investor Harry Weinberg, who had gradually purchased more than a quarter of the company's stock and wished to boost its value by more aggressively capitalizing on A&B's extensive landholdings, attempted to replace Bobby Pfeiffer and the board with his own slate of directors. After a hard-fought proxy battle, the majority of stockholders voted with Mr. Pfeiffer; Weinberg subsequently sold his shares back to the company.

Bobby Pfeiffer kept his hand on the tiller at A&B for more than a dozen years. After devising and testing a succession plan—one of his proudest achievements—and acquiescing in requests by the board that he remain at his posts, Bobby Pfeiffer retired as president in 1991, as CEO in 1992, and, finally, as chairman of the board and director in 1995. He returned to all three posts—and also to the chairmanship of Matson's board—in mid-1998, after his successor, John Couch, had to take a medical leave of absence. Bobby Pfeiffer retired again as president and CEO after three months and as chairman of A&B and Matson a year later. After stepping down as chairman in 1995, and again in 1999, the boards of both A&B and Matson named him chairman emeritus, and he continued attending their meetings regularly until his health began to fail. He kept regular office hours at Matson headquarters in San Francisco until shortly before his death.

Community

Mr. Pfeiffer's legacy at A&B was not all business. He was concerned with the well-being of the community as well. In a landmark 1985 speech to the Chamber of Commerce of Hawaii, he announced A&B's adoption of a policy of making charitable contributions equal to two percent of pre-tax income, and urged his listeners also ''to consider the two percent solution.'' Bobby Pfeiffer explained that he viewed giving a portion of profits ''back to the community where they are earned, not so much as an obligation, but as an opportunity to help shape the kind of community we would like to see.'' In an editorial, Pacific Business News said, ''Pfeiffer's 'call to giving' boils down to what's good for the community is good for business.'' In 1992 Bobby Pfeiffer institutionalized what he called ''A&B's long tradition of investing in the community's social fabric'' by creating the Alexander & Baldwin Foundation.

Bobby Pfeiffer did not merely lend his name, but worked hard for many of the causes he supported. He played an instrumental role in saving the Hawaii Theatre from the wrecker's ball, lending much-needed credibility to the efforts of the band of dedicated volunteers who wished to restore

it. He was generous with his own money too. In the late 1990's, according to columnist Bob Krauss, a member of the board of the Hawaii Maritime Center, Bobby Pfeiffer made ''an exceptionally generous personal gift'' to establish an endowment for the *Falls of Clyde*, the world's last four-masted, full-rigged vessel, now permanently moored at the foot of Bishop Street, alongside the Hawaii Maritime Center. ''It was a noble deed that will help save her for the people of Hawaii forever,'' said Krauss.

Experiences early in life help explain Mr. Pfeiffer's strong charitable instincts. ''Most of us at McKinley came from poor families, so we learned to share,'' he recalled half a century later. ''Some of my classmates lived in a Japanese commune at the foot of Alapai Street at King, and I visited them often. I always was struck by the fact that as poor as they were, . . . there always was something to eat, which was shared with visitors.'' Poverty was a condition Bobby Pfeiffer knew well, but learned to deal with. He would later tell how, as a schoolboy, he could get a good meal at the Central YMCA for a nickel, the price of a plate of rice and gravy, which he would wash down with ''tomato juice'' he made by stirring ketchup into a glass of water. He also recalled how, as a young sailor, he would sometimes sail to the Hansen's disease colony at Kalaupapa on Molokai. At the pier in Honolulu, ''fathers, mothers, children, husbands and wives said good-bye forever. It was a heartrending situation, and all of us on ship felt badly for days after.''

Bobby Pfeiffer had a zest for life. He not only danced the hula, but sang and played the ukulele. Four times a week he would begin his day with a four-mile run, a habit he continued into his eighth decade. In 1965 he learned to fly. He earned certification as a flight instructor and developed his skills to the point that he took up aerobatics and purchased his own aerobatic plane. While he was president of A&B, the company acquired two jets, Imua, a Cessna C–550 for interisland flights, and Manukapu (Treasured Bird), a BAe 1000 for transoceanic and transcontinental flights. Bobby Pfeiffer was certified to fly them both, and whenever he was on the board, he was never to be found in the cabin, but always in the cockpit—in the left seat, as pilot in command.

Mr. Pfeiffer freely admitted he ''thrived'' on work. He began his day in the office at 5:15 a.m. and was renowed for his puntuality at meetings. It was a trait he expected others to share. A self-described hands on, people-oriented manager, he made it a point to get to know employees personally. He managed by walking around and was famous for greeting or phoning employees on their birthdays.

Bobby Pfeiffer had a deep affection for the ships and crews of the Matson fleet. Even after this retirement and his move back to California to be closer to his children, when a ship concluded a voyage to the West Coast, he would telephone the captain to see how the voyage went and how the captain and crew were faring.

Awards

Bobby Pfeiffer earned many honors over the course of his career. The most distinctive was the naming of a Matson ship for him, the $129 million, 713-foot MV *R.J. Pfeiffer*—completed in 1992, the only commercial vessel built in a U.S. shipyard since 1984. The name was an initiative of the Board of directors—he had entered the meeting intending to recommend another name for the new ship.

Bobby Pfeiffer was also particularly proud to have been honored with: The National Transportation Award (for which he was selected by the U.S. Secretary of Defense on the recommendation of the Joint Chiefs of Staff, putting him in the company of such previous recipients as Juan Trippe of Pan American, William M. Allen of Boeing, Donald W. Douglas of Douglas Aircraft, and helicopter pioneer Igor Sikorsky), 1975; the Admiral of the Ocean Sea Award, by United Seamen's Service, the maritime industry's highest honor, 1985; the ''Connie'' Award of the Containerization & Intermodal Institute (''for significant contributions to the development and promotion of containerization and intermodal transportation''), 1985; and the Charles Reed Bishop Medal, by Bishop Museum (citing his ''leadership and personal example'' in making A&B ''a leader in corporate citizenship''), 1995. The Order of the Splintered Paddle, Chamber of Commerce of Hawaii, 1996.

Having no formal education beyond high school, Mr. Pfeiffer also took great pride in his three honorary doctorates—from the Maine Maritime Academy (Doctor of Science, 1986), the University of Hawaii (Doctor of Humanities, 1986) and Hawaii Loa College (Doctor of Humane Letters, 1987).

Among Bobby Pfeiffer's many other honors: distinguished Service Award, United States Coast Guard Foundation, 1995; Bay Area Trade/Transportation Executive of the Year Award, San Francisco Daily commercial News, 1978; Person of the Year Award, Transportation Clubs International, 1986; Distinguished Citizen Award, Gannett Foundation, 1986; Junior Achievement Hawaii Business Hall of Fame laureate, 1998; Historic Hawaii Foundation Kama'aina of the Year Award, 1990; Distinguished Citizen of the Year Award, Aloha Council, Boy Scouts of America, 1986; Sales & Marketing Executives (SME) of Honolulu Salesperson of the Year, 1989; Brass Hat Award, Propeller Club of the United States, Port of the Golden Gate, 1973; Ship-in-the-Bottle Award, International Organization of Masters, Mates & Pilots, 1981; and McKinley High School Hall of Honor (he was among the inaugural 38 members inducted), 1986.

Bobby Pfeiffer was a life member of National Defense Transportation Association Among the many professional, civic and charitable organizations he served in a leadership role were A Committee on Excellence, State of Hawaii (chairman); American Bureau of Shipping (member, Board of Managers); Bishop Museum (member, board of trustees); Chamber of Commerce of Hawaii (member, board of directors); Containerization & Intermodal Institute (member, Honorary Board of Advisors); Hawaii Business Roundtable (vice chairman); Hawaii Community Foundation (member, board of governors); Hawaii Maritime Center (vice chairman); Hawaiian Sugar Planters' Association (chairman); Institute for Human Services (member, board of directors); Joint Maritime Congress (Advisory Committee member); Marine Exchange of the San Francisco Bay Region (director); Maritime Transportation Research Board of the National Academy of Sciences (chairman); McKinley High School Foundation (honorary co-chairman); National Association of Stevedores (president); National Cargo Bureau, Inc. (chairman of Pacific Coast Committee); National Tropical Botanical Garden (trustee); Propeller Club of the United States, Port of Honolulu (president) and Port of San Francisco (Board of Governors); Reserve Officers of the Naval Service (president, Honolulu Chapter); The Conference Board (senior member); School of Travel Industry Management, University of Hawaii (member, advisory board); University of Hawaii Foundation (chairman, board of trustees); U.S. National Committee of the International Cargo Handling Association, Inc. (chairman). He served as a director of at least two dozen other companies, and he was a member of the prestigious Bohemian and The Pacific-Union clubs in San Francisco and of the Oahu Country Club and The Pacific Club in Honolulu. Bobby Pfeiffer was also a life member of the Veterans of Foreign Wars.

Mr. Pfeiffer is survived by his children, Elizabeth ''Betsy'' Tumbas and her husband Stephen; Margaret ''Marga'' Hughes and her husband William; George W. ''Skipper'' Pfeiffer and his wife Julie; Kathleen ''Kappy'' Pfeiffer; and nine grandchildren. His wife, Mary Worts Pfeiffer, died on December 4, 2002, five days after the couple's 57th wedding anniversary.

Services are pending. In lieu of flowers, the family suggests that donations in Pfeiffer's memory be made to the Hawaii Maritime Center or to one's favorite charity.●

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 which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEMORANDUM OF UNDERSTANDING BETWEEN THE SECRETARIES OF STATE AND HOMELAND SECURITY CONCERNING IMPLEMENTATION OF SECTION 428 OF THE HOMELAND SECURITY ACT OF 2002—PM 51

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on the Judiciary:

Message to the Congress of the United States:

Consistent with section 428(e)(8)(A) of the Homeland Security Act of 2002 (Public Law 107–296) (the ''Act''), I am pleased to report that the Secretary of State and the Secretary of Homeland Security have completed a Memorandum of Understanding concerning implementation of section 428 of the Act. The Memorandum of Understanding will allow the Departments of State and Homeland Security to work cooperatively to create and maintain an effective, efficient visa process that secures America's borders from external threats and ensures that our borders remain open to legitimate travel to the United States.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 29, 2003*.

MESSAGE FROM THE HOUSE

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The Secretary of the Senate, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills and joint resolution:

H.R. 2658. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

H.R. 3161. An act to ratify the authority of the Federal Trade Commission to establish a do-not-call registry.

H.J. Res. 69. A joint resolution making continuing appropriations for the fiscal year 2004, and for other purposes.

On September 26, 2003, during the adjournment of the Senate, the enrolled bills and joint resolution were signed by the President pro tempore (Mr. STEVENS).

At 1:24 p.m., a message from the house of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker pro tempore (Mr. BALLENGER) has signed the following enrolled bill:

H.R. 3087. An act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

The enrolled bill was subsequently signed by the President pro tempore (Mr. STEVENS.)

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 150. A bill to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act (Rept. No. 108–155).

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. DAYTON (for himself, Mr. KENNEDY, Mr. LAUTENBERG, Mr. JOHNSON, and Mr. DURBIN):

S. 1670. A bill to expand the Rest and Recuperation Leave program for members of the Armed Forces serving in the Iraqi theater of operations in support of Operation Iraqi Freedom to include travel and transportation to the members' permanent station or home; to the Committee on Armed Services.

By Mr. MILLER (for himself and Mr. CHAMBLISS):

S. 1671. A bill to designate the facility of the United States Postal Service located at 10701 Abercorn Street in Savannah , Georgia, as the ''J.C. Lewis Post Office Building''; to the Committee on Governmental Affairs.

By Mr. NELSON of Florida:

S. 1672. A bill to expand the Timucuan Ecological and Historic Preserve, Florida; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself, Mr. LUGAR, Mr. LIEBERMAN, and Mr. BAYH):

S. 1673. A bill to authorize the award of the Iraqi Liberation Medal as a campaign medal for members of the Armed Forces who serve in Southwest Asia in connection with Operation Iraqi Freedom; to the Committee on Armed Services.

By Mr. DURBIN:

S. 1674. A bill for the relief of Adam Paluch; to the Committee on the Judiciary.

By Mr. COLEMAN:

S. 1675. A bill to provide for the reimbursement of air fare costs incurred by members of the United States Armed Forces for domestic travel while on leave from deployment overseas in support of Operation Iraqi Freedom and Operation Enduring Freedom; to the Committee on Armed Services.

By Ms. SNOWE (for herself, Mr. LEAHY, Mr. WARNER, Mr. BUNNING, and Mr. REED):

S. 1676. A bill to permanently authorize the National Oilheat Research Alliance; to the Committee on Energy and Natural Resources.

By Ms. CANTWELL:

S. 1677. A bill to encourage partnerships between community colleges and 4-year institutions of higher education; to the Committee on Health, Education, Labor, and Pensions.

By Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. VOINOVICH, Mr. SUNUNU, Mr. COLEMAN, Mr. LEVIN, Mr. AKAKA, Mr. STEVENS, and Mr. DURBIN):

S.J. Res. 18. A joint resolution commending the Inspectors General for their efforts to prevent and detect waste, fraud, abuse, and mismanagement, and to promote economy, efficiency, and effectiveness in the Federal Government during the past 25 years; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself and Mr. DASCHLE):

S. Res. 236. A resolution expressing the sense of the Senate that the leadership of the Palestinian people by Yasser Arafat is a hindrance to peace in the Middle East, and that such peace depends on institutions free from the taint of terrorism; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 198

At the request of Mr. SMITH, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 198, a bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes.

S. 269

At the request of Mr. JEFFORDS, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 269, a bill to amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species.

S. 514

At the request of Mr. BUNNING, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor 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. 537

At the request of Mr. CRAPO, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 537, a bill to ensure the availability of spectrum to amateur radio operators.

S. 537

At the request of Mr. CRAIG, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 537, supra.

S. 736

At the request of Mr. ENSIGN, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 736, a bill to amend the Animal Welfare Act to strengthen enforcement of provisions relating to animal fighting, and for other purposes.

S. 846

At the request of Mr. SMITH, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 846, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance, and for other purposes.

S. 982

At the request of Mrs. BOXER, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 982, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and hold Syria accountable for its role in the Middle East, and for other purposes.

S. 1167

At the request of Mr. BOND, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 1167, a bill to resolve the boundary conflicts in Barry and Stone Counties in the State of Missouri.

S. 1277

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1277, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement discipline, accountability, and due process laws.

S. 1298

At the request of Mr. AKAKA, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1298, a bill to amend the Farm Security and Rural Investment Act of 2002 to ensure the humane

slaughter of non-ambulatory livestock, and for other purposes.

S. 1531

At the request of Mr. HATCH, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from Hawaii (Mr. INOUYE) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors 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 Iowa (Mr. HARKIN), the Senator from Minnesota (Mr. DAYTON) and the Senator from Nebraska (Mr. NELSON) 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. 1548

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1548, a bill to amend the Internal Revenue Code of 1986 to provide incentives for the production of renewable fuels and to simplify the administration of the Highway Trust Fund fuel excise taxes, and for other purposes.

S. 1558

At the request of Mr. ALLARD, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1558, a bill to restore religious freedoms.

S. 1586

At the request of Mr. SCHUMER, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1586, a bill to authorize appropriate action if the negotiations with the People's Republic of China regarding China's undervalued currency and currency manipulations are not successful.

S. 1605

At the request of Mr. GRAHAM of Florida, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1605, a bill to authorize major medical facility projects for the Department of Veterans Affairs in connection with the Capital Asset Realignment for Enhanced Services initiative and to satisfy Department of Veterans Affairs requirements on natural disasters, and for other purposes.

S. 1622

At the request of Mr. GRAHAM of Florida, the names of the Senator from Ohio (Mr. DEWINE), the Senator from Vermont (Mr. LEAHY), the Senator from Nevada (Mr. ENSIGN), the Senator from New York (Mr. SCHUMER), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1622, a bill to amend title 10, United States Code, to exempt certain members of the Armed Forces from the requirement to pay subsistence charges while hospitalized.

S. 1630

At the request of Mrs. DOLE, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1630, a bill to facilitate nationwide availability of 2–1–1 telephone service for information and referral services, and for other purposes.

S. 1637

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1637, a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

S. 1637

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1637, supra.

S. 1668

At the request of Mr. BROWNBACK, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 1668, a bill to establish a commission to conduct a comprehensive review of Federal agencies and programs and to recommend the elimination or realignment of duplicative, wasteful, or outdated functions, and for other purposes.

S. CON. RES. 33

At the request of Mr. CRAIG, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. Con. Res. 33, a concurrent resolution expressing the sense of the Congress regarding scleroderma.

S. RES. 202

At the request of Mr. CAMPBELL, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 202, a resolution expressing the sense of the Senate regarding the genocidal Ukraine Famine of 1932–33.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DAYTON (for himself, Mr. KENNEDY, Mr. LAUTENBERG, Mr. JOHNSON, and Mr. DURBIN):

S. 1670. A bill to expand the Rest and Recuperation Leave program for members of the Armed Forces serving in the Iraqi theater of operations in support of Operation Iraqi Freedom to include travel and transportation to the members' permanent station or home; to the Committee on Armed Services.

Mr. DAYTON. Mr. President, today I am introducing legislation, S. 1670, which would pay for the travel of U.S. troops stationed in Iraq, or in that theater, to and from their homes for the 2-weeks leave they are being granted.

Incredibly, while asking the Congress for an additional $87 billion for the war in Iraq, the Department of Defense wants to drop soldiers on leave off at the Baltimore Airport and then make them pay for their transportation home and back. Those service men and women are serving with great courage in 115-degree temperatures and other truly awful conditions. They are being given 2 weeks leave—many of them—because they are in the Reserves or National Guard and they have just had their 5- or 6-month tour extended by another 6 months. This will be the only time that many of them will have a chance to see their families during an entire year.

The least we can do is get them home and back at Government expense. If all 138,000 troops who are stationed in Iraq were to take this leave to travel to their homes, the total cost would be approximately $69 million. My legislation would not increase the $87 billion requested by the President, it would just direct that up to $69 million be available to be expensed for this purpose.

Last week, I also cosponsored legislation introduced by Senator BOB GRAHAM, which exempted soldiers wounded in Iraq or Afghanistan from having to pay for meals while they are hospitalized. I was astonished to learn that the military would otherwise dock their pay for the cost of their meals. We are appropriating over $400 billion for our military operations next year through the regular appropriations and supplemental bills. Surely, that provides enough money that U.S. troops who are fighting, risking their lives, being wounded, and dying can be treated compassionately and fairly, not nickeled and dimed with travel and meal costs while on leave, or, even worse, while being hospitalized with combat wounds and injuries.

The American people are generous enough to support our troops properly and care for the wounded compassionately. The Department of Defense should not have to be required to do the right thing. It should be obvious enough to them, but if not, they should give me a call and I will let them know.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1670

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

SECTION 1. EXPANSION OF REST AND RECUPERATION LEAVE PROGRAM TO INCLUDE TRAVEL AND TRANSPORTATION TO PERMANENT STATION OR HOME.

(a) EXPANSION.—The Secretary of Defense shall expand the Central Command Rest and Recuperation Leave program to provide travel and transportation allowances to each member of the Armed Forces participating in the program in order to permit such member to travel at the expense of the United

States from an original airport of debarkation to the permanent station or home of such member.

(b) ALLOWANCES AUTHORIZED.—The travel and transportation allowances that may be provided under subsection (a) are the travel and transportation allowances specified in section 404(d) of title 37, United States Code.

(c) CONSTRUCTION WITH OTHER ALLOWANCES.—Travel and transportation allowances provided for travel under subsection (a) are in addition to any other travel and transportation or other allowances that may be provided for such travel by law.

(d) DEFINITIONS.—In this section:

(1) The term ''Central Command Rest and Recuperation Leave program'' means the Rest and Recuperation Leave program for certain members of the Armed Forces serving in the Iraqi theater of operations in support of Operation Iraqi Freedom as established by the United States Central Command on September 25, 2003.

(2) The term ''original airport of debarkation'' means an airport designated as an airport of debarkation for members of the Armed Forces under the Central Command Rest and Recuperation Leave program as of the establishment of such program on September 25, 2003.

By Mr. NELSON of Florida:

S. 1672. A bill to expand the Timucuan Ecological and Historic Preserve, Florida; to the Committee on Energy and Natural Resources.

Mr. NELSON of Florida. Mr. President, I rise today to introduce a bill that will preserve a part of the history of Florida and America. My bill will allow 20 acres of untouched, undeveloped sand dune land on American Beach, Amelia Island, FL to become part of Timucuan Ecological and Historic Preserve.

The history of American Beach is partly the chronicle of Africa-American achievement and economic autonomy during the Jim Crow era. American Beach was purchased in 1932 by the Afro American Life Insurance Company and its President, A.L. Lewis. This insurance company was the first insurance company owned by any Floridian, either a black or white. Mr. Lewis' granddaughter, affectionately referred to as the ''Beachlady,'' still resides on American Beach and is revered for her colorful life and her work to preserve the American Beach from development and environmental degradation.

American Beach was an integrated beach when all beach communities throughout the United States were segregated. For decades, it flourished as an ocean-side paradise for blacks from all parts of the country. American Beach is still owned primarily by African Americans who are the descendants of the original owners. But, developers are slowly moving in to destroy this property that holds a chapter of American history. The sand dunes tell many stories of generations long past—writer Zora Neale Hurston, heavyweight champion Joe Louis, entertainer Cab Calloway, and civil rights leader A. Philip Randolph vacationed on American Beach. But, most of the beach dwellers and visitors were ordinary working-class African Americans.

This legislation merely seeks to expand the boundaries of a wonderful nature preserve already in place to preserve this unique and special place called American Beach.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1672

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Timucuan Ecological and Historic Preserve Boundary Revision Act of 2003''.

SEC. 2. REVISION OF BOUNDARY OF TIMUCUAN ECOLOGICAL AND HISTORIC PRESERVE, FLORIDA.

Section 201(a) of Public Law 100–249 (16 U.S.C. 698n) is amended—

(1) by striking ''(a) ESTABLISHMENT.—There is hereby'' and inserting the following:

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is''; and

(2) by adding at the end the following:

''(2) MODIFICATION OF BOUNDARY.—

''(A) IN GENERAL.—In addition to the land described in paragraph (1), the Preserve shall include approximately 12.5 acres of land located in Nassau County, Florida, as generally depicted on the map entitled 'Timucuan Ecological and Historic Preserve American Beach Adjustment', numbered 006/80012 and dated June 2003.

''(B) DUTIES OF SECRETARY.—The Secretary of the Interior shall—

''(i) revise the boundaries of the Preserve so as to encompass the land described in subparagraph (A); and

''(ii) maintain the map described in subparagraph (A) on file and available for public inspection in the appropriate offices of the National Park Service.''.

By Mr. BINGAMAN (for himself, Mr. LUGAR, Mr. LIEBERMAN, and Mr. BAYH):

S. 1673. A bill to authorize the award of the Iraqi Liberation Medal as a campaign medal for members of the Armed Forces who serve in Southwest Asia in connection with Operation Iraqi Freedom; to the Committee on Armed Services.

Mr. BINGAMAN. Mr. President, I rise today with my colleagues, Senators LUGAR, LIEBERMAN and BAYH to offer legislation to honor our servicemen and women in Iraq, who serve far from home, and far from family and friends. They left the freedom and security of home to provide freedom and security to those who have not known it for many years. The human cost has been great, over 300 American fighting men and women will never come home, and over 1,500 will return wounded. Today, over 130,000 troops remain in the region. They remain to ensure that those who paid the ultimate sacrifice did not die in vain. They are also there to build a new Iraqi nation of stability and freedom. My fellow Senators, the liberation of Iraq is turning out to be the most significant military, occupation and reconstruction effort since the end of World War II.

Despite their sacrifice and courage, these brave young men and women will not be specifically recognized for their service in Iraq. Instead, the Department of Defense has decided to award them the Global War on Terrorism Expeditionary Medal. I believe that this is a mistake, and that our military deserves better. Along with my colleagues, Senator LUGAR, Senator BAYH and Senator LIEBERMAN, I propose to correct this mistake by offering legislation authorizing the Iraqi Lieberation Medal in lieu of the Global War on Terrorism Expeditionary Medal.

While some of us in this body have not shared the administration's view on this war, we are united when it comes to supporting our troops. These young men and women from active duty, National Guard, and Reserves are all volunteers and exemplify the very essence of what it means to be a patriot. They continue to serve even though they do not know when they will return home to family and friends. They continue to serve despite the tremendous hardships they face and they continue to serve despite the constant threat to their lives. The President agrees with our view of the exemplary service of these young men and women. On the deck of the *U.S.S. Abraham Lincoln*, President Bush proclaimed: ''In this battle, we have fought for the cause of liberty and for the peace of the world. Our Nation and our coalition are proud of this accomplishment, yet it is you, the members of the United States military, who achieved it. Your courage, your willingness to face danger for your country and for each other made this day possible.''

I was extremely disappointed when I learned that those serving in Iraq would not be specifically recognized for their efforts. There will be no Iraqi campaign medal. Instead, the Department of Defense will award them a Global War on Terrorism Expeditionary. I think this is a grave mistake.

During Operation Desert Storm, service members received three separate military decorations for their service: the Armed Forces Expeditionary Medal, the Southwest Asia Service Medal, and the Liberation of Kuwait medal. For service in Kosovo, our service men and women received the NATO Service Medal, and the Kosovo Campaign Medal.

Many within the military share this view; according to the Army Times: ''Campaign medals help establish an immediate rapport with individuals checking into a unit.'' An expeditionary medal like the GWOT does not necessarily denote combat. A campaign medal is designed to recognize military personnel who have risked their lives in combat.

Campaign medals matter. ''When a Marine shows up at a new duty station, commanders look first at his decorations and his physical fitness score—the first to see where he's been, the second to see if he can hang. 'They show what you've done and how serious

you are,' said Gunnery Sgt. James Cuneo. 'If you're a good Marine, people are going to award you when it comes time . . .'.''

My fellow distinguished colleagues, it is time.

We must recognize the sacrifice and courage of our young men and women who liberated Iraq, including great Americans like Army Specialist Joseph Hudson from Alamogordo, New Mexico, who was held as a prisoner of war. The Nation was captivated as we watched Specialist Hudson being interrogated by the enemy. Asked to divulge his military occupation, Specialist Hudson stared defiantly into the camera and said, ''I follow orders.'' Those of us with sons and daughters were united in worry with Specialist Hudson's family. The entire Nation rejoiced when he was liberated.

We have also asked much from our reserve and National Guard forces. The reconstruction of Iraq would not be possible without the commitment and sacrifice of the 170,000 Guard and Reservists currently on active duty. As recently as this weekend an additional 10,000 troops from Washington State and North Carolina were activated for service in Iraq.

My colleagues, Senator LUGAR, Senator LIEBERMAN, Senator BAYH, and I are committed to honoring our over 200,000 heroes who liberated Iraq. We believe that current administration policy does a disservice to our fighting men and women. Therefore we propose, in lieu of the GWOT medal, a new decoration that characterizes the real mission in Iraq, one that is distinctive and honors their sacrifice, the Iraqi Liberation Medal.

What we do today is not without precedent; Congress has been responsible for recognizing the sacrifice and courage of our military forces throughout history. Congress has had a significant and historically central role in authorizing military decorations. Our Nation's highest military decorations were authorized by Congress, including: The Congressional Medal of Honor; the Air Force Cross; the Navy Cross; the Army's Distinctive Service Cross; the Silver Star; and the Distinguished Flying Cross.

We have also authorized campaign and liberation medals similar to what we hope to accomplish with this legislation. A partial list includes: Spanish War Service Medal; Army Occupation of Germany Medal; World War II Victory Medal; Berlin Airlift Medal; Korean Service Medal; and Prisoner of War Medal.

And the list goes on and on. The great men and women of our military forces are doing their jobs everyday in Iraq. It is time to do our job and honor them with a medal that truly stands for their heroic service, the Iraqi Liberation Medal.

I ask unanimous consent that an Air Force Times article also be printed in the CONGRESSIONAL RECORD.

I also ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Air Force Times, Sept. 1, 2003]

ONE SIZE FITS ALL?

(By Vince Crawley)

Despite the weight of well over a century of military tradition and precedence, the Pentagon has no plans for campaign-specific medals for the most recent wars in Afghanistan and Iraq, the nation's most protracted conflicts since Korea and Vietnam—both of which were deemed medal-worthy.

Military duty in Antarctica, Kosovo and the 1991 Persian-Gulf War also rates medals, as does ''humane action,'' ''humanitarian service'' and ''outstanding volunteer service.'' Past generations of veterans have qualified for medals and their accompanying ribbons for a wide range of operations, from the Civil War and both World Wars to China's Boxer Rebellion, the Spanish-American War and military actions against Mexico.

But troops involved in the current battle against terrorism instead will get two recently approved awards, the Global War on Terrorism Service Medal and a Global War on Terrorism Expeditionary Medal, which are intended to cover all the bases in an effort that President Bush says likely will last many years and be fought on many shores.

In addition, veterans of these 21st-century wars may receive each medal only once. In theory—and in current practice—troops could spend years fighting in Afghanistan, Iraq, the Philippines and elsewhere and end up with a single medal that doesn't reflect their specific duty history or even the fact that they deployed multiple times in the global war on terrorism.

The Pentagon isn't saying much about its rationale for the decision. Defense officials believe ''these two medals will provide appropriate recognition for our service members participating in the global war on terrorism, whether that be in Afghanistan, Iraq, or elsewhere,'' said Air Force Maj. Sandra Burr, a Pentagon spokeswoman.

Not all troops agree. Marine 1st Lt. Zeb Philpott, 26, weapons platoon commander for Alpha Company, 2nd Light Armored Reconnaissance Battalion at Camp Lejeune, N.C., said campaign medals help establish an immediate rapport with individuals checking into a unit.

''You can tell what he's done,'' Philpott said. ''I can look at a gunny and tell that he was in the Gulf War.''

And people look. When a Marine shows up at a new duty station, commanders look first at his decorations and his physical fitness score—the first to see where he's been, the second to see if he can hang.

''They show what you've done and how serious you are,'' said Gunnery Sgt. James Cuneo, Alpha Company gunny. ''If you're a good Marine, people are going to award you when it comes time. My ribbons don't make me who I am, but they show my experience level.''

After 15 years, he's got quite a bit to show for his efforts—four full rows and the start of a fifth. They include the Navy/Marine Corps Achievement Medal with three stars, a combat action ribbon for Desert Storm with a star pending for recent Iraq ops, the Southwest Asia Service Medal with three stars and the Kuwait Liberation Medal.

''I think they ought to have an Iraq ribbon,'' Cuneo said. ''They ought to have a Djibouti ribbon. And they ought to have an Afghanistan ribbon. They all mean different things.''

Lt. Col. Keith Schultz, a B–52 Stratofortress pilot with the Air Force Reserve's 917th Wing at Barksdale Air Force Base, La., spent 9½ months deployed to Operations Enduring Freedom and Iraqi Freedom.

On his last deployment, Schultz flew Iraqi Freedom missions from England and then headed to the Indian Ocean and flew Enduring Freedom assignments.

''I saw them as separate conflicts,'' Schultz said.

If one medal is issued to represent both operations, Schultz hopes the citation will explain the operations in which the recipient fought.

Tech. Sgt. Michael Pierce, a B–52 weapons loader with the 917th Wing, deployed to Enduring Freedom.

He said there should be some way to show, such as with a device on the ribbon, how many times an airman deployed or in what conflicts he served.

Others are fine with the GWOT medals. ''It's nice to receive awards and decorations, but I was just there doing my job,'' said a field artillery major who recently returned from Iraq with the Army's 3rd Infantry Division.

''This is my job, my profession,'' he said. ''There are people doing things everywhere. All of us are a part of this big [global war on terrorism].''

Bush signed an executive order March 12 to create the Global War on Terrorism medals on the recommendation of Defense Secretary Donald Rumsfeld. But none has yet been officially issued because Rumsfeld's staff is working out the fine print for eligibility.

The Army Institute of Heraldry said June 13 that Rumsfeld's staff is ''finalizing'' the criteria and implementation rules for the two medals.

Asked Aug. 18 when the medals would be issued, Burr said she could not predict when coordination on the eligibility policy would be complete.

A March 15 Pentagon news release referred to the medals as the GWOT Service Medal and GWOT Expeditionary Medal, using the Pentagon's acronym for the global war on terrorism.

The Expeditionary Medal will recognize service in operations Enduring Freedom and Iraqi Freedom. The Service Medal will recognize duty in Operation Noble Eagle, the homeland defense mission against further terror attacks, as well as duty in support of operations Enduring Freedom and Iraqi Freedom performed in geographic areas that don't qualify for the Expeditionary Medal.

In the past, some medals have been created years or decades after the conflict they represent. The medals can be established by the president or Congress.

They typically include official orders and become part of the service ribbons that appear on service members' dress uniforms.

Below are examples of other campaign and service medals. Most can be awarded more than once; commonly, a small bronze star device is attached to the ribbon for each additional award.

The Southwest Asia Service Medal was awarded for the 1991 Gulf War, with an eligibility period from Aug. 2, 1990, to Nov. 30 1995.

In October 1990, when U.S. forces in Saudi Arabia began preparing for a possible offensive against Iraq, Pentagon personnel officials asked the Institute of Heraldry to provide proposed designs for a Southwest Asia Service Medal. Proposals were forwarded Oct. 30 to then-Defense Secretary Dick Cheney. A proposed executive order to authorize the medal was drafted by Cheney's office Feb. 11, 1991, before the ground war began. The medal was established by executive

order March 12, less than two weeks after the cease-fire.

Three separate campaigns are recognized: the defense of Saudi Arabia, the liberation of Kuwait and patrolling the cease-fire agreement through Nov. 30, 1995, and service members can be awarded the medal up to three times.

The Kosovo Campaign Medal was established by President Clinton on May 3, 2000, to recognize service in the U.S.-led Kosovo war, form March 24 to June 10, 1999, or in ongoing Kosovo peacekeeping operations. It may be awarded more than once to troops who took part in multiple Kosovo missions.

The Antarctica Service Medal was established by Congress in 1960 for military members and civilians, such as scientists, who have supported U.S. government programs in the antarctic since Jan. 1, 1946. The medal most commonly goes to aircrews and Navy personnel.

The Armed Forces Expeditionary Medal was established by President Kennedy on Dec. 4, 1961, for operations on or after July 1, 1958, to recognize service in peacekeeping and peace enforcement missions. The Joint Chiefs have authorized 22 missions for this medal, including operations in Somalia and Bosnia, as well as actions against Iraq in the late 1990s. Multiple awards are allowed.

The Armed Forces Service Medal was established by Clinton Jan. 11, 1996, within weeks of U.S. troops entering Bosnia. It is for troops participating in large military operations who face no armed opposition or threat of imminent hostile action. The medal is intended to fill a void in the criteria between the Armed Forces Expeditionary Medal and the Humanitarian Service Medal. It has been awarded for service in the Balkans since June 1, 1992, and for service in Haiti.

Previous wars and military actions have resulted in a host of campaign medals, though in some cases they were approved years or even decades after the fighting. They include:

The Vietnam Service Medal, established by President Johnson in 1965. Multiple campaigns are recognized.

The Korean Service Medal, established by President Truman in 1950. Multiple awards are allowed for up to 10 wartime campaigns.

The Medal for Humane Action, established by Congress in 1949 for those who took part in the Berlin Airlift from June 1948 to September 1949.

World War II saw three campaign medals—the American Campaign Medal, the Asiatic Pacific Campaign Medal and the European-African-Middle Eastern Medal, approved by President Roosevelt in 1942. All allow for multiple awards.

S. 1673

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

SECTION 1. AUTHORIZATION OF AWARD OF IRAQI LIBERATION MEDAL AS CAMPAIGN MEDAL FOR SERVICE IN SOUTHWEST ASIA IN OPERATION IRAQI FREEDOM.

(a) FINDINGS.—Congress makes the following findings:

(1) According to President George W. Bush, Operation Iraqi Freedom was ''fought for the cause of liberty, and for the peace of the world...'' and ''to free a nation by breaking a dangerous and aggressive regime''.

(2) The military victory in Iraq has been characterized by President George W. Bush as one of the ''swiftest advances in heavy arms in history''.

(3) There are more than 130,000 Soldiers, Sailors, Airmen, and Marines of the United States serving in the Iraqi Theater of Operations, far from family and friends, and for an unknown duration.

(4) Since the beginning of Operation Iraqi Freedom, almost 300 members of the Armed Forces of the United States have died in Iraq and nearly 1,500 have been wounded in action.

(5) Congress has authorized and Presidents have issued specific decorations recognizing the sacrifice and service of the members of the Armed Forces of the United States in the Korean War, the Vietnam conflict, and the liberation of Kuwait.

(6) Current Department of Defense guidance authorizes the award of only one expeditionary medal for overseas duty in Afghanistan, the Philippines, and Iraq.

(7) The conflict in Iraq is significant enough in scope and sacrifice to warrant a specific military decoration for the liberation of Iraq.

(b) AUTHORIZATION OF AWARD OF CAMPAIGN MEDAL.—The Secretary concerned may award a campaign medal of appropriate design, with ribbons and appurtenances, to any person who serves in any capacity with the Armed Forces in the Southwest Asia region in connection with Operation Iraqi Freedom.

(c) NAME OF MEDAL.—The campaign medal authorized by subsection (b) shall be known as the ''Iraqi Liberation Medal''.

(d) PROHIBITION ON CONCURRENT AWARD OF GLOBAL WAR ON TERRORISM EXPEDITIONARY MEDAL.—A person who is awarded the campaign medal authorized by subsection (b) for service described in that subsection may not also be awarded the Global War on Terrorism Expeditionary Medal for that service.

(e) OTHER LIMITATIONS.—The award of the campaign medal authorized by subsection (b) shall be subject to such limitations as the President may prescribe.

(f) REGULATIONS.—(1) Each Secretary concerned shall prescribe regulations on the award of the campaign medal authorized by subsection (b).

(2) The regulations prescribed under paragraph (1) shall not go into effect until approved by the Secretary of Defense.

(3) The Secretary of Defense shall ensure that the regulations prescribed under paragraph (1) are uniform, so far as practicable.

(g) SECRETARY CONCERNED DEFINED.—In this section, the term ''Secretary concerned'' means the following:

(1) The Secretary of the Army with respect to matters concerning members of the Army.

(2) The Secretary of the Navy with respect to matters concerning members of the Navy, Marine Corps, and Coast Guard when it is operating as a service in the Navy.

(3) The Secretary of the Air Force with respect to matters concerning members of the Air Force.

(4) The Secretary of Homeland Security with respect to matters concerning members of the Coast Guard when it is not operating as a service in the Navy.

By Ms. SNOWE (for herself, Mr. LEAHY, Mr. WARNER, Mr. BUNNING, and Mr. REED):

S. 1676. A bill to permanently authorize the National Oilheat Research Alliance; to the Committee on Energy and Natural Resources.

Ms. SNOWE. Mr. President, I am pleased today to introduce the National Oilheat Research Alliance Act of 2003, and to be joined by Senators SMITH, LEAHY, WARNER, BUNNING, and JACK REED. This bill permanently authorizes the National Oilheat Research Alliance, commonly referred to as NORA, which was created by a referendum of oilheat retailers and wholesalers in February of 2001.

I was proud to sponsor the Senate bill that originally authorized the creation of NORA during the 106th Congress, and I am pleased to report that during its almost three years of existence, NORA has proved an unqualified success. Its activities have created genuine, tangible benefits for the heating oil industry and its consumers in the areas of research, education, safety and training, as well as providing information about the industry to existing and potential customers.

This bill is necessary because the original authorization statute for NORA included a sunset provision that, without congressional action, will force NORA to cease operations four years after its creation. The provision was included to allow Congress to assess its performance and determine whether it deserved continued authorization. It is readily apparent, from its numerous activities and the wide support it enjoys from consumer, environmental, and labor groups, along with the industry itself, that NORA should continue in perpetuity.

In a short time, NORA has set the standard for industry-wide cooperative activity with its professionalism, effectiveness, and most importantly, satisfaction from its supporting members. Through its rigorous commitment to activities that benefit all of its members, customers and the public at large, NORA is able to harness the collective strength of its companies and their resources to share cutting-edge technological advances, the latest in training methods, and promising environmental initiatives throughout the industry.

Of particular note is the creation of the National Oilheat Research Institute, or NORI, which oversees valuable study as the industry moves toward the introduction of low sulfur heating oil to help reduce the amount of sulfur emissions in the industry. This forward-looking work highlights NORA's genuine commitment to building an environmentally sound oil heat industry.

Other research undertaken by NORI includes a thorough, systematic evaluation of the fuel component of the oil heat system to maximize fuel performance—and therefore lower heating costs—for oil heat customers. These and other consumer-friendly activities have won NORA the support of the Consumer Energy Council of America, the oldest public interest energy policy organization in the Nation.

In fact, NORA's research and development activities were identified in a report from the Brookhaven National Laboratory, which concluded that the NORA program ''will provide economic support to millions of American households by reducing fuel bills, and thousands of small family businesses in the United States who will gain from having satisfied consumers and reduced operating costs.''

NORA is also playing a leading role in continuing education and training for oil heat technicians through the introduction of new and updated training

material, creation of a standardized certification program to encourage professional development, partnerships with community colleges to provide equipment for training, and a new website to provide easy access to NORA safety and training material.

NORA also understands that new homeowners who buy houses with existing oil heat systems have questions about the best way to make use of and maintain their heating source, and publishes a Homeowner's Guide that describes the cleanliness and efficiency of their system, and offers helpful information for real estate purchasers.

This is just a sampling of the many activities taking place in states using oil heat all over the country. Numerous State associations benefit from their partnership with NORA, which supports local and statewide initiatives for the heating oil industry, its customers, and the professionals working within it. Indeed, the Maine Oil Dealers Association has provided me with uniformly positive feedback about its partnership with NORA, including its assistance with development of information brochures and production of safety manuals in both printed and electronic form.

I am persuaded that NORA's performance has exceeded all expectation and deserves permanent authorization from the Congress. I look forward to helping make sure that NORA can continue its beneficial activities long into the future.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1676

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

SECTION 1 SHORT TITLE.

This Act may be cited as the ''National Oilheat Research Alliance Act of 2003''.

SEC. 2 FINDINGS.

(a) Congress finds that—

(1) in 2000, Congress enacted the National Oilheat Research Alliance Act of 2000 (42 U.S.C. 6201 note), authorizing a referendum to create the National Oilheat Research Alliance;

(2) before enactment of that Act, similar legislation had passed the Senate by unanimous consent with 21 bipartisan Senate cosponsors and the House of Representatives with 148 bipartisan cosponsors;

(3) the Alliance was approved by an industry-wide referendum held in January 2001, with 97 percent of oilheat retailers and 99 percent of oilheat wholesalers voting in favor of creation of the Alliance;

(4) during its nearly 3 years of existence, the Alliance has operated in 21 States and the District of Columbia, providing benefits for its members and oilheat consumers in the areas of research and development, safety, energy efficiency, training, and education;

(5) the Alliance successfully created the National Oilheat Research Institute, which is leading the way toward developing a low-sulfur heating oil product that will allow significant progress in reducing emissions;

(6) the Institute is also at the forefront of developing new efficiency techniques for existing heating oil units, providing substantial savings for the energy costs of consumers;

(7) the Alliance is providing improved and up-to-date training material for oilheat technicians, establishing a standardized certification program and encouraging continuing education methods that result in efficient and highly trained professionals to service their customers;

(8) the Alliance has prepared material for realtors and prospective home buyers for houses with existing heating oil systems, explaining how to make the best use of oilheat and providing crucial safety and energy efficiency information;

(9) the legislation providing for the creation of the Alliance included a sunset provision that will require the Alliance to terminate activities in February 2005 unless Congress acts to extend the authorization; and

(10) the outstanding progress of the Alliance in the fields of research and development, safety and training, and education, the nearly unanimous support from industry, and the strong potential to yield future benefits for industry and consumers make the Alliance deserving of permanent authorization by Congress.

SEC. 3. PERMANENT AUTHORIZATION.

Section 713 of the National Oilheat Research Alliance Act of 2000 (42 U.S.C. 6201 note) is repealed.

By Ms. CANTWELL:

S. 1677. A bill to encourage partnerships between community colleges and 4-year institutions of higher education; to the Committee on Health, Education, Labor, and Pensions.

Ms. CANTWELL. Mr. President, I rise today to discuss one of the most important issues facing our country today. How we prepare our students to compete for the jobs that are still in demand today and the jobs that will be in demand tomorrow. In order to address this issue, we must increase our support for the entire education and training continuum—incuding secondary schools, community colleges, 4-year colleges and universities.

Today, I want to focus on one key part of this continuum: community and technical colleges. Nationwide, there are now more than 1,100 of these institutions, which enroll 10.4 million students. For over a century, community colleges have grown and changed with the times. No other segment of higher education is more responsive to its community and workforce needs than the community college. Whether providing academic preparation for a 4-year degree, or technical training for a job requiring a community college credential, 2-year institutions play a very significant role in creating a skilled workforce.

However, transfer rates are low: only about one quarter to one third of those students who intend to transfer to a 4-year institution actually do so. These low transfer rates and the continuing challenges employers face in finding skilled workers mean that we must strengthen the connections between community colleges and 4-year institutions and between community colleges and employers.

I am introducing a bill today that will address these issues. The Community College Partnership Act of 2003 will encourage partnerships between community and technical colleges and 4-year colleges and universities. This bill will provide $70 million for 6 to 12 grants to partnerships between 2- and 4-year institutions to identify and address barriers to staying in school, to transferring to a 4-year institution, and to responding to the demand for skilled workers in high-quality, emerging and established industries.

The fact is employers depend on skilled workers to provide services and produce goods. Even in this time of high unemployment, some employers are having hard times finding skilled workers. For example, according to the American Hospital Association, there are 126,000 nursing positions that are unfilled across the country. In Washington State, there are currently 2,564 nursing vacancies even though our State ranks as one of the highest unemployment States. Why are these jobs going begging? The answer is that we have a lack of trained workers.

From personal experience as both an employee and as an employer, I understand the importance of skills in the private sector. When I changed careers several years ago, I was able to succeed as a software company executive because I had the chance to get a good basic education. I come from a working-class family, but I was able to be the first in my family to get a college degree, thanks to the Federal Pell Grant program.

As an employer in that software company, I realized that because of the fast pace of change we needed to hire a workforce of people who were prepared to respond quickly to changing situations. We also had to hire people who could create new ways of doing business literally overnight. I strongly believe that a good basic education coupled with lifelong training opportunities are key to equiping workers with the types of decision-making abilities necessary to be successful in today's economy.

Yet, we are failing at our job of preparing workers. There is a crisis in our education and training system. Underfunding is a significant issue. Both 2- and 4-year institutions lack the capacity to respond to demand. More State and Federal investment is essential. However, to truly close the skills gap, we must also address the other problems 2- and 4-year institutions face. These problems center on keeping students in the system and advancing them to the next level.

The sad reality is that along the way to a good basic education, students get diverted away from their goals. In high school, they may lack information about the opportunities higher education promises. If they make it into a community college, they may be forced to abandon their education because the opportunity cost of not earning a wage is too high. If they do earn an associate's degree, the transition to a 4-year institution is fraught with challenges.

Agreements between 2- and 4-year institutions to accept students may not exist. Credits may not easily transfer. Community or technical college students may need additional tutoring, mentoring or support to succeed in a 4-year institution. Programs and schedules may be structured to preclude work and study—a growing necessity as college costs rise.

These are significant barriers than can and should be addressed. That is why I am introducing the Community College Partnership Act today. I am proud of this bill and believe that it will go a long way toward closing our skills gap. In addition, however, I remain committed to addressing the significant funding shortfalls that our educational institutions face. Ensuring students get the skills necessary for our new economy is essential. We must meet the needs of employers who have unfilled jobs now, as well as employers in emerging technologies that will provide significant job opportunities in the coming years.

By Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. VOINOVICH, Mr. SUNUNU, Mr. COLEMAN, Mr. LEVIN, Mr. AKAKA, Mr. STEVENS, and Mr. DURBIN):

S.J. Res. 18. A joint resolution commending the Inspectors General for their efforts to prevent and detect waste, fraud, abuse, and mismanagement, and to promote economy, efficiency, and effectiveness in the Federal Government during the past 25 years; to the Committee on Governmental Affairs.

Ms. COLLINS. Mr. President, I rise today to introduce a joint resolution recognizing the accomplishments of the inspectors general during the past 25 years. I am very pleased to be joined in this undertaking by Senator LIEBERMAN and many of our distinguished colleagues in both Houses of Congress.

Since 1978, the inspectors general (IGs) have made valuable contributions to the efficient and economical operation of the Federal Government. They have made thousands of recommendations, which ultimately saved the American taxpayers literally billions of dollars.

We've all heard the horror stories of $500 hammers and roads build to nowhere: those are examples of the kind of wasteful spending that the IGs have exposed. The waste of scarce Federal resources not only picks the pockets of taxpayers but also places severe financial pressures on already overburdened programs, forcing cutbacks in vital government services.

Investigations by inspectors general have also resulted in the recovery of hundreds of millions of dollars to the U.S. Treasury from companies and individuals who defrauded the Federal Government. These investigations have been the basis for thousands of criminal prosecutions, debarments, exclusions, and suspensions.

In my capacity as chairman of the Governmental Affairs Committee and previously as chairman of the Permanent Subcommittee on Investigations, I have had the opportunity to work hand-in-hand with IGs to combat fraud and waste in a variety of programs.

To cite just one example, I worked with the Office of Inspector General for the Department of Health and Human Services to uncover flagrant examples of Medicare fraud. We found that the Federal Government had been sending Medicare checks to 14 fraudulent health care companies that had provided no services whatsoever. Indeed, the address listed by one company did not exist, and, if it had, the address would have been located in the middle of the runway of the Miami International Airport.

The Offices of Inspector General have demonstrated a record of tremendous success over the past 25 years, and we wish to commend them and their employees for their dedication and professionalism in the performance of their duties.

I hope my colleagues will join Senator LIEBERMAN and me in passing this resolution commending the IGS for their many accomplishments.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 236—EXPRESSING THE SENSE OF THE SENATE THAT THE LEADERSHIP OF THE PALESTINIAN PEOPLE BY YASSER ARAFAT IS A HINDRANCE TO PEACE IN THE MIDDLE EAST, AND THAT SUCH PEACE DEPENDS ON INSTITUTIONS FREE FROM THE TAINT OF TERRORISM

Mr. REID (for himself and Mr. DASCHLE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 236

Whereas unemployment among Palestinians has risen to 50 percent, and 59 percent of the Palestinian people live below the poverty line;

Whereas a June 2003 independent poll indicated that the Palestinian people do not see Yasser Arafat, the president of the Palestinian Authority, contributing to an end to their suffering;

Whereas the June 2003 poll found that 84 percent of Palestinians believe corruption exists in the institutions of the Palestinian Authority, and ⅔ of those who believe there is corruption also believe that corruption will increase or remain the same in the future;

Whereas Yasser Arafat has steadfastly blocked attempts at political, judicial, and economic reforms by using the Fatah Central Committee and the Palestinian Legislative Council to obstruct efforts to bring greater transparency and accountability to the Palestinian Authority;

Whereas the international community has lost confidence in the ability of the current Palestinian leadership to confront terrorism;

Whereas Palestinian Security Forces have refused to confront and dismantle Palestinian Islamic Jihad, whose express goal is the elimination of the State of Israel, and Hamas, both of which have been responsible for terrorist attacks that have killed over 800 Israelis in the last 3 years;

Whereas Abu Mazen, the first ever Palestinian Prime Minister, recently resigned because Yasser Arafat refused to turn over full control of the Palestinian Authority's 53,000-man security apparatus to the duly appointed government and continued to wield power over the General Intelligence Apparatus, the National Security Force, and the elite bodyguard unit known as Force 17;

Whereas the dismantling of terrorist organizations is a precondition to a comprehensive peace in the Middle East;

Whereas Yasser Arafat can no longer be trusted by the international community or the 3,500,000 Palestinian people living in the West Bank and Gaza Strip to be an honest broker for peace; and

Whereas Yasser Arafat has presided over a period of decay in economic and security conditions affecting the Palestinian people and has impeded any meaningful progress toward peace in the Middle East: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the leadership of the Palestinian people by Yasser Arafat, who has condoned terror and refused to dismantle terror organizations, is a hindrance to efforts to reach a comprehensive peace in the Middle East; and

(2) peace in the Middle East depends on the construction of independent, transparent, and accountable institutions that are free from the taint of terrorism.

Mr. REID. Madam President, the struggle to win peace in the Middle East is at a critical juncture. In one direction lies more of the same: Constant fear, the old hatreds, terrorist murders and retaliations that too often claim innocent lives, as well.

Down the other road are lasting peace and security for Israel and a self-ruled homeland for the people called Palestinians.

If we want to move in this direction, we must shed the baggage of the past. If we stick with the same old formula, we will only repeat the violent cycle that has persisted for far too long. I don't claim to have all the answers about how to achieve peace in this very troubled region. But there is one thing I do know: Yasser Arafat must go. He must go now.

We look all over at his tracks. They are tracks he cannot cover.

In the Las Vegas Sun newspaper on September 28 there was an editorial written by Michael O'Callaghan who has been in the newspaper business since 1978. Prior to that he was Governor of the State of Nevada for two terms, probably the most popular Governor ever elected in the State of Nevada. But for many years he has been a newspaper man. He writes in this column, among other things:

What peace lovers over the world have received from Arafat is more bloodshed and the increased use of suicide bombers. Arafat in return has become wealthy from funds provided by the United States and other nations trying to encourage him to practice good government to provide for his people. His siphoning off of funds was exposed years ago . . .

This practice is not acceptable even though it is by some leaders in that part of the world, he writes, in part.

He further states:

Ten days ago a new audit was released that shows that Arafat has diverted at least another $900 million of public money into his own special bank account. This is being done while the Palestinian people continue to suffer from housing shortages and high unemployment. Arafat makes sure they have enough explosives and weapons to kill Israelis when they get bored. The Palestinian people continue to live in misery while Arafat's wife and daughter reside in France living in luxury.

Michael O'Callaghan writes more, but I think we get the point.

Arafat must go. He is a man of hate. Arafat is a man of hate. Since 1948 he has resented the very existence of Israel. He might say his views have changed, but as my mother used to say, actions speak louder than words. And by his actions we know Arafat for what he is, a bankrupt and corrupt leader of a badly suffering people, and someone who is not serious about achieving lasting peace.

We know that elements with varying degrees of affiliation with the PLO, including the Al Aqsa Martyrs Brigade and Force 17, have frequently been involved in violence against innocent Israelis.

We know that documents found at Arafat's compound, with his signature, authorized cash payments to members of the Martyrs Brigade. We know the leader of the Martyrs Brigade said he is ''following the orders of Yasser Arafat.'' We know that former Palestinian Prime Minister Mahmoud Abbas resigned because Arafat refused to surrender security for Palestinian security forces.

Why did Arafat undermine Abbas? It is simple. He does not want peace with Israel. Forget what he says, look at his actions.

Since the cease-fire in the Middle East was announced 3 months ago, there have been at least 240 terrorist attacks on Israel. This happened while Arafat stood by failing to engage security forces of the Palestinians.

Since Arafat took control of the Palestinian Authority, hundreds of Israelis have been murdered. But his stubborn refusal to accept peace has made life miserable for the 3.35 million Palestinian people in the west bank and the Gaza strip.

We know that Prime Minister Barak courageously gave Arafat everything he asked, but Arafat could not take yes for an answer because he is a terrorist and cannot get that out of his blood.

Today, half of all Palestinians are unemployed and 59 percent live in poverty. This misery breeds desperation which suits the purposes of Arafat and other terrorists. In the midst of this desperation he controls personal war chests of tens of millions of dollars, if not hundreds of millions, with investments across the world. He spends his money as he pleases and is accountable to only one person: Yasser Arafat, himself.

It is in this milieu that Arafat stands by as desperate young men and women commit suicide murders in exchange for large sums of money for their families and a promise of eternal paradise for themselves. They waste their young lives and murder innocent Israelis.

It is now time to hold Yasser Arafat accountable. If he cares about his people, there are other leaders there who could carry on and do a good job for the Palestinian people. But he cares about Yasser Arafat. It is time we hold this man accountable.

I am submitting this resolution right now, along with Senator DASCHLE, calling upon Arafat to immediately resign his position as President of the Palestinian National Authority because he is a hindrance to peace in the Middle East and that such peace depends on institutions that are free from the taint of terrorism. That is the only way Palestinian people will ever achieve their dream of a free, self-governed homeland.

Let me be clear, I support the people of Palestine. They have a right to self-rule. They have a right to control it themselves. But I also support strongly Israel's right to live in peace and to defend itself against terrorism. Israel is at war against terrorism just as we are, but even more amplified. We can never accept or tolerate terrorism in any form at any time any place in the world.

In the name of peace in the middle East and in the world, in the name of prosperity and self-rule for the Palestinian people, Yasser Arafat must go.

Mr. DASCHLE. Mr. President, I come to the floor and rise in strong support of the resolution submitted by the distinguished assistant Democratic leader, Senator REID, this afternoon.

It was 3 years ago that we had an opportunity to bring real peace to the region. In September of 2000 there was a great deal of optimism, a great deal of hope, a great promise that after months and months of negotiation we could have finally found a peaceful resolution and move to the next step in the peaceful coexistence of people in the Middle East.

For reasons still unclear, Yasser Arafat walked away from that agreement, disappointing, disillusioning, and, in so many ways, undermining the peace process.

Over the course of the last 3 years, 800 Israelis have been killed, 2,400 Palestinians have died.

Where he has had an opportunity to renounce violence, he has condoned it. Where he has had an opportunity to embrace peace, he has repelled it. At virtually every turn, regardless of circumstance, Mr. Arafat sends the wrong message about leadership, about commitment, about the spirit that was so alive just 3 years ago.

In the creation of a new government, Mr. Arafat had yet another opportunity to stand behind his new Prime Minister, Abu Mazen, and to say, through him and through this new office: We will resolve our differences. We will bring violence to an end. We will find ways with which to establish a peaceful coexistence. Yet he chose once again to walk away from that opportunity, if not undermine it in every way.

Now there is a new government, at least under consideration. Again, Arafat sends all the wrong messages about what he expects from that new government, its allegiance to him, not to the process, not to the people, not to a commitment for a better future—it is to him.

Some of us want to use this occasion, through this resolution, to make it clear that Mr. Arafat has been an impediment to peace. Mr. Arafat has done virtually everything to thwart peace. As a result, we find ourselves in a situation far worse than it was just 3 years ago. It is a tragedy—a tragedy that has amounted to the loss of 3,200 lives in 3 years.

I hope my colleagues will join us in sending a clear message that we cannot have peace, we cannot have any expectation, any hope of stability and the realization within our grasp that death can end, without sending a clear message to those responsible: We cannot tolerate this kind of leadership. We cannot tolerate this kind of irresponsible and dangerous direction. We will speak out in every way, shape, and form we can until this matter is resolved.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Nevada is recognized.

Mr. REID. I thank the Chair.

(The remarks of Mr. REID and Mr. DASCHLE pertaining to the submission of S. Res. 236 are located in today's RECORD under ''Submission of Concurrent and Senate Resolutions.'')

RECESS UNTIL 9:15 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 9:15 a.m.

Thereupon, the Senate, at 7:17 p.m., recessed until Tuesday, September 30, 2003, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate September 29, 2003:

THE JUDICIARY

RAYMOND W. GRUENDER, OF MISSOURI, TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT, VICE PASCO M. BOWMAN II, RETIRED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

CAPT. JOHN C. ACTON, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. ARTHUR E. BROOKS, 0000
CAPT. RICHARD R. KELLY, 0000
CAPT. DAVID P. PEKOSKE, 0000
CAPT. FRED M. ROSA, 0000
CAPT. TIMOTHY S. SULLIVAN, 0000

THE JUDICIARY

WILLIAM JAMES HAYNES II, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE H. EMORY WIDENER, JR., RETIRING.

CONFIRMATION

Executive nomination confirmed by the Senate September 29, 2003:

THE JUDICIARY

CARLOS T. BEA, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT.

EXTENSIONS OF REMARKS

IN RECOGNITION OF GLENDALE COMMUNITY COLLEGE'S 75 YEARS OF EDUCATIONAL EXCELLENCE AND THE DEDICATION OF THE CIMMARUSTI SCIENCE CENTER

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 2003

Mr. SCHIFF. Mr. Speaker, I rise today to congratulate Glendale Community College on its 75th anniversary, and to celebrate the dedication of the Cimmarusti Science Center.

Glendale College was founded in 1927 as a junior college at the old Glendale Union High School site. It served the needs of the people in La Crescenta, Glendale, and Tujunga. An earthquake devastated several of the main buildings, and finally in 1937 the college opened its new facilities. The community continued to grow and the campus thrived. In 1981, the college separated from the Glendale Unified School District.

Today, Glendale Community College helps more than 25,000 students meet their educational goals. It has a college-credit enrollment of about 15,000 day and evening students and about 10,000 students are enrolled in the adult education programs. Its exceptional reputation and tradition for academic excellence and quality lives on in the current administration and student body. Its progressive and extensive curriculum includes customized contract instruction for companies, career training, and certificates in vocational training. The college innovatively forges and promotes mutually beneficial partnerships with industries and the city.

In 1998, $2 million in Federal funding was requested for a NASA/JPL science education center to be located on the campus. Appropriation legislation was signed in late October of the same year. On March 4, 1999, brothers and local businessmen Larry and Ralph Cimmarusti presented an additional gift of $1 million to the college, as they are proud alumni. Their name will eternally be associated with the school by the state-of-the-art science center that will bear their name. The center will also serve as a regional training facility for local schools, enriching the already impressive list of services available at the college. The Cimmarusti Science Center's math and science education will not only be an example for other colleges, it will raise public interest in the subjects. The center also includes a spectacular planetarium, one of just a few at community colleges across the country.

Glendale Community College is unique in its approach to education and in the way it utilizes its resources. It is a truly pioneering institution that has earned the endless praise of those who have seen it develop, and those who have benefited from its infinite opportunities. It is a model of dependable leadership and unstoppable advancement. Glendale Community College is at the forefront of education in our community, and its innumerable successes have already spanned three quarters of a century. It will undoubtedly continue to serve our community by responding to changing needs and meeting all challenges.

I ask all Members of Congress to join me today in congratulating Glendale Community College on 75 truly exemplary years of service to the community, the opening of the Cimmarusti Science Center, and for the college's commitment to educational excellence.

INTRODUCING THE REGIONAL ECONOMIC AND INFRASTRUCTURE DEVELOPMENT ACT

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 2003

Mr. OBERSTAR. Mr. Speaker, today Congresswoman NORTON and I have introduced the ''Regional Economic and Infrastructure Development Act.'' A detailed summary of the bill's provisions is attached.

The bill organizes four regional commissions under a common framework, thereby providing a more uniform method for distributing economic development funds throughout the regions most in need of such assistance. It reauthorizes the Delta Regional Authority and the Northern Great Plains Regional Authority and creates two new regional commissions: The Southeast Crescent Regional Commission and the Southwest Border Regional Commission. Both of these latter commissions have been proposed in legislation introduced in this Congress and are designed to address problems of systemic poverty and chronic underdevelopment in those regions. Every county or parish that is currently included in a commission through enacted or proposed legislation is similarly included in that same commission under this bill. While the bill follows the successful organizational model of the Appalachian Regional Commission (ARC), it does not include the ARC or the Denali Commission (a wholly intrastate commission) in its framework.

Regional commissions provide vital assistance to the development of the Nation's most chronically poor and distressed regions. They are true Federal-State partnerships, bringing together Federal, State, and local governments to expand the economic and development opportunities of a chronically distressed region. These regions typically experience rates of poverty and unemployment that are more than 150 percent of the national average. Further, some of these areas lack the transportation and basic public infrastructure necessary to support business development, and importantly, create jobs in the region.

The regional commissions are designed to assist areas in overcoming chronic economic distress by focusing on the distressed region as a whole. By recognizing that systemic economic distress follows geographic and natural resource realities, rather than arbitrary State or political subdivision borders, the commissions are able to concentrate their efforts over the entire region—regardless of State lines. One way that federally designated regional commissions work within the region to overcome the effects of chronic underdevelopment is through investment in infrastructure, including transportation, telecommunications and other basic public infrastructure. The commissions also assist the region in obtaining job skills training, entrepreneurship, technology, and business development. Through these efforts, commissions work to improve the economic development of these systemically distressed regions.

Regional commissions also supplement the state share of other Federal programs to ensure that areas that do not even have the economic means of meeting a required State or local funding share are not denied the opportunity to participate in these programs. Regional commissions assist in local development planning by helping provide local development districts with the resources and expertise necessary to formulate and follow a comprehensive, strategic regional development plan. Often it is the local development planning that is the key for the successful implementation of economic and infrastructure development programs.

The Regional and Economic Infrastructure Development Act is modeled after the statute authorizing the ARC. The ARC has demonstrated that regional commissions are successful in fighting chronic underdevelopment and poverty. Since the ARC's creation in 1965, employment in the 13-State region has grown by nearly 66 percent. In contrast, in the decade preceding its creation, employment in the region had declined by 1.5 percent. Further, the poverty rate of the region has been cut by more than one half—from 31.1 percent in 1960 to 13.6 percent in 2000.

As the Nation continues to suffer through a weakened economy, the need for these commissions becomes even more important. Figures released this August show that the national unemployment rate has increased to 6.1 percent, the highest level since July 1994. Further, since January 2001, the number of people unemployed increased from 5.95 million to 8.91 million—an increase of almost 3 million, or 50 percent.

Moreover, workers who have lost their jobs are having more trouble finding new jobs. The average length of unemployment is now almost 20 weeks, the longest it has been in nearly two decades. Within the last 2 years, the number of workers who have been unemployed for longer than 6 months has increased by more than 1.3 million to nearly 2 million—an increase of almost 200 percent. One-half of the unemployed are out of work for more than 9 weeks and more than one in five have been out of work for more than 6 months.

As the economy continues to founder, it is these historically depressed regions—the regions that have already been struggling—that suffer a disproportionate share of the burden.

Now, perhaps more than ever, there is a greater need for these regional commissions. This bill recognizes the importance of the regional commissions to these chronically distressed areas. The bill strengthens the commissions by establishing a uniform organizational structure, under which an affirmative vote of a commission requires a majority of State members plus the affirmative vote of the Federal cochairperson. With this voting structure, the bill ensures that the Federal and State roles in a commission are equal and interdependent, thereby promoting a true Federal-State partnership.

In addition, the bill establishes a coordinating council for the regional commissions consisting of representatives from all the commissions, including the Appalachian Regional Commission and the Denali Commission. The coordinating council is directed to meet biannually to discuss issues facing regions that suffer chronic distress and successful strategies for promoting regional development. While the council will assist the commissions in promoting regional development, it has no decision-making authority over any of the commissions.

Finally, the bill authorizes sufficient funds for each commission so that a commission will have the means available to fulfill its mission of promoting economic and infrastructure development. The bill authorizes $30 million for each commission in fiscal year 2004 (the amount currently authorized for the Delta and Northern Great Plains Regional Authorities) and increases that authorization by $5 million for each successive year through fiscal year 2008.

Frankly, I am concerned about this administration's lack of funding for existing regional commissions. In its fiscal year 2004 budget proposal, the administration slashes the budgets of the regional commissions—proposing only $2 million for the Delta Regional Authority and no funding for the Northern Great Plains Regional Authority. If these budget proposals were to be enacted, the commissions, and their grant-making authority, would be rendered essentially ineffective. Providing the commissions with the funds necessary to carry out their purpose is crucial to the economic development of these regions.

It is time that we affirm our commitment to regional economic development by authorizing these commissions and providing the funding necessary from them to break the cycle of chronic distress in these regions. I believe this bill will help us do that.

SUMMARY OF THE REGIONAL ECONOMIC AND INFRASTRUCTURE DEVELOPMENT ACT

The Regional Economic and Infrastructure Development Act organizes four regional commissions under a common framework, thereby providing a more uniform method for distributing economic assistance throughout the regions most in need of such assistance. It reauthorizes the Delta Regional Authority and the Northern Great Plains Regional Authority and creates two new regional commissions: the Southeast Crescent and the Southwest Border Regional Commission. Both of these latter commissions have been proposed in legislation introduced this Congress and are designed to address problems of systemic poverty and chronic underdevelopment in those regions. Every county or parish that is currently included in a commission through enacted or proposed legislation is similarly included in that same commission under this bill. While the bill follows the successful organizational model of the Appalachian Regional Commission (ARC), it does not include the ARC or the Denali Commission (a wholly intrastate commission) in its framework.

PURPOSE

To organize the regional commissions in the lower 48 states (with the exception of the Appalachian Regional Commission) under a common framework, providing a more uniform organization structure among the commissions and a more uniform method for distributing economic assistance throughout the country.

COMMISSIONS

The bill reauthorizes the Delta Regional Commission and the Northern Great Plains Regional Commission, and creates the Southeast Crescent Regional Commission and the Southwest Border Regional Commission. The Delta Regional Commission and the Northern Great Plains Regional Commission are composed of the same states, counties, and parishes included in the existing Delta Regional Authority and Northern Great Plains Regional Authority. The Southeast Crescent Regional Commission and the Southwest Border Regional Commission are composed of the same states and counties proposed in legislation introduced in the 108th Congress to create a Southeast Crescent Regional Authority and a Southwest Border Regional Commission.

Each commission is authorized to receive appropriations of $30 million for fiscal year 2004; $35 million for fiscal year 2005; $40 million for fiscal year 2006; $45 million for fiscal year 2007; and $50 million for fiscal year 2008.

Currently, some counties qualify for membership in more than one regional commission. The bill does not change that. However, the bill provides that an individual county may only receive economic assistance from one regional commission. Therefore, if a county is eligible for membership in more than one commission, it must select one commission in which it would like to participate and be eligible to receive funds. A county or parish can change its selection 90 days before the start of the fiscal year.

The Denali Commission and the Appalachian Regional Commission are not included in this statute.

COMPOSITION

Each commission includes a Federal cochairperson and a state cochairperson, who is selected from among the state members. Like current law, the Northern Great Plains Commission also includes a tribal cochairperson.

An affirmative vote of a commission requires an affirmative vote of the federal cochairperson plus a majority of state members.

Like the current laws authorizing regional commissions, the bill sets forth provisions for the salaries of commission members, the appointment of alternatives, and the hiring of additional staff, including an Executive Director.

The bill establishes a coordinating council for the regional commissions consisting of representatives from all the commissions, including the Appalachian Regional Commission and the Denali Commission. The coordinating council is directed to meet biannually to discuss issues facing regions that suffer chronic distress and successful strategies for promoting regional development. The council has no decision-making authority.

Also like current law, each state must develop a comprehensive economic development plan and each commission must develop an economic and infrastructure development plan.

Commissions are required to designate distressed, transitional and attainment counties, and isolated areas of distress within attainment counties, within their region and must allocate at least 50 percent of the appropriations made available to the commission to projects in distressed counties and isolated areas of distress.

ECONOMIC AND COMMUNITY DEVELOPMENT GRANTS

Commissions have the authority to make grants to State and local governments, and public and nonprofit organizations, for economic development projects, with an emphasis on infrastructure projects, including transportation, basic public, and telecommunications infrastructure projects.

The bill provides for a commission share of 50 percent of the costs of projects; that percentage increases to up to 80 percent for distressed counties. These shares are increased by 10 percent (to 60 percent and 90 percent, respectively) for those projects that have a significant regional impact.

Commissions have the authority to make grants to local development districts to assist in the payment of the administration of the district. The commission of these grants is limited to 80 percent of the administrative expenses of the local development district receiving the grant.

Commissions have the authority to supplement part of the basic Federal contribution to projects authorized under other Federal grant programs and to increase the Federal contribution above the fixed maximum part of the cost. The federal share is the same for projects (50 percent and 80 percent for distressed counties, with a 10 percent bonus for regional projects), with the stipulation that the total federal contribution cannot exceed 80 percent.

IN RECOGNITION OF DR. JOHN A. DAVITT, PRESIDENT AND SUPERINTENDENT OF GLENDALE COMMUNITY COLLEGE

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 2003

Mr. SCHIFF. Mr. Speaker, I rise today to congratulate John Davitt who has dedicated 35 years of service to Glendale Community College.

John A. Davitt received a B.S. in History in 1954 and an M.A in Secondary Education in 1958 from the University of San Francisco. In 1977, he graduated from the University of Southern California with a doctorate in Community College Administration-Higher Education. While he pursued his own studies, Dr. Davitt continued to exercise his passion to teach and serve the student community in the San Francisco Unified School District. From 1968 to 1980, he was a consultant for the American Association of Community and Junior Colleges, and from 1970 to 1985, he was a consultant for the College Entrance Examination Board.

Dr. Davitt has had a myriad of impressive employment and service experiences. From 1955 to 1957, he was stationed at Fort Mason, California as a First Lieutenant in the United States Army. From 1957 to 1964, he was a Social Studies teacher, counselor, and debating coach at Roosevelt Junior High School, and instructor at Galileo Adult School in San Francisco. Additionally, from 1964 to 1966 Dr. Davitt was a counselor at Merritt College. He was the director and assistant professor of the Institute for Training of Community College Student Personnel Workers at

California State University Los Angeles from 1966 to 1968. His distinguished list of memberships includes the Glendale Chamber of Commerce, and the Association of California Community College Administrators. He is also on the board of directors for Crestview Preparatory School and Flintridge Sacred Heart Academy.

In 1968, Dr. Davitt introduced his unique and open management style to our community by taking the position of Administrative Dean of Personnel Services at Glendale Community College. In 1983, he was named Vice President of Instructional Services. Subsequently, in 1985 he became the college's Superintendent-President, transforming the campus into an innovative and productive center for learning. Davitt fervently fosters and promotes ideals of development and growth. As President, he has lead the college through unprecedented achievements. Dr. Davitt is a remarkable man whose unwavering passion and dedication have been instilled not only in the college's faculty, but student body as well.

I ask all Members of Congress to join me today in congratulating John Davitt on a truly exemplary professional and public service career, and for his immense commitment to Glendale Community College and the students it serves.

H.R. 7

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 2003

Mr. TIAHRT. Mr. Speaker, in my district, the Kansas Health Foundation is working to increase the health of Kansans, especially the health of children. Its goal is to make Kansas the best State in the Nation in which to raise a child. By working with individuals, communities, universities and other institutions, the Kansas Health Foundation is helping build a community of people who care about the health and well-being of children and other at-risk individuals.

I rise today in support of H.R. 7, the Charitable Giving Act of 2003. This bill will help organizations like the Kansas Health Foundation raise more funds and ultimately reach more people. All across this country we have organizations, foundations, churches and faith-based groups helping the disadvantaged. I am especially supportive of this bill because it encourages individuals and the private sector to act responsibly toward their neighbors and those who are less fortunate. By increasing the flow of funds to charitable organizations, we will help make America and the world a better place to live.

H.R. 7 will provide more than 85 million Americans who do not itemize on their Federal tax returns the ability to deduct a portion of their charitable contributions. By making it simpler for taxpayers to deduct money for charitable giving, we will be sending a positive message to taxpayers that encourages giving money to organizations that help those in need.

While America is the land of great opportunity, there remain many families, both here and around the world, that lack food, shelter, medicine and other basic living needs. Millions of individuals across this country pool their resources to help meet many of these needs by giving money to their local churches and nonprofit organizations. H.R. 7 will make such acts of goodwill even more rewarding for those who give by allowing taxpayers to claim a deduction for their charitable giving, even if the taxpayer does not itemize.

I applaud House Majority Whip Roy Blunt for sponsoring this important bill that will, in his words, help more charities help more Americans.

The Charitable Giving Act of 2003 further provides financial incentives for charitable giving by allowing older Americans the incentive to make tax-free contributions from their Individual Retirement Accounts. If people want to give donations to help those in need from their retirement savings, I think it is only proper that we reward such acts of generosity.

H.R. 7 would encourage more giving from the private business sector as well. By gradually increasing the cap on corporate charitable contributions from 10 percent to 20 percent over the next decade, Congress will be sending a clear message of community responsibility to corporate America. The more investment a company or business makes in its community, the more goodwill it generates.

I urge my colleagues to join me today in supporting the Charitable Giving Act of 2003. It is a well-crafted, bipartisan bill that deserves our full support.

TRIBUTE TO JERRY IZENBERG AND PROJECT PRIDE

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 2003

Mr. PAYNE. Mr. Speaker, it is with great pride that I rise today to recognize the legendary columnist, Jerry Izenberg, and his immense contributions to the Newark community through his organization, Project Pride.

Jerry Izenberg has been a newspaperman for over 52 years, most recently with the New Jersey Star-Ledger, contributing columns that have appeared throughout the United States, as well as Puerto Rico, Alaska, Mexico, Canada and Italy. As a sportswriter, Jerry Izenberg's accomplishments are incredibly vast. Over his career, he has won numerous literary awards and recognitions, has been inducted into seven Halls of Fame and has been an integral part of the sports world in the United States. To this day, he continues to leave his mark on the sports writing world, all the while inspiring numerous young writers. And above all, Jerry Izenberg has also managed to be a dedicated family man, with his wife, Aileen, four children and four grandchildren.

Despite all of these remarkable professional and personal accomplishments, I can say with confidence that Jerry Izenberg is most proud of his work with Project Pride. As a native of Newark, New Jersey, Jerry knew of the hardships that the people of that area face on a regular basis. When he founded Project Pride Incorporated 25 years ago, Jerry Izenberg took the personal initiative to create hope and opportunity for the children of Newark. Over the 25 years of its existence, Project Pride has helped send 902 kids to college, allowed the kids in Newark K–5 schools to study a variety of subjects and funded numerous community and athletic programs that have kept as many as 1,000 Newark kids off the streets. What is more amazing, Project Pride has accomplished all of it without accepting a single penny from Federal, State or local funds.

Mr. Speaker, as a member of the Education and Workforce Committee and a former teacher, I understand the significance of the work that Jerry Izenberg has done for the city of Newark. I know that my colleagues here in the U.S. House of Representatives not only join me today in recognizing the tremendous contributions of Jerry Izenberg and Project Pride, but also commending Jerry for his own personal dedication to continue providing the opportunity to so many of our youths.

A TRIBUTE TO THE ASSOCIATION OF THEATRICAL PRESS AGENTS AND MANAGERS

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 2003

Mr. NADLER. Mr. Speaker, it is my great personal pleasure to rise today in cognition of the Association of Theatrical Press Agents and Managers (ATPAM) for its contribution to the art of stage entertainment so immensely enjoyed by residents of New York and by audiences throughout the Nation and around the globe.

This year marks the seventy-fifth anniversary of ATPAM, an organization that has maintained a prominent place in the entertainment industry since it first received its charter from the American Federation of Labor in 1928. Since its inception, ATPAM, a coalition of press agents, publicity and marketing specialists, company managers and house and facilities managers, has devoted its resources to the enrichment of stage entertainment and the health, vitality, and success of its members.

ATPAM has also dedicated considerable efforts to philanthropy in its support of industry-wide charities such as the Actor's Fund of America and Broadway Cares/Equity Fights AIDS. ATPAM was able to expand that objective even further when it decided to affiliate with IATSE and carry its good work to a broader community. Most notable are ATPAM's exemplary actions in the wake of the September 11, 2001 attacks on New York. ATPAM members accepted salary cuts in order to keep Broadway going after 9/11, and mobilized members of other New York theatrical unions to follow their lead.

The Association of Theatrical Press Agents & Managers has been an inspiration to the entertainment industry since its founding seventy-five years ago, and remains a tremendous force for the cultural arts of New York City and beyond. Today, I am proud to stand before Congress and join ATPAM in their celebration.

IN HONOR OF NEIL DESENA

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Neil DeSena for his years of dedicated leadership throughout the community of Bayonne, New Jersey. Mr. DeSena was unanimously selected as the Grand Marshall for this year's Bayonne Columbus Committee parade to be held on Sunday, October 12, 2003.

Mr. DeSena has been a devoted member of the Bayonne community for over thirty years. His exemplary work in local organizations and his understanding of the needs of Bayonne residents have provided a great service to the entire community. First elected as the Third Ward Councilman in 1970, Mr. DeSena served four consecutive four year terms. In 1986, Mr. DeSena was re-elected to the City Council as a Councilman-at-Large. He currently serves as a personal aide to Mayor Joseph V. Doria, Jr.

A veteran of World War II and the Korean War, Mr. DeSena fought on behalf of his country with great honor and valor, receiving an honorable discharge with the rank of Staff Sergeant.

A licensed broker, Mr. DeSena opened his own insurance company in 1982. His natural leadership qualities led him to serve as the president of the Local 164 Insurance Workers International Union, and as a member of the Union's General Executive Board.

Mr. DeSena has received several awards from various community and business organizations, including the Patriots Award for God, Country, and Home from the Catholic War Veterans Post 1612 and the Ladies Auxiliary. He recently received the 2003 Honor Citizen Award from the New Jersey Honor Legion Police, and is a recipient of the Rudy DeAngelo Foundation Award and the Boy Scout Distinguished Award.

Mr. DeSena pursued professional studies at the Professional School of Business, St. Peter's College, Seton Hall University and Fairleigh Dickenson University. He and his wife Marie are the proud parents of Robert, Julianne, and Neil, and the grandparents of Jessica and Robert Thomas.

Today, I ask my colleagues to join me in honoring Neil DeSena for his years of service and dedication to the citizens of Bayonne.

TRIBUTE TO C. DIXON OSBURN, EXECUTIVE DIRECTOR OF SLDN

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 2003

Mr. MEEHAN. Mr. Speaker, this November marks 10 years since our Nation imposed the discriminatory law known as ''Don't Ask, Don't Tell'' on the lesbian, gay and bisexual patriots of our Nation. During the past decade, almost 10,000 men and women have been fired from our armed forces simply because of their sexual orientation.

Many of those men and women have sought the assistance and advocacy of Servicemembers Legal Defense Network (SLDN), the Nation's only legal aid and advocacy organization for those harmed by the military's gay ban. In August, SLDN's Executive Director, C. Dixon Osburn, commemorated 10 years of service to the organization he founded and the brave Americans it serves. Mr. Osburn co-founded the organization in 1993 with former Army Captain Michelle Benecke.

Under Mr. Osburn's leadership, SLDN has provided legal services to 5,000 service members and obtained 35 changes in military policy and practice related to ''Don't Ask, Don't Tell, Don't Pursue, Don't Harass.'' Also under his leadership, SLDN's policy efforts have included obtaining new Pentagon and Service policies on anti-gay harassment, an Executive Order on hate crimes in the military and an Executive Order providing, for the first time, a limited psychotherapist privilege in the armed forces.

Due in large part to Mr. Osburn's work, The Boston Globe has said ''[SLDN] knows far more than the Pentagon about what reality is like in the military and helps individuals caught in the mess.'' Deb Price of The Detroit News also commended their work, noting that: ''SLDN has repeatedly forced the Pentagon not just to take notice, but to change.'' And The Nation reports, ''It's amazing how much this small legal-aid group has accomplished already.''

Mr. Osburn received the 1994 GAYLAW Distinguished National Service Award, and the 1998 Kevin Larkin Award for Public Service from the Massachusetts Lesbian and Gay Bar Association. In 1998, Mr. Osburn was named by The Advocate magazine as one of the Top 10 National Gay Leaders. In 2000, under Mr. Osburn's leadership, SLDN received ''Organization of the Year'' awards from both the District of Columbia Bar Association Young Lawyers Division and the International Lesbian & Gay Museum of History. I am honored today to recognize his decade of leadership at the helm of SLDN and his unparalleled advocacy for our men and women in uniform.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 30, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 1

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine climate change.

SR–253

Environment and Public Works

Business meeting to consider S. 1643, to exempt certain coastal barrier property from financial assistance and flood insurance limitations under the Coastal Barriers Resources Act and the National Flood Act of 1968, S. 1066, to correct a technical error from Unit T–07 of the John H. Chafee Coastal Barrier Resources System, S. 1663, to replace certain Coastal Barrier Resources System maps, S. 994, to protect human health and the environment from the release of hazardous substances by acts of terrorism, proposed legislation providing for the reauthorization of the Dingell-Johnson Sport Fish Restoration Act, and the nomination of Michael O. Leavitt, of Utah, to be Administrator of the Environmental Protection Agency.

SD–406

Governmental Affairs

To hold hearings to examine the need for federal real property reform.

SD–342

10 a.m.

Finance

Business meeting to consider an amendment in the nature of a substitute to S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States.

SD–215

Judiciary

To hold hearings to examine the nomination of Dora L. Irizarry to be United States District Judge for the Eastern District of New York.

SD–226

2:30 p.m.

Foreign Relations

To hold hearings to examine the nominations of Robert B. Charles, of Maryland, to be an Assistant Secretary of State (International Narcotics and Law Enforcement Affairs), and H. Douglas Barclay, of New York, to be Ambassador to the Republic of El Salvador.

SD–430

OCTOBER 2

Time to be announced

Governmental Affairs

Business meeting to consider the nomination of C. Suzanne Mencer, of Colorado, to be the Director of the Office for Domestic Preparedness, Department of Homeland Security.

Room to be announced

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine media ownership.

SR–253

Judiciary

Business meeting to consider pending calendar business.

SD–226

10 a.m.

Banking, Housing, and Urban Affairs

To resume hearings to examine the implementation of the Sarbanes-Oxley Act (Public Law 107–204) and restoring investor confidence.

SD–538

Health, Education, Labor, and Pensions

To hold joint hearings with the House Committee on Energy and Commerce to examine National Institutes of Health management of biomedical research to prevent and cure disease in the 21st Century.

SD–106

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine S. 524, to expand the boundaries of the Fort Donelson National Battlefield to authorize the acquisition and interpretation of lands associated with the campaign that resulted in the capture of the fort in 1862, S. 1313, to establish the Congaree Swamp National Park in the State of South Carolina, S. 1472, to authorize the Secretary of the Interior to provide a grant for the construction of a statue of Harry S Truman at Union Station in Kansas City, Missouri, and S. 1576, to revise the boundary of Harpers Ferry National Historical Park.

SD–366

2 p.m.

Indian Affairs

To hold hearings to examine S. 1438, to provide for equitable compensation of the Spokane Tribe of Indians of the Spokane Reservation in settlement of claims of the Tribe concerning the contribution of the Tribe to the production of hydropower by the Grand Coulee Dam.

SR–485

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine Amtrak.

SR–253

Foreign Relations

To hold hearings to examine challenges for U.S. policy to Cuba.

SD–419

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

OCTOBER 15

10 a.m.

Indian Affairs

To hold hearings to examine S. 550, to amend the Indian Land Consolidation Act to improve provisions relating to probate of trust and restricted land.

SR–485

OCTOBER 16

10 a.m.

Indian Affairs

To hold hearings to examine the Missouri River Master Manual.

SR–485

OCTOBER 21

10 a.m.

Indian Affairs

To hold hearings to examine S. 1565, to reauthorize the Native American Programs Act of 1974.

SR–485

OCTOBER 22

10 a.m.

Indian Affairs

Business meeting to consider pending calendar business; to be followed by a hearing on the Tribal Self Governance Act Amendments of 2003.

SR–485

OCTOBER 30

2:30 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings to examine S. 1097, to authorize the Secretary of the Interior to implement the Calfed Bay-Delta Program.

SD–366

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S12105–S12144

Measures Introduced: Eight bills and two resolutions were introduced, as follows: S. 1670–1677, S.J. Res. 18, and S. Res. 236. **Page S12137**

Measures Reported:

S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act, with an amendment in the nature of a substitute. (S. Rept. No. 108–155) **Page S12137**

District of Columbia Appropriations Act: Senate resumed consideration of H.R. 2765, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, taking action on the following amendment proposed thereto: **Pages S12108–25**

Pending:

DeWine/Landrieu Amendment No. 1783, in the nature of a substitute. **Pages S12108–25**

A unanimous-consent agreement was reached providing for further consideration of the bill at 11:30 a.m., on Tuesday, September 30, 2003. **Page S12129**

Nominations—Agreement: A unanimous-consent agreement was reach providing that at 9:15 a.m., on Tuesday, September 30, 2003, Senate vote on the nominations of Marcia A. Crone, to be United States District Judge for the Eastern District of Texas, and Ronald A. White, to be United States District Judge for the Eastern District of Oklahoma. **Page S12129**

Messages From the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a memorandum of understanding between the Secretaries of State and Homeland Security concerning implementation of Section 428 of the Homeland Security Act of 2002; to the Committee on the Judiciary. (PM–51) **Page S12136**

Nominations Confirmed: Senate confirmed the following nomination:

By unanimous vote of 86 yeas (Vote No. Ex. 368), Carlos T. Bea, of California, to be United States Circuit Judge for the Ninth Circuit. **Pages S12125–27, S12144**

Nominations Received: Senate received the following nominations:

Raymond W. Gruender, of Missouri, to be United States Circuit Judge for the Eighth Circuit.

William James Haynes II, of Virginia, to be United States Circuit Judge for the Fourth Circuit.

6 Coast Guard nominations in the rank of admiral. **Page S12144**

Additional Cosponsors: **Pages S12137–38**

Statements on Introduced Bills/Resolutions: **Pages S12138–44**

Additional Statements: **Pages S12134–36**

Record Votes: One record vote was taken today. (Total—368) **Page S12127**

Recess: Senate met at 1 p.m., and recessed at 7:17 p.m., until 9:15 a.m., on Tuesday, September 30, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on pages S12129–30.)

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

Measures Introduced: 2 public bills, H.R. 3195–3196; and 1 resolution, H.J. Res. 70, were introduced. **Page H8954**

Additional Cosponsors: **Page H8954**

Reports Filed: Reports were filed as follows:

H.R. 2620, to authorize appropriations for fiscal years 2004 and 2005 for the Trafficking Victims Protection Act of 2000, amended, (H. Rept. 108–264, Pt. 2). **Page H8954**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Young of Florida to act as Speaker pro tempore for today. **Page H8953**

Chaplain: The prayer today was offered by Rev. Dr. Ronald F. Christian, Pastor, Evangelical Lutheran Church in America in Fairfax, Virginia. **Page H8953**

Speaker Pro Tempore to Sign Enrolled Bills and Joint Resolutions: Read a letter from the Speaker wherein he appointed Representative Young of Florida to sign enrolled bills and joint resolutions through September 29. **Page H8954**

Senate Message: Messages from the Senate appear today on page H8953.

Adjournment: The House met at 12 noon and adjourned at 12:06 p.m.

Committee Meetings

COUNTERTERRORISM TECHNOLOGY

Committee on Government Reform: Subcommittee on National Security, Emerging Threats and International Relations held a hearing on ''Counterterrorism Technology: Picking Winners and Losers.'' Testimony was heard from Michael A. Jakub, Director, Technical Programs, Office of the Coordinator for Counterterrorism, Department of State; Edward McCallum, Director, Combating Terrorism Support Office, Department of Defense; David Bolka, Director, HSARPA, Homeland Security Advanced Research Projects Agency, Department of Homeland Security; and public witnesses.

COMMITTEE MEETINGS FOR TUESDAY, SEPTEMBER 30, 2003

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: business meeting to mark up proposed legislation making emergency supplemental appropriations for fiscal year 2004 for Iraq and Afghanistan, 10 a.m., SD–106.

Committee on Armed Services: to hold hearings regarding investigations into allegations of sexual assault at the United States Air Force Academy, 2:30 p.m., SH–216.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine the state of the securities industry, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: to hold hearings to examine the status of the Do-Not-Call Registry, 9:30 a.m., SR–253.

Subcommittee on Consumer Affairs and Product Safety, to hold hearings to examine dietary guidelines in relation to obesity, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: Subcommittee on Water and Power, with the Committee on Indian Affairs, to hold joint hearings to examine S. 437, to provide for adjustments to the Central Arizona Project in Arizona, to authorize the Gila River Indian Community water rights settlement, to reauthorize and amend the Southern Arizona Water Rights Settlement Act of 1982, 10 a.m., SD–366.

Committee on Foreign Relations: to hold hearings to examine the nominations of Randall L. Tobias, of Indiana, to be Coordinator of United States Government Activities to Combat HIV/AIDS Globally, with the rank of Ambassador, W. Robert Pearson, of Tennessee, to be Director General of the Foreign Service, and William Cabaniss, of Alabama, to be Ambassador to the Czech Republic, all of the Department of State, 9:30 a.m., SD–419.

Committee on Governmental Affairs: to hold hearings to examine the nominations of Dale Cabaniss, of Virginia, to be a Member of the Federal Labor Relations Authority, Craig S. Iscoe, to be Associate Judge of the Superior Court of the District of Columbia, and Brian F. Holeman, to be an Associate Judge of the Superior Court of the District of Columbia, 9 a.m., SD–342.

Permanent Subcommittee on Investigations, to hold hearings to examine illegal file sharing on peer-to-peer networks and the impact of technology on the entertainment industry, 10 a.m., SDG–50.

Committee on Health, Education, Labor, and Pensions: Subcommittee on Substance Abuse and Mental Health Services, to hold hearings to examine underage drinking, 10 a.m., SD–430.

Committee on Indian Affairs: with the Committee on Energy and Natural Resources, Subcommittee on Water and Power, to hold joint hearings to examine S. 437, to provide for adjustments to the Central Arizona Project in Arizona, to authorize the Gila River Indian Community

water rights settlement, to reauthorize and amend the Southern Arizona Water Rights Settlement Act of 1982, 10 a.m., SD–366.

Committee on the Judiciary: Subcommittee on Immigration, Border Security and Citizenship, to hold hearings to examine visa issuance in relation to homeland security, 2 p.m., SD–226.

Committee on Veterans' Affairs: business meeting to consider S. 1131, to increase, effective December 1, 2003, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, S. 1132, to amend title 38, United States Code, to improve and enhance certain benefits for survivors of veterans, S. 1156, to amend title 38, United States Code, to improve and enhance the provision of long-term health care for veterans by the Department of Veterans Affairs, to enhance and improve authorities relating to the administration of personnel of the Department of Veterans Affairs, S. 1136, to restate, clarify, and revise the Soldiers' and Sailors' Civil Relief Act of 1940, and H.R. 1516, to provide for the establishment by the Secretary of Veterans Affairs of five additional cemeteries in the National Cemetery System, 4 p.m., SR–418.

House

Committee on Appropriations, Subcommittee on Defense, on the Administration's Fiscal Year 2004 Supplemental Request for Iraq and Afghanistan, 3:30 p.m., 2359 Rayburn.

Subcommittee on Foreign Operations, Export Financing and Related Programs, on the Administration's Fiscal Year 2004 Supplemental Request for Iraq and Afghanistan, 10 a.m., 2359 Rayburn.

Committee on Armed Services, to mark up H. Res. 364, of inquiry requesting the President to transmit to the House of Representatives not later than 14 days after the date of adoption of this resolution the report prepared for the Joint Chiefs of Staff entitled ''Operation Iraq Freedom Strategic Lessons Learned'' and documents in his possession on the reconstruction and security of post-war Iraq, 7:30 p.m., 2118 Rayburn.

Committee on Energy and Commerce, Subcommittee on Oversight and Investigations, hearing entitled ''Nuclear Terrorism Prevention: A Review of the Federal Government's Progress Toward Installing Radiation Detection Monitors at U.S. Ports and Borders,'' 2 p.m., 2322 Rayburn.

Committee on International Relations, Subcommittee on Europe, hearing on Russia's Transition to Democracy and U.S.-Russia Relations: Unfinished Business, 3:30 p.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on the Constitution, hearing on H.J. Res. 48, proposing an amendment to the Constitution of the United States to protect the rights of crime victims, 2 p.m., 2141 Rayburn.

Committee on Resources, Subcommittee on National Parks, Recreation and Public Lands, hearing on the following bills: H.R. 1629, Upper Missouri River Breaks Boundary Clarification Act; H.R. 2424, National Great Black Americans Commemoration Act of 2003; and H.R. 2966, Right-to-Ride Livestock on Federal Lands Act of 2003, 2 p.m., 1334 Longworth.

Committee on Veterans' Affairs, Subcommittee on Health, hearing on the following bills: H.R. 2379, Rural Veterans Access to Care Act of 2003; and H.R. 3094, Veterans Timely Access to Health Care Act, 2:30 p.m., 340 Cannon.

Joint Meetings

Conference: meeting of conferees on S. 3, to prohibit the procedure commonly known as partial-birth abortion, 5:45 p.m., HC–6, Capitol.

Next Meeting of the **SENATE**

9:15 a.m., Tuesday, September 30

Senate Chamber

Program for Tuesday: Senate will consider the nominations of Marcia A. Crone, to be United States District Judge for the Eastern District of Texas, and Ronald A. White, to be United States District Judge for the Eastern District of Oklahoma, with votes to occur thereon, respectively; following which, Senate will begin a period of morning business (not to extend beyond 11:30 a.m.).

At 11:30 a.m., Senate will continue consideration of H.R. 2765, District of Columbia Appropriations Act.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the **HOUSE OF REPRESENTATIVES**

12:30 p.m., Tuesday, September 30

House Chamber

Program for Tuesday: Consideration of Suspensions:

1. H.R. 2086, Office of National Drug Control Policy Reauthorization Act of 2003;
2. H.R. 2075, to designate the facility of the United States Postal Service located at 1905 West Blue Heron Boulevard in West Palm Beach, Florida, as the ''Judge Edward Rodgers Post Office Building'';
3. H.R. 3011, 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'';
4. H. Res 357, honoring the life and legacy of Bob Hope;
5. H. Res 306, congratulating the New York Yankees on the occasion of their 100th anniversary;
6. H.R. 1882, to designate the facility of the United States Postal Service located at 440 South Orange Blossom Trail in Orlando, Florida, as the ''Arthur 'Pappy' Kennedy Post Office'';
7. S. 570, to amend the Higher Education Act of 1965 with respect to the qualifications of foreign schools;
8. H. Con. Res. 282, honoring the life of Johnny Cash; and
9. H. Con. Res. 159, declaring Emporia, Kansas, to be the founding city of the Veterans Day holiday and recognizing the contributions of Alvin J. King and Representative Ed Rees to the enactment into law of the observance of Veterans Day.

Extensions of Remarks, as inserted in this issue

HOUSE

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