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House of Representatives

The House was not in session today. Its next meeting will be held on Wednesday, September 3, 2003, at 2 p.m.

Senate

FRIDAY, AUGUST 1, 2003

(Legislative day of Monday, July 21, 2003)

The Senate met at 9:30 a.m., on the expiration of the recess, 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.

Eternal Lord God, who is the ''Rock of Ages,'' You are our shield, and we find refuge in You. Listen to the music of our hearts and hear our praise to You. Today we thank You for help and healing. We refuse to take our borrowed heartbeats for granted. Thank You for giving us a lifetime of favor, for inspiring us during nights of uncertainty. Sustain our national leaders as they face critical challenges. May they find satisfaction and peace only by doing Your will. Now, Lord, during the recess, go before us, with us, around us, and within us, for we pray in Your strong 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, this morning the Senate will be in a period for morning business in order that Senators may speak and have an opportunity to introduce legislation. There will be no rollcall votes during today's session. When the Senate completes its business today, we will adjourn for the August break.

Today, in addition to Member statements, it would be my hope that we can continue to clear other legislative and executive items for Senate consideration. We were here late last night and had a full week, and indeed have had a very productive 4 weeks since the July 4 recess.

I thank all of our Members for their cooperation in addressing what was a healthy agenda set out by me after the last recess. I obviously am very pleased in that we accomplished every one of the goals we set out at the beginning 4 weeks ago. In particular, I commend Chairman DOMENICI for his really remarkable efforts over the course of the last several weeks and ultimate success in passing the Energy bill through the Senate. That will be conferenced with the already-passed bill in the House. I am confident we will see a comprehensive national energy policy for the first time in a long period of time because of the hard work of this body over the last several weeks, in particular over the last week.

We had a lot of obstacles put before us in many different shapes and forms on this particular legislation, and indeed as recently as yesterday morning, at about this time—in fact, exactly this time—the odds of completing this bill, in most people's minds, was very narrow. Yet both sides of the aisle working together developed an approach with which I think everybody is pleased. It is the important next step in developing a bill that I am confident the President will be able to sign shortly after we deliver it to him as a final package.

Today, in terms of the schedule for September, I will come back to make some comments about the schedule. For the next 4 weeks, people will have the opportunity to go back and be with constituents and families and hopefully take some period as a true vacation. We are going to have a very challenging and again very productive September when we come back.

As a reminder, the next rollcall vote will occur Wednesday, September 3, and in all likelihood, although I will have more to say about that later today, that vote will occur on Wednesday morning. I am hopeful people will be coming back, if they are not in Washington, on that Tuesday and be ready to go. We will be in session that Tuesday. We will introduce a bill that I will talk about later today and then be voting on Wednesday.

Again, I will come back later with regard to some comments about the past 4 weeks.

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

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CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND HOUSE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 259, that the amendment to the resolution be agreed to, that the resolution, as amended, be agreed to, and that a motion to reconsider be laid upon the table.

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

The amendment (No. 1540) was agreed to, as follows:

Strike ''when the House adjourns on the legislative day of Friday, July 25, 2003, or Saturday, July 26, 2003, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee,'' and insert: ''when the House adjourns on the legislative day of Tuesday, July 29, 2003,''.

The concurrent resolution (H. Con. Res. 259), as amended, was agreed to, as follows:

H. CON. RES. 259

Resolved by the House of Representatives (the Senate concurring), That, in consonance with section 132(a) of the Legislative Reorganization Act of 1946, when the House adjourns on the legislative day of Tuesday, July 29, 2003, it stand adjourned until 2 p.m. on Wednesday, September 3, 2003, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Friday, July 25, 2003, through Monday, August 4, 2003, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, September 2, 2003, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

TRIBUTE TO BOB HOPE

Mr. FRIST. Mr. President, I take this opportunity to pay tribute to one of America's greatest performers, Mr. Bob Hope, somebody who has changed all of our lives in very special and individual ways. As we all know, he died last Sunday night of pneumonia, with his family at his bedside.

The family plans an August 27 mass in Los Angeles, and a public memorial later that afternoon at the Academy of Television Arts and Sciences. Today, I wish to remember, in this humble body, Mr. Hope's profound contributions to American life.

Bob Hope was born one of six boys in a London suburb on May 29, 1903. His family made their way to America when he was three, and they settled in Cleveland, OH. What a blessing for America that the Hope family made that journey.

Growing up, Bob Hope was a shoe shine boy, a butcher's mate, stockboy, newspaper boy, golf caddy, shoe salesman, and even a prize fighter. All of these things, before he became what we remember him as, one of America's most beloved and successful entertainers.

As a performer, Bob Hope had the rare and miraculous gift of being able to touch our common humanity.

His famous road pictures with Bing Crosby and Dorothy Lamour were the quintessential expressions of the adventure of being an American.

But he is most loved, of course, for the thousands of hours and millions of miles he spent on selfless devotion to our troops. He traversed 9 million miles, despite a fear of flying, to comfort and entertain our fighting men and women.

World War II, South Korea, Vietnam, from the Far East to Northern Africa, the Indonesian Peninsula to the heart of Europe, in jungles and refugee camps, Air Force bases, Navy ships, forward bases, and demilitarized zones, Bob Hope went wherever we needed him, and he conveyed to our troops the commitment and love of the American people.

The front rows would be filled with soldiers injured in battle, limbs blown off, bodies wrapped in bandages and he would manage to make them laugh.

He was able—for those moments while he was onstage giving his best to our best—to lift those young men and women out of their war torn bodies and help them forget the fatigue, fear and loneliness of battle.

Time magazine wrote in 1943 that ''Hope was funny, treating hoards of soldiers to roars of laughter. He was friendly—ate with servicemen, drank with them, read their doggerel, listened to their songs. He was indefatigable, running himself ragged with five, six, seven shows a day. . . . Hence boys whom Hope might entertain for an hour awaited him for weeks. And when he came, anonymous guys who had no other recognition felt personally remembered.''

Hope narrowly escaped an attempt on his life when his hotel in Vietnam was bombed by enemy forces. He was waiting at the airport for his cue cards to be unloaded from the plane, and the delay literally saved him. You could say it was the only occasion he didn't have perfect timing, and thank goodness.

Bob Hope's dear friend, legendary golfer and Hall of Famer, Arnold Palmer, said today that he believes the reason why Bob Hope lived so long was because he was fundamentally happy and doing what he loved. May we all be so blessed.

Albert Einstein said, ''Try not to become a man of success, but, rather, to become a man of value.'' Bob Hope managed to become both.

Four stars on the Walk of Fame—one for each child, a legendarily happy marriage of 69 years to his beloved Dolores.

I wanna tell ya': Bob Hope is a giant and a national treasure. We will never forget his service to our country.

Thank you for the memories, Mr. Hope. Godspeed.

Mr. MCCONNELL. Mr. President, I listened with great interest to the majority leader's comments about Bob Hope. I remember the morning after he died his daughter was interviewed. She said as the children were coming in and saying goodbye to him, one of them asked, Dad, where do you want to be buried? He said, ''Surprise me.''

He had a one-liner right to the end.

ACCOMPLISHMENTS IN THE FIRST SESSION OF THE 108TH CONGRESS

Mr. MCCONNELL. Mr. President, on another subject, I commend the majority leader, before he leaves the floor, for his extraordinary leadership this year. We have truly had an outstanding 6 months. I am totally confident it would not have happened but for his nurturing of all Members and moving us in the right direction, dealing with the myriad complaints and concerns that arise from Members on both sides of the aisle during the course of trying to move legislation forward.

As he goes into the August recess, he should feel very good about accomplishments so far this year.

The accomplishments of this Senate in the first session of this 108th Congress would be considered remarkable in any historical comparison. But given that our President is in the second half of his term and the slender majority that his party holds in the Senate, the record of accomplishments is nothing short of extraordinary.

These actions have substantially improved our homeland security, our national security, our economic security, and the health and retirement security of our seniors. We have compensated for the budgetary and appropriations shortfalls of last year and are on path to complete our appropriations for the coming year in good order.

In the last 2 months alone, this Senate has taken the historic step of passing legislation to add a prescription drug benefit for our seniors in the Medicare program while imposing much needed market-based reforms. Almost 40 years after the programs creation, and after years of unfulfilled promises, the Senate is poised to complete final action when it returns in September.

In the last 2 months, this Senate has passed both the defense authorization and defense appropriations bills to keep our military strong and ready.

In the last 2 months, the Senate has passed the Federal Aviation Administration reauthorization to revitalize an air transport industry suffering from the effects of the terrorist attack of 9/11.

The Senate has passed appropriation bills for the legislative branch, military construction, and homeland security, with 8 others ready for floor action upon our return in September.

After 42 days of consideration during the past 2 years, the Senate has passed an energy bill.

After more than a decade of repression, the Senate has passed the Burmese Freedom and Democracy Act.

And to ensure funding of any disasters that may arise prior to the Congress' return in September, the Senate has enacted an emergency supplemental for FEMA funding.

Looking to the earlier part of the year, the Senate, extended unemployment benefits to those who need it—twice; passed the 11 unfinished spending bills from the last Congress; funded Operation Iraqi Freedom; initiated the protection of Homeland by confirming the nomination of the first Secretary of the Department of Homeland Security; maintained fiscal discipline by passing the Federal budget which the Senate failed to do last year; enacted the President's plans to create jobs and stimulate the economy; banned the horrific practice of partial birth abortion; passed the President's faith-based initiative; funded the effort to eradicate the scourge of global AIDs; acted to guard our children against abduction and exploitation by passing the PROTECT Act; improved safeguards from foreign terrorists by enacting the FISA bill; expanded of NATO to include most of the former Warsaw Pact countries; passed a significant arms reduction treaty with enemy turned ally, Russia; taken steps to bridge the digital divided by providing needed funds to historically black colleges; affirmed the constitutionality of using the term ''under God'' in the Pledge of Allegiance; awarded a Congressional Gold Medal to Prime Minister Tony Blair; and provided tax equity to men and women in our Nation's Armed Forces.

This is a record all Senators can be particularly proud of. There is much yet to be done, but we have had an extraordinary first half of the year. Members of the Senate can go back to their States with a good feeling they have made great progress for our people.

I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senate will begin a period of morning business with Senators permitted to speak therein for up to 10 minutes.

The Senator from New Mexico.

ENERGY POLICY

Mr. BINGAMAN. Mr. President, let me speak very briefly in regard to the Energy bill that we passed here last night. As I just did personally, let me congratulate the majority leader on the decision he and the minority leader, Senator DASCHLE, made to move ahead and take the bill that was developed and had strong bipartisan support in the previous Congress and send that to the conference with the House as the democratically passed bill.

I think that was the right decision. That bill, as many have said, had a strong majority in the previous Congress. I think there were 88 Senators voting for it. There were nearly that many voting for it last night when it, once again, passed the Senate. I think that does allow us to move to the next stage of the process of actually writing a comprehensive Energy bill.

I, like many of my colleagues on the Democratic side, strongly support enacting a comprehensive bill. We have worked very hard to do that in the previous Congress. We worked hard to do that in this Congress, and to assist the majority in the development of the bill.

I believe strongly that the amendments that were offered to the bill that my colleague, Senator DOMENICI, brought to the floor were constructive amendments, were intended to improve the bill, were intended to get us in a better position to serve the needs of the country as far as energy is concerned over the next years and decades.

I think this result is a good one. Like all successful results in Congress, nobody won everything; nobody lost everything. There were wins and losses on both sides. I think that is the nature of compromise. But the end result is the American people will win. We will be able to go to conference now and hopefully develop an Energy bill that will continue to enjoy strong bipartisan support.

That is a challenge, as I see it. We have come a long way in a bipartisan way. We have had disagreements about particular provisions of the bill, but by and large we have been willing to resolve those differences and come up with something that makes good sense for the country. That same process needs to continue in the conference. I am confident it will.

Again, my colleague Senator DOMENICI will chair that conference. We had some disagreement in the previous Congress as to whether the Senate or House chairman should be the chair of the conference. We concluded that, based on precedent and all, in the 107th Congress the House was entitled to that position. But it is obvious now that in this Congress the Senate is entitled to that position. Senator DOMENICI will chair the conference. I hope to be on the conference once the conferees are named, and I look forward to working with him and with all the other members on the conference to try to ensure that we come up with a good bill that meets our long-term energy needs.

Let me, before I yield the floor, just take a moment to thank the staff, the Energy Committee staff, the cloakroom staff, and Senator DASCHLE's staff, for the hard work they put in getting us to this point on the energy legislation: On the Democratic committee staff of the Energy Committee: Bob Simon, Sam Fowler, Vicki Thorne, Patty Beneke, Mike Connor, Leon Lowery, Deborah Estes, Jennifer Michael, Bill Wicker, Jonathan Black, Jonathan Epstein, Malini Sekhar, Poonum Agrawal, Amanda Goldman, Shelley Brown, and Rosemarie Calabro.

The Democratic cloakroom staff, of course, is essential to all the progress we make here in the Senate. I want to acknowledge them: Marty Paone, Lula Davis, Nancy Iacomini, Tim Mitchell, Tricia Engle, Bret Wincup, Eric Pederson, Joe Lapia, Ben Vaughan.

I thank all of them and also Senator DASCHLE's excellent staff that is essential to all progress, as well, here in the Senate: Mark Childress, Jonathan Lehman, Peter Umhofer, Mark Patterson, and Michele Ballentine.

I think the result we achieved regarding energy was a good one. We now have a lot of work to do this fall when we return on the conference. I look forward to that. I am confident we can succeed in passing a good, bipartisan bill. I hope that will be the result.

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

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

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

SUPPLEMENTAL APPROPRIATIONS

Mr. NELSON of Florida. Mr. President, we have passed the supplemental appropriations bill. Because of the lateness of the hour last evening, and the fact that the House had already adjourned, having sent an emergency spending bill to us that basically included disaster relief money to FEMA, almost $1 billion, we were left with a choice of having to take it or leave it. It certainly was necessary for funding for FEMA for all kinds of emergencies. But, unfortunately, we did not have the opportunity to amend the bill to add additional items of very necessary funding.

One of those is the ongoing investigation into what happened to the Space Shuttle *Columbia*. This commission was established by NASA and headed by retired Navy Admiral Gayman. I have personally visited with them several times, and I am quite impressed with the professionalism of the individual members of the *Columbia* commission.

Certainly I am impressed with the professionalism and the dedication of Admiral Gayman as we anticipate the forthcoming report about what happened to the space shuttle. What was

the cause? What is the fix? I think we can anticipate we are going to see them go much deeper into the organization of NASA itself as to what can be improved. I want to talk about that for a minute.

Let me get to the point about my coming to the floor so I can address this issue. They did not get the money appropriated which they need to continue the investigation. The only place conceivably they could get it is to take it right out of the hide of NASA. Of course, NASA has been starved over the last 10 years, which is part of the reason we got to this point in the first place. Safety was not given the priority it should have been given. Often safety is a reflection of where the resources—the money—is going. Thus, over that decade, right up until recently, NASA was starved of funds and, therefore, they were taking money out of space shuttle safety upgrades and putting it into other areas. That is one of the problems I think the Gayman commission will identify as their report comes forward.

But the supplemental appropriations bill that we passed last night did not provide the appropriation of $50 million for the Gayman commission when, in fact, it is ongoing and it will be reporting.

The long and short of it is that when we come back in session in September, that is one of the items we will have to address immediately. I think the will is clearly here in the Senate. From talking to the leadership on both sides of the aisle, I think the will is clearly here, and that is an item that we will have to attend to.

Let me say a couple of words about the investigation and what I think they might find. Clearly, the dramatic evidence they have is that this piece of foam that covered one of the support structures for the strut that attaches to the orbiter came off after launch during the ascent. It came off at such a rate and velocity, hitting the leading edge of the wing—that reinforced carbon—that it just blew a hole in it. Yet when the space shuttle got into orbit many engineers in the space agency were saying we ought to take photographs of it. That was denied. The capability of those high resolution photographs is well known, well established, and well reported in the press. That would have shown the breach. The breach was estimated to be probably a half foot. With that kind of photography available, NASA managers would have been able to clearly see it.

Then the question is, What would you do about it? They had the capability because we had another space shuttle already stacked. It was back in the vehicle assembly building. It could have been processed; it could have been done double time. They could have rolled it out to the pad. Unless there was a major hitch, they could have launched it. They could have gotten this launched as a rescue shuttle in time. Another option was they could have done an EVA—that is an acronym for space walk—from *Columbia* in orbit.

The ingenuity of NASA in a time of peril is just incredible. What that space team, that space family can do to figure out how to take care of problems and how to meet emergencies is incredible.

Let us not forget *Apollo 13*. On the way to the Moon, the major engines exploded. They were losing oxygen. They were losing air pressure. That team went into emergency mode and they figured out how to get those three Apollo astronauts back into the lunar lander. Then they figured out how to use the motor of the lunar lander. As the gravity of the Moon caught them and pulled them behind the Moon, they used that motor to kick them out of lunar orbit onto a trajectory back to Earth. All reasonable people thought we were going to have three dead astronauts. Yet the NASA team, the NASA family, even the astronaut who had been bumped from the flight because he had been exposed to the measles—he was on the ground—could go into the simulator and work it real time—figured out how to bring them back. That team, headed by astronaut Jim Lovell, who was in the spacecraft, came back home. They came back home safely. It was an incredible time. It is just another example of the ingenuity and the high-pressure decisionmaking that NASA's family and its team is capable of doing.

Had they known that a hole was blown into the leading edge of the left wing of the Space Shuttle *Columbia* this past February, they, too, would have been able to figure out something that they could do in a space walk to stuff it in. That may not have saved them but we could have tried.

I think the Gayman report will discuss these issues. But I think the Gayman report is also going to discuss some additional points.

It has been well reported in the press that you can expect they are going to talk about the lack of communication and the culture of NASA that discourages communication from the bottom up. That is a culture that leads to intimidation of people coming forth into the open—a culture in which the managers are not encouraging that information. It is kind of like water. It is very easy for water to flow from the top down, but it is very difficult for water to flow from the bottom up. You have to encourage that communication for it to occur.

Interestingly, this same kind of problem occurred 17 years ago in the destruction of the Space Shuttle *Challenger*. There were engineers in Provo, UT, at Morton Thiokol begging their management the night before to stop the countdown on the Space Shuttle *Challenger* because they feared the cold weather was going to stiffen those rubberized gaskets called O-rings which would on launch allow the hot gases to come through the joints of the solid rocket boosters, which is exactly what happened, and it caused the destruction of the Space Shuttle *Challenger*.

There is a logical reason why it was destroyed, but there is also a culture reason why it was destroyed. That culture was a lack of communication. It was a culture in NASA that did not encourage communication, that was almost intimidation if you dared challenge the authority.

When you are dealing in a research and development agency that is as good as NASA is, you can only expect the very best flow of information in all directions.

So I am looking forward to Admiral Gayman's commission report, which I think will be very helpful as we try to get this problem fixed and get flying again so we can get on with America's space program. Once we address all these culture issues, it is going to be the responsibility of this Congress to help NASA develop a new goal, a new vision, a new mission, that will ignite again the imagination of the American people.

I think in large part that is going to be either us going back to the moon with a lunar colony and/or the next major bold step of sending an international team from planet Earth to planet Mars. That will be an exciting day.

In the meantime, however, we have to do what we did not do last night. We have to fund the investigation as to the destruction of *Columbia*. We have to fund that commission, and not out of the hide of NASA, so that those NASA moneys are not taken away from upgrades in safety. Instead, we have to fund that as we had promised we would fund it.

Mr. President, there was another program we did not fund last night. It is clearly the majority opinion in this Senate that we want to fund AmeriCorps, that we want to continue to have young people have a financial incentive to help out their country, just like we do in the Peace Corps.

We have been down to only 7,500 people in the Peace Corps. We need to at least get that up to 25,000. I have had foreign leaders over the course of the last two and a half decades tell me the Peace Corps is one of the best things America has going for it in our foreign relations.

Also, young people who want to help their country, but not necessarily to do so abroad, ought to be able to do so at home. But, instead, what do we see? The House of Representatives cutting AmeriCorps.

So one of the things we wanted to do last night was to add to the emergency supplemental appropriations bill an additional amount of money so AmeriCorps could stay at least at its present level so it was not cut. That was not done. I am sad it was not done. In the judgment of this Senator, that clearly was not in the best interests of the country.

Indeed, I would like to see a day in which every young person in America

would have an obligation to their country for 1 or 2 years. And that obligation could be their choice of national service. They could go into the military. They could go into the Peace Corps. They could go into AmeriCorps; part of that, the Job Corps. They could go in as teachers' aides. They could do innumerable tasks and, in return, have some financial incentives for their own education, something akin to what we did after the Great War, the GI Bill, where soldiers could come back and go to school.

The politics is not right for that. It would be costly. But that is a goal I think we ought to work toward. Instead, what we are doing is exactly the opposite by cutting AmeriCorps.

LIBERIA

Mr. NELSON of Florida. Mr. President, I was looking forward to going right now to a classified briefing on Liberia as part of our Senate Armed Services Committee. It is my understanding that briefing has been canceled because they feel too many of the Senators have already gone back to their States. I am going to still see if we can get that information for those of us on the Armed Services Committee who are still here.

But as we look at Liberia, we cannot keep delaying decisionmaking. I think putting the marines on the boats offshore is clearly a step in the right direction, but this should have been done a couple of weeks ago. Although it wasn't, the marines are in transit, and that is a step in the right direction.

What do we need to do? I think it is clearly in the interest of the United States that we diplomatically—in addition to the military action—make sure the cease-fire we are trying to get in place stays, and to reach out to all sides, including the rebel side. I think they have an interest in having the cease-fire. We need to make sure that cease-fire sticks. Then we need to work out an arrangement whereby the African troops come into place. At that point, once there is a military presence stabilizing the country, I think we should have a simultaneous evacuation of Taylor with our U.S. Marines coming in with a presence for a short period of time, with mainly the peacekeeping burden being put on the ECOWAS or African troops. Clearly, we, the United States, need to be directly involved in order to stabilize that region, with a minimum of involvement of U.S. troops.

It is clearly in our interest that part of Africa be stabilized. We are going to have to help with it. I think the movement of the marines into that region, albeit on the ships offshore, is a step in the right direction. I hope something akin to what I have laid out here will, in fact, be put into place.

So thank you, Mr. President, for the opportunity to share these thoughts. I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

ASSOCIATION HEALTH PLANS

Mr. TALENT. Mr. President, it is my pleasure to speak to the Senate today about a subject on which I have risen to speak before, a very important piece of legislation that I think has the potential to solve what is probably the No. 1 problem that small businesspeople and their employees confront today. I am talking about the bill which I have cosponsored along with Senator SNOWE, who is the chairman of the Small Business Committee, and others. It is a bill to allow small businesspeople to create association health plans.

This bill is not a Government program. In a time of great deficits, it does not require us to spend any money. It is going to take a long step toward solving the problems of the uninsured, reducing the number of the uninsured, and getting working people better health insurance at less cost. It does not cost the taxpayers anything because all it does is allow people to work together and do for themselves, as small businesspeople and employees of small businesses, what big companies and employees of big companies can already do.

Most people in the United States who have health insurance are a part of a big national pool—almost everybody is. You are either in Medicaid or Medicare or the Federal Employees Health Benefits Plan or covered by a labor union plan or a multi-employer plan with a labor union or you work for a big company. If you are in any of those situations, you are covered by health insurance, and it is health insurance where you are a part of a big national pool.

The only people who are not in that situation are people who work for small businesses. I define that very broadly. That includes farmers. It includes people who are self-employed consultants operating out of their own home. They are in the small group market. They have to buy insurance. If they own or run a small business or a farm, they are buying insurance for small groups of people, 5 people or 10 people or 20 people or 25 people.

Insurance works better when you spread the risk across as large a pool as possible. It doesn't take an advanced degree to understand that. All association health plans do—and it is very important what they do—is simply allow the employees of small businesses to get the same efficiencies and economies of scale that employees of big business already enjoy. All I would do is allow trade associations—the Farm Bureau, the NFIB, the Chamber of Commerce, the National Restaurant Association—to sponsor health insurance coverage nationally the same way the human resources side of a big company would do.

Let's take a big company such as Emerson Electric, a great company in Missouri, or Sprint, or Anheuser Busch, all headquartered there. They have a human resources side, an employee benefits side. They contract with insurance companies nationally; they may have a self-insured side. Then their employees all over the country can enjoy an option in different plans as part of pools of 5 or 10 or 20 or 30,000 people. The administrative costs of such plans are much lower because they are spread across a much wider base of employees. They have much greater purchasing power and negotiating power when dealing with the big insurance companies. They have the competitive possibilities of self-insurance. So insurance is better in that situation and it costs less.

It doesn't mean they don't have problems, but you are a lot better off there than you would be and are right now if you are struggling as a small business owner or the employee of a small business.

Of the 44 million people uninsured in the country, about two-thirds either own a small business or work for a small business or are dependents of somebody who owns or works for a small business. I am including farmers. Then there are tens of millions of other people who may have health insurance through a small business, but it is bare-bones health insurance. It is not what it should be because the costs are so high, and they are going up every year.

There is a human side to this. Senators who have not done this—I imagine most Senators have—go out and talk to people who work in small businesses or run small businesses. I guarantee you, they will tell you the No. 1 problem they are confronting, short and long term, is the rising cost of health insurance and increasing unavailability. This hits people where they live.

We have had too many layoffs in Missouri. We have lost more jobs in Missouri in a 1-year period than any other State. There are a lot of bad results connected with the layoff, obviously. But I think maybe the first that hits a family when they lose a job or are concerned about losing a job, particularly if it is a family with kids, is: What about my health insurance? What do I do for that? It is as important as people's wages.

Folks in the small business sector, employees of people in the small business sector have labored too long in a market that does not work. It is dominated by a few companies, and they are acting more and more like monopolists, raising prices higher and higher, providing fewer and fewer services, less and less quality insurance. We need to do something about it. We can do it, if this Senate will pass association health plans. It passed in the House by 100 votes last month—strong bipartisan support. It has passed several years in a row in the House. The President supports it. We in the Senate ought to pass it.

I fought on the floor of the Senate for it. I will continue to do so. It is a great bill. We have great sponsors. We will take up the debate again in the fall. I am very hopeful we can pass it.

It is no secret—and Senators know this because I have been talking to them and I know how strongly they are being lobbied on both sides, lobbied in opposition to association health plans—who is at the core of the lobbying effort against association health plans. It is the Blue Cross Insurance Company. It is no secret why. Blue Cross is dominant in many States. It is one of the few big insurance companies in almost every State that currently provide health insurance to small businesses. They have a big stake in not having association health plans enter the market to compete. It would be a huge competitive force. It would take business away from them or cause them to lower their prices in order to keep the business.

I don't begrudge them or anybody else their opportunities or rights to lobby on legislation that comes before this Senate. They have lobbied. They spent $4.3 million last year on lobbyists. I don't know how much of that was spent on association health plans. We do know this is the No. 1 priority for that company—to stop this bill. We can all infer why. I don't begrudge them that. But the debate ought to be done honestly, and it ought to be done within the limits of fair play. That is not happening. I want the Senate to know about it.

First, I said it is not being done within the limits of honesty. The No. 1 charge being brought against association health plans is not only not true, it is exactly the inversion of the truth. It is exactly the opposite of the truth. If you want to fool somebody, tell them something that not only isn't true but is the opposite of the truth. Try and sell them on that.

The No. 1 charge against association health plans is that they would result in cherry picking; that is, that small businesses that are healthy would want to go into the association health plans; small businesses with employees who are sick would not want to go into association health plans. That is the exact opposite of the truth. I think everybody who currently is trapped in the small group market is going to want to be a part of an association health plan. Who would not want to get insurance through a big national pool as opposed to a small group of 5 or 10 people, if you could do it? It is simply economics. It operates more efficiently. It operates better. It is going to lower costs for everybody. By our estimates, it will lower costs for small business, on average, 10 to 20 percent and reduce the number of uninsured by millions. It will provide good quality health insurance to others who right now are laboring with bare-bones insurance because the market is so difficult. Everybody is going to benefit. The people who will benefit especially are people who are trapped in small groups where somebody has become sick.

I have talked about this subject and toured scores and scores of small businesses. I have brought up this charge of cherry picking. I say to people: If you had a history of medical problems and you had a choice of working for a big company which provides health insurance the way an association health plan would or, on the other hand, working for a small company which is trapped in this small group market and that was all you knew about the two opportunities—big company, national pool; small company, small group market—and you were sick, for which one would you want to work? I have never had a single person say: I want to work for the small business; I think I am going to get better health insurance there.

One of the big competitive advantages big businesses have over small businesses is that generally they offer better health insurance. Everybody in the job market knows it. I have had a lot of small business people tell me: We have lost employees to big companies on the health insurance issue. We have not been able to hire people we want to because they went to work for a big company because they thought they would get better health insurance.

I don't begrudge the larger companies. But why should small businesses and their employees not have the same opportunities? This will benefit everybody in the small business market, but it is going to benefit most the people who are ill, or employers who are struggling along with people who are ill and are doing the best they can to provide good health insurance.

Here is another reason it is not association health plans that will cherry-pick. The legislation requires that they take everybody, all comers. Must offer/must carry. Join the association and you get the health insurance. They cannot screen you out because you have somebody who has cancer or heart disease or something like that.

Mr. President, it is the big interest companies now who are cherry-picking. Just talk to people who run small businesses. When somebody in their business gets sick and files a claim, their rates get jacked up or they get canceled. Everybody knows it. I could give a lot of examples. One example is Janet Poppen, a small business owner from St. Louis. Like many small business owners, she wants to do right by her five employees, so she tries to provide them health insurance. How many hours and hours does Janet and people like her spend just on the administrative details? It is hours they need to spend running their small business.

If we had an association health plan, they would join the trade association, and the trade association has done all that work. It just sends them the papers and they sign up their employees. She had health insurance through Blue Cross/Blue Shield, and one of her employees had the temerity to get sick with non-Hodgkins lymphoma. As soon as she started getting treatment for the cancer, Janet's premiums increased by 16 percent. That is on top of the substantial premium increases that had occurred the year before. Her premiums had gone up 35 percent over 2 years.

This is not an uncommon story. Everywhere I go, small businesses say that premiums are going up 15, 20, 25 percent a year, doubling over 3 years, going up by a third over 2 years. That happened to Janet Poppen, and she is insured by Blue Cross. They are the ones cherry-picking. Association health plans are the remedy, and to say otherwise is the exact opposite of the truth.

One other point, and then I will close. I have trespassed on the Senate's time enough. We ought not to turn this debate, which is one of the most important ones we are going to have in the Senate, into a sweepstakes. Blue Cross is doing that. They have sponsored a Web site. There are other problems as well, but on that Web site they have a sweepstakes. You can enter the sweepstakes to win a trip to Washington for four people, and they will give you $300 cash on top of it. Do you know what you have to do to enter the sweepstakes? You have to click on the place where you can send an e-mail to your Congressman and Senator opposing association health plans. Then you get in the sweepstakes. Then you get a chance to win a trip to Washington—if you will just click on the e-mail and send a letter to Washington opposing association health plans. You don't get anything if you send in a letter supporting association health plans. I will show the Senate where it says enter to win.

Here is a chart, and this is the Web site now. It says that you can make your voice heard by sending a free fax to Congress. That is what they tell people. They don't tell you what the fax is about, that the fax has to oppose association health plans and support their business interests. Then they have some misrepresentations about association health plans.

Go to the third chart. This is what you get if you do it. At least you have a chance at this. It is a drawing. The grand prize is a trip for four to Washington, DC, including round-trip coach class air transportation at the U.S. airport nearest the winner's home, double occupancy, standard hotel accommodations, two rooms, a 4-hour Washington, DC, bus tour, shuttle bus airport transfers, and a total of $300 in spending money. It has an approximate retail value of $4,000.

All you have to do is join Blue Cross, sending in an e-mail opposing the association health plans. You don't get to join if you decide you want to support them. You don't get a chance at the sweepstakes then.

I always encourage people to contact their Congressmen and Senators. I like it when people contact me, even if they disagree with me on something. That gives me a chance to write back and explain my position. I have had great exchanges with constituents that way.

But we ought not to give people a monetary incentive one way or another because that means the opinions we are getting are not unnecessarily unbiased, are they?

I don't blame anybody who wants a shot at a $4,000 trip and participates in a sweepstakes in order to get it. But I sure blame the people who have sponsored that Web site and are distorting the debate on this serious issue before the Senate. And this is a serious issue.

There are millions and millions of people in this country who don't have health insurance and who need it. Most of them are stuck in a market that isn't working and is dominated by a few competitors, and we have a chance to change that. It doesn't even cost the taxpayers anything. I hope we can do it. They have done it in the House with a bipartisan vote. I hope we can do it in the Senate. At the very least, we need a debate that is conducted honestly, conducted fairly, and that doesn't turn health care into a sweepstakes. I hope after this we will have it.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

TRIBUTE TO ROBERT S. WINER

Mr. LAUTENBERG. Mr. President, I rise to express a personal note of grief and fond remembrance as I pay tribute to one of my dearest friends, Bob Winer, who passed away on July 18.

Bob was born in Brooklyn, NY, moved to New Jersey, and joined the Navy when he was 17 and proudly served in the Pacific during World War II.

After the war, he joined his two brothers in a clothing manufacturing business begun by their father many years earlier. The company, Winer Industries, was located in Paterson, NJ, where I was born.

I first met Bob when I called upon him to use my company—ADP—to handle his payroll and other data processing needs. He became a client and a good friend almost immediately; our friendship grew and grew over the next 40 years.

Bob truly was larger than life. We shared common interests like skiing, boating, and feasting. Bob had a zest for living that few could match. He traveled extensively. He enjoyed spearfishing, often surrounded by sharks and barracuda, and taught his children and his friends to be comfortable in that environment. He owned airplanes and was a great pilot with thousands of hours to his credit, and I spent many hours as his co-pilot. He suggested that I take flying lessons, asking me what I might do if he suddenly ''slumped over the wheel.'' My response was that if that were to happen, I would slump over the wheel, too! He seemed indestructible.

The best thing about Bob's zeal for living was his insistence on sharing it with lots of family and friends. He let his 8-year-old nephew land a twin-engine plane—at night. That might strike some people as foolhardy but the thing about Bob was that he had so much confidence, so much skill, and so much courage, he inspired it in others.

Bob did well in life. He lived in Morristown, NJ, and had homes in Nantucket, Vermont, and Florida, and lots of friends in many places. Yet, he was about as unassuming as someone can be.

But more important, Bob did so much good in life, too. When Bob's brother and sister-in-law were killed in a plane crash, Bob and his wonderful wife Elaine, with their three daughters—Trisha, Laurie, and Jill—helped raise his brother's children, Jeannie, Ken, and Larry, as their own.

I think we grow or shrink in direct proportion to our generosity. Bob was the most generous person I have ever met and everyone who knew him would say that it was apparent in everything he did. It was a rare privilege to know him and I was proud to call him my friend.

Bob was devoted to his family and friends, his business and community, and our country. He was a veteran, a philanthropist, and an adventurer. Above all, he was an extraordinary human being.

In 1899, Robert Ingerson, a known essayist who lost a brother, wrote these words which I think provide a fitting tribute to Bob, who was like a brother to me:

> He added to the sum of human joy; and were everyone to whom he did some loving service to bring a blossom to his grave, he would sleep tonight beneath a wilderness of flowers.

Few people on this earth have done more than Bob Winer to ''add to the sum of human joy.'' So, while we grieve his death and hold him and his family in our prayers, it's also appropriate to celebrate his life, a life so richly lived.

He will be sorely missed by family and friends, and in my life, a tear will fall every time I think of him.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I ask unanimous consent that I be permitted to speak for up to 30 minutes in morning business.

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

COMPACT OF FREE ASSOCIATION WITH THE FEDERATED STATES OF MICRONESIA AND THE REPUBLIC OF THE MARSHALL ISLANDS

Mr. AKAKA. Mr. President, I rise today to speak about S.J. Res. 16, the Compact of Free Association Amendments Act of 2003, which was introduced by myself, Senators BINGAMAN, DOMENICI, and CRAIG on July 14, 2003. S.J. Res. 16 is the Bush administration's legislative proposal codifying 3 years of negotiations on title II of the Compact of Free Association between the United States and the Republic of the Marshall Islands (RMI) and the Federated States of Micronesia, FSM. I have been monitoring this process very closely since negotiations began in 1999.

When the Senate returns after Labor Day, we have a very short window to enact this legislation, which is critical to the success of the U.S. political relationship with these two Pacific Island nations. I want to take some time to share with my colleagues the amendments that I intend to offer to ensure that the negotiated provisions remain consistent with the intent of the Compact of Free Association since its enactment in 1986 and address specific issues as they relate to the costs borne by the State of Hawaii over the past 17 years.

My interest in these islands first began when I was stationed there in World War II, as a soldier in the United States Army. The first island that I landed on was Enewetak, an atoll in what is now the RMI. I ended up on Saipan and Tinian where I watched the Enola Gay take off for Hiroshima. I then returned to the islands that are now the FSM and RMI as a first mate on a missionary ship and spent six months in the islands. After being elected to Congress, I continued to closely follow events in the Pacific islands and continued my relationships with many of the families in the RMI and FSM.

As a member of the Senate, I have been privileged to serve on the Senate Energy Committee which has jurisdiction over insular areas. I have returned to the islands on trips, often with my friend and former colleague, the former Chairman of the Energy Committee, Governor Frank Murkowski, and I have continued to meet with Pacific island government leaders.

I have been very interested in the negotiations which have been ongoing since 1999, not only because of the impact of the Compact of Free Association on the State of Hawaii, but because of my interest in ensuring that the United States preserves its commitment first under the U.N. Trusteeship agreement and then under the Compact to establish sovereign governments and to promote economic development and self-sufficiency.

I commend the chairman and ranking member of the Energy Committee, Senator DOMENICI and Senator BINGAMAN, for their efforts to expedite consideration of this legislation in the Senate, and their appreciation of what needs to be done to fulfill our responsibilities to our allies in the Freely Associated States, or FAS.

The Federated States of Micronesia is a group of 607 small islands in the Western Pacific about 2,500 miles southwest of Hawaii. While it has a total land area of about 270.8 square miles, the FSM occupies more than one million square miles of the Pacific Ocean. It is composed of four island states, formerly known as the Caroline

Islands—Kosrae, Pohnpei, Chuuk, and Yap. Today, the FSM Constitution provides for three branches of government—the executive, judicial and legislative branches. The President is the head of state of the national government and there are elected Governors for each of the four states. The estimated population of the FSM is 105,500.

The Republic of the Marshall Islands is located about 2,136 miles southwest of Hawaii and is made up of five islands and 29 atolls. While the RMI's total land area is only about 70 square miles, the RMI covers about 750,000 square miles of sea area. There are three branches of government in the RMI—the legislative, executive and judicial branches. The head of state is the President, who is elected by the legislature from its membership. The population of the RMI is approximately 56,000.

The Compact of Free Association may be new to some of my colleagues, particularly those who were not in Congress in 1986. The United States has a very unique relationship with the FSM, RMI, and Palau, whose Compact is not being considered for negotiation. It is unfortunate that there is some misunderstanding about the purpose and intent of the Compact of Free Association. The compact established the RMI and FSM as sovereign states that conduct their own foreign policies. Both countries were admitted to the United Nations in 1991. However, the Freely Associated States remain dependent upon the United States for military protection and economic assistance. The compact provides that the United States has the prerogative to reject the strategic use of, or military access to, the FAS by other countries, which is often referred to as the ''right of strategic denial.'' The compact also provides that the U.S. may block FAS government policies that it deems inconsistent with its duty to defend the FAS, which is referred to as the ''defense veto.'' Under the compact, the United States also has the exclusive military base rights in the FAS. In exchange, the U.S. is required to support the FAS economically, with the goal of producing self-sufficiency and FAS citizens are allowed entry into the United States as nonimmigrants for the purposes of education, medical treatment and employment.

As we consider S.J. Res. 16, I will be offering a number of amendments to address the sufficiency of the negotiated provisions to fulfill the U.S. commitment to assist the FSM and RMI with economic development opportunities, with the goal of self-sufficiency in 20 years. I am also working on amendments to address issues specific to the costs incurred by Hawaii during the first 17 years of the Compact of Free Association.

I have a tiered approach to meet these objectives. My long-term intent is to improve the education and medical infrastructure in the RMI and FSM. Economic development and self-sufficiency cannot occur without the proper tools of education and health care. These improvements will take substantial investment over time. My short-term goal is to reimburse the State of Hawaii for the costs incurred by the compact. I will discuss those amendments in a few minutes.

Title II of the compact, Economic Relations, expired on September 30, 2001. The compact provided, however, a two-year extension if negotiations were underway. Title II expires on September 30, 2003. Title II is critical to the success of the compact as it includes all of the Federal funding for the RMI and FSM. It is my understanding that the legislative proposal contains some unilateral changes that were made to the compact without the consent of the RMI and FSM governments—we will need to examine those provisions closely. In addition, I believe we need to examine some of the immigration provisions which are included in S.J. Res. 16 to ensure that they do not circumvent the purpose of the Compact of Free Association.

I would now like to turn to the issue of disaster assistance. Under the current compact, the Federal Emergency Management Agency, FEMA, provided disaster relief to the communities in the FSM and RMI. In addition, FEMA provides essential services after natural disasters such as typhoons or tsunamis. Disaster assistance includes both individual grants and low-interest loans. Most, but not all, Federal assistance is in the form of low-interest loans to cover expenses not covered by State or local programs, or private insurance. Individuals who do not qualify for loans may be able to apply for a cash grant. Cash grants are also available for home repair, rental, and funeral services.

The public assistance grants for community infrastructure allow territorial, local, or even village-level organizations to respond to disasters, to recover from their impact, and to mitigate impact from future disasters. While these grants are aimed at governments and organizations, their final goal is to help a community and all its citizens recover from devastating natural disasters. The grant assistance, provided on a matching basis, helps toward the repair, replacement, or restoration of disaster-damaged, publicly-owned facilities. FEMA assistance is critical. In 2002, Typhoon Cha'atan hit the FSM and caused 50 deaths, injured hundreds of people, and resulted in $6 million in property damage.

S.J. Res. 16 removes FEMA's role in providing disaster relief, and replaces it with the U.S. Agency for International Development, Office of Foreign Disaster Assistance, OFDA. This doesn't make sense. OFDA assistance is for humanitarian relief of disasters in foreign nations, with direct provision of food and shelter, and assistance in protecting health and rebuilding water supplies. FEMA's disaster assistance, through its individual and public assistance grants, provides U.S. communities with the ability to rebuild and reinvest in their infrastructure. We have invested millions in FSM and RMI to build and protect infrastructure. These investments need to be protected to ensure that these Pacific island communities will be able to recover from natural disasters.

We cannot terminate FEMA's disaster assistance. We must replace USAID's OFDA with FEMA's disaster assistance programs for the amended compact, maintaining the strong and reliable service that the islands need when peoples' lives are destroyed by natural disasters. I look forward to working with my colleagues to rectify this situation.

As we continue assisting the FAS in building up physical infrastructure and achieving long-term self-sufficiency under a new funding mechanism, I cannot emphasize enough the urgent need to continue FAS eligibility for federal programs. It is important for us to maintain the view that such programs are complementary to the economic assistance under the compact and must continue to be open to FAS citizens if we are to succeed in allowing the FSM and RMI to fully develop.

Federal programs in education have been a cornerstone for FAS communities, particularly in the later years of the original compact. This was when schooling evolved away from—as noted in 1994 by an Asian Development Bank study—its use as a tool to advance the interests and objectives of colonial powers. Rather, educational content has become more appropriate to traditional education and changed the lives of many FAS citizens for the better, strongly encouraging them to actually enroll in school.

It is remarkable, for example, that the proportion of those who completed secondary education in the FSM almost doubled from 25 to 47 percent between 1980 and 1994. Today, the FSM Government reports that the literacy rate is quite high and all children are required to attend school at least through the eighth grade. In the RMI, elementary school enrollment increased from almost 7,400 in the late, seventies to more than 11,700 in 2000, while secondary school enrollment went from 1,430 to 2,586 in the same period.

It is imperative that we help to educate young generations in the FAS because those ages 15 years or younger make up nearly half of the FSM and RIM populations and will eventually become parents, workers, and government, business, and community leaders. Education is the key to a strong future for these island communities and will ensure that the U.S. investments in these populations will reap positive returns.

However, despite the great progress that has been made, the FAS clearly have a long way to go in improving their educational systems. This is evidenced by FAS citizens' continued migration to Hawaii and other parts of

the U.S. for educational opportunity. Even so, the Micronesians and Marshallese have taken education into their own hands and are striving mightily to attune it to the needs of their people. In this vein, Federal programs such as Head Start, title I for disadvantaged populations, the Individuals with Disabilites Education Act, IDEA, and Pell Grants have tremendously helped by empowering the FAS and providing vital resources to help them create sound education systems that serve the needs of their people. Indeed, I have been assured that without Pell Grant assistance, higher education institutions such as the College of Micronesia would be unable to continue operating.

Given the importance of such programs to the FAS, I am concerned about recent and ongoing efforts in the other body to limit or eliminate FAS eligibility for various education and other domestic Federal programs. I am not alone in this concern. I was pleased to join Senators DOMENICI, BINGAMAN, and CRAIG in writing on May 20 to the leaders on the HELP Committee, asking that they maintain support for the FAS through eligibility for various education programs. As we state in the letter, ''the loss of such funding could very well mean the end of education services at all age levels in the FAS.'' When we return in September, I intend to pursue this matter with my colleagues.

I would now like to address some compact issues specific to the State of Hawaii. Section 104(e)(1) of the Compact (Public Law 99–239) states, ''it is not the intent of the Congress to cause any adverse consequences for the United States territories and commonwealths or the State of Hawaii.'' The compact further authorizes appropriations for such sums as may be necessary to cover the costs, if any, incurred by the State of Hawaii, the territories of Guam and American Samoa, and the Commonwealth of the Northern Mariana Islands, CNMI.

As FAS citizens are allowed free entry into the United States as part of the compact, many FAS citizens reside in the State of Hawaii. Since 1997, when Hawaii began reporting its impact costs, the State has identified over $140 million in costs associated with FAS citizens. In 2002, the State of Hawaii expended over $32 million in assistance to FAS citizens, with the highest costs reported in education. The State of Hawaii has received a total of $6 million in compact impact aid, largely due to our efforts in the Senate and the leadership of the senior Senator from Hawaii, Mr. DAN INOUYE. This modest amount of funding, however, does not adequately reimburse the State of Hawaii for its costs over the past 17 years.

S.J. Res. 16 includes $15 million in mandatory funds to be distributed annually between the State of Hawaii, Guam and the CNMI for compact impact aid. While it is an improvement to have mandatory funding earmarked for compact impact aid, the amount is not based on the actual costs to the affected areas over the past 17 years. As I have just said, for 2002 alone, the State of Hawaii spent over $32 million on services for FAS citizens. I plan on offering an amendment to increase the amount of annual compact impact aid to the State of Hawaii and other affected areas. I am also drafting an amendment which would authorize reimbursement for the funds expended by the governments of the affected areas between 1986 and 2003.

Hawaii's medical providers have also suffered because they are owed thousands of dollars in unpaid medical bills. Some of the debt has been incurred by individuals, FAS citizens lacking financial resources—who present themselves to medical providers for treatment. Other debt, however, is a result of the medical referral program, and is to be paid by the FSM and RMI governments. The medical referral program allows FAS citizens to travel to Hawaii for medical treatment to be paid by the FSM or RMI because such treatment is not available in their country.

During its consideration of the original compact, Congress recognized this problem and authorized funding for unpaid debts related to the medical referral program which were incurred prior to 1985. Unfortunately, the problem has continued. Hawaii's medical providers, who are already having difficulties meeting the health care needs of their communities, are unfairly penalized because of the inability of the island governments to pay the medical bills associated with the medical referral program. I will introduce an amendment that would extend the authorization for funding for the medical referral program debts to 2003.

I also plan to offer amendments which would alleviate the compact's cost to the State of Hawaii by restoring and establishing the eligibility of FAS citizens for programs such as Medicaid, Food Stamps, and Temporary Assistance to Needy Families, TANF.

It is imperative that we restore eligibility of FAS citizens for non-emergency Medicaid. FAS citizens lost many of their public benefits as a result of the Personal Responsibility and Work Opportunity, PRWORA, Act of 1996, including Medicaid coverage. FAS citizens were previously eligible for Medicaid as aliens permanently residing under color of law in the United States.

After the enactment of welfare reform, the State of Hawaii could no longer claim Federal matching funds for services rendered to FAS citizens. Since then, the State of Hawaii, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands have continued to meet the health care needs of FAS citizens. The State of Hawaii has used state resources to provide Medicaid services to FAS citizens. In 2002 alone, the State spent approximately $6.75 million to provide Medicaid services without receiving any federal matching funds.

There has been an increasing trend in the need for health care services among FAS citizens. During the current fiscal year, the number of individuals served in the State of Hawaii's Medicaid program has grown from 3,291 to 4,818 people based on the average monthly enrollment. This is an increase of 46 percent. For only the first half of the fiscal year, the State of Hawaii has spent $4.66 million for the Medicaid costs incurred for FAS citizens. These Medicaid costs do not reflect additional State expenditures on medical care contracts to care for the uninsured, community health care services, and for the activities of the Department of Health's Communicable Disease Branch.

The Federal Government must provide appropriate resources to help states meet the healthcare needs of the FAS citizens—an obligation based on a federal commitment. It is unconscionable for a state or territory to shoulder the entire financial burden of providing necessary education, medical, and social services to individuals who are residing in that state or territory when the obligation is that of the Federal Government. For that reason, I am seeking to provide reimbursement of these costs. It is time for the Federal Government to take up some of the financial responsibility that until now has been carried by the State of Hawaii, CNMI, and Guam, by restoring public benefits to FAS citizens.

Eligibility of FAS citizens for non-emergency Medicaid must be restored. In addition, the State of Hawaii, Guam, American Samoa, and the CNMI should be reimbursed for the Medicaid expenses of FAS citizens incurred since 1996. It is the right thing to do.

Continuing along the lines of assisting FAS citizens towards long-term self-sufficiency, I would now like to turn to the issue of social services. The need for support provided by a safety net of social services becomes apparent when we take a look at the economic conditions FAS citizens face at home. In 2001, per capita income, as measured by purchasing power parity, was $1,600 in the RMI and $2,000 in the FSM. This amounts to almost $8,000 below the poverty threshold per capita in the U.S. for that same year. Furthermore, many FAS families are single-parent households and face many barriers to employment, including low or no-job skills, low levels of education, and disabilities.

This is why it is important to provide Federal support through social service programs while continuing to develop new economic opportunities for FAS citizens. Otherwise, the impact of serving FAS citizens will continue to be felt outside of the FAS. For instance, in Hawaii, according to the state's Attorney General, financial assistance in the form of the Temporary Assistance to Other Needy Families, TAONF, program, a State program, provided $4.5

million to FAS citizens in State Fiscal year 2002. This amount is secondary only to the amount spent to provide educational services to the FAS. Of this total, $390,000 went to the General Assistance program, which supports individuals and couples with little or no income and who have a temporary, incapacitating medical condition; $532,000 supported aged, blind, and disabled FAS citizens with little or no income who are not eligible for federally-funded Supplemental Security Income SSI; and $3.6 million went to the State's TAONF program that assists other needy families who are not eligible for federal-funding under the Temporary Assistance to Needy Families, TANF, program.

The number of FAS citizens served by the Hawaii Department of Human Services has increased by almost 20 percent in the span of one year alone. The financial assistance that the State of Hawaii provides to FAS citizens in the form of TAONF is a great support to those families attempting to achieve economic stability.

I am also planning on offering an amendment to make FAS citizens eligible for the Food Stamp Program. The Food Stamp Program serves as the first line of defense against hunger. It is the cornerstone of the federal food assistance program and provides crucial support to needy households and those making the transition from welfare to work. We have partially addressed the complicated issue of alien eligibility for public benefits such as Food Stamps, but again, I must say it is just partial. Not only should all legal immigrants receive these benefits, but so too citizens of the FAS. Exclusion of FAS citizens from federal, state, or local public benefits or programs is an unintended and misguided consequence of the welfare reform law.

We allow certain legal immigrants eligibility in the program. Yet FAS citizens, who are not considered immigrants, but who are required to sign up for the Selective Service if they are residing in the United States, are ineligible to receive food stamps. We must correct this inequity. I will work on clarifying current law regarding FAS citizens' eligibility for various federal assistance programs, including TANF and Food Stamps.

In addition, I ask my colleagues to support efforts to extend current TANF state waivers and reinstate recently expired state waivers. Hawaii has been operating under a waiver approved by the U.S. Department of Health and Human Services since 1996. To date, Hawaii has met all of its employment goals, despite experiencing difficult economic times in the 90s and into the current decade. This waiver maintains protections for disabled individuals, including FAS citizens, which were reported in the State Fiscal Year 2002 as numbering over 200. I am concerned that proposals that would limit various support services to this disabled population to three months would guarantee failure for many Hawaii families, including FAS citizens, should Hawaii's waiver be allowed to expire. I look forward to working with my colleagues on the Finance Committee on this separate TANF reauthorization issue.

I cannot stress the importance of the Compact of Free Association to the Pacific islands, the State of Hawaii, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa. The United States made a commitment to help these countries attain self-sufficiency through economic development and Federal programs based on a political relationship unique to this situation. We must honor this commitment by ensuring adequate resources to meet our obligations. We cannot treat the FSM and RMI as mere allies and foreign nations—the political relationship of free association calls for more than that. We must provide Federal benefits such as Food Stamps, TANF, and Medicaid to FAS citizens residing in the U.S. We must ensure that the trust funds for each country have sufficient funding to ensure that in 20 years, the RMI and FSM will be able to function as economically independent nations. We must improve the infrastructure of the education and medical systems in the RMI and FSM to alleviate the long-term impact of the Compact on the State of Hawaii and Pacific territories. We must continue eligibility in federal education programs such as Head Start, the Individuals with Disabilities Act, Pell Grants, title I, and the No Child Left Behind Act to ensure that we equip future generations of Micronesians and Marshallese with the educational tools necessary to succeed in the 21st century. We must do all of this in a culturally sensitive manner.

We have a big challenge ahead of us, to keep the commitment we made in 1986. I look forward to working with all of my colleagues on this important endeavor.

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

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

STRENGTHENING THE DEFENSE OF MARRIAGE ACT

Mr. CORNYN. Mr. President, I rise today to say a few words about the importance of the Defense of Marriage Act.

Recent and pending cases, before the Supreme Court and the state court of Massachusetts, raise serious questions regarding the future of the traditional definition of marriage throughout America as embodied in the bipartisan Defense of Marriage Act. I believe it is important that the Senate consider what steps, if any, are needed to safeguard the institution of marriage that the Defense of Marriage Act has expressly defined since 1996.

In very simple and easy to read language, the Defense of Marriage Act stated that a marriage is the legal union between one man and one woman as husband and wife, and that a spouse is a husband or wife of the opposite sex. That declaration did not break any new ground or set any new precedent. It simply reaffirmed the traditional definition of marriage.

The Defense of Marriage Act received overwhelming bipartisan support in both Houses, as you would expect. The House passed the act by a vote of 342–67, and the Senate passed it by a vote of 85–14.

President Clinton signed the measure, stating that: ''I have long opposed governmental recognition of same-gender marriages, and this legislation is consistent with that position.'' And since that time, 37 States have passed defense of marriage acts at their own level, defining marriage for purposes of State law.

In the words of the eloquent senior Senator from West Virginia, a sponsor of the Defense of Marriage Act

> Throughout the annals of human experience, in dozens of civilizations and cultures of varying value systems, humanity has discovered that the permanent relationship between men and women is a keystone to the stability, strength, and health of human society—a relationship worthy of legal recognition and judicial protection . . .

He went on to say:

> The suggestion that relationships between members of the same gender should ever be accorded the status or the designation of marriage flies in the face of the thousands of years of experience about the societal stability that traditional marriage has afforded human civilization.

Senator BYRD was echoing an understanding of marriage shared by many, if not most, and particularly the late Dietrich Bonhoeffer, who wrote:

> Your love is your own private possession, but marriage is more than something personal it is a status, an office that joins you together.

Marriage is so fundamental to our culture and to civilization itself that it is easy to forget how much depends on it.

Marriage provides the basis for the family, which remains the strongest and most important social unit. A wealth of social science research and data attest to this commonsense fact.

And as columnist Maggie Gallagher writes:

> When men and women fail to form stable marriages, the first result is a vast expansion of government attempts to cope with the terrible social needs that result. There is scarcely a dollar that state and federal government spends on social programs that is not driven in large part by family fragmentation: crime, poverty, drug abuse, teen pregnancy, school failure, and mental and physical health problems.

Clearly the family is the fundamental institution of our civilization. It fosters successful communities, happier homes, and healthier lives. The family provides the foundation for raising each generation of Americans. And when families are weakened, it is the children who suffer most.

We recognized these facts in 1996, by passing the Defense of Marriage Act overwhelmingly, and reiterating the traditional understanding of what marriage is. Now, by decisions of our courts, concerns have been raised again, and I believe that it is the duty of the Senate to reexamine and, if necessary, reaffirm this important determination.

The great Sam Houston, whose seat I am honored to hold in this body, once said:

> The time is fast arising when facts must be submitted in their simplest dress.

I believe that time is now. The facts deserve examination and, if necessary, action.

The question before us now is whether the popular and bipartisan legislation known as the Defense of Marriage Act will remain the law of the land as the people and, most particularly, the Representatives of this body intend, or whether we will be undermined or overturned by the courts.

As many in this body have stated in the past, the Founders could not have anticipated that our Nation would ever reach the point where marriage would ever require such definition.

But neither could they have anticipated the method through which the courts would unilaterally upend our Nation's laws, reading penumbras, emanations, and ''sweet mysteries of life'' into the legal text as justification for overturning legislative acts.

On an issue as fundamental as marriage, I believe it is the job of the American people, through their Representatives, to decide. We should not abandon this issue to the purview of the courts alone. Some have suggested a legislative answer. Others have suggested a constitutional amendment is needed. In any case, we must consider what steps are now needed to protect and safeguard the traditional understanding of marriage as defined in the Defense of Marriage Act.

Toward that end, I will convene a hearing of the Judiciary Committee's Subcommittee on the Constitution, which I chair, in the first week after we return from the August recess to find out what steps, if any, are required to uphold the Defense of Marriage Act and the congressional intent as embodied in that measure. I hope my colleagues, including the bipartisan majority who overwhelmingly supported the Defense of Marriage Act in 1996, will join me in these efforts.

Perhaps no legislative or constitutional response is needed to reinforce the status quo. And if it is clear that no action is required, so be it. But I believe that we must take care to do whatever it takes to ensure that the principles defined in the Defense of Marriage Act remain the law of the land.

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.

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

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

DEATH OF WILLIAM R. BRIGHT

Mrs. DOLE. Mr. President, our Nation mourns the loss of Bill Bright, a visionary who founded Campus Crusade for Christ more than 50 years ago.

Bill died last week at his Orlando home from pulmonary fibrosis at the age of 81. In his lifetime, he spread the Gospel of Jesus Christ to hundreds upon hundreds of thousands of people across the world.

I met Bill Bright long before my nephew went to work for Campus Crusade more than 10 years ago. I was in awe of both Bill and his wife, Vonette, for their unwavering commitment to communicating the love of Jesus Christ.

You see, in an amazing act of faith, Bill and Vonette signed a pact with God more than five decades ago—and agreed to leave the business world and the making of money to devote their lives to spreading the Gospel.

Not long after than, in 1951, they began Campus Crusade. The goal, at the time, was to preach the Gospel to students at the University of California at Los Angeles. But God had other plans. The Campus Crusade movement soon spread to other campuses in the United States and eventually around the globe. Today, it is one of the world's major ministries and serves people in 191 countries with a staff of 26,000 full-time employees and more than 225,000 trained volunteers.

Indeed, I would dare say that Campus Crusade has touched the lives not only of students—but the poor and oppressed on every continent, and leadership on every level of society.

Bill Bright's life reflected Christ and proclaimed him boldly. He made an eternal impact on our Nation and our world.

In the 1970s, Bill came up with the popular ''I Found It!'' signs to signify that ''it'' was faith in Jesus. He later released a film, called ''Jesus,'' which was a feature length motion picture on the life of Jesus of Nazareth. That film has been seen by millions of people and translated into many languages.

Throughout it all, Bill remained a humble man, simply doing the Lord's work. In 1996, he was awarded the prestigious Templeton Prize for Progress in Religion. That award came with a $1 million gift. Bill donated all of the money to causes promoting the spiritual benefits of fasting and prayer.

He was, indeed, a true servant of God—a man who lived a life that all of us can admire and strive to emulate.

When I heard of his passing, I recalled something Bill said two years ago when Campus Crusade marked its 50th anniversary . . . ''A follower of Jesus Christ can't lose,'' he said. ''If we live, we go on serving. That's an adventure. If we die, we're in heaven with him, and that's incredible.''

I imagine somewhere high up in heaven, Bill Bright is having an incredible, miraculous adventure. God bless him!

His words made me think of the book of Revelation on the Bible, in the 7th chapter, which reads, ''Therefore are they before the throne of God, and serve him day and night within his temple; and he who sits upon the throne will shelter them with his presence. They shall hunger no more, neither thirst any more; the sun shall not strike them, nor any scorching heat. For the Lamb in the midst of the throne will be their shepherd, and he will guide them to springs of living water, and God will wipe every tear from their eyes.''

My thoughts and prayers are with my dear friend Vonette, their two sons, and the entire Campus Crusade family.

The PRESIDING OFFICER. The Senator from Vermont.

JUDICIAL NOMINEES

Mr. LEAHY. Mr. President, we have had a lot of discussion about judicial nominees recently. One issue is on the DC Circuit Court of Appeals.

I mention that because at the time when President Clinton nominated highly qualified people to go there, my friends on the other side said the workload was such that the DC Circuit Court of Appeals didn't need extra judges. So they were never given a hearing, never given a vote. One of those nominees is now the dean of the Harvard Law School. In fact, the chief judge, as I recall, a Reagan appointee, said they definitely didn't need more judges; they didn't have the workload. He took that position consistently throughout President Clinton's term.

Now we have a new President. The workload has gone down in that court. But we have several people suddenly nominated for the seats that just a few months ago were unneeded, we were told, by all the Republican leadership. We were told by the Republican leadership on this very political court that we didn't need anybody. Suddenly we need somebody.

The interesting thing about that is the Washington Post, which has been very supportive—more supportive than most newspapers in the country—of President Bush's judicial nominees, no matter who they are, took a different position. Even that paper, which has basically given in many ways—and it is their right—a blank check to the administration, wrote an editorial this morning called ''Fueling the Fire.'' They basically ask what I have: What is the sudden change?

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

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

[From the Washington Post, Aug. 1, 2003]

FUELING THE FIRE

In nominating people to fill the last two seats on the U.S. Court of Appeals for the

D.C. Circuit, President Bush had a unique opportunity to begin de-escalating the war now raging over judicial nominations. The need for judges in these two slots—the 11th and 12th authorized judgeships—is far from clear, as Republicans argued in blocking the confirmation of qualified Clinton administration nominees. Since then, the court's workload has declined. Additional D.C. Circuit nominations should have awaited a more comprehensive understanding of the court's needs. If two more judges were needed, we had hoped that Mr. Bush would have been mindful of the history and nominated qualified candidates who easily could win Democratic as well as Republican support. Instead, Mr. Bush has nominated two people who will only inflame further politics of confirmation to one of this country's highest-quality courts.

Both nominees—White House counsel Brett M. Kavanaugh and California Supreme Court Justice Janice Rogers Brown—are people of substance, nominees whose records and qualifications might well under other circumstances command support. But these nominations could not be better calculated to pour salt on Democratic wounds. Mr. Kavanaugh is a fine lawyer who could be a fine judge. He also has spent the past few years as, first, a key figure in former independent counsel Kenneth W. Starr's investigation and, more recently, an official in the White House counsel's office working on such politically sensitive matters as judicial nominations and executive privilege. Whatever the merits of his work in these two roles, they are sore spots for Democrats.

Likewise, Justice Brown possesses a serious judicial mind. But she also has a long record of opinions that will provoke liberal anxiety; one, for example, declares in its opening section that ''private property, already an endangered species in California, is now entirely extinct in San Francisco.'' It takes nerve for Mr. Bush to ask Senate Democrats to confirm such people to positions whose very necessity Republican senators were busily questioning until only two years ago.

The White House appears to believe that any accommodation of Democratic concerns would be a sign of weakness in the face of the filibusters and stalling of the president's other nominees. Mr. Bush's grievances are real; the Senate continues to filibuster the nomination of the qualified Miguel A. Estrada, for example, more than two years after his nomination. But both sides in the past several years have behaved badly in the fight over judicial nominations. Their war may help both political parties rally their bases and raise money. But it is deeply harmful, not least to the public perception of judging as an apolitical task. And it will not end until someone extends an olive branch. That someone has to be the president, the only person with the power to do it meaningfully. The D.C. Circuit would have been a great place to start. Too bad Mr. Bush is too busy playing politics to lead.

Mr. LEAHY. Because we have discussed at great length an issue involving one of the judiciary nominees, I ask unanimous consent that a letter from the National Council of Churches addressed to President Bush regarding the debate on Alabama Attorney General William H. Pryor be printed in the RECORD.

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

NATIONAL COUNCIL OF CHURCHES,
July 31, 2003.

President GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: As religious leaders from various faith traditions, we are fully committed to religious freedom and separation of church and state as basic tenets of our Constitution. We agree with you that, ''we (America) must continue our efforts to uphold justice and tolerance and to oppose prejudice; and we must be resolved to countering any means that infringe on religious freedom.'' Today, we write to express our grave concern about the attempt to make religion an issue in the consideration of judicial nominees.

We were deeply troubled to learn that during a Senate Judiciary Committee hearing last week on the nomination of Alabama Attorney General William H. Pryor, who is being considered for a lifetime position in the U.S. Court of Appeals for the Eleventh Circuit, the Chairman of the Judiciary Committee injected religion into a debate over qualifications for this position. By questioning Mr. Pryor's religious faith, Chairman Hatch supported a scurrilous advertising campaign designed to make those opposed to the Pryor nomination seem guilty of religious bias.

Mr. President, we urge you to immediately denounce the reprehensible behavior of the Senate Judiciary Leadership. We ask that you send a clear message to oppose religious interrogation and restore order and dignity to the judicial nomination process. Judicial nominees can be reviewed on a wide range of criteria—but religion must not be one of them. To allow questioning of religious faith during consideration of nominations will set a dangerous precedent with profound implications on future nominees.

We urge you to protect the integrity of the judicial nomination process by denouncing this behavior. As religious leaders, who take seriously our charge to promote tolerance and justice, we hope you will act swiftly on our request. We have a lot to lose. Our shared values of religious freedom are at stake.

Sincerely,

Rev. BOB EDGAR,
General Secretary.

Mr. LEAHY. I see the very distinguished senior Senator from West Virginia, the most senior member of this body, on the Senate floor. I know he wishes to speak. As soon as he is prepared, I will, of course, yield the floor.

Last night we were able to move five of President Bush's judges, to get them confirmed in a matter of about 20 or 30 minutes. I thank those who worked with me to make that possible. Senator LOTT from the other side of the aisle was very helpful in moving those forward. Senator MCCONNELL was very helpful in moving those nominees forward, as well as a number of Senators on this side of the aisle. Senator HARRY REID, Senator TOM DASCHLE worked with me, along with Senator LOTT and Senator MCCONNELL, to move them. So we were able to move them, actually, in a matter of 20 or 30 minutes.

I mention that because there was a consensus on these nominees. They were not sent up here to divide us but, rather, they were the rare ones who were sent to unite us.

I mention that because we have now confirmed 145 judges for President Bush. We stopped three. This stands in tremendous contrast to the time of President Clinton, when the Republican leadership stopped 60 of President Clinton's nominees.

For very good reasons, because of their ideology, their obvious intent to politicize the courts, we have stopped three. So we have confirmed 145 and stopped three. Those who are worried that we have politicized this, I would point out, we have stopped three. When President Clinton was there, they stopped 60, usually because one Republican, one, would object. So they were not allowed to have a hearing or vote.

I see my friend from West Virginia, and I yield the floor. I thank the Senator from West Virginia for his usual courtesy.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I thank the distinguished Senator from Vermont.

A PERFECT STORM

Mr. BYRD. Mr. President, the remarks I am about to make can very well be written under the title ''Gathering Storm Clouds Over North Korea.'' Weather forecasters have a name for one of their worst nightmares of violent atmospheric disturbance, triggered by an unusual convergence of weather systems. They call it the ''perfect storm.''

As the United States continues to be preoccupied with quelling the postwar chaos in Iraq, I worry that the elements of a perfect storm, capable of wreaking devastating damage to international stability, are brewing elsewhere in the world. The forces at play are centered on the escalating nuclear threat from North Korea, but they also include the emergence of Iran as a nuclear contender, the violence and desperate humanitarian situation in Liberia, the near forgotten but continuing war in Afghanistan, and the unrelenting threat of international terrorism.

Just a few days ago, the Department of Homeland Security issued a chilling alert that al-Qaida operatives may be plotting suicide missions to hijack commercial aircraft in the coming weeks, possibly in the United States—a very sobering thought indeed.

Weather forecasters can do little more than watch a storm unfold. They cannot quiet the winds, as Jesus did on the Sea of Galilee, or calm the seas. We require more from the President of the United States when it comes to international crises. The President cannot afford merely to plot the course of the gathering storms over North Korea, Iran, Liberia, Afghanistan, and elsewhere. The President needs to turn his attention to these countries and work with the international community to defuse the emerging crises. The challenge is formidable and there are no easy answers. But the price of inaction could be ruinous.

Of all the looming international threats, North Korea is clearly the

most worrisome. As recently as July 14, former Defense Secretary and Korean specialist, Willian Perry, warned that the United States and North Korea are drifting toward war, possibly as early as this year. In an interview published in the Washington Post, Dr. Perry said:

The nuclear program now underway in North Korea poses an imminent danger of nuclear weapons being detonated in American cities.

Surely, such a stark warning from an official so deeply steeped in the political culture of North Korea should be a wake-up call to the President. Yet, to date, the administration has steadfastly refused to engage in direct talks with North Korea, or even to characterize the threat of North Korea's nuclear weapons program as a crisis. Instead, the President and his advisers have continued to hurl invectives at Kim Jong Il, while shrugging off increasingly alarming reports that North Korea is stepping up its pursuit of nuclear weapons.

Since last October, when North Korea revealed that it planned to reprocess plutonium fuel rods into fissile material that could be used in nuclear weapons, the President and his advisers have consistently downplayed the nuclear threat from North Korea, while hyping the nuclear threat from Iraq.

Yet while we have strong evidence that North Korea is working feverishly to accelerate its nuclear program, we still have not found a shread—not a shread—of evidence that Saddam Hussein's efforts to reconstitute Iraq's nuclear weapons program were anything more than bluster and hyperbole.

It is time—if it is not already too late—to drop the false bravado of indifference to the threat from North Korea and engage in face-to-face negotiations with the North Koreans. Multilateral negotiations are fine—preferable even—but they are unlikely to be productive unless the United States takes the lead. We cannot wait for the Chinese or the Japanese or the South Koreans to pave the way. We cannot brush off the nuclear threat posed by North Korea as just an annoying irritant. There is a real threat. Now there is a real threat to the United States, and the United States must act fast to naturalize it.

The news on Thursday, July 31, that North Korea has expressed a willingness to engage in six-sided talks, with the participation of Russia in addition to the other players, offers a glimmer of opportunity that the United States should seize before North Korea changes its mind. As difficult as it is to predict or understand the motivations of Kim Jong Il, one thing is certain: No progress can be made in unraveling the nuclear tangle on the Korean peninsula until the parties involved start talking to each other.

Not only must the President come to terms with the gravity of the situation in North Korea but the President must also understand that this is not a one-man show, and that this is not the type of discussion that can be sealed with a simple handshake. You don't look into the eyes here and determine what is in the depth of the soul.

Under the Constitution, the Senate has a unique and important role to play in helping to frame the contours and the content of international treaties. Any agreement negotiated between the United States and Korea will have far-reaching implications for the national security of the United States and, as such, should be subject to the treaty advice and consent provision of article II, section 2, of the Constitution.

On a collision course with the nuclear threat from North Korea is the question of how to deal with Iran's increasingly aggressive nuclear posture. A month ago the President hinted darkly that he would not tolerate the construction of a nuclear weapon in Iran; but he has been largely silent on the issue in the ensuing weeks. When asked during a rare press conference earlier this week about the potential for war with Iran, the President placed the burden for seeking a peaceful solution squarely on the shoulders of the international community, without suggesting any role for the United States beyond ''convincing others'' to speak to the Iranian Government. When it comes to dealing with the threat from Iran's weapons of mass destruction, it appears that the White House is deferring to some of the same countries and institutions, including the International Atomic Energy Agency, that it dismissed as inconsequential during the runup to war with Iraq.

Like North Korea, the options for dealing with Iran are limited, but dodging engagement in favor of sporadic saber rattling is scarcely the wisest course of action. Equally unhelpful are ominous hints that the United States is contemplating covert action to precipitate regime change in Iran. Unlike North Korea, Iran has not demanded direct negotiations with the United States. Before it comes to that point, and the United States is faced with the perception of being blackmailed into negotiations, the administration should seize the initiative and not abdicate its responsibility to other nations and other institutions. Here again, the administration cannot afford to ignore the storm warnings and hope the crisis will simply blow over.

The situation in Liberia raises a different, but no less volatile, set of issues. Rent by violence and reeling from the effects of a three-way conflict between an illegitimate government and the warring rebels who want to unseat it, Liberia is desperately seeking help from the United States. The President raised expectations for U.S. intervention during his highly publicized visit to Africa earlier this month, but it has been several weeks now since his return, and still no clear policy with regard to Liberia has emerged from the White House.

The question of whether the United States should intervene in the Liberian crisis is fraught with unknowns and uncertainties. The humanitarian crisis calls out for relief. And yet the solution is elusive, and the danger of ensnaring U.S. military troops in an intractable civil war is not to be underestimated. Can the Economic Community of West African States, known as ECOWAS, raise a force sufficient to stabilize the unrest in Liberia? Could the United States help without sending in ground troops? Is the United Nations prepared to take over peacekeeping operations once the situation is stabilized? Can the United States afford to assist Liberia? Can the United States afford to ignore Liberia?

The questions are tough, but procrastination is not an acceptable response. Hundreds of innocent civilians are suffering and dying as a result of the conflict in Liberia. Monrovia is in shambles. Last week, July 25, the President took the tentative step of ordering several thousand U.S. Marines to be positioned off the coast of Liberia, but how or whether any of those troops will be deployed remains unknown. Indecisive, half-hearted gestures serve no purpose. As long as there is an expectation that the United States will intervene, African states are unlikely to take independent action to deal with the situation in Liberia. The President needs to determine a course of action, he needs to consult with Congress and the United Nations on pursuing that course, and he needs to explain his reasoning and his strategy to the American people.

In testimony before the Senate Armed Services Committee last week on July 24, GEN Peter Pace, Vice Chairman of the Joint Chiefs of Staff, termed Liberia ''potentially a very dangerous situation'' that poses ''great personal risk'' to American troops. Any decision to send American troops into that war-torn country is a decision that must be carefully thought through and be made in concert with Congress and the international community, not simply presented to the American people as an after-the-fact notification.

The situation in Liberia, and the other crises brewing around the world, require more attention and more explanation from the President than the usual off-the-cuff comments tossed to reporters at the end of photo ops. This is not a summer for the President to spend riding around the ranch in his pick up truck. This is not a time to play to the television cameras with the ''bring 'em on'' school of rhetoric. The problems confronting the United States require the President's serious and undivided attention. The American people deserve a full accounting from the President of where he stands on critical international issues, and how he intends to deal with them.

Against the backdrop of the war in Iraq and the emerging crises in North Korea, Iran, and Liberia, the largely

forgotten war in Afghanistan—the largely forgotten war in Afghanistan—continues to grind on and on and on more than a year and a half after the United States rousted the Taliban from power and obliterated al Qaeda's terrorist training camps. Nearly 10,000 American troops remain in Afghanistan, with no end—no end—to their mission in sight—and no clear mission to accomplish—hunting the remnants of the Taliban and al-Qaida organizations. In Iraq, Saddam Hussein's sons have been killed, and one can only hope that we are closing in on Saddam Hussein himself, but in the wider war on terrorism, Osama bin Laden remains at large, and his organization continues to spread its venom throughout the Middle East and perhaps the world.

The alert issued earlier this week by the Homeland Security Department is only the latest reminder that the al-Qaida terrorist network remains a potent threat to America and its allies. The warning included specific details—such as the fact that targets might include the East Coast of the United States, the United Kingdom, Italy, or Australia and it raised the possibility that at least one of the planned highjackings or bombings could be executed before the end of the summer.

In the face of such a frightening specter, it is somewhat unsettling that on the subject of terrorism, the President is talking tough to Iran and Syria, but he seldom mentions Osama bin Laden anymore.

Is this another example of the President's efforts to change his message to divert the attention of the American people, the people who are watching through those electronic eyes above the Chair's desk? The imminent and direct threat of Iraq's weapons of mass destruction was used to hoodwink the public into accepting the rush to war, but now that no weapons have been found, the President barely mentions them anymore. Instead, he is now talking about how regime change in Iraq was really the catalyst required to stabilize the Middle East. New day, new message.

At the center of America's imperiled relations with its friends and foes alike is the Bush doctrine of preemption, which was first articulated in the September 2002 National Security Strategy. This unprecedented declaration that the United States has the right to launch preemptive military attacks against hostile nations in the absence of direct provocation sent shockwaves throughout the international community.

The doctrine of preemption was the justification for attacking Iraq without provocation, but the ramifications of the policy go far beyond that nation. All so-called ''rogue regimes'' were put on notice that the United States was prepared to act to deter the development of weapons of mass destruction that could be used against America.

Suddenly, the elite club of nations that formed the President's ''axis of evil'' found itself caught in the cross hairs of the U.S. military. And just as quickly, the hollowness of the doctrine was exposed. Iraq could be attacked at will because it did not have nuclear capability. North Korea called for restraint because it plausibly did have nuclear capability. Iran was a question mark. Predictably, both North Korea and Iran, seeing the writing on the wall, began to scramble to accelerate their nuclear programs. In retrospect, the doctrine of preemption is beginning to look more and more like a doctrine of provocation.

Against this background, the storm clouds of international instability are massing. America's military forces are stretched thin in Iraq and Afghanistan. Our military leadership is absorbed with Iraq. Our military resources, both financial and personnel, are strained to the breaking point. With the exception of Britain, our allies are reluctant to commit significant resources or manpower to an operation in Iraq in which the United States has a stranglehold on authority and decision-making. The executive branch is preoccupied with the occupation of Iraq and seems paralyzed when it comes to meaningful action to deal with North Korea or Iran or Liberia. Afghanistan and the global war on terror have seemingly been relegated to the status of afterthoughts. America's foreign policy appears to be adrift in an increasingly tumultuous sea of international turmoil. Meanwhile, the national terror threat continues to hover uneasily in the ''elevated range'' amid new warnings of terrorist attacks being plotted against commercial aircraft.

In this moment of great potential peril, the President is preparing to retire for a month to his ranch in Texas. The question needs to be asked: Who's minding the White House?

In a short time, the Senate will recess for the month of August. I do not think we should go very far. I hope that the international situation will remain stable, and that no new crises will erupt. But I do not pretend to be sanguine. I do not pretend to assume that all will be well.

A rare combination of volatile and dangerous international events are poised to converge in the coming months. In large part, it is a storm of this administration's own making, fueled by the fear, confusion, and instability caused by the unprecedented and ill-advised doctrine of preemption. I only hope that the President and his advisers can summon the skill, the wit, and the leadership to engage and attempt to tame the elements of international turmoil before it is too late and we are swept up into the vortex of the storm.

I yield the floor.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. FRIST. Members, I ask unanimous consent that the order for the quorum call be rescinded.

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

SEPTEMBER IN THE SENATE

Mr. FRIST. Mr. President, shortly I will make a statement addressing some of the accomplishments we have been able to achieve over the last several weeks—indeed, over the last 6 or 7 months—and, at the same time, a note to my colleagues about the future. Most are thinking about getting on airplanes and going home or around the world now or this afternoon. It is important over the August recess, from the Senate standpoint and staff standpoint, that people begin working in preparation for our return in early September.

I mentioned early this morning, most of September will be spent on the appropriations bills. We have been very successful in addressing four of those appropriations bills to date; we have nine to address in the next several weeks. After discussion with the Appropriations Committee and the leadership in the Senate and many colleagues, the first appropriations bill in September will be the Labor, HHS, and Education appropriations bill. We will start that right off the bat coming back from this recess. Under the leadership of Chairman SPECTER, we have made huge progress in this regard.

UNANIMOUS CONSENT AGREEMENT—H.R. 2660

Mr. FRIST. Mr. President, at this juncture, I ask unanimous consent that at 9:30 a.m. on Tuesday, September 2, the Senate proceed to the consideration of Calendar No. 197, H.R. 2660, the Labor, HHS, and Education appropriations bill.

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

Mr. FRIST. Mr. President, I will yield to my distinguished colleague who will be managing this very important piece of legislation, someone who has worked very aggressively, very diligently in this regard and who I am confident will lead the Senate in addressing these important issues in a timely, efficient, and expeditious way upon our return.

I yield a few minutes to Chairman SPECTER.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the distinguished majority leader for his generous comments. I thank him, further, for listing the appropriations bill for Labor, Health and Human Services, and Education immediately on our return on September 2.

I have conferred with the ranking member of the Democrats, Senator HARKIN, about our plan for managing the bill, and have conferred beyond that with Senator BYRD, the ranking

member of the full committee, and with many of the Democrats who will be expected to offer amendments.

It is a very complex bill governing the Departments of Health and Human Services and Education and Labor, and traditionally it brings a great many amendments. That is to be expected. It is my thought that we can identify the amendments at an early stage, that we can work out time agreements, and that we can vote on the amendments.

I have already talked to some of my colleagues on the other side of the aisle about doing some of that work in August, where we will be identifying amendments. We have an excellent staff on both sides of the aisle already working. It is our expectation, beyond our hope, to have a very prompt consideration of the bill and to get it completed at an early date. I don't want to say any timeline because this body is too unpredictable, even with planning and with management, but it is our hope to get short time agreements and, with the consent of the leadership, to have the votes stacked. If there are arguments, to go over and make use of the evening time and proceed to get the bill completed.

There is one very strong incentive on all sides for completing the bill and that is that we have $3 billion more if we have a bill than if we have a continuing resolution. We do not have too much money to start with, and very important items on health, education, and worker safety, et cetera.

So we intend to proceed on that basis. I appreciate the opportunity to address my colleagues. As the majority leader has said, people are already on planes en route, some worldwide. I have my plans very well set. I am on a train in 25 minutes. August is to be spent by this Senator traveling his State.

There is rumor that I have an election coming up in 2004, both a primary and a general election. I have a lot of work to do and will be attending to it. When we return at the start of September—to the Senate business, Senator HARKIN and I hope to set the pace to try to get these appropriations bills done, to cooperate with the majority leader. If there is to be a completion by September 30, the end of the fiscal year, this is the giant, once the Department of Defense appropriations bill has been finished.

So we will be hard at work, trying to get through the bill and have the Senate work its will and get it completed in the public interest.

I, again, thank the majority leader.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I thank the distinguished chairman. I have the utmost confidence we will be able to get on this bill as soon as we get back and that, under his leadership, along with that of Senator HARKIN, we will be able to very effectively and efficiently address the issues before us.

Clearly, we seek early, rather than later, completion. One of the advantages of even having this colloquy now and us having the statement together is that people know what we are coming to. They have plenty of time to look at the appropriations and develop what comments they have to make and allow time for preparation of amendments. With that, we should be able to come back and hit the ground running.

Mr. SPECTER. If I might make one addenda, Mr. President, and that is the option of third reading if people do not have amendments to offer. One of the banes of the Senate procedure is the quorum call, those two lights up there when nothing is happening on the floor.

I have long been an advocate that, if amendments are not offered, we ought to go to third reading. When people have more than a month to prepare, I think that is a fair position to take. When I last managed this bill in June of the year 2000, we finished the bill on the Senate floor on June 28, which tied a record going back to 1974.

We cannot do that; we are already past June 28. But I think we can get this bill done. But let the record show: Let the buyers beware. Let Senators be on notice that this manager intends to push for third reading if we have quorum calls up there. People ought to bring their amendments to the floor and we will debate them and vote on them and work the will of the Senate and work through promptly.

Again, I thank the majority leader.

The PRESIDING OFFICER. The majority leader.

DOING THE NATION'S BUSINESS

Mr. FRIST. Mr. President, the past 4 weeks have been extraordinarily productive. I thank my colleagues for their participation, for their cooperation, and for their patience to make that possible. I thank them for accepting some deadlines that we put forward, accepting the overall strategy, just as we just heard, of setting a goal far in advance so people have the opportunity to prepare and to think so we can most efficiently use the time for debate and amendment on the floor of the Senate.

We have passed major legislation, of which we should all be proud. We should share that with our constituents, as we go back to our States, as we travel around the country to seek input and listen but also to say that we are doing the Nation's business.

Our leadership has developed a straightforward mission. The mission is crystal clear. It is to move America forward. We are doing so in a manner with values such as civility and trust. We do it in a way that is relationship centered, meaning that we are working together to get the very best out of our individual Members, in terms of thoughts and ideas. We do it in a manner that is solution oriented, that is solutions to the problems that we identify, not just rhetoric and not just talk about the problems.

I think we witnessed that yesterday, in a long day that began at 9 o'clock or 9:30 in the morning but continued until late at night, with the ultimate passage of an Energy bill, of which passage, early in the morning, people said: No way.

All the media questions, people coming up were saying it is going to take another week or 2 weeks or 3 weeks on this Energy bill. Are you going to stay in on Saturday? Are you going to come back and spend all of September?

Yet after initial discussion and proposals, both caucuses worked together and worked within themselves and we came together to pass an Energy bill that will, indeed, move America forward. We did it against what many people would say are the odds. We did it in a very closely divided Senate. But it shows that even in that environment, of a closely divided Senate, if we keep our eye on a specific goal, we can move America forward.

We have set specific goals. As you just heard, we laid out what we are going to be doing next far enough in advance for people to prepare.

Then we act. Each side has certain strategies, and then we reach that goal to give a solution to the American people. That is what Americans expect. When we talk to our constituents, that is what they say they want. That is why they send us to the Senate. They want to be sure we step up to the plate on growth and jobs.

We must be a key partner with the administration in the war on terror. We must stand up and act on life and support our values here at home and, indeed, around the world. We have much to do in the realm of health. We have made progress, but we have much more to do. Our tort system is badly in need of reform.

Of course, during all of this, our utmost responsibility is to govern—to govern responsibly, in a responsive way.

Before we leave for our recess today, reflecting over the last 4 weeks we have been in session, I therefore jump back to before the Fourth of July recess. Before the Fourth of July recess, it was at that point that I informed our colleagues we would be doing the Energy bill in this final week in July, and we did. I said at that time we would do everything possible to finish the Energy bill this week, and we did. As late as yesterday morning, there was doubt. Early in the morning, people said there was no way it could be done. We got it done by cooperation—again, on both sides of the aisle—by determination, and by going back to one of those values I keep talking about which we are expressing in this Congress—civility. We were successful. We got it done. America will benefit. Americans will benefit.

We have a national comprehensive energy policy coming out of this body. Yes, it will be modified. Yes, in part, it will be rewritten over the coming weeks. But with the President laying

out a plan 2 years and 3 months ago, with the House of Representatives having acted, and the Senate having acted on energy, we can develop that final product to send to the President to the benefit of all Americans. It is part of government, it is part of leadership, and we have delivered.

On the international front, last night we passed two highly significant trade agreements. One was the Singapore free-trade agreement, and the other was the Chile free-trade agreement. Those are the first free-trade agreements to move through Congress under the so-called fast-track authority since that process was restored a year ago. It is an important achievement for the body itself, but it is an even more important achievement for the world community and for our national community as we improve those trade relationships with Chile and Singapore.

As you just look at the action last night on energy, it was a tough challenge. Everybody said: No, we have to spend days and days and days more. As we look on the success with trade last night, we can say we have added another chapter to our work to grow the economy and to create jobs. It didn't exist yesterday morning, and now it exists after our action last night. As we look at this whole issue of jobs and as we travel around the country, it is the No. 1 issue you hear about because it affects people's lives so directly.

We passed the Jobs and Growth Act of 2003. Indeed, as most of us are aware, over the last week or week and a half and over the next several weeks, 25 million families will receive checks of $400 or more per child, which is in addition to the $600 they have already received this year. But that additional incremental $400 is because of action here in the Senate and passing the jobs and growth package—25 million families—indeed, over 500,000 in my home State of Tennessee. If we had not acted, they would not be getting the checks. They will be spending those checks. Most importantly, they decide how to spend that $400, or that $1,000, because of the action of this body. They are the ones who decide whether it is on clothing, whether it is on food, or whether it is on buying a computer to help their child in education. They will be deciding.

A family of four, because of that jobs and growth package, making $40,000 will see their taxes reduced. Remember, that means money in their pockets—money they can save and invest. A family of four making $40,000: $1,133 in 2003. That is how much their taxes will be reduced.

The Jobs and Growth Act is the third largest tax cut in history passed by this body. The $350 billion package will boost the economy, it will grow the number of jobs, and it will allow more Americans to control more of their own hard-earned paychecks. This is money they have earned which they paid to the Federal Government that the Federal Government has returned to them to save and to invest, to boost the economy, to make their lives more fulfilling. That is the sort of action and the sort of solution that moves America forward.

Because of our commitment to meeting our legislative goals, we are helping to put America on the road to economic security. We are committed to strengthening America's economy. We are committed to providing each American with more of that economic security. And we are committed to ensuring that the playing field is fair.

On the international front, we funded Operation Iraqi Freedom in less than 2 months. We have liberated the Iraqi people from the clutches of a vicious and brutal dictator, a mass murderer who has killed thousands of his own people, including members of his own family as well as thousands of people from lands outside of the Iraqi border.

Over the last several weeks, we have had the opportunity to be briefed by people directly in Iraq who are participating in the rebuilding of that democracy. They brought to us encouraging news that all too often we don't see on the front pages of the newspapers or in the coverage on the television. But we are hearing directly from them. We are making progress. Is it slow? Of course, it is slower than any of us would want. But it is steady, consistent progress. The Senate will continue to support this ongoing war on terror. We will continue our financial commitment. We will continue our moral commitment until America's enemies are defeated.

Internationally, we also passed the NATO Expansion Treaty bringing 700 new nations into that cornerstone organization of freedom in the Western World. We are bringing more and more countries into the orbit of democratic nations and providing more of the world's economic citizens with that sort of opportunity, and more of the world's citizens with that economic security that they, too, deserve.

The Senate is also flexing its influence to reform countries that defy their citizens their natural, God-given rights to be free. We did that recently with the assistant majority leader, Senator MCCONNELL's Burmese Freedom Act just several weeks ago. With a bit of luck, we will finish action on the authorization of our foreign aid programs so that we can further enhance our voice and our values around the world.

Again, if we jump back 5 or 6 weeks, before the last recess, I articulated my goal to pass major appropriations bills in a timely fashion. This, too, we are accomplishing in an organized, systematic way.

The colloquy that just occurred on the floor with the distinguished chairman of the Labor-HHS bill is a manifestation of planning and a systematized approach of a strategy where we can address that very important bill in a timely fashion. If we do it as he mentioned—as he will be explaining on the floor of this Senate on the Tuesday we come back—if we do it instead of delaying, there will be an additional $3 billion available. If it happens to be available the way the law is written, that committee will not have the incentive later to take the action but will address the bill right now.

This is in contrast to the last Congress. There was a logjam we had in the last Congress where the appropriations bills really got stopped. In fact, it was not until this Congress that we passed 11 of the 13 appropriations bills that were supposed to be passed in the last Congress. We did that in the first couple months of this Congress.

But we are making progress. We built on our success with the FAA authorization bill, the extension of unemployment benefits. When you look at the appropriations, in 3 short weeks we passed the legislative branch, the Department of Defense, military construction, and the Homeland Security appropriations bills. That keeps moving America forward. And we will come to Labor-HHS when we return.

I should mention that on the Homeland Security appropriations bill we had distinguished leadership. I applaud and personally thank Senator THAD COCHRAN for his tremendous work in particular because that was the first time we have had this Department of Homeland Security and, thus, it is a new appropriations bill. It was handled magnificently on the floor, and we were able to successfully complete the Homeland Security appropriations bill.

This whole process of setting goals, implementing a strategy in a civil environment, and working hard through debate and amendment is working. If you look at our commitment on health and health issues, people see the commitment there. They saw it as we set out the agenda in early January on a whole range of issues.

In January, most people, on Medicare, said: The Senate is not going to be able to do it. The House can probably do it. They have done it in the past. In fact, they do it really in every Congress. The rules are very different in the House. But most people said: In the Senate Medicare is too partisan. There is too much bickering. People use it for political purposes. It can't be done.

Yet, again, we delivered. Now the Senate has passed a bill that, for the first time in the history of this wonderful Medicare program—that simply is out-of-date, but a wonderful program that as a physician I have had direct experience with for 20 years, just about every day taking care of Medicare patients before coming to the Senate, writing thousands of prescriptions myself—for the first time those prescriptions I was writing become a part of Medicare.

Heretofore, these outpatient prescriptions have not been a part of Medicare. Yet the way health care has evolved, these medicines today are probably the most powerful component, the most powerful tool doctors

and nurses and health care providers have to give seniors health care security, to give patients health care security.

In addition, seniors and individuals with disabilities will have the opportunity, for the first time in Medicare, to choose a plan or a type of health care coverage that best suits their individual needs. We passed it in the Senate. We did what a lot of people said we were just not going to be able to do. And it was bipartisan. There were over 70 votes, and it was really kind of driven to get as many votes as possible but with good policy, taking the very best of the Democratic ideas and the very best of the Republican ideas, and melding those together.

We have a challenge I am very hopeful we will meet by late September; that is, to take that House bill, to take the Senate bill—the conference is underway now—and, in conference, develop a bill that will be strong, that will guarantee seniors access to good prescription drug coverage, and give them the choice of a plan that best meets their needs.

I will say—because people don't talk about it very much on the floor; and I am speaking as an individual but also as a conferee—it is important for us to complete action in this conference by late September. The sooner we complete action on the bill, the sooner every senior—people who are listening broadly around the country or near seniors—will have a prescription drug card within months—within months—of the time the President actually signs that bill; every senior will get some help with that card in the very near future if they are buying prescription drugs.

So the sooner we complete the bill, the sooner we can get the benefit to the seniors, especially those seniors who are hurting, who are in an economic position where this burden of buying prescription drugs is great, is heavy. The sooner we pass this bill—it has to be a good bill; it has to be an appropriate bill; it has to be a balanced bill; and it has to be, most importantly, a responsible bill—the sooner seniors can benefit from the $400 billion that this body, the House, and the President of the United States have all agreed we want to get to seniors.

So it is ready in terms of the commitment that is made. The money is there. Now we need the vehicle itself. And that is what we are doing in conference. So the sooner we can get it done, the sooner seniors will be able to benefit.

On health, I will also have to mention the global HIV/AIDS bill this body passed several months ago under the distinguished leadership, great leadership, of Chairman DICK LUGAR. This global HIV/AIDS bill addresses the greatest moral, humanitarian, and public health challenge of the last 100 years. It shows we are caring. It shows we have compassion. It shows we do not just talk about it, but that we lead on it.

I commend President Bush, in his State of the Union Message, for leading on it, and this body for responding appropriately at a level—again, in a bipartisan way—that most people in this country and, indeed, the world would not have anticipated.

As a physician, I have had the opportunity over a 20-year period to take care of HIV/AIDS patients personally, both when I was at Vanderbilt University Medical Center and also as I did my medical training in Boston, MA, and out at Stanford in California. I can tell you, when you have the opportunity to look back over a 20-year period—in 1983 we did not know this virus existed. We did not know about it. The best scientists in the world did not know this virus existed. Then it killed five people in the country. Then it killed, in the world, a million people, then 5 million people, then 10 million people. And now 23 million people have died over that 20 years since 1983.

We are responding. This is the first time we have really stepped up and said: We are going to eliminate this virus. I am very proud of my colleagues and gratified that the Senate stepped up with this determination to dedicate $15 billion, which is the figure people think of, but equally important, taking a leadership role for comprehensively addressing the ravages of this virus.

By passing this legislation, we are helping to prevent 7 million new infections, we are providing antiretroviral drugs for 2 million HIV-infected people, providing care for 10 million HIV-infected individuals, and investing in research so we will find a cure.

Right now, today, there is no cure for this virus. There is no vaccine to prevent this virus. Thus we need to do everything we can to both preserve our great pharmacologic research endeavors in this country and, at the same time, invest in a responsible way so we can encourage and give incentives to encourage investment to find a cure—a cure that if you had the virus, you will be able to cure the virus, and also to prevent the virus. And you can do that with a vaccine.

In this Congress, we have seen Senator SUSAN COLLINS lead the campaign to increase public access to defibrillation of the heart. When a heart fibrillates, it becomes like a bag of worms. Instead of beating regularly, it begins to fibrillate. And that is when people die, because the heart is not pumping. But if you can get to them quickly enough, you can put those paddles on, and you can shock the heart back to that normal, constant beating.

That public access to defibrillation is important. It is something on which we are making huge progress, specifically under the leadership of Senator SUSAN COLLINS.

We passed the Trauma Care Systems Planning and Development Act. So if driving home today you were to have an accident, there will be a trauma center to respond to you immediately, especially when time and expertise become critically important.

Our values have been on display this session as well.

We have allotted significant resources to upgrade the technology at America's Historically Black Colleges and Universities. We took a historic step in bringing a National Museum of African American History and Culture to our Nation's capital by passage of that bill.

It has been 80 years of petitions that has led to an understanding of how we might respond. But in terms of developing the museum, it took passage on the floor of the Senate for it to take that next step to become a reality. I have to thank Senator SAM BROWNBACK and Congressman JOHN LEWIS from the other side of the Capitol for their tremendous leadership.

Senator LAMAR ALEXANDER has focused on the American History and Civics Education Act. Because of his leadership, America's students will have the opportunity to learn our Nation's great history and civic traditions. I thank Senator GREGG for his bill, the Keeping Children and Families Safe Act. We acted on legislation to make it easier for States to continue their efforts to enroll children in health care programs. The SCHIP legislation makes a difference in thousands and thousands of families' lives.

There were three items passed earlier this year I want to mention. In March we passed the partial-birth abortion ban. We have an agreement with the other side of the aisle to address this issue for a day sometime in September. The following month, we passed the CARE Act, the President's faith-based initiative. That same month we passed the AMBER alert. The lives of millions of Americans and future citizens will be protected by all of these efforts. Each of these items demonstrates our deep compassion for our most vulnerable citizens.

The Senate is accomplishing all of this through hard work, through cooperation among Members on both sides of the aisle. I thank my colleagues for their efforts. We are overcoming partisanship. We are stressing civility and trust. We are making the legislative process work in an orderly and systematic way.

One area, however, that is in some ways undermining progress is the obstruction we are seeing with regard to Presidential circuit court nominees. We have seen it with Miguel Estrada, Priscilla Owen, and William Pryor. Now is not the time to rehearse the history of the last 7 months, but it is enough to say that the process is broken. The process is not working. I would only hope as the fall unfolds, we will find ways for the Senate to vote up or down. That is really all this side of the aisle is asking for, to have that opportunity to vote yes or no, up or down on the President's judicial nominations.

When it comes to the fall, we will continue our work to govern responsibly and comprehensively. We will

complete our efforts with regard to the emergency supplemental as well as funding the President's request submitted in early July.

In those coming weeks of the fall, we will also complete action on several remaining appropriations bills. As we outlined earlier today, we will begin with the Labor, Health and Human Services legislation. That legislation underwrites many of our Federal efforts to help where we must to make a difference in so many Americans' lives.

We will also continue to work this fall on asbestos reform legislation. It is clear that is a pressing national crisis. I am convinced that with goodwill and cooperation, we will be able to responsibly address this issue. I have talked with the Democratic leadership repeatedly, and we all agree it is an issue we can address and will address sometime in the future.

We will also take up at some juncture class action lawsuit reform. It is a fairly quiet bill in the background, but it is one that will make a huge difference in the fair and quick administration of justice nationwide. We will also be revisiting medical litigation reform sometime in the fall. There are other items we can address in terms of tort reform that we in all likelihood will be considering. We will continue to stand for issues surrounding life. We will complete action on the partial-birth abortion ban at some point in September, and then we will move ahead on legislation addressing the Unborn Victims of Violence Act.

Yesterday Senator JUDD GREGG announced hearings in September on public health issues on tobacco. I know the distinguished Senator from Kentucky, Mr. MCCONNELL, introduced legislation on Wednesday with regard to buying out quotas from tobacco farmers. We will be addressing all of those issues in the coming months. In addition, we will be looking for other opportunities.

In closing, I thank my leadership colleagues who have helped me each and every day over the last 7 months: Our distinguished President pro tempore, TED STEVENS; I talk to Chairman STEVENS daily. He is an avid user of e-mail so I get three or four every day, which I quickly answer, a canny veteran whose counsel daily has proven invaluable to me and to so many others; our assistant majority leader, MITCH MCCONNELL, whose tireless work day in and day out has kept us together as a team and a conference in these months, is really the glue to our conference; Conference Chairman RICK SANTORUM, who continues to work in overdrive, working overtime, working with passion to keep an eye on the midterm and the long-term issues that are so important to us, focusing so often on those basic values we share; JON KYL, our policy committee chairman, whose attention and focus and study, by leading the policy committee, all ensures that we legislate the very best we can, with the very best information at every opportunity; Senator KAY BAILEY HUTCHISON, our vice chairman, who stands so often as our public persona in addressing issues and explaining those issues in a way that is important for the American people to understand, addressing issues in a sophisticated, substantive way, but at the same time explaining those so Americans can indeed fully understand where this institution is moving; GEORGE ALLEN, our senatorial chairman, whose instincts are so often right and right on target; JUDD GREGG, who I rely on daily for counsel, whose word I trust and whose support so often makes a huge difference in this Chamber; Senator BOB BENNETT, our chief deputy whip, whose work with colleagues we simply could not do without; Senator ARLEN SPECTER, who was just on the floor, whose thoughts and advice inform so many of the decisions we make here.

I am grateful to all of my colleagues on both sides of the aisle who share a thought, who share with me that single word, that piece of advice out of their busy day. I am proud that together as Senators we have preserved what our predecessors have given us and are working to pass on to our successors even something a little bit better.

I thank all the Senators for their hard work, their diligence, and their cooperation. I look forward to returning in September to continue our work on the people's business.

I yield the floor.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Rhode Island.

THE ECONOMY

Mr. REED. Mr. President, I would like to take a moment to speak about the economy, an issue that is of increasing concern to so many families across the country. Measured in terms of employment alone, this has been a very difficult and demanding time for Americans across the Nation. At the President's urging, Congress has passed three major tax cuts in what is becoming an annual ritual. I call it a ritual, because it is based on an ideological belief that tax cuts are a one-size-fits-all fix to all of our Nation's economic woes.

Regardless of the specifics of our economic situation, regardless of the growing number of unemployed Americans, and regardless of our record budget deficits, the Administration has pushed on with its misguided, one-track approach.

Mr. President, I do not think anyone would invest a dollar in a project if they only expected to receive 10 cents back. But that is essentially what has happened under the trickle-down economic approach of the Administration. A March 2003 report by the Democratic staff of the Joint Economic Committee estimated that in the best case scenario, the first year return of the 2003 tax cuts would be less than 10 cents on the dollar.

What this means is the American people massively overpaid, committing ourselves to transferring hundreds of billions of dollars to the Nation's wealthiest individuals for a pittance of economic stimulus.

We have all become extremely anxious and hopeful to hear anything positive about the economy. At first blush, the recent data coming from the Department of Commerce offers a suggestion of hope. But after considering the reports at longer length, and in the context of all the participants in our economy, I am convinced the reports about our gross domestic product are something of a letdown.

As Senator CONRAD has stated, 70 percent of the growth in this quarter's GDP estimate is caused by increased defense spending, without which the economy would have grown at less than 1 percent. This 1 percent growth would be the slowest economic growth of any administration in half a century. So what we are seeing is one of those issues in which one sector, for obvious reasons—because of our build-up in Iraq and our subsequent operations there—is generating a disproportionate share. One can ask the question fairly, how long can that continue?

The National Bureau of Economic Research announced last month that the recession ended 20 months ago. But this announcement simply confirms what many have long suspected—that we are in the midst of a ''jobless recovery.'' The economy is in as much trouble as it was in the early 1990s, if not worse. More than 3.2 million private sector jobs have been lost during this Administration, with 1.2 million jobs lost even after the so-called end of the recession 20 months ago. And 6.2 percent of the civilian labor force was unemployed, which is down slightly from the previous numbers of 6.4 percent. But the July decline is instructive because it doesn't represent a growth in jobs, it represents the fact that there is a drop in the number of people looking for jobs. The way we measure unemployment is by looking up the number of people actively pursuing employment, that is the basis of the calculation. What we are seeing is people giving up hope, becoming disheartened, understanding that it is hard to find jobs and therefore dropping out of the search for jobs.

Indeed, if you look at the ratio of employment to population, total number of people working versus the population of the U.S., we have seen that ratio decline. Nine million workers were unemployed in July across the country.

But for the current President Bush, this is not his father's jobless recovery. By this period in the 1991 economic recovery, private nonfarm payrolls were rising again. Not only are private sector jobs failing to rise again, they are continuing to fall at an even faster rate. Corporate layoffs are continuing. For Americans who have suffered the most from the recession, this is not an economic recovery because there are simply no jobs.

In my State, we received notice that a major department store is closing, a flagship store in one of our prominent malls, Lord & Taylor, which will lay off workers. We are seeing other retail operations close. For the families of Rhode Island and the Nation, the news they are getting is of more job losses.

Persistent unemployment is only one piece of evidence that passing tax cuts does not fix the Nation's economy. The next place to look is the budget.

This week, for the first time, President Bush acknowledged the role the tax cuts played in mortgaging our Nation's economic future by turning budget surpluses into record budget deficits. In the Rose Garden, the President said: ''And so part of the deficit, no question, was caused by taxes; about 25 percent of the deficit.'' That is according to the President. But according to economists, these figures are conservative at best.

The administration's Midsession Review reveals that the budget deficit for fiscal year 2003 is expected to be an astonishing $455 billion. This is the largest budget deficit in our history. This deficit is placed into stark relief by the Bush administration's forecast upon coming into office of a $334 billion surplus for 2003. So in just 2 years, we have seen a swing of more than three-quarters of a trillion dollars and that is just for this fiscal year.

The causes of the deficit are plain to see if you look at what is happening to revenues as a share of GDP—they have gone into a freefall. According to the Midsession Review, revenues in 2003 will equal 16.3 percent of gross domestic product, the lowest level relative to the size of the economy since 1959. The administration would like the public to believe this is some sort of natural decline due to recession and war. But we have been in recession before and we have seen war before, without getting into such a low level of revenue.

In fact, we can look at where revenues relative to GDP were in 1990 and 1991 and see that for President Bush, this is not his father's tax policy either. The truth is the administration's tax cuts actually account for 36 percent of the $7.6 trillion reversal in what was the 10-year budget outlook for fiscal years 2002–2011.

This is not even taking into account the administration's soaking up of Social Security surpluses, thereby reneging on a campaign promise not to raid Social Security. Moreover, the tax cuts take away resources necessary to ensure both Social Security and Medicare long-term solvency.

We need to save for the retirement of the baby boomers, and we are now less than a decade away from that wave of retirement. We don't have time to ''grow out'' of the deficits as we might once have back in the 1980s. That makes these efforts even more pernicious to the economy.

The administration has leveled the claim that the deficits would only be temporary. The first chart appearing in the Administration's Midsession Review shows that deficits as a share of GDP will be cut by more than half by 2006. As Senator CONRAD has pointed out, cutting a deficit in half after you have quadrupled or tripled it isn't exactly impressive management. Yet, I don't believe this Administration will even accomplish that reduction of the deficit. The deficits in the latter half of their 6-year window are not going to be as small as they claim they will be.

There are many reasons why we should be skeptical of the administration's predictions of much smaller deficits in the future years. First, the budget projections don't include lots of things that will surely increase the deficit; for example, the continuing costs of the Iraqi occupation—estimated today at $4 billion a month—and the continuing cost of military operations in Afghanistan, estimated today at $1 billion a month.

Secondly, the administration's tax cuts are unlikely to boost GDP—and tax revenue relative to GDP—as much as the administration thinks. Their forecast for the years 2005 through 2008 is simply too optimistic. The Midsession Review shows an increase in revenue relative to GDP of more than 2 percentage points in just 3 years, 2004 through 2007. But this sharp increase is unprecedented. It didn't even happen during the ''revenue surprises'' of the 1990s when revenues seemed to explode.

Such dramatic growth in revenues is much less likely now, because the administration's tax cuts have reduced the mechanisms that were the main drivers of the 1990s revenue surprises—capital gains taxes and the progressivity of the individual income tax system.

Then there is the other administration response to the deficit issue—that it simply doesn't matter.

Federal Chairman Allan Greenspan repeatedly has emphasized that higher deficits do, in fact, lead to higher interest rates. As the Fed's monetary report to Congress stated, deficits have already led to a downswing in national saving, and ''if not reversed over the longer haul, such low levels of national saving could eventually impinge on the formation of private capital that contributed to the improved productivity performance of the past half-decade.'' At last month's Banking Committee hearing, Chairman Greenspan clearly stated that he would oppose the continuation of large deficits in the face of full employment. Yet the administration's own overly-optimistic forecast shows deficits persisting after the economy is back to full employment and robust economic growth.

By choosing tax cuts over less costly and more immediate stimulus for the past several years, the President has allowed the manufacturing sector, a hallmark of our country's economy, to fall into a spiraling decline. This neglect for a vital sector of the economy has especially hurt the Northeast and the Midwest.

Just this week, the Wall Street Journal stated:

> While hundreds of factories close in any given year, something historic and fundamentally different is occurring now . . . Most of these basic and low skilled factory jobs aren't liable to come back when the economy recovers or when excess capacity around the world dissolves.

The manufacturing industry cut 56,000 more jobs in June alone, the 35th consecutive monthly decline. From manufacturing to information technology, midcareer workers have been especially hard hit, and with many of these jobs lost forever to other countries, there is even more reason to act fairly and pass additional assistance for the long-term unemployed and to provide them with new skills through job retraining programs when you consider the record of job loss.

We should not limit unemployment and job retraining assistance to those laid off from manufacturing jobs, however. With so many Americans out of work for far too long and the persistence of job losses, there is an incredibly pressing need to extend benefits to those workers who have exhausted all of their unemployment benefits and yet still found no work. It is not their fault that jobs are not being created for them to fill.

Finally, there is no question that state fiscal crises are also restraining the economic recovery. These crises are predicated in no small part on insufficient Federal grant-in-aid to the States, along with decreased state tax revenues that are tied to reduced Federal tax rates.

Indeed, what we have here is a push-and-pull phenomenon. As the administration claims they are cutting taxes to stimulate the economy, State and localities are forced to raise taxes and cut expenses under their rules and their budgets, thus creating a situation in which our effect is counteracted by their necessary actions.

The official labeling of an ''economic recovery'' by the National Bureau of Economic Research sadly does not mean an end to the economic suffering that too many Americans feel. I think we should all be deeply concerned about the state of our economy—the persistent unemployment, and the huge budget deficits that are only likely to grow worse as the administration continues to push its tax-cutting agenda. Contrary to the administration's claims that its tax-cutting agenda is necessary to get the economic growth to bring surpluses back, those tax cuts will reduce our economic capacity for many, many years to come. We have already seen clear evidence of that, even in the administration's own estimates.

Just this week, a trio of Cabinet Secretaries has been traveling across the country on a so-called Jobs and Growth Tour Bus. But there have been no jobs, very limited growth.

And this tour is less of a victory lap than a further underscoring of the serious economic issues that face American families.

It appears that for some, the problem of working families struggling to get by merely serves as an excuse to pass massive, ineffective, irresponsible, and untargeted tax cuts. We must stay focused and pass measures that make sense and will put our economy on the right course both now and into the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

LIBERIA

Mr. WARNER. Mr. President, I rise to address the Senate concerning my concern—I think there are others who feel similarly—about the crisis situation that is rapidly developing in Liberia and the decision framework that has confronted, is confronting, and will confront our Government.

I carefully use the word ''Government'' because when men and women in the Armed Forces are sent into harm's way, there is a constitutional responsibility on the President as Commander in Chief and the principal architect of our foreign policy to make the decision to send them into harm's way. In no way in my 25 years in the Senate have I ever once questioned that constitutional authority. In fact, I will match my record—humble as it is—against any Member of this body with regard to participation in the war power debates, participation in the resolutions regarding the use of force, when we, as a body, are addressing our responsibilities with regard to the men and women of the Armed Forces.

The President has a constitutional right. There is always debate, as reflected in the history of the War Powers Act, to what extent should he consult and, indeed, to what extent should he receive the specific concurrence of the Congress before exercising that very heavy responsibility.

There are volumes written on this subject. But for simplicity, clarity, and brevity today, I simply say the Constitution gives that right to the President and should not be ever in question. To the extent that Congress has the opportunity, through consultation and through other actions working with the administration, I believe it is wise that Congress speak to this issue.

About 4 weeks ago, I appeared on ''Meet the Press'' and somewhat indirectly referenced my concern about Liberia at that time. I expressed that the need to make a decision was coming down upon this Government, as indeed it has, and that it would be wise for the Congress to take a role. I cannot predict how this body would vote on it if it got to a vote. But I think the involvement of Congress when men and women go in harm's way is a very important responsibility as coequal branches of the Government, the executive and the legislative, and, indeed, an obligation.

I have tried each day to spend some time on these issues. I read what I can from the press, which has been rather interesting and good coverage so far, and from other documents, official and otherwise.

The complexity of this situation is really considerable. We do have these historical ties dating to the 1840s to this small country. At times, we have taken actions there. At times through the history of this country, we have sort of looked the other way. We have gone in before to try to quell disruption and violence, but I do not find a long history of strong involvement. We now have a despot who has been elected to the highest official post in that country, who has made representation that he will leave subject to certain contingencies. The President of the United States has indicated he wants to try and help the people subject, again, to the Liberian leader taking certain actions. This whole framework is quite unclear.

The Secretary General of the United Nations visited here 2 weeks ago. I was privileged to sit in a small meeting hosted by the distinguished majority leader, at which time we expressed our views. He was quite concerned, as I am quite concerned—I think everybody is quite concerned who has followed this—about the extraordinary dimensions of human suffering, there is no dispute about that, human suffering as a consequence of the frightful public record of the current leader in Liberia, that leader who has indicated he is willing to leave.

As I stand here addressing the Senate, on orders from the President, a very significant force, largely of marines, has progressed from the Horn of Africa around to the Mediterranean and is approaching, probably in the next 72 hours, a location somewhere off the coast of Liberia, where the ships will be positioned to await such further orders as the President may direct.

Now, what of the role of the Congress? As chairman of the Senate Armed Services Committee, I had hearings—at least a briefing—at my request on July 8. The chairman of the Joint Chiefs provided a very fine team of briefers where my committee, in S–407, heard their reports. A day or so ago, recognizing the Congress would soon be leaving for its August recess, I felt it wise to set a second briefing of the Armed Services Committee to which I invited really anyone in the Senate who wished to join, and also specifically a group of Senators, of which I am one, who soon will be embarking on a trip to the African continent. I was privileged to be included in that trip and expressed an interest to go primarily because of my concerns of national security in that region and the impending Liberian conflict. It had been my expectation that several of those Senators would have joined today had that briefing gone ahead.

Yesterday afternoon, the Department of Defense, following the regular procedures we always follow, sent up the names of three briefers—2 from the Joint Staff and one from OSD policy—and it all seemed to be ready to go this morning when quite unexpectedly we received word from the Department of Defense that the briefers would not come.

I will not dwell further on that procedure. I will say in my 25 years in the Senate, it is most unusual to conduct our affairs in that way between the Senate and the Department of Defense. Indeed, I am not sure I know of a precedent of that type of abrupt cancellation, but I will put that to one side and press on. I did feel it would have been helpful, certainly, to this Senator and several others—I know one or two on the Foreign Relations Committee yesterday expressed to me their concerns of where could they get information. Both of those Senators were invited to attend this morning. One of them is on the Subcommittee on African Affairs and he expressed to me his concern and asked how best he could get involved in learning more.

I will move on now to this question about the seriousness of this problem. This type of civil war, regrettably, has persisted in Liberia for many years. There are essentially three factions now. There is one faction to the sort of fragile, if almost inconsequential, government that is in place today with this despotic leader. Then there is a group to the south that refers to themselves as the Model, M-O-D-E-L. There is a group in the north that refers to themselves as the Lurd, L U-R-D. Both of them are a mixture of groups of Liberians and others from other areas. Both groups are now converging on the central part of the country, Monrovia, and we have witnessed this outbreak once again of civil war and the devastation being wrought on innocent civilians.

So what to do about it? Again, I am not prepared to give a clear answer. I would presume the administration is proceeding and in due course will share this information, but it is likely one or more decisions will be made in the absence of the Congress in formal session, so that concerns me because I feel strongly that congressional involvement in this situation is very important. I go back to our obligation to the men and women in the Armed Forces.

Once this military force—that is the force at sea—is on station, I anticipate that will increase the international pressure on our Government—and I continue to use the phrase ''government''—to become more actively involved and send these forces in. Again, under the Constitution, the President has every right to make that decision on his own initiative, with or without consultation with the Congress, and to proceed.

In doing that, I call the attention of the Senate to the military doctrine that has evolved since Vietnam. It was my privilege to serve in the Department of Defense for over 5 years during the Vietnam conflict as Navy Secretary. That period of history is indelibly etched in my memory, a period of

history which reflected the Congress breaking away from successive administrations that were involved in that conflict, and the animosity in the Congress against the Department of Defense. I shared my burden of that animosity, along with three Secretaries of Defense whom I served with in that period. Two remain very dear friends and valued advisers to me to this day. The third has passed on.

Out of that conflict, America began to examine the criteria by which this Nation should send men and women in uniform into harm's way—a very introspective, deep reflection on the tragic losses. My recollection is close to 50,000 men and women gave their lives in that conflict in Vietnam, and many more were wounded.

So often in the evening hours of our duties in the Pentagon in those days, I would, as did the other service Secretaries, call families and attend funerals. I frequently met with groups regarding their deep concern about that conflict and their losses. I remember meeting with the wives of the prisoners of war on regular occasions. Then this country unfortunately, in many respects, turned its discontent on the men and women of the Armed Forces themselves. When they would return home from their tours of duty in Vietnam, indeed there were instances in commands in the European theater of breakdown in discipline and morale, because of the uncertainty surrounding that conflict, the enormity of the casualities that we would take.

I mentioned the background because it was important America sit down and reflect on those criteria that Presidents—and indeed to the extent the Congress renders its approval—that Presidents and the Congress should follow.

A brief summary of that doctrine would be that military action should be used only as a last resort and only if there is a clear risk to national security interests of the United States of America; and at times we take into consideration the security interests of our valued allies.

So, is there a clear risk to national security by the intended target of our military action? What measure is the risk to the uniformed American? What measure is the risk to his or her life and limb?

The force when used should be overwhelming and disproportionate to the force used by the enemy. There must be strong support for the campaign by the general American public and there must be a clear exit strategy from the conflict in which the military is engaged.

I have generalized this but I ask unanimous consent to have printed in the RECORD following my statement a very important set of guidelines for the use of force that have been articulated through the years by our distinguished Secretary of State, Colin Powell—the so-called ''Powell Doctrine.''

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

(See Exhibit 1.)

Mr. WARNER. I have fairly stated the basic precedents that I embrace wholeheartedly. The Members of the Senate, in general, embrace these precedents.

Therefore, I pose rhetorically the question: As the decision process is made at this time, given the Congress will be out of town, that process will be made by the executive branch, the President of the United States, assuming, as he does, full accountability, will those criteria for the use of force be the guideline or are we somehow going to make a departure, and if so, what is that departure?

I fully recognize the dimension of human suffering today and the potential for even greater human suffering tomorrow, perhaps the next day. But at the same time, I fully recognize to the best I have been able to assertain, and I have not been able to assertain it to my complete satisfaction, but there will be an element of risk. I have asked not one, not two, but half a dozen distinguished military officers—some active duty, some not—whether they share my concern that there will be a measure of risk should we send troops into Liberia.

I made reference to this in hearings we have had in the Armed Services Committee in connection with the reappointment of the Chairman of the Joint Chiefs of Staff, General Myers and of the Vice Chairman, General Pace.

I ask unanimous consent to have printed in the RECORD an excerpt from renomination hearing.

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

(See Exhibit 2.)

Mr. WARNER. My concern is not just of today; it has been there for some significant period of time. This Senator has pressed the questions on that situation at every opportunity I have had to date.

I will also reflect on the personal involvement I have had in addition to the period in Vietnam. When I first came to the Armed Services Committee, I worked under some of the greatest men I have ever known in the Senate: Scoop Jackson, John Stennis, Barry Goldwater, John Tower. I try, as best I can, in my duties as Senator today to draw on the wisdom they imparted to me in their teachings. Those men were historic in proportion to the Senate. I shall never achieve but a small fraction of their stature but, nevertheless, having the responsibility, I do my very best.

I remember John Stennis asked me to work on a report for him of the effort we made to rescue the hostages illegally taken by the Government of Iran at the embassy. We all remember that challenge. The Pentagon prepared what I thought was a well thought through plan to rescue those hostages. It was the right thing to do. We put our military at great risk. It was a plan to use covert action and helicopters. I will not dwell on it because I did write that report for Senator Stennis. It is somewhere in the archives.

The bottom line, a series of primarily mechanical failures, due to dust being taken into the intake systems, prevented the consummation of what I still to this day say could have been a successful operation. Certainly the heroics of the men involved who volunteered for that action were extraordinary.

John Tower, when he was chairman, we went together, just the two of us, to Beirut shortly after the bombing of the marine barracks in Beirut, marines who were sent there for the best of purposes to try to alleviate the suffering. The tragic loss.

Later, I was entrusted to work on the report for Somalia. My distinguished colleague, good friend, CARL LEVIN, and I went to Somalia. We worked on that report. It took us months to interview many individuals. How could we have experienced that tragic loss of men and women in our Armed Forces at the hands of savage attacks? That is a matter of record, the observations and conclusions Senator LEVIN and I put in that report.

I don't want to take any more time of the Senate on what I personally have done. Many have done as much, if not more, in respective responsibilities, but I do draw on some experience.

I am not hesitant to express my own concerns about some situations. If I were asked today, What should be done with respect to Liberia, I would simply say, I do not have the facts to make an informed decision. I hope in the executive branch there are those who do have sufficient facts to make an informed decision. Is this situation following the doctrine in our national security interests? I have even seen the word ''vital'' national security interests used. It has not been answered to my satisfaction.

If we are going to make a departure from the doctrine, is that predicated on sound principles that equate, somehow, to violation of security interests? If so, should we state them? If so, should we explain to the people?

I strongly believe, as I pointed out, that as we ask our men and women to take risks, we should, an as executive branch, as a legislative branch, have informed the American people, prepared the American—prepared them in a way to accept such losses as might occur. Has that been done? I fear, in my judgment, it has not been done.

I have tried my best to respond to my constituents. I have been questioned about it a number of times. I do not have the facts to my satisfaction. But it is very clear throughout the history of that Vietnam experience, we should have, as I stated, gained the support of the general public, the support of the families of the men and women in the Armed Forces who must go in harm's way. That has not, to my satisfaction, been done.

It is my hope that whatever decision process has to be made in the absence

of the Congress will be made and carefully thought through. If we are going to depart from this doctrine on the use of force, if there are geopolitical pressures, if there are domestic political pressures—whatever it is, spell it out: What were the factors taken into consideration to make such decisions as may—and I underline may—be made by the executive branch when the Congress is gone, assuming that some decisions will be made—I don't predict in any way what they may be, but assuming some decisions are made. Maybe the decision is not to be involved.

I do fervently hope the Congress becomes engaged when we return, that we consider whether we have a resolution—first at the request of the administration, with the concurrence of the Senate leadership, and perhaps maybe some consultation with the committee chairmen and ranking members who are involved in the oversight committees—mine, Foreign Relations, certainly the Subcommittee on Appropriations, and others. So we go through a process.

I was privileged—I remember it so well—in 1991 to be asked by then the distinguished leader, Robert Dole, to prepare a resolution for the utilization by the President of force in the Persian Gulf in the 1991 conflict. How well I remember that debate—3 days, 3 nights on this floor of the Senate and then the vote. And only by a margin of 5 votes did the Senate adopt a resolution in support of then the first President Bush to utilize force in that conflict.

We had a larger vote with regard to the operations in Afghanistan and Iraq. We had some closer votes. I worked on these resolutions and so forth and decisionmaking by the Congress in the Balkan situation. I watched, carefully, all of those matters as they were addressed by this body.

Now, as we look at this situation in Liberia, we have a background of an ongoing conflict in Afghanistan and an ongoing conflict in Iraq. This mighty Nation is mourning the losses of uniformed members of the Armed Forces every week for some weeks now, doing the best we can individually to comfort and share the grief of the families.

Just this week, one Senator approached me: His State suffered a loss, and how could we facilitate the interment that this brave soldier deserved in Arlington in a timely way? Those steps are being taken. But a number of Senators have approached me, and I am glad to help as best I can with this situation back home in the context of the loss of the brave men and women of the Armed Forces.

This decision regarding Liberia could superimpose on those losses another level. It could. The risk, it seems to us, to be there—some of us who looked at this issue. Are we prepared as a nation to accept another circumstance in another theater that poses the threat of more casualties? I come back, is the United States of America—its citizens—prepared?

Our Armed Forces today, in my humble judgment, are stretched. We have seen some questioning the morale. I happen to think the morale is quite high. The recruiting, to the everlasting credit of the American spirit, is still strong; the retention is still strong. The All-Volunteer Force has exceeded every expectation we had.

I was privileged to be part of the framework in the Pentagon, under the leadership of a distinguished Secretary of Defense by the name of Melvin Laird, and a successor Secretary by the name of Jim Schlesinger, to envision and create and establish the All-Volunteer Force. It worked, and worked well. But that has its breaking points. Like everything else in life, it has its breaking points. I am not suggesting we have reached that limit, but we should never take our eye off the fact of that framework, that concept that everyone in uniform today is there because he or she has raised their arm and pledged allegiance to the Constitution of the United States and obligated themselves to accept the risks of military service. They do so thinking that the President, whoever that President may be, and the Congress, whatever the composition may be, are standing guard, protecting them and their families, protecting them and following the doctrine on the use of force, which presumably they have some knowledge of before accepting these obligations, that doctrine that I have enunciated and others have enunciated.

That is a heavy obligation upon us. We have to make certain that, as these conflicts in Afghanistan and Iraq are concluded and the goals that we stated are reached—goals which enable both of those nations to achieve a measure of democracy and freedom that they never have had, certainly not in the last 30 years—after that, those successive goals—and there is no doubt that we must be steadfast in our resolve to achieve them—we have to make certain our Armed Forces remain strong to meet the unexpected contingencies that arise around the world. Those contingencies that could challenge the vital security interests of this Nation. That means a strong, active, All-Volunteer Force, a strong Guard and Reserve.

We have to take those steps now to ensure that they are in place as we complete our mission in Afghanistan and Iraq, and indeed in many ways where our troops are throughout the world. I think they are on the border of being overdeployed and overextended, and we have to keep a very watchful eye.

Early this week, the Secretary of Defense came up to the Hill along with General Keane and went over a rotation policy which is going to correct—and I repeat in their words—that ''some mistakes were made'' of late with regard to our troops currently engaged in the Iraqi conflict. I commend the general. He recognized that some mistakes have been made. They are going to correct them.

I think now our forces will have a much clearer understanding, and their families—and I repeat—and their families will have a clear understanding as to their obligation. But always keep in mind that there is a tomorrow and a tomorrow, and what we do today in many ways establishes the foundation of what we can and cannot do on a tomorrow.

I wish our President Godspeed to make his decision. And I am hopeful that this body will engage itself when it returns from this recess.

EXHIBIT 2

U.S. SENATE COMMITTEE ON ARMED SERVICES

Sir/Madam: There will be a meeting of the Committee on Armed Services, Room SR–325, the Caucus Room, Russell Senate Office Building, Thursday, July 24, 2003–9:30 a.m.

To consider the following nominations: General Richard B. Myers, USAF, for reappointment as Chairman of the Joint Chiefs of Staff and reappointment to the grade of general; and General Peter Pace, USMC, for reappointment as Vice Chairman of the Joint Chiefs of Staff and reappointment to the grade of general.

The nominees will be present.

Chairman WARNER. My last question would relate to Liberia and the decision process now underway by which the President is trying to make an assessment as to the force level and composition that could be put in by the United States to stabilize a very tragic situation in terms of human suffering.

But, on the other hand, in my judgment it is a situation that poses great personal risk to forces such as our forces that could be injected into that very fast-moving and volatile situation there in Monrovia and the greater Liberia.

General MYERS. If you will permit me, Mr. Chairman, let me just describe the situation that we currently have in Liberia. It hasn't changed dramatically in the last 24 hours.

But we have a situation where you have a leader who has got to go who, as we know, is not a good leader, has not done good things for Liberia or, for that matter, has not been—been a lot less than helpful to the countries in the region, and so President Taylor must leave, and that part is being worked.

The other thing is that the two rebel groups, the two major rebel groups, the LURD and the MODEL, it is unclear—in fact, it's, I think the intelligence community would tell us that it is probably not going to happen that you are going to get political leadership out of these rebel groups, that they are not a replacement for Taylor. So it is not clear who is going to step forward in a political sense when the situation settles down in Liberia, to take over the political leadership.

In the meantime, you have a humanitarian situation where food, clean water, medical care is a problem. All the nongovernmental organizations that were in there providing those kinds of capabilities have left because of the security situation. So it is a situation that is, as you have described it, is not a pretty situation. It is not going to give way to any instant fix. Whatever the fix is going to be is going to have to be a long-term fix.

Currently, we have the West African nations surrounding that area, to include Nigeria, Ghana, Senegal, others, are looking to put a force in there to help stabilize the situation in Liberia. They, of course, have asked for U.S. support and what the administration is doing right now is trying to determine what is going to be the character of that support.

As a military person, I am concerned, like you, that whatever we do, that we have a very clear mission, we understand the mission we are asked to do, that we have an idea of when the mission is going to be over, in other words, when can we come out of the mission, and that we have sufficient force to deal with the security situation, that we do not go in on a shoestring when we need adequate force.

There are other things we can consider, but those are probably the three main things.

We have looked at options, all sorts of options. There has been no decision made—taken on this. I think I will just leave it there, I think. I think in the next few days we will—

Chairman WARNER. I would also add, for myself, and I draw that from statements made by our President in earlier days, that there be a clear and identifiable strategic interest, security interest, of this country. That to me remains somewhat to be defined in this situation, should the decision be made to go forward.

Can I just draw by way of conclusion your remarks that you concur, that in my judgment, this is not a risk-free operation, if we were to undertake it?

General MYERS. Mr. Chairman, I don't think any operation like this is risk-free. We have three, at least three warring factions, the LURD, the MODEL, the two rebel groups, and the government forces themselves. They are all armed. They are not disciplined troops as we know them. There are a lot of young people fighting in these groups. It is potentially a dangerous situation.

So when you go into it, you need to go into it knowing that. It may be that we can go in terms of support for these ECOWAS forces. And ECOWAS countries have come forward and volunteered forces. They will need some equipping and some training, some of the forces will, before they go in. So it is a little longer-term issue and it is a matter of months, probably not weeks, for some of those forces. Some of them probably can get in there fairly quickly, but small numbers.

And then eventually I believe Kofi Annan up at the U.N. said this will become a U.N. mission at some point. And that all has to be blended into this.

But I will go back to the larger issue. There is a political situation there with the president of a country, a ''democracy,'' and how they deal with President Taylor, where he goes, what this interim government is also important to our security situation. And that is a somewhat cloudy picture today.

Chairman WARNER. General Pace, you had experience in your previous command before becoming Vice Chairman, in terms of Central and South America, do you have any views to add to those of the Chairman, General Pace?

General PACE. Sir, my experience in Somalia is a little more akin to the potential experience in Liberia. And I would echo what General Myers just said, that it is potentially a very dangerous situation. And when we—if we are asked to do something militarily, we need to make sure we do it with the proper numbers of troops and that we be prepared for the eventualities of having to take a military action.

Chairman WARNER. Thank you, Senator Levin.

Senator LEVIN. Just on that Liberian issue, would you recommend going in unless Taylor is either gone or on his way out as we arrive?

General MYERS: So far, that has been one of the planning assumptions that we made, that otherwise, you get into a situation that General Pace knows only too well, and it would define your mission, and the mission would be quite different if Taylor were to remain there than if he were gone. And so one of our planning assumptions is that he will leave, either before or simultaneously with the troops entering, whether they are ECOWAS troops or U.S., or U.S.-supported ECOWAS troops.

EXHIBIT 1

[The first public articulation of the ''Powell Doctrine,'' a most influential mindset throughout the 1990s—and through the current administration, as well]

EXCERPTS FROM COLIN POWELL, ''U.S. FORCES: THE CHALLENGES AHEAD,'' FOREIGN AFFAIRS, WINTER 1992

To help with the complex issue of the use of ''violent'' force, some have turned to a set of principles or a when-to-go-to-war doctrine. ''Follow these directions and you can't go wrong.'' There is, however, no fixed set of rules for the use of military force. To set one up is dangerous. First, it destroys the ambiguity we might want to exist in our enemy's mind regarding our intentions. Unless part of our strategy is to destroy that ambiguity, it is usually helpful to keep it intact. Second, having a fixed set of rules for how you will go to war is like saying you are always going to use the elevator in the event of fire in your apartment building. Surely enough, when the fire comes the elevator will be engulfed in flames or, worse, it will look good when you get in it only to fill with smoke and flames and crash a few minutes later. But do you stay in your apartment and burn to death because your plans call for using the elevator to escape and the elevator is untenable? No, you run to the stairs, an outside fire escape or a window. In short, your plans to escape should be governed by the circumstances of the fire when it starts.

When a ''fire'' starts that might require committing armed forces, we need to evaluate the circumstances. Relevant questions include: Is the political objective we seek to achieve important, clearly defined and understood? Have all other nonviolent policy means failed? Will military force achieve the objective? At what cost? Have the gains and risks been analyzed? How might the situation that we seek to alter, once it is altered by force, develop further and what might be the consequences?

As an example of this logical process, we can examine the assertions of those who have asked why President Bush did not order our forces on to Baghdad after we had driven the Iraqi army out of Kuwait. We must assume that the political objective of such an order would have been capturing Saddam Hussein. Even if Hussein had waited for us to enter Baghdad, and even if we had been able to capture him, what purpose would it have served? And would serving that purpose have been worth the many more casualties that would have occurred? Would it have been worth the inevitable follow-up: major occupation forces in Iraq for years to come and a very expensive and complex American proconsulship in Baghdad? Fortunately for America, reasonable people at the time thought not. They still do.

When the political objective is important, clearly defined and understood, when the risks are acceptable, and when the use of force can be effectively combined with diplomatic and economic policies, then clear and unambiguous objectives must be given to the armed forces. These objectives must be firmly linked with the political objectives. We must not, for example, send military forces into a crisis with an unclear mission they cannot accomplish—such as we did when we sent the U.S. Marines into Lebanon in 1983. We inserted those proud warriors into the middle of a five-faction civil war complete with terrorists, hostage-takers, and a dozen spies in every camp, and said, ''Gentlemen, be a buffer.'' The results were 241 Marines and Navy personnel and a U.S. withdrawal from the troubled area.

When force is used deftly—in smooth coordination with diplomatic and economic policy—bullets may never have to fly. Pulling triggers should always be toward the end of the plan, and when those triggers are pulled all of the sound analysis I have just described should back them up.

Over the past three years the U.S. armed forces have been used repeatedly to defend our interests and to achieve our political objectives. In Panama a dictator was removed from power. In the Philippines the use of limited force helped save a democracy. In Somalia a daring night raid rescued our embassy. In Liberia we rescues stranded international citizens and protected our embassy. In the Persian Gulf a nation was liberated. Moreover we have used our forces for humanitarian relief operations in Iraq, Somalia, Bangladesh, Russia and Bosnia.

All of these operations had one thing in common: they were successful. There have been no Bay of Pigs, failed desert raids, Beirut bombings or Vietnams. Today American troops around the world are protecting the peace in Europe, the Persian Gulf, Korea, Cambodia, the Sinai and western Sahara. They have brought relief to Americans at home here in Florida, Hawaii and Guam. Ironically enough, the American people are getting a solid return on their defense investment even as from all corners of the nation come shouts for imprudent reductions that would gut their armed forces.

The reason for our success is that in every instance we have carefully matched the use of military force to our political objectives. We owe it to the men and women who go in harm's way to make sure that this is always the case and that their lives are not squandered for unclear purposes.

Military men and women recognize more than most people that not every situation will be crystal clear. We can and do operate in murky, unpredictable circumstances. But we also recognize that military force is not always the right answer. If force is used imprecisely or out of frustration rather than clear analysis, the situation can be made worse.

Decisive means and results are always to be preferred, even if they are not always possible. We should always be skeptical when so-called experts suggest that all a particular crisis calls for is a little surgical bombing or a limited attack. When the ''surgery'' is over and the desired results is not obtained, a new set of experts then comes forward with talk of just a little escalation—more bombs, more men and women, more force. History has not been kind to this approach to war-making. In fact this approach has been tragic—both for the men and women who are called upon to implement it and for the nation. This is not the argue that the use of force is restricted to only those occasions where the victory of American arms will be resounding, swift and overwhelming. It is simply to argue that the use of force should be restricted to occasions where it can do some good and where the good will outweigh the loss of lives and other costs that will surely ensue. Wars kill people. That is what makes them different from all other forms of human enterprise.

When President Lincoln gave this second inaugural address he compared the Civil War to the scourge of God, visited upon the nation to compensate for what the nation had visited upon its slaves. Lincoln perceived war correctly. It is the scourge of God. We should be very careful how we use it. When

we do use it, we should not be equivocal: we should win and win decisively. If our objective is something short of winning—as in our air strikes into Libya in 1986—we should see our objective clearly, then achieve it swiftly and efficiently.

I am preaching to the choir. Every reasonable American deplores the resort to war. We wish it would never come again. If we felt differently, we could lay no claim whatsoever to being the last, best hope of earth. At the same time I believe every American realizes that in the challenging days ahead, our wishes are not likely to be fulfilled. In those circumstances where we must use military force, we have to be ready, willing and able. Where we should not use force we have to be wise enough to exercise restraint. I have finite faith in the American people's ability to sense when and where we should draw the line.

Mr. STEVENS. Mr. President, I rise today to salute a very special person, Joseph C. Chase, of the Senate Appropriations Staff who retired yesterday after 31 days of service in the Senate.

When asked for his wisdom and advice after such a long period of distinguished service, Joseph smiled and easily responded by saying ''deal with people as they are and always in a positive way.''

Joseph C. Chase was born on March 18, 1948. He was raised in Brandywine in Prince Georges County. He is a graduate of Gwynn Park Senior High School in 1967 and attended Bowie State University from 1968 to 1970 where he majored in physical education and studied to be a teacher.

Joseph comes from a large family. He is the tenth child in a family of 11, nine boys and two girls. In 1988, he donated a kidney to his brother Andrew Chase who worked for the Sergeant at Arms.

He has been married to his lovely wife Peggy Elsey Chase for 29 years. The Chases met in 1969, and were married on July 27, 1974. Peggy has been a teacher for over 30 years. The Chases have two children, a daughter JoVonna, born August 1, 1977, and a son Joseph Jr., born August 21, 1983. The have one granddaughter, Kylah who is 3½.

Joseph's family legacy on Capitol Hill started over 60 years ago with his uncle Lewis Brooks, age 89, who worked on the House side as a doorkeeper. Over the years, more than 20 members of Joseph's family have worked on Capitol Hill. After working as a driver for Master Distributors and Brody Brothers Trucking, Joseph started working for the Senate Sergeant at Arms in July of 1972. He then came to the Senate Appropriations Committee in March of 1973 under the chairmanship of Senator John McClellan. In total, Joseph has worked for the Senate for over 31 years.

Since that time, Joseph has witnessed the growth in size and power as well as a host of other changes on the Senate Appropriations Committee. When Joseph started it consisted of only 30 people—today we have 95. Full committee meetings and conferences were held in the Old Supreme Court Chamber, would last for days and days, and were usually closed to only members and very few staff.

Joseph is actively involved in his church and community. He is a senior member of Asbury U.M. Church in Brandywine which is pastored by W. Otto Kent. In addition to being a member of the Prince Hall Masons, he is a vice president of the Danville Floral Park Citizens Association.

In closing, I just want to offer a special thank you to Joseph for all his outstanding contributions to the Senate Appropriations Committee over the past 31 years and wish him the best of luck in all his future endeavors.

HONORING DR. BILL MADIA

Mr. FRIST. Mr. President, I rise today to recognize a true leader in the science community and to thank him for his hard work on behalf of Tennessee and the Nation. After 3 years as Director of the Oak Ridge National Laboratory, Dr. Bill Madia will be stepping down to return to Battelle headquarters in Columbus, OH as the Executive Vice President for Laboratory Operations. During his tenure in Oak Ridge, Bill has had a tremendous impact not only on the laboratory, but on the Oak Ridge community as well.

Bill Madia came to ORNL to continue the lab's tradition of world-class scientific research dating back to the Manhattan Project, and to advance its work on critical Department of Energy missions. His presence was felt immediately, as he took on an ambitious laboratory revitalization effort which included building new facilities to expand research capabilities, upgrading existing facilities to enhance ongoing research, and tearing down outdated facilities to relieve the lab from unnecessary overhead costs.

The cornerstone of this revitalization effort is the Spallation Neutron Source, a $1.4 billion dollar user facility that will be the most powerful machine of its kind in the world. Under Bill's watchful eye, the SNS has remained on schedule and on-budget. Alongside the SNS is the site for the new Center for Nanophase Materials Sciences, the first of DOE's cutting-edge nanoscience centers. Down the hill is the upgraded High Flux Isotope Reactor; the combination of these three facilities has ORNL poised to become a premier neutron science laboratory.

Bill's vision for ORNL also includes scientific computing, and with the recent completion of the Center for Computational Sciences, one of the most modern computer laboratories in the world, ORNL is ready to be a major participant in the Department of Energy's high-end supercomputing programs.

On the biological sciences front, the old ''Mouse House'' is being replaced with a new facility, the Laboratory for Comparative and Functional Genomics. This updated lab will keep ORNL on the cutting edge of genetic research utilizing the mouse colony to address the need to study gene function and apply that knowledge to curing human diseases. For this research ORNL is participating in a statewide effort known as the Tennessee Mouse Genome Consortium, a group that includes the University of Tennessee/Knoxville, the University of Tennessee/Memphis, Vanderbilt University, the University of Memphis, St. Jude Children's Hospital, Meharry Medical College and East Tennessee State University.

Bill's leadership and commitment have truly made a difference at ORNL and throughout Tennessee, and I thank him for his service. I wish him all the best in his future endeavors.

SENATE ENERGY AND WATER APPROPRIATIONS BILL SECTION 205

Mr. BINGAMAN. Mr. President, before we adjourn for the August recess, I'd like to make a brief statement related to Section 205 of the Senate Energy and Water appropriation bill. While we have not yet taken up this bill on the Senate floor, I expect that we will do so very quickly once we return from the August recess. I would therefore like to provide my views on a provision that has received significant attention in New Mexico.

Section 205 is a provision that addresses endangered species issues in the Middle Rio Grande in New Mexico. As a threshold matter, let met state that I support the approach taken in Section 205 to address the ongoing conflict between water use and the ESA in the Middle Rio Grande basin. While there is a remaining issue about the interpretation of one aspect of the language in that section, I have worked with Senator DOMENICI to address that issue and we will follow-up on that matter when the bill comes to the floor.

The conflict in the Middle Rio Grande was exacerbated by a recent decision by the Tenth Circuit Court of Appeals. Section 205 responds to that decision. I think it is an appropriate response because it provides a level of certainty for water users in the basin but leaves intact the requirements and goals of the Endangered Species Act. Let met explain that in more detail.

As many of my colleagues have already heard, the decision by the Tenth Circuit Court of Appeals in the case of Rio Grande Silvery Minnow v. Keys requires the Bureau of Reclamation to reallocate water from the San Juan-Chama project if necessary to meet the requirements of the Endangered Species Act. What is remarkable about this decision—which needs to be redressed in my view—is that the San Juan-Chama project water is not native to the Rio Grande basin. It is water that originates in the San Juan River basin, and is brought over as a supplemental water supply for use in the Rio Grande basin. Use of this water—quite simply—has not caused the decline of the Rio Grande silvery

minnow, nor does it further jeopardize the existence of that species. The Court's decision, however, disregards these facts and erroneously directs the Bureau of Reclamation to reduce water deliveries to project contractors such as the cities of Albuquerque and Santa Fe, if necessary to meet the needs of endangered species. This result is not consistent with the intent of section 7(a)(2) of the ESA, and therefore unreasonably creates an uncertain water supply situation for a number of communities in New Mexico.

This situation needs correction and the intent of section 204 is to do just that. It eliminates reclamation's discretion to unilaterally take water from San Juan-Chama contractors and reallocate it for ESA purposes. Section 205, however, preserves voluntary transactions by which Reclamation can meet the needs of the endangered fish. This is how business has been done since 1996, and that process is allowed to continue.

Section 205 also includes a subsection that legislates the sufficiency of the ten-year biological opinion addressing water operations in the Middle Rio Grande. I understand that protecting a biological opinion through Federal legislation is not insignificant. Nonetheless, there are several reasons why I believe this approach is appropriate in this content. First, there has been an endless cycle of litigation over water operations in the Middle Rio Grande. We simply need some level of certainty for water users if we are to proceed to address the long-term requirements of the ESA. Second, it is important to keep in mind that compliance with the biological opinion not only ensures compliance with the ESA, but should serve to improve water-supply and habitat conditions in the Middle Rio Grande. The Biological Opinion contains a reasonable and prudent alternative, or ''RPA'', that emphasizes a broad approach to conserving endangered species in the Middle Rio Grande. It requires minimum river flows based on the annual available water supply, and includes spring releases to trigger silvery minnow spawning activity. The RPA also contains No. 1, requirements for significant habitat improvements, including fish passage at the San Acacia diversion dam; No. 2, population enhancement activity; and No. 3, water quality improvements in the basin.

As a fall-back, to ensure continued survival of the silvery minnow if the RPA does not significantly improve its status, the legal coverage provided by the biological opinion lapses if minnow mortality exceeds the limits defined in the opinion's incidental take statement. In that event, the Federal agencies will need to re-consult with the U.S. Fish & Wildlife Service to ensure that the survival of endangered species is not jeopardized.

As a final matter, although I believe that the approach in Section 205 will maintain progress in recovering the minnow, mere compliance with the biological opinion is not the end of the story. I also expect that the Secretary of the Interior will aggressively pursue other actions to promote the recovery of endangered species in the Middle Rio Grande, including support for the efforts of the Middle Rio Grande ESA Collaborative Program. The Collaborative Program has been very successful in bringing together a diverse group of parties to work towards common restoration goals in the Middle Rio Grande. It will continue to be key to the recovery effort and I will continue to support funding its work.

Before yielding the floor, I want to specifically address some ongoing concerns with Section 205. First, Governor Richardson in New Mexico has been working with all the parties to the ongoing litigation to try and develop a comprehensive settlement to the difficult issues in the Middle Rio Grande. That settlement, while not yet secured, is within reach. If finalized, it will likely address a broader range of issues than the approach in Section 205. The concern being expressed is whether the Section 205 could be modified to accommodate legislation associated with any potential settlement. I want to ensure Governor Richardson and the parties at the table that I will remain open to consider any settlement proposal that may be developed as part of that process. A more comprehensive solution, particularly one developed by all the parties together, is a preferred approach that deserves substantial attention and consideration.

The Middle Rio Grande Pueblos have also expressed concern that their water supplies are not protected in Section 205. On this point, I think it is clear that the Tenth Circuit's decision does not provide any basis for the Secretary of the Interior to assert discretion over the Pueblos' available water supply and unilaterally reallocate such water for endangered species purposes. The Pueblos' legal status is different from the project contractors covered by the Tenth Circuit's decision. In fact, it is highly questionable whether any provision of law gives the Secretary discretion over the Pueblos water similar to that determined by the Tenth Circuit. Nonetheless, it is premature to conclusively address that issue at this time. I will, however, continue to work with the Pueblos, as well as Senator DOMENICI on this issue, to determine if a modification to this legislation should be considered.

I hope this statement provides a clear explanation on why I am supporting the legislative approach set forth in Section 205.I believe that it is a reasonable response to the issues confronting my state—and one that should avoid being the basis for an Endangered Species Act fight. I thank Senator DOMENICI for working with me on this provision and I urge my colleagues to support this language.

I yield the floor.

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

EXTENSION OF CHAPTER 12 OF THE BANKRUPTCY CODE

• Mr. FEINGOLD. Mr. President, I am pleased that the majority has finally cleared H.R. 2465, to extend Chapter 12 of the Bankruptcy Code for another six months. As a consponsor of companion legislation, S. 1323, I have been working to get this done ever since the House passed its bill on June 23 by a vote 379–3. Chapter 12 expired at the end of June. It is unfortunate that it took an entire month for the Senate to take up this simple bill that keeps in place special simplified bankruptcy provisions for family matters. But with the harvest season just around the corner in many of our States. I am pleased that the Senate has taken this action. We have helped many farmers who are in difficult financial straits. That is a good thing.

It is high time that the Congress made chapter 12 permanent. It has been in place since the mid-1980s and has worked well. Along with the Senator from Iowa, Mr. GRASSLEY, I have championed taking this step along with the number of important improvements to chapter 12, including adjusting the income limitations for inflation, which has never been done. The major bankruptcy bill that has been before the Congress for a number of years includes those improvements. I oppose the overall bankruptcy bill, but I believe that the provisions dealing with chapter 12 can and should be passed independently. Family farmers in difficult financial situations deserve our support. I applaud the Senate for finally passing this short extension, and I hope we will make chapter 12 permanent before the end of the year, when another extension will be necessary.•

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

PASSAGE OF THE ENERGY BILL

• Mr. KERRY. Although I was not present to vote on the Energy bill passed last night, I would like the Record to reflect my opposition to the bill and the process by which it was passed.

I voted for the Democratic Energy bill, H.R. 4, last Congress. When the same bill came up for a vote last night as S. 14, I was announced against it. The reason is that debate on the Energy bill was closed down prematurely before consideration of important provisions such as renewable portfolio standards, clean air standards, and climate change could even take place.

Furthermore, there is no indication that the Senate and House conference committee is going to lead to any type of meaningful bipartisan negotiations. In fact, the Republican leadership has already boasted they will do little if anything to defend the Senate position.

Instead, they have announced that intention to rewrite the bill in conference. Apparently the Senate process has little meaning in this regard. It was just a ticket to a conference committee and a free hand in drafting a partisan bill.

The Nation needs a progressive, forward-looking energy policy that strengthens our national energy security, safeguards consumers and taxpayers, and protects the environment. Unfortunately, I believe passage of this legislation has put us on a fast track towards creation of an extreme Energy bill in conference that abandons each and every one of those core principles.●

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

OUR DEMOCRACY, OUR AIRWAVES ACT

● Mr. DURBIN. Mr. President, I am pleased to join my colleagues, Senators JOHN MCCAIN and RUSS FEINGOLD, in introducing S. 1497, the Our Democracy, Our Airwaves Act of 2003. This legislation complements the reforms accomplished through the Bipartisan Campaign Reform Act of 2002 by addressing an essential element omitted from the law: the demand side of fundraising.

As I emphasized during the Senate debate two years ago, simply dealing with the supply side of political campaigns—the sources of campaign contributions—misses the point. If we truly want to reform political campaigns in America, we must address the role of television. Television was once a tiny part of political campaigns, but it has grown exponentially.

Spending on television in political campaigns has skyrocketed. The $1 billion spent in 2002 by candidates, parties, and issue groups for political spots set a record for any campaign year and doubled the amount spent in the 1998 midterm election. It represented a four-fold increase in what was spent in 1982, even adjusting for inflation. What we are witnessing is ever more intensive efforts by candidates of both political parties to raise money for television and radio stations to deliver their messages to the American people.

What is often overlooked in this discussion is that the airwaves belong to the American people. Broadcasting stations are trustees of the lucrative electromagnetic spectrum. Broadcasters pay nothing for their exclusive licenses and are allowed to use the publicly-owned airwaves on one condition: that they serve the public interest.

Since 1971, Federal law has required that in the 45 days preceding a primary election and the 60 days prior to a general election, candidates are entitled to the lowest unit charge for broadcast media rates for the same class and amount of time for the same period. But for all practical purposes, this mandate has been meaningless. In order to secure their preferred time slots and guarantee that their ads are not bumped to a less desirable time, many candidates in competitive races end up paying premium prices instead of the lowest unit charge.

Television stations have taken this law, intended to benefit public discourse and to ensure that candidates are not penalized prior to an election, and have turned it upside down. Candidates end up paying dramatically more than the lowest unit rate. And as the costs to campaigns balloon, candidates, incumbents and challengers alike, must scramble for funds so they can give them right back to the television stations.

A $200,000 media program buys a few 30-second slivers of time to deliver ideas and views on the public airwaves. It takes just a moment to broadcast it, and if a viewer-voter gets up to get a sandwich in the kitchen when it airs, they miss it. But raising the funds to pay for the ill-fated spot still requires asking 4,000 people to make a $50 campaign contribution. As former Senator Bill Bradley observed several years ago: Today's political campaigns are collection agencies for broadcasters. You simply transfer money from contributors to television stations.

And as time ticks down to election day and the demand for television ads goes up, the stations raise their rates dramatically. Not only are rate costs for political ads inflated, stations are not covering the campaigns in their news segments in any significant way. Last week, findings from two instructive studies were published, which amplify these problems and underscore why enacting the Our Democracy, Our Airwaves Act is so important.

A study published by the Alliance for Better Campaigns based on a survey of more than 37,000 political ads on 39 local television stations in 19 states found that the average price of a candidate ad rose by 53 percent from the end of August through the end of October of last year. According to findings in another nationwide survey released last week by the Lear Center Local News Archive, a collaboration between the University of Southern California Annenberg School's Norman Lear Center and the Wisconsin NewsLab at the University of Wisconsin-Madison, viewers looking for campaign news during the height of the election season last year were four times more likely, while watching their top rated local newscast, to see a political ad rather than a political story. At the same time, those stations took in record-breaking amounts of political advertising revenue.

The Our Democracy, Our Airwaves Act addresses these concerns in three ways. First, it requires that television and radio stations, as part of the public interest obligation they incur when they receive a free broadcast license, air at least two hours a week of candidate-centered or issue-centered programming during the period before elections. Second, it enables qualifying federal candidates and national parties to earn limited ad time by raising funds in small donations. Up to $750 million worth of broadcast vouchers would be made available to be used to place political advertisements on television and radio stations in each two-year election cycle. As conceived in our bill, this system will be financed by a spectrum use fee of not more than one percent of the gross annual revenues of broadcast license holders. And third, it closes loopholes in the ''lowest unit rate'' statute in order to ensure that candidates receive non-preemptible time at the same advertising rates that stations give to their high-volume, year-round advertisers.

Until we get to the heart of what is driving up the cost of political campaigns, we cannot achieve real campaign finance reform. And at the heart of skyrocketing campaign costs is the cost of television. Our legislation will help reduce the amount of money in politics by making the public airwaves more accessible for political speech. The airwaves belong to America and to the taxpayers, and the network stations simply must give time back to challengers and incumbents across the United States if we're going to succeed in putting a stop to the money chase and the millions of dollars being spent on campaigns.

Only by providing candidates an opportunity to purchase time at affordable rates and imposing a modest and reasonable obligation on broadcasters to air at least two hours per week of candidate or issue-centered programming in the weeks before election day can we hope to return Our Democracy, Our Airwaves to the American people.●

NOMINATION OF DANIEL BRYANT

Mr. GRASSLEY. Mr. President, I rise today to state before this body that I object to proceeding to the consideration of Daniel Bryant, executive nominee to the Department of Justice. Mr. Bryant is nominated to be Assistant Attorney General, Office of Legal Policy at DOJ. I have placed a hold on this individual because I have numerous outstanding issues that have yet to be resolved by the Department of Justice. More specifically, I have several outstanding written requests before the Department of Justice. Some of these requests are more that 6 months overdue. In addition, I am presently working with the Department of Justice to overcome a number of procedural issues directly affecting my ability, as a member of the Judiciary Committee to, among other things, conduct oversight of the Department of Justice, and the Federal Bureau of Investigations.

ADDITIONAL STATEMENTS

J. MARC WHEAT

● Mr. LEAHY. Mr. President, I rise today to pay tribute to Marc Wheat, who is leaving the State Department's Bureau of Legislative Affairs after 2

years of outstanding service. As a Senior Advisor for Senate Affairs, Marc Wheat worked closely with my staff on the Foreign Operation Subcommittee on a range of important and controversial issues—from Plan Colombia to reconstruction in Afghanistan to Iraq.

To be sure, my staff tells me that Marc was a tireless and forceful advocate for the State Department's position on these, as well as other issues. But, they also emphasize that he was always honest and forthright, responding promptly and fully to the committee's requests for information. Perhaps what comes through the most is what a decent and genuine person Marc is. That was obvious to me when I met him after a committee hearing with Secretary Powell.

The State Department's loss is a gain for the House of Representatives. Marc is leaving his job at the State Department to be the Staff Director of the Government Reform Subcommittee on Criminal Justice, Drug Policy, and Human Resources. I know Marc will be a great asset to Chairman SOUDER in his new position. This is the latest move in a distinguished career for Marc, which includes service as a Counsel on the House Commerce Committee and Legislative Assistant to Congressman HASTERT.

I know my staff will miss working with Marc, and I wish him the best of luck in his new job.●

CENTENNIAL ANNIVERSARY OF PITTSBURG STATE UNIVERSITY

● Mr. BROWNBACK. Mr. President, today I recognize the centennial of Pittsburg State University in Pittsburg, KS. The institution that is today Pittsburg State University opened its doors on September 8, 1903, in a borrowed building in downtown Pittsburg with 54 students and five faculty. From these humble beginnings, Pittsburg State University has grown into a comprehensive state university of regional, national and international stature.

In 1903, the fledgling school offered only elementary courses in manual training, domestic science, domestic art, and a few basic academic subjects. Yet by 1912 the school's enrollment had increased to 1,183 students and it was described as a ''College for Teachers.'' In the coming years, dedicated administrators and faculty worked to raise the standards of the institution to the point that it merited and received recognition as a liberal arts college.

Following World War II, the campus grew rapidly. Soldiers returning from the war came in droves, thanks to the G.I. Bill, and new buildings emerged all over campus. The college's mission and enrollment continued to expand as well. In 1977, the college achieved university status and assumed its current name, Pittsburg State University.

The decade of the 1990s was a time of unprecedented growth of PSU. Enrollment passed the 6,000 mark for the first time in 1991. Major additions ranged from a renovation and expansion of the football stadium to the addition of a 100,000-watt public radio station and the installation of a world-class mechanical organ in McCray Hall. In 1997, the university completed its largest single capital project with the construction of the Kansas Technology Center, a $28-million facility to house the university's nationally recognized technology programs. The Kansas Technology Center continues to play a vita role in the university's growth and development and is a significant economic development tool for the four-state region.

As it celebrates its centennial, Pittsburg State University now has an enrollment of more than 6,700 students. The university offers a wide variety of highly regarded programs in its Colleges of Business, Arts and Sciences, Education and Technology. Known as a comprehensive regional university serving Kansas and the four-state region that includes Oklahoma, Missouri and Arkansas, Pittsburg State attracts students from more than 25 states and 40 countries. Among its 55,000 alumni, PSU counts Pulitzer Prize winners, scientists, CEOs of some of the world's largest corporations, and even a former Miss America. Moreover, PSU is also to be admired for the model relationship of kindness and mutual assistance it has maintained with the Kansans in its local community.

I welcome this opportunity to commemorate all that Pittsburg State University has done to enrich the lives of its students and its surrounding community. I sincerely commend and thank PSU for its 100 years of faithful service.●

CONFIRMATION OF H. BRENT McKNIGHT TO THE U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA

● Mr. EDWARDS. Mr. President, I am very pleased that last night the Senate voted to confirm Brent McKnight, an outstanding North Carolina lawyer and jurist, to the U.S. District Court for the Western District of North Carolina.

Judge McKnight, currently serving as US. Magistrate, has a stellar record of achievement and excellence. A native of Mooresville, North Carolina, he received his BA from the University of North Carolina Chapel Hill and his law degree at the University of North Carolina School of Law. He was a Rhodes Scholar, earning an MA and Diploma in Theology at Oxford University.

Judge McKnight served as Assistant District Attorney for the State of North Carolina from 1982 through 1988, when he was elected District Court Judge for the 26th North Carolina Judicial District. During this time, we in North Carolina first saw the superior qualities that Judge McKnight brought to the bench—temperance, fairness, attention to detail and an abiding commitment to and concern for equal justice under the law. In fact, after just four years on the bench, Judge McKnight received a 97% approval rating from attorneys polled by Court Watch of North Carolina.

After four years of exemplary service on the North Carolina state court, Judge McKnight was appointed a United States Magistrate in May 1993. Judge McKnight has continued to build his reputation as an outstanding judge, earning the respect of lawyers and litigants throughout the state.

I can't tell you how many calls and letters I have received from people from across North Carolina telling me what an exceptional jurist and person Brent McKnight is. These folks attest to Judge McKnight's impeccable legal professionalism, both as a prosecutor and a Judge. I have no doubt that Judge McKnight will continue this record of excellence as a United States District Judge.

I was delighted to wholeheartedly support the nomination of Brent McKnight and am pleased that the full Senate has confirmed him to the United States District Court for the Western District of North Carolina. I wish him and his family—his wife Beth and their three boys, Brent, Matthew and Steven—well as he embarks on this next phase of his admirable career. I am confident that Judge McKnight, a consensus nominee who represents the mainstream of our state, will continue to serve the people of North Carolina and the United States with distinction.●

MYRA HYDE

● Mr. BOND. Mr. President, as Co-Chairman of the Senate Beef Caucus, I recognize and commend Ms. Myra Hyde for a decade of service on behalf of America's cattlemen. Mr. President, for 10 years, Ms. Myra Hyde has served as the National Cattlemen's Beef Association's director of environmental issues where she diligently worked on land use, conservation policy, and property rights issues. This month, she leaves the cowboys for the administrative pastures at the Department of Interior's Fish and Wildlife Service.

Ms. Hyde's contribution to progressive and responsible conservation policies and practices are known by those who work with her as well as those who have had the unenviable task of locking horns against her in the notoriously rough and tumble debate on resource management. She is a proud Texan, which is a compliment even outside of Texas.

Let me conclude by saying that those she leaves behind will sorely miss her expertise, honesty and sense of humor. Ms. Hyde has been a true friend of America's cattlemen as well as many of us serving here in Congress. She will be of great value as a servant of the public at Interior. On behalf of the caucus, we wish Myra good luck and ask her keep in mind the challenges faced by the hard working people who endeavor to feed the people of our nation and much of the world.●

RECOGNIZING DR. JAY GOGUE

• Mr. BINGAMAN. Mr. President, I rise to honor Dr. Jay Gogue, who has served as president of New Mexico State University since July 2000 and who will depart this August. A native Georgian, President Gogue received his doctorate in horticulture from Michigan State University. He then held many significant positions including: chief scientist for the National Park Service, vice president for research at Clemson University and provost at Utah State University.

From the outset, President Gogue's highest priority has been increasing academic opportunities for New Mexico State University students and faculty. Under his outstanding leadership, the university expanded distance education programs, increasing enrollment by about 70 percent last year. Additionally, President Gogue encouraged private donations, considerably increasing funds for the university. Recognizing the long-term benefits of solid relationships within the local and state arenas, he built strong associations between the university, alumni and the New Mexico legislature.

Throughout his tenure at New Mexico State University, President Gogue has continually been an exceptional, consummate leader and tireless advocate for New Mexico State University; his accomplishments will be long remembered. I wholeheartedly thank him for his dedication and wish him well in all his future endeavors.•

BIRTHDAY GREETINGS TO LINDA MAXWELL ROBERTSON

• Mrs. FEINSTEIN. Mr. President, I take this opportunity to extend warm birthday greetings to a constituent of mine, Linda Maxwell Robertson. Linda will be turning 50 on September 1st.

Linda is an unusual woman who pursued a career in commercial film production in New York City right out of high school. She started as a production assistant and rapidly rose through the ranks so that, at the ''ripe old age'' of 26, she co-founded her own production company with a partner, Mark Ross. Within a few years, her company had annual billings in excess of $8 million. Later, Linda established a commercial production company in New York for noted Hollywood directors Ridley and Tony Scott and Patrick Morgan. Linda is a Past President of the East Coast Chapter of the Association of Independent Commercial Producers, AICP, and a current member of the Directors Guild of America.

In addition to her work-related responsibilities, Linda served as a media consultant to the Partnership for a Drug-Free America and was the Executive in Charge of Production for the United Nations' worldwide campaign to celebrate its 50th anniversary. In that capacity, she produced commercials in North America, South America, England, Thailand, South Africa, Mozambique, Australia, and the Czech Republic.

These accomplishments would be enough to satisfy most people, but not Linda! In her mid-40s, she went to college to New School University, where our friend and former colleague, Bob Kerrey, now serves as President. Linda earned her Bachelor's degree in Psychology in 2000, graduating with a 3.9 grade point average, GPA. While she was earning her BA, Linda started Black/Max Productions with her friend, Ann Black. The two of them are busy developing innovative and educational children's programming.

In July 2000, Linda and her husband Mike, daughter Charlotte, and dog Sally moved to Newport Beach and now live in Laguna Beach. At present, Linda is a few semesters shy of earning a Master's degree in clinical psychology from Pepperdine University's Graduate School of Education and Psychology. This September, she'll begin work as a trainee in marriage and family therapy at Pepperdine's Community Counseling Center. She is currently working as head of marketing and special events coordinator at the Cannery Restaurant in Newport Beach.

Linda finds the time, somehow, to get her poetry published and to be active in charitable affairs in her community and at St. Margaret's Episcopal School in San Juan Capistrano, where her daughter Charlotte will be entering the 10th Grade this fall. Meanwhile, her husband Mike is Creative Director at Heil-Brice Retail Advertising, HBRA, in Newport Beach and the two of them are on the brink of opening one or more ''It's a Grind'' coffee shops in Orange County.

I know that Linda is an inspiration to all who know her, especially her family—her younger brother, Gray, served as my legislative director for two years. It's a pleasure to send her birthday greetings. I could tell her to keep up the great work, but I don't think it's necessary!•

LOCAL LAW ENFORCEMENT ACT OF 2003

• Mr. SMITH. Mr. President, I 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 Manchester, NH. On October 15 and 16, 2001, a 43-year-old woman bumped and elbowed her Muslim neighbor while the two women passed in the stairwell of their apartment building. The victim fell, bruising her elbow and hip. On the previous day, the woman approached her Muslim neighbor, pushed and harassed her with insults and epithets, calling her ''Middle East Trash'' and ''terrorist.''

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.•

IN RECOGNITION OF RACHEL M. CLEMENTS AND LEAH M. CROWDER

• Mr. DOMENICI. Mr. President, today I recognize the hard work and inquisitive spirit of two young New Mexicans: Rachel Clements and Leah Crowder. These two home-schooled eighth graders from Albuquerque, NM, captured top honors at the Northwestern New Mexico Regional Science Fair for their project: ''The Effect of Bosque Fires on Saltcedar Growth.''

As we all know, science fairs are held every year, in nearly every part of the Nation. Likewise, there are many remarkable projects exhibited at these events. The Clements-Crowder project focused on a scientific issue that is of great concern to New Mexico: the tamarisk plant, also known as saltcedar. They conducted their study over the span of 2 years, and their results are noteworthy.

On the west side of the Rio Grande, Rachel and Leah enthusiastically sought to understand how cottonwood canopies affect saltcedar growth and explore the usefulness of prescribed burning as a means of eradication. Their findings showed that more saltcedars grew in burned than in unburned areas. The results of their project reinforce the necessity of moving quickly to restore the hundreds of acres of the Bosque that were recently burned.

While visiting our Nation's Capital this past month, they were kind enough to share their findings with me. While further study is necessary to verify them, their conclusions add to the knowledge necessary to deal with this threat to our water. This is the sort of information that I hope my bill, the Saltcedar Control Demonstration Act, will uncover and put to use. We must discover the best ways to eradicate this invasive species, as it will help New Mexico to conserve its most precious resource, water.

As those of us who reside in the Southwest are well aware, water is scarce. On the other hand, saltcedar is an exotic, invading water thief. The majority of the large rivers and tributaries within the State have become overrun with saltcedar which drives out desirable vegetation and reduces the ability of riparian areas and waterways to provide habitat diversity for wildlife. These invaders must be dealt with decisively and quickly.

Through their curiosity and keen sense of purpose, Rachel and Leah have provided insight into a devastating problem for New Mexico. In a sense,

they have issued an even bigger challenge to address the saltcedar problem. I am proud of these two young people, and I salute their pursuit of knowledge.●

OXFORD UNIVERSITY AWARDS JOHN BRADEMAS HONORARY DEGREE

● Mr. SARBANES. Mr. President, I was among a number of former Rhodes Scholars present on July 3, 2003 at the Sheldonian Theatre in Oxford, England, when our distinguished former colleague in the House of Representatives, John Brademas, was awarded the honorary degree of Doctor of Civil Law by Oxford University. Dr. Brademas, who served in the House of Representatives from 1959 to 1981, 22 years, the last 4 as majority whip, represented the then Third District of Indiana.

Described in the degree citation as ''a man of varied talents and extraordinary energy, the most practical of academics, the most scholarly of men of action,'' Dr. Brademas was praised for sponsoring laws in Congress ''which gave important support to colleges, libraries and cultural activities'' and for promoting ''legislation to help the weak by Federal subventions for those in need.''

The citation, presented by Oxford University's new Chancellor, Chris Patten, also hailed Dr. Brademas, who served as President of New York University from 1981 until 1992, on having become ''president of one of the greatest universities'' and for ''collecting enormous sums of money'' for NYU.

Read in Latin by Oxford's Public Orator, the citation noted that Dr. Brademas had studied at Harvard, earned a Ph.D. at Oxford with a study of Spain and, ''mindful of his Greek ancestry, is a founder of the Center for Democracy and Reconciliation in Southeast Europe.'' Said Chancellor Patten, in presenting the degree to Dr. Brademas:

> You have had an outstanding career; you have played a distinguished role in political life, while for the academy you have caused a golden stream of benefaction to gush forth.

In commenting on the award, John Sexton, current President of New York University, said:

> John Brademas shaped the transformation of NYU into the great university it is today. He came to us already a world citizen and he made us a world university. And today, as our President Emeritus, he continues to play a major role through his counsel and his enormous efforts on our behalf.

Dr. Brademas was the only American so honored by Oxford during ceremonies marking the Centenary of The Rhodes Trust, which administers the Rhodes Scholarships. The other former Rhodes Scholars awarded degrees were Robert J. L. Hawke, former Prime Minister of Australia; Rex Nettleford, former Vice-Chancellor of the University of the West Indies; and David R. Woods, Vice-Chancellor of Rhodes University, South Africa.

A graduate, B.A., magna cum laude, of Harvard University, Dr. Brademas studied at Brasenose College, Oxford, from 1950 to 1953.

Having myself enjoyed the great experience of studying at Oxford University on a Rhodes Scholarship, I naturally take pride in the achievements of John Brademas. I am sure that members of both the Senate and House of Representatives, on both sides of the aisle, join me in congratulating our former colleague on this high honor.●

THE 50TH ANNIVERSARY OF THE PINEWOOD DERBY

● Mrs. BOXER. Mr. President, it is my privilege today to recognize the 50th Anniversary of the Pinewood Derby. In 1953, Donald Murphy of Torrance, CA, initiated the first Pinewood Derby, an activity that has been enjoyed by millions of Cub Scouts and their families to date.

Mr. Murphy devised a miniature race car from a block of pinewood and asked his employer, the North American Aviation, to sponsor a race of the miniature cars for his son's Cub Scout troop. He hoped the event ''would foster a closer father-son relationship and promote craftsmanship and good sportsmanship through competition.'' The Pinewood Derby quickly became a staple event for Cub Scout Packs.

Today, Pinewood Derbies are fun family endeavors that encourage creativity, develop skills, and promote teamwork. At each race, cars with unique paint jobs and designs demonstrate the pride and sense of accomplishment that participants have in their Derby entries.

As the ''father'' of the Pinewood Derby, Mr. Murphy can be proud that the Derby has enriched the lives of children and families across the country for half a century. Please join me in recognizing the Pinewood Derby and Mr. Murphy's role in its success.●

THE 100TH ANNIVERSARY OF ORANGE HIGH SCHOOL AND 50TH ANNIVERSARY OF THE ORANGE UNIFIED SCHOOL DISTRICT

● Mrs. BOXER. Mr. President, I wish to reflect on the proud history of Orange High School, which is celebrating its centennial this year. This is a particularly special moment because the Orange Unified School District is also celebrating its 50th anniversary this year.

Earlier this summer, more than 220 friends and alumni gathered at an event called ''From Kibby to French'' in honor of the district's first superintendent, Harold Kibby, and current superintendent, Bob French. The high school and district have come a long way since its humble beginnings many years ago.

Orange High School opened in the ''Dobner Building'' on September 21, 1903 as Orange County's fourth high school. In its first year, it had an enrollment of 81 students. A few years later, it moved from the ''Dobner Building'' to a building at Palm Avenue and Glassell Street, which is now Chapman University's Wilkinson Hall. It was not until 1953 that it moved to its current site on Shaffer Street.

As those close to Orange High School celebrate this special occasion, they can reflect on the school's progress and historical milestones. The school newspaper, ''The Reflector,'' celebrated its first issue in 1916. The following year, the Class of 1917 painted a large ''O'' on a local hillside, which started a well-known tradition lasting through the 1960s. 1928 marked the beginning of another famous school practice, the ''Dutch/Irish Days,'' with a basketball game played between graduates of St. John's Lutheran School, the ''Dutch,'' and Orange Intermediate School, the ''Irish.'' The game was last played in 1965. In 1970, Orange High opened a stadium in honor of 1912 Olympic champion and class of 1911 alumnus, Fred Kelly. On the school's 75th anniversary in 1978, a museum opened in the Townsend Room.

I would like to conclude my remarks by describing a tradition some alumni from the Class of 1943 started about 15 years ago. They started to meet for breakfast once a month at Watson's Drug and Soda Fountain, a place near the ''Dobner Building.'' David Hart, an Orange High alumnus, was quoted in the Orange County Register on the centennial as saying, simply, ''We like each other . . . I have breakfast with kids I went to kindergarten with . . . Other schools don't have that.'' This unique feeling of closeness and friendship clearly shows the meaning of Orange High School its alumni.

I congratulate both Orange High School and Orange High School District on this important milestone, and wish them many more years of success.●

THE 100TH ANNIVERSARY OF HOLLYWOOD HIGH SCHOOL

● Mrs. BOXER. Mr. President, I wish to reflect on the proud history of Hollywood High School, which is celebrating its centennial on September 13. In some ways, Hollywood High School lives up to its name. Judy Garland, Mickey Rooney, and Lana Turner were on the school's roster. Carol Burnett was the editor of the school paper. And scores of other celebrities received their education at Hollywood High. Hollywood High has certainly grown significantly from its humble beginnings.

It opened in 1903 on the second floor of a former bakery located on Highland Avenue. It had an enrollment of 56 students, and only three teachers were on the payroll. Two years later, construction on a Roman-temple style building was underway at the intersection of Sunset Boulevard and Highland Avenue, and this is where the school still stands today.

Over the years, Hollywood High's student population grew to include not

only Hollywood celebrities, but also leaders in American government, and in many other fields. Former Secretary of State Warren Christopher graduated from Hollywood High, as did Judge John Aiso, the first Nisei appointed to the federal bench.

Hollywood High School provides a myriad of services to students interested in the performing arts. In partnership with Paramount Studios, it administers the New Media Academy. Hollywood High also has a winning debate team, award-winning dance and drill teams, and a Performing Arts Magnet Center.

Mr. President, it is clear that Hollywood High has enjoyed a colorful and successful history, and I congratulate the school, staff and students on this special occasion.●

THE 75TH ANNIVERSARY OF CAMP SAN LUIS OBISPO

● Mrs. BOXER. Mr. President, I wish to reflect on the 75-year history of Camp San Luis Obispo in my home State of California. A celebration of this special anniversary will be held on August 22, 2003. Established in 1928, Camp San Luis Obispo then Camp Merriam has served our state and nation well: as a training site for the California National Guard, as a training and staging base for the U.S. Army during World War II and the Korean War, and now as the home of the Guard's California Military Academy.

Camp San Luis Obispo was established in the years following World War I, when it was recognized that a training site for the Guard was needed. The federal government began using the camp just before World War II. The camp was active throughout the war, and by the end of the war in 1944, it had expanded to 15,433 acres and had the ability to serve more than 20,000 troops. During the Korean War, the Army trained soldiers at the Southwest Signal School that opened in 1951.

In July 1965, the State of California regained control of the camp. With the closure of California military installations during the past ten years, the centrally-located Camp San Luis Obispo has served as a resource for Guard and Reserve units.

During the past 75 years, Camp San Luis Obispo has provided an important service to the California National Guard and to our nation. This historic camp has served as a training site during some of our nation's most difficult national security challenges.

I congratulate Camp San Luis Obispo on this milestone, and commend the California National Guard for their noble service over the years.●

MAJOR ANTHONY W. HAMEL

● Mr. REED. Mr. President, I rise today to recognize the accomplishment of Major Anthony W. Hamel of the Rhode Island Air National Guard. MAJ Hamel was awarded the Bronze Star Medal for meritorious achievement while serving as Executive Officer and Director of Staff of the 376th Expeditionary Wing at Manas Air Base in Kyrgyzstan from 6 November 2002 to 6 May 2003 in support of Operation Enduring Freedom.

Major Hamel was recognized by the United States Air Force for ''outstanding leadership . . . essential to the effective prosecution of operation Enduring Freedom and the fight against global terrorism.'' As Director of Staff, he ''acted as a catalyst in virtually every aspect of the wing's day-to-day operations resulting in efficient and seamless coordination among the eight-nation coalition.'' His leadership as Wing Executive Officer enabled the Wing Commander to focus his time on combat sorties and the successful delivery of weapons on target in Afghanistan. He is cited for ''exemplary leadership, personal endeavor, and devotion to duty'' which reflects ''great credit upon himself and the United States Air Force.''

Major Hamel's accomplishments also show great credit to the Rhode Island Air National Guard and the state of Rhode Island. His selfless service to Rhode Island and the nation is an example of all the men and women from my state who volunteer to help keep our nation safe from threats around the world.

I echo the praise of the United States Air Force in recognizing Major Hamel with the award of the Bronze Star Medal. I ask my colleagues to join with me today in thanking Major Hamel on behalf of a grateful nation for his unselfish service to our country.●

IN MEMORY OF RICHARD ''DIXIE'' WALKER

● Mr. HOLLINGS. Mr. President, late last month South Carolina lost one of our most distinguished citizens, and I rise today to salute Richard ''Dixie'' Walker.

Dixie was a scholar in East Asian studies. He brought an international studies institute to the University of South Carolina in the 1960s, when such programs were not being offered anywhere in the South. In the 1980s President Reagan asked him to be the Ambassador to South Korea, and he was one of the most successful ever.

To share with my colleagues just how much Dixie meant to all of us back home, I ask that this very eloquent homage to him be printed in the RECORD. It was written by John McAlister, who studied under Dixie at Yale University in the 1950s.

The homage follows:

Ambassador Richard L. Walker has brought inspiration and irony to all who have had the privilege to be his friend, student, or compatriot in the cause of freedom. He inspired us by his eloquent testimony to the universal values of freedom, by his articulation of the human anguish at freedom's lack, by his insistence on the cultural foundation of freedom, and by his emphasis that freedom depends on our respecting the diversity and dignity of the cultures of humanity. He evoked irony to signal the paradox of life, the necessity for good humor in all things, and the need to see things as they really are rather than how they may appear.

His nickname artfully combined both inspiration and irony. The original ''Dixie Walker'' was, as those of us old enough to remember that irreverent baseball player, the antithesis of our elegant friend and mentor ''Dixie.'' Perhaps that is why our ''Dixie's'' nickname seemed so comfortable. It calls attention to the ever present ironies and tragedies of life and how they can be surmounted with humor and humility as well as with virtue, excellence, and compassion. He left us an enduring legacy of good jokes, profound cultural insights, and admonitions to check our self-assuredness by deeper reflection. The nickname ''Dixie'' made the point without heavy handed fanfare.

Time has happily eroded the identity of the original profane ''Dixie Walker'' and our ''Dixie'' has given a distinguished luster of scholarly and ambassadorial dignity to the nickname. Transforming seemingly valueless and unfamiliar things into new and greater worth is his legacy that goes far beyond the burnishing of an old nickname into a mark of honor. The name ''Dixie Walker'' will forever be inseparable from the dramatic defense and then flourishing of freedom in East Asia over the past six decades. Many brave Americans and courageous Asians of all cultures and social conditions deserve our reverence for their sacrifice and dedication to this still incomplete and perilous cause that at this very hour is threatened by potential nuclear conflict. ''Dixie's'' legacy in the cause demands to be honored for reasons that may still not be widely understood yet are fundamental to an appreciation of his enduring endowment to freedom, not alone in Asia.

Conspicuous in our memory is ''Dixie's'' historic ambassadorship to the Republic of Korea, the longest serving in our history, punctuated with tension-filled drama in the aftermath of assassinations, the bloody military suppression of a popular uprising, the Soviet destruction of a Korean commercial airliner with total and tragic loss of life, and student protests advocating democratic reforms to mention only a few. Navigating the treacherous shoals of the Korean spirit was never expected to be the ideal of a morning calm. In the storms, ''Dixie'' was a firm unflustered pilot whose navigational recommendations helped steersmen set the course to a safer harbor of Korean democracy, to winning the Olympic Games for Seoul, to campuses now filled with free debate, and to a prosperity of today unimagined at the beginning of his ambassadorship.

Conspicuous also to us is ''Dixie's'' historic leadership in bringing new

vigor and distinction to one of America's oldest universities. Carolina now has global reach thanks in part to graduates of the Institute of International Studies that now bears ''Dixie's'' name. These graduates now are leaders in their own right in positions of great responsibility in the cause of freedom, endowing their own colleagues, students and friends with the inspiration given to them by ''Dixie Walker.'' Their names may sometimes be awkward for the native Carolina tongue to pronounce or for the Carolina ear to comprehend. But these distinguished foreign leaders will forever be linked in their hearts and spirit to Carolina and to the undying example of their mentor.

Less widely known than his history-making ambassadorship and Carolina leadership is his landmark scholarship on communism in China, the controversy it sparked a half century ago when it first appeared, the fierce criticism he endured, and the rightful vindication he never sought and not even grudgingly received. In the winter of 1956–57, the Yale University Press published ''China Under Communism: The First Five Years'' one of the first scholarly analyses of China under Chairman Mao. The book was the focus of a front page review in the Sunday New York Times Book Review. Praise came from the informed public and was widespread.

But there were academic critics who lamented the book as an ''anti-communist tract.'' At the heart of the controversy was the assertion in certain scholarly quarters that communism in China was legitimate because it was founded on timeless Chinese cultural traditions. ''Dixie's'' view was the reverse. He asserted that Maoist authoritarianism would not last precisely because of its attempted destruction of Chinese culture. Twenty years and millions of lives later, ''Dixie's'' view prevailed because Maoism was what he said it to be. Maoism did not outlive Mao. Chinese culture suffered deterioration from which full recovery will not be quick. Many past and current leaders and their families were jailed, some killed. The pain for China lingers on but cultural renewal is accelerating. A kind of ''Dixie Walker'' focus on underlying fundamentals of culture is steadily gaining momentum in music, dance, visual arts, motion pictures, science, religion, and in public debate. China is on its way to new levels of cultural achievement as he said it would when freedom began to take hold.

Why should the controversy and unpleasantness of China a half century ago be retold at a time of homage and remembrance? Why not let the past remain in the past? After all, a vaunted tradition among Carolina natives is the warning not to look too deeply into the past lest unwanted things be found. What is to be gained? An understanding of the essence of ''Dixie's'' life and his insights into the character of freedom is what awaits our reflection. What has been true for China is true elsewhere. Tyrants don't endure. Freedom prevails when peoples unite in their common humanity while giving respect and dignity to those things that make them different from one another. Power by the few yields to the freedom of the many when unity is based on cultural diversity and dignity.

Brave Americans are once again risking their lives for freedom, our own and that of subject peoples, fighting in far off lands whose cultures defy our popular comprehension and confound our leader's predictions. Our military strength is absolutely indispensable for this fight. Alone, it is insufficient. Once again as so frequently over the past half century, we find how closely our own freedom is linked to languages, cultures, religions, family patterns, and traditions that we do not know and for which there has been limited study. What to do? ''Dixie Walker's'' living legacy will always be there to remind us that freedom is never to be taken for granted and cannot be assured without our learning about, understanding, respect, and nourishing of the cultures of the human family on which it is founded.

Farewell beloved friend! You will live forever in our hearts and everywhere that freedom is cherished.●

IN MEMORY OF KEMAPHOOM CHANAWONGSE

● Mr. DODD. Mr. President, I honor the memory of Marine CPL Kemaphoom Chanawongse, of Waterford, CT, who was killed in action earlier this year in Iraq.

Mr. President, those of us who are privileged to live in this great Nation of ours know that its greatness is rooted in its people—people who have come to this country over the years from lands near and far, and have succeeded in making extraordinary contributions to their new home. And there is no greater contribution, no greater sacrifice, than the one made by Kemaphoom Chanawongse.

CPL Chanawongse, who was known as ''Ahn,'' came to this country from Thailand with his mother and stepfather when he was just a young boy. He soon learned to speak English, but also retained his native Thai. He enjoyed architecture and engineering, and was a budding artist.

From the very beginning, Ahn seemed destined to serve his country. His family had a proud tradition of military service—his grandfather and his uncle were both veterans of the Thai Air Force, and his stepfather served in the United States Navy. Even at an early age, Ahn would dress up in his stepfather's uniform, perhaps knowing that someday, he would proudly wear one of his own.

Ahn graduated from Waterford High School in 1999, and joined the Marines shortly afterwards. He served with the 1st Battalion, 2nd Marine Regiment, 2nd Marine Expeditionary Brigade. His fellow soldiers called him ''Chuckles'' for his outgoing personality and sense of humor.

When it came to serving his country, though, Ahn was all business. He knew that the path he had chosen was a dangerous one, but he also knew that the causes he represented—freedom, democracy, and opportunity—were worth fighting for.

Ahn Chanawongse's American dream was a dream cut short—but his story is an inspiration to us all. And his bravery, heroism, and valor will not be forgotten.

On behalf of the United States Senate, the State of Connecticut, and all of America, I offer my deepest gratitude to Corporal Kemaphoon Chanawongse for his service to the United States of America. My utmost sympathies go out to Ahn's mother, Tan Patchem, his stepfather Paul, his brother Kemapawse, and to all of his friends and family.●

TRIBUTE TO HALINA GRABOWSKI

● Mr. DEWINE. Mr. President, I rise today to honor and remember the life of an extraordinary woman—a woman who experienced events that exist to most of us merely as stories in our history textbooks. I am proud to call this woman a fellow Ohioan—one who, as a teenager, fought in the Warsaw Uprising against the invading Germans.

This woman, Halina Grabowski, lived her life with a rare courage and loyalty, and her level of service to humanity is something to which we all should aspire. Halina recently passed away in Cleveland at the age of 75. I would like to share her amazing story with my colleagues in the Senate.

Halina was born in 1928 to a homebuilder and his wife in Warsaw, Poland. She grew up as one of 12 children living comfortably in the city. However, the outbreak of World War II changed forever the kind of life she and her family knew.

The German army swept through Poland in September 1939. As we know all too well, the atrocities the Nazis inflicted on the Polish people were truly horrific. Halina and her family were unable to escape the occupiers. Her house was burned to the ground and her brother died in her arms following a brutal beating by German soldiers. Halina's mother was killed when German planes bombed the church in which she was seeking refuge. At this point, most of us would give up—but not Halina. In the midst of this devastation, she decided to join the resistance movement in Warsaw.

The Warsaw Uprising erupted out of the city's ghettoes on August 1, 1944. After the Jews resisted early efforts to quell the rebellion, masses of German reinforcements entered the city with an order to kill all of its inhabitants. Despite the threat, Halina joined the Armia Krajowa, or Home Army.

Even though the Home Army was greatly disadvantaged, they fought

fiercely and bravely. Halina was assigned to duties as a messenger, nurse, and guard. During the resistance, her foot and arm were severely injured by German shells. However, rather than succumbing to her injuries, Halina bandaged herself and returned to her unit. Several times, she and her comrades escaped enemy troops by crawling through sewers and fighting off rats.

Despite their courageous efforts, the Home Army eventually ran out of food, medicine, and ammunition. The Germans captured Halina and her unit and sent them to concentration camps in Germany.

The resistance engaged the German occupiers for 63 days of intense fighting—the longest Polish resistance battle fought during World War II. In addition to its length, the Warsaw Uprising was the greatest military operation undertaken by any resistance movement in Europe at the time. It was an amazing act of courage and overwhelming valor. When it was over, more than 200,000 Polish people had lost their lives fighting for their freedom.

Halina survived the War. She survived the ghetto, the resistance, and a German concentration camp. Throughout this, she also managed to find the love of her life—George Grabowski. They married in England in 1948 after they left Germany. In 1952, Halina and George moved to Cleveland, and although she lived as an American for the next 50 years, her ties to her home country were never severed.

Halina served as an officer in the Polish American Congress, PAC, an umbrella organization of 3,000 Polish-American organizations and clubs. The PAC promotes civic, educational, and cultural programs designed to further not only the knowledge of Polish history, language, and culture, but also to stimulate Polish-American involvement in the United States. Additionally, Halina served as a member of the organization of Polish Veterans Combatants and the SPK Polish service organization.

While much of her new American life was dedicated to Polish causes, Halina was also a devoted mother and wife. She had a daughter and a son, who she raised while working for twenty years in the payroll department of Society National Bank.

Halina lived through one of the most harrowing events the world has ever seen. However, she did not let it overwhelm her. Rather, she courageously fought for her freedom and never gave up. Halina was awarded Poland's A.K. Cross and four other medals for her service in the Home Army. I offer my condolences to her entire family—especially to her husband George; their two children, Theresa and John; and their seven grandchildren.

Halina Grabowski was an amazing woman—we will never forget her.●

TRIBUTE TO BIRUTE SMETONA

● Mr. DEWINE. Mr. President, I rise today to honor and pay tribute to Birute Smetona—an exceptional woman and an exceptional Ohioan who passed away recently at the age of 91. Birute was a gifted musician, who lived a life of great courage and perseverance. She was a beloved figure and an inspiration to all who knew her in her Cleveland-area community.

Birute, born in Subacius, Lithuania, began her distinguished career as a concert pianist by soloing with the symphony orchestra in Kaunas—then the capital of Lithuania. She went on to graduate from the Lithuanian National Conservatory in 1935, where she met her future husband Julius, an athlete and an assistant law professor who was also the son of Lithuania's President Antanas Smetona. After the start of World War II, she had to leave a respected music conservatory in Paris to return to Lithuania with her husband and infant son, Anthony. During the trip, they sometimes had to get off their train and walk alongside because sections of track had been destroyed as a result of the War.

When they arrived in Lithuania, the Smetona family found their native land changed. Birute's life, which up until that point may have seemed like a modern-day fairy tale to some, was about to be thrown into a state of upheaval. Amidst the ever-present dangers of a war creeping closer and closer to home, Birute and her family made the difficult decision to leave Lithuania—the home they loved so dearly—in search of a better life.

Birute and her family left Lithuania in June 1940, just as the Soviet army was entering the country. While Russian troops initially stopped them at the border, they ultimately allowed them to pass into Germany. From there, the family was constantly on the move, living in Switzerland, France, Spain, and Brazil all in the space of a little over a year.

Eventually, Birute and her family arrived in Chicago in 1941, before finally settling in Cleveland, where Birute's husband found work as a factory laborer for just 65 cents an hour. The Smetona family was living on the second floor of a house on Ablewhite Avenue when a sudden fire consumed it. Tragically, Birute's father-in-law, the former President Smetona, lost his life in the blaze, unable to escape from where he lived in a converted attic on the floor above them.

These were difficult times for Birute and her family. After all that Birute and her family had been through—from having to leave their homeland of Lithuania to losing Julius's beloved father and having their home destroyed—Birute and her family started over yet again. As a testament to her strength of character, Birute endured at a point in her life when many others less determined and courageous than she would have crumbled under the sheer pressure of all the adversity her young family suddenly faced.

Birute held steadfast, however, and truly flourished in Euclid, Ohio. To help support her family, Birute took buses for a time from her family's public housing in Euclid to homes in Shaker Heights to give piano lessons. But eventually, she was able to build a full schedule at her own home. She soon returned to the concert stage and went on to perform in major cities, including New York, Chicago, and Washington.

In Cleveland, she belonged to and performed for the Fortnightly, Cecilian, and Music and Drama clubs of Cleveland. While living in Cleveland Heights, Birute shared her gift with the community and taught for years at the Cleveland Music School Settlement and Ursuline College. Birute was also a visiting instructor at Youngstown State University, Appalachian State University, and the School of Fine Arts in Willoughby.

While known as a gifted performer, Birute Smetona was also a devoted mother and exceptional teacher. Her two surviving sons, Anthony of Cleveland Heights and V. Julius of Medina, both followed in their mother's footsteps to become concert pianists and teachers. Birute was dedicated to her students. She taught them to avoid a stiff appearance when playing by using a supple, flowing motion of hand, wrist, and forearm. Most of all, Birute was well known for her unique ability to clearly explain difficult musical concepts in a way that even children could understand.

Birute was a strong, courageous, and exceptionally talented mother, instructor, and pianist. She was a vibrant member of the Cleveland community, and I am proud to honor her life—a 91-year journey and adventure. I extend my condolences to her entire family—to her two sons, her nine grandchildren, and to all who knew and loved her. She will be truly missed, but will remain forever a testament to the character and depth of courage of the Lithuanian community in Ohio.●

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.)

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 2799. An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

H.R. 2861. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–3599. A communication from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Extensions of Principal and Interest'' (RIN0572–AB79) received on July 29, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3600. A communication from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the Republic of Panama; to the Committee on Banking, Housing, and Urban Affairs.

EC–3601. A communication from the Deputy Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rough Diamonds (Liberia) Sanctions Regulations, Rough Diamonds Control Sanctions'' received on July 31, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–3602. A communication from the Assistant Secretary, Land and Minerals Management, Minerals Management Service, transmitting, pursuant to law, the report of a rule entitled ''Oil and Gas and Sulphur Operations in the Outer Continental Shelf'' (RIN1010–AC89) received on July 31, 2003; to the Committee on Energy and Natural Resources.

EC–3603. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Montana Regulatory Program'' (MT–023–FOR) received on July 31, 2003; to the Committee on Energy and Natural Resources.

EC–3604. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''List of Obsolete Rulings'' (Rev. Rul. 2003–99) received on July 29, 2003; to the Committee on Finance.

EC–3605. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''RIC Refunded Bonds'' (Rev. Rul. 2003–84) received on July 29, 2003; to the Committee on Finance.

EC–3606. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Rev. Proc. 2003–69'' received on July 29, 2003; to the Committee on Finance.

EC–3607. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Revenue Ruling: Deductions Related to Compensatory Stock Options'' (Rev. Rul. 2003–98) received on July 29, 2003; to the Committee on Finance.

EC–3608. A communication from the Regulations Coordinator, Center for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities'' (RIN0938–AL20) received on July 29, 2003; to the Committee on Finance.

EC–3609. A communication from the Regulations Coordinator, Center for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program, Inpatient Rehabilitation Facility Prospective Payment System for FY 2004 Rates'' (RIN0938–AL95) received on July 29, 2003; to the Committee on Finance.

EC–3610. A communication from the Regulations Coordinator, Center for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program: Changes to the Inpatient Prospective Payment Systems and Fiscal Year 2004 Rates'' (RIN0938–AL89) received on July 29, 2003; to the Committee on Finance.

EC–3611. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''12 C.F.R. Part 740, Accuracy of Advertising and Notice of Insured Status'' (7535–01–U) received on July 29, 2003; to the Committee on Governmental Affairs.

EC–3612. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on Competitive Sourcing dated July 2003; to the Committee on Governmental Affairs.

EC–3613. A communication from the Chair, Office of General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled ''Public Financing of Presidential Candidates and Nominating Conventions'' received on July 31, 2003; to the Committee on Rules and Administration.

EC–3614. A communication from the Chair, Office of the General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled ''Public Financing of Presidential Candidates and Nominating Conventions'' received on July 31, 2003; to the Committee on Rules and Administration.

NOMINATIONS DISCHARGED

On request by Mr. WARNER and by unanimous consent, it was

Ordered, That the following nominations be discharged from further consideration by the Committee on Finance and the Committee on Foreign Relations:

DEPARTMENT OF THE TREASURY

Teresa M. Ressel, of Virginia, to be an Assistant Secretary of the Treasury, vice Edward Kingman, Jr.

DEPARTMENT OF STATE

Jeffrey A. Marcus, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belgium.

On further request by Mr. WARNER and by unanimous consent, it was

Ordered, That the nominations be confirmed en bloc; that the motions to reconsider en bloc be laid on the table; that the President be immediately notified of the confirmation of these nominations; and that the Senate return to legislative session.

Nominee: Jeffrey Alan Marcus.

Post: United States Ambassador to Belgium.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

1. Self—amount, date, donee: $1,000, 2/21/03, Senator Judd Gregg Committee; $1,000, 11/14/02, Terrell for Senate; $1,000, 9/23/02, Forrester 2002; $1,000, 9/17/02, Friends of Sessions Senate Committee; $210,000, 7/08/02, Republican National State Elections Committee; $1,083.68, 6/27/02, John Cornyn for Senate, Inc., In-kind contribution for expenses for in-home fund-raiser in excess of exempt amounts; ($1,083.68), John Cornyn for Senate, Inc., Reimbursement received on 7/31/02 from John Cornyn for Senate, Inc., for 6/27/02 in-home fund-raiser; $5,000, 5/01/02, NRCC Trust; $1,000, 4/30/02, Friends of Jeb Hensarling (General election); $1,000, 4/30/02, Cantor for Congress; $2,000, 4/24/02, Thune for South Dakota (Primary and general elections); $2,000, 2/06/02, John Cornyn for Senate, Inc.; $1,000, 1/16/02, Friends of Jeb Hensarling (Primary election); $1,000, 1/11/02, Friends of Katherine Harris; $1,000, 1/11/02, Tim Hutchinson Senate Committee; $5,000, 12/27/01, Republican Jewish Coalition PAC; $5,000, (this contribution was inadvertently attributed to me when it should have been attributed to my wife Nancy C. Marcus. We have contacted KPAC to ask that they correct the error), 8/27/01, KPAC; $20,000, 5/08/01, Republican National Committee; $6,468.67, 4/05/01, Republican National Committee, Hosted fund-raiser luncheon, The Crescent Court Hotel, Garden Room, Dallas, TX 75201; ($6,468.70), Reimbursement received on 4/01/03 from Republican National Committee for fund-raiser on 4/05/01; $600.00, (the Republican National Committee (RNC) inadvertently reported these sums as contributions to the Republican Party when they were simply payments for hotel accommodations and parade tickets associated with the 2001 Presidential Inauguration. I have requested that the RNC correct their filing), 1/24/01, Republican National Committee State Elections Committee; $10,879, the Republican National Committee (RNC) inadvertently reported these sums as contributions to the Republican Party when they were simply payments for hotel accommodations and parade tickets associated with the 2001 Presidential Inauguration. I have requested that the RNC correct this filing, 1/19/01, Republican National Committee, State Elections Committee; $1,000, 9/06/00, Lazio 2000, Inc.; $12,500, 6/19/00, Republican National Committee Presidential Trust; $217,500, 6/19/00, Republican National State Elections Committee—Victory 2000; $1,000, 2/10/00, Martin Frost Campaign Committee (General election); $500, 2/07/00, Jon Newton for Congress; $5,000, 1/25/00, DASHPAC; $10,000, (the ultimate recipients of this contribution were: Arizona Republican Party, $250; California Republican Party/Team California, $1690; Illinois Republican Party, $690; Massachusetts Republican State Congressional Committee, $380; Michigan Republican State Committee, $570; New Jersey Republican State Committee, $470; New York Republican Federal Campaign Committee, $1030; Ohio State Republican Party, $660; Republican Federal Committee of Pennsylvania, $730; Republican Party of Florida Federal Campaign Account, $790; Republican Party of Iowa, $220; Republican Party of Virginia, $410; Washington State Republican party, $350), 12/20/99, 1999 State Victory Fund Committee; $1,000, 10/20/99, Friends of Sam Johnson; $1,000, 10/20/99, Pete Sessions for Congress; $1,000, 9/02/99, Martin Frost Campaign Committee (Primary election); $1,000, 7/28/99, Regina Montoya Coggins for Congress; $1,000, 3/29/99, Governor George W. Bush Presidential Exploratory Committee, Inc.; $5,000, 1/22/99, Chancellor Media PAC;

$1,000, 1/04/99, Friends of Giuliani Exploratory Committee.

2. Spouse, Nancy C. Marcus: $2,000, 2/06/02, John Cornyn for Senate (Primary and general elections); $5,000, (corrected attribution from Jeffrey A. Marcus), 8/27/01, KPAC; $20,000, 5/08/01, Republican National Committee; $20,000, 6/19/00, Republican National Committee Presidential Trust; $1,000, 3/29/99, Governor George W. Bush Presidential Exploratory Committee, Inc.

3. Children and Spouses, Daughter: Rebecca Paige Marcus Beshara, ($1,000.00), 9/26/02, Coleman for U.S. Senate Reattribution to Adam Beshara; $2,000, 9/10/02, Coleman for U.S. Senate; $1,000, 9/30/99, Governor George W. Bush Presidential Exploratory Committee, Inc.

Son-in-Law: Adam Christopher Beshara, $1,000, 9/26/02, Coleman for U.S. Senate. Son, David Mitchell Marcus, $1,000, 9/30/99, Governor George W. Bush Presidential Exploratory Committee, Inc.

4. Parents: Father, Bert Marcus, $1,000, 3/31/99, Governor George W. Bush Presidential Exploratory Committee, Inc.; Father's Wife, Jean Marcus, $1,000, 3/31/99, Governor George W. Bush Presidential Exploratory Committee, Inc.; Mother, Helene Fendler Marcus, Deceased.

5. Grandparents: Samuel Marcus, Deceased. Rachel Marcus, Deceased. Harry Fendler, Deceased. Bessie Fendler, Deceased.

7. Sisters and Spouses, Deborah and Marcus Noxon, none. Brother-in-Law, John Noxon, none.

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 Mrs. MURRAY:

S. 1554. A bill to provide for secondary school reform, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER:

S. 1555. A bill to designate certain public lands as wilderness and certain rivers as wild and scenic rivers in the State of California, to designate Salmon Restoration Areas, to establish the Sacramento River National Conservation Area and Ancient Bristlecone Pine Forest, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SMITH (for himself, Mr. BREAUX, Mr. KERRY, Mrs. LINCOLN, Mr. ROCKEFELLER, and Ms. SNOWE):

S. 1556. A bill to amend the Internal Revenue Code of 1986 to restore, increase, and make permanent the exclusion from gross income for amounts received under qualified group legal services plans; to the Committee on Finance.

By Mr. MCCONNELL (for himself, Mr. SARBANES, and Mrs. BOXER):

S. 1557. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Armenia; to the Committee on Finance.

By Mr. ALLARD:

S. 1558. A bill to restore religious freedoms; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mrs. HUTCHISON, Mr. INOUYE, Ms. LANDRIEU, Mr. BINGAMAN, and Mrs. MURRAY):

S. 1559. A bill to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KOHL:

S. 1560. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for the work-related expenses of handicapped individuals; to the Committee on Finance.

By Ms. COLLINS (for herself, Mr. VOINOVICH, and Mr. DURBIN):

S. 1561. A bill to preserve existing judgeships on the Superior Court of the District of Columbia; to the Committee on Governmental Affairs.

By Mr. CRAIG (for himself and Mr. ALLEN):

S. 1562. A bill to amend selected statutes to clarify existing Federal law as to the treatment of students privately educated at home under state law; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mrs. CLINTON, and Mr. PRYOR):

S. 1563. A bill to require the Federal communications Commission to report to Congress regarding the ownership and control of broadcast stations used to serve language minorities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CORZINE (for himself, Mr. KERRY, Mrs. MURRAY, Mr. DURBIN, Mr. LAUTENBERG, and Ms. CANTWELL):

S. 1564. A bill to provide for the provision by hospitals of emergency contraceptives to women who are survivors of sexual assault; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUYE:

S. 1565. A bill to reauthorize the Native American Programs Act of 1974; to the Committee on Indian Affairs.

By Mr. CORZINE:

S. 1566. A bill to improve fire safety by creating incentives for the installation of automatic fire sprinkler systems; to the Committee on Finance.

By Mr. FITZGERALD (for himself and Mr. AKAKA):

S. 1567. A bill to amend title 31, United States Code, to improve the financial accountability requirements applicable to the Department of Homeland Security, and for other purposes; to the Committee on Governmental Affairs.

By Mr. HATCH (for himself, Mr. BREAUX, Mr. SMITH, Mr. LOTT, and Ms. SNOWE):

S. 1568. A bill to amend the Internal Revenue Code of 1986 to simplify certain provisions applicable to real estate investment trusts; to the Committee on Finance.

By Mr. AKAKA:

S. 1569. A bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANTORUM (for himself and Mr. GRAHAM of South Carolina):

S. 1570. A bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance, and to establish State health insurance safety-net programs; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself, Mr. BYRD, Mr. GRASSLEY, and Mr. WYDEN):

S. Res. 216. A resolution establishing as a standing order of the Senate a requirement that a Senator publicly discloses a notice of intent to object to proceeding to any measure or matter; to the Committee on Rules and Administration.

By Mr. CONRAD (for himself, Mr. GRASSLEY, Mr. BAUCUS, and Mr. HARKIN):

S. Res. 217. A resolution expressing the sense of the Senate regarding the goals of the United States in the Doha Round of the World Trade Organization agriculture negotiations; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 300

At the request of Mr. KERRY, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 300, a bill to award a congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of Congress that there should be a national day in recognition of Jackie Robinson.

S. 363

At the request of Ms. MIKULSKI, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 363, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 491

At the request of Mr. REID, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 491, a bill to expand research regarding inflammatory bowel disease, and for other purposes.

S. 518

At the request of Ms. COLLINS, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 518, a bill to increase the supply of pancreatic islet cells for research, to provide better coordination of Federal efforts and information on islet cell transplantation, and to collect the data necessary to move islet cell transplantation from an experimental procedure to a standard therapy.

S. 596

At the request of Mr. ENSIGN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 596, a bill to amend the Internal Revenue Code of 1986 to encourage the investment of foreign earnings within the United States for productive business investments and job creation.

S. 853

At the request of Ms. SNOWE, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 853, a bill to amend title XVIII of the Social Security Act to eliminate

discriminatory copayment rates for outpatient psychiatric services under the medicare program.

S. 950

At the request of Mr. ENZI, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 950, a bill to allow travel between the United States and Cuba.

S. 973

At the request of Mr. NICKLES, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 973, a bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain restaurant buildings.

S. 1019

At the request of Mr. DEWINE, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 1019, a bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence.

S. 1032

At the request of Mr. SARBANES, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1032, a bill to provide for alternative transportation in certain federally owned or managed areas that are open to the general public.

S. 1092

At the request of Mr. CAMPBELL, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1092, a bill to authorize the establishment of a national database for purposes of identifying, locating, and cataloging the many memorials and permanent tributes to America's veterans.

S. 1194

At the request of Mr. DEWINE, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1194, a bill to foster local collaborations which will ensure that resources are effectively and efficiently used within the criminal and juvenile justice systems.

S. 1194

At the request of Mr. HATCH, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1194, supra.

S. 1222

At the request of Mr. NELSON of Nebraska, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1222, a bill to amend title XVIII of the Social Security Act to require the Secretary of Health and Human Services, in determining eligibility for payment under the prospective payment system for inpatient rehabilitation facilities, to apply criteria consistent with rehabilitation impairment categories established by the Secretary for purposes of such prospective payment system.

S. 1298

At the request of Mr. AKAKA, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor 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. 1329

At the request of Mr. LOTT, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1329, a bill to amend title 49, United States Code, to require the Secretary of Transportation to carry out a grant program to provide financial assistance for local rail line relocations projects.

S. 1331

At the request of Mr. SANTORUM, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 1331, a bill to clarify the treatment of tax attributes under section 108 of the Internal Revenue Code of 1986 for taxpayers which file consolidated returns.

S. 1335

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1335, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 1366

At the request of Mr. ALLARD, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1366, a bill to authorize the Secretary of the Interior to make grants to State and tribal governments to assist State and tribal efforts to manage and control the spread of chronic wasting disease in deer and elk herds, and for other purposes.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1398

At the request of Mr. DEWINE, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 1398, a bill to provide for the environmental restoration of the Great Lakes.

S. 1434

At the request of Mrs. LINCOLN, the names of the Senator from Maryland (Mr. SARBANES), the Senator from Delaware (Mr. CARPER) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 1434, a bill to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, and for other purposes.

S. 1524

At the request of Mr. SANTORUM, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1524, a bill to amend the Internal Revenue Code of 1986 to allow a 7-year applicable recovery period for depreciation of motorsports entertainment complexes.

S. 1545

At the request of Mr. HATCH, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Ohio (Mr. DEWINE) and the Senator from California (Mrs. BOXER) 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. 1545

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of S. 1545, supra.

S. 1545

At the request of Mr. DURBIN, the names of the Senator from Washington (Ms. CANTWELL), the Senator from Massachusetts (Mr. KERRY), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 1545, supra.

S. CON. RES. 21

At the request of Mr. BUNNING, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Con. Res. 21, a concurrent resolution expressing the sense of the Congress that community inclusion and enhanced lives for individuals with mental retardation or other developmental disabilities is at serious risk because of the crisis in recruiting and retaining direct support professionals, which impedes the availability of a stable, quality direct support workforce.

S. CON. RES. 61

At the request of Mr. LOTT, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New Mexico (Mr. DOMENICI), the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from California (Mrs. FEINSTEIN) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. Con. Res. 61, a concurrent resolution authorizing and requesting the President to issue a proclamation to commemorate the 200th anniversary of the birth of Constantino Brumidi.

S. RES. 209

At the request of Mr. JEFFORDS, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. Res. 209, a resolution recognizing and honoring Woodstock, Vermont, native Hiram Powers for his extraordinary and enduring contributions to American sculpture.

S. RES. 214

At the request of Mr. THOMAS, his name was added as a cosponsor of S.

Res. 214, a resolution congratulating Lance Armstrong for winning the 2003 Tour de France.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. MURRAY:

S. 1554. A bill to provide for secondary school reform, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. MURRAY. Mr. President, today I'm pleased to introduce a bill that will help America's teenagers graduate from high school, go on to college, and enter the working world with the skills they need to succeed. I'm proud to introduce the PASS Act—which stands for the Pathways for All Students to Succeed Act. Today, far too many students drop-out of school and never have a chance for college and a better life. My bill will reach out to vulnerable students during high school by providing the training, guidance and resources they need to stay in school and go on to college.

Specifically, the PASS Act will: help schools hire literacy coaches to strengthen essential reading and writing skills. It will provide grants for high-quality Academic Counselors to ensure each student has an individualized plan and access to services to prepare for college and a good job. And finally, the PASS Act targets resources to those high schools that need the most help, so they can implement research-based strategies for success.

Many of America's high schools and high school students are in serious trouble, and it's only getting worse.

With each new school day, 3,000 secondary students drop out of school. This year alone, nearly 540,000 young people will leave school without attaining a high school diploma. Our Nation's high school graduation rate is 69 percent. And in urban areas, that figure is even worse. Many urban school districts graduate fewer than half of their students. Dropping out has an enormous cost to these students, their families and our communities. Sadly, even those students who do receive a high school diploma are not guaranteed success in college or in life.

Many graduate from high school unprepared for the academic rigor of post-secondary study. About 40 percent of four-year college students and 63 percent of community college students are enrolling in remedial courses in reading, writing, or math when they enter college.

And although approximately 70 percent of high school graduates enroll in college, only 7 percent from low-income families will have earned a bachelor's degree by age 24—in part because they have not been properly prepared for college academics.

That's why today I'm introducing a bill to improve our Nation's secondary schools, especially those serving high-need students. First, the PASS Act would ensure that middle or high school students who are still struggling to master literacy will get additional help. About 60 percent of students in the poorest communities fail to graduate from secondary school on time, in large part because they don't have the reading or writing skills they need. We took a good step in creating the Reading First program to strengthen students' reading skills in the elementary grades. These skills are the foundation of their success throughout their academic careers. However, many middle and high school students struggle with serious reading deficits and substandard literacy skills that have gone unattended for years.

The 2002 National Assessment of Educational Progress shows that the reading achievement of 12th grade students has declined at all performance levels since 1998. Thirty-three percent of 12th grade boys, and 20 percent of 12th grade girls read below the ''basic level.''

While the percentage of 4th and 8th graders writing at or above a basic level has increased between 1998 and 2002, the percentage of 12th graders writing at or above basic has gone down.

These numbers show that our concentrated efforts for elementary and middle school students have improved their writing skills, but by neglecting the needs of secondary school students. We are squandering these gains.

In response, Title I of my bill creates a $1 billion ''Reading to succeed'' grant program.

Building on the strong foundation of the Reading First program, this grant program will establish effective, research-based reading and writing programs for students in our middle and high schools, including children with limited English proficiency and children with disabilities.

These grants will provide resources for schools to hire literary coaches at a ratio of at least one for every 20 teachers. The coaches will help teachers incorporate research-based literary instruction into their core subject teaching. This will strengthen the reading and writing skills of all students, while identifying and helping those students whose skills are especially poor. These coaches will assess students and coordinate services to address significant reading and writing deficits.

In addition to hiring literacy coaches, funds can be used to provide relevant professional development, strengthen curricula in secondary schools, and implement diagnostic assessments, research-based curricula, instructional materials, and interventions in middle and high schools.

These literacy coaches can help us make sure that no more students slip through the cracks because they never learned to read.

In addition to strong literacy skills, careful planning, sound advice and strong academic support are critical to guiding students to success. Too many high school students make it to graduation, only to find that they cannot attend the school of their choice or enter a chosen career because they are not prepared. Many high school students are floundering—unable to find out what courses they need to take or how they can get past academic or other barriers.

Unfortunately, most of our school counselors serve too many students with too few resources. High school counselors work with an average of 450 students each, making it impossible to guide each individual student along the pathway to high school graduation and work or college. Title II of my bill seeks to address this problem by creating grants for thorough, high-quality academic and career counseling for our high school students.

These grants will cultivate and promote parent involvement in their child's education, and will coordinate support services for at-risk high school students across the country.

This ''Creating Pathways to Success Program'' would complement other existing successful high school programs by providing $2 billion to support systemic change in the way we guide our high school students to success.

The funds could be used to hire and train Academic Counselors to work with no more than 150 students each, and to equip these counselors with the time, skills, and resources to work directly with students, parents, and teachers to give each student the individualized attention and service they need.

Academic Counselors will work with students and parents to develop 6-year plans outlining the path each student will take to reach his or her goals.

They will coordinate new resources with existing ones such as GEAR UP, TRIO, Title I, IDEA and Perkins Vocational and Technical Education programs to ensure students receive the services identified in their plans and to facilitate a smooth transition to post-secondary education or a career.

Schools that get these new funds must offer a rigorous college preparatory curriculum to all students, including access to Advanced Placement or International Baccalaureate courses.

Working together we can make sure that our adolescents graduate prepared for any dream they may choose to pursue.

Finally, my bill includes a third title called ''Supporting Successful High Schools'' to ensure that we take action to help turn around our low-performing high schools.

Approximately 10 percent of the schools which have been identified so far as ''in need of improvement'' according to the requirements of No Child Left Behind are high schools.

In about 1100 high schools, 75 percent or more of the students enrolled are living in poverty.

Despite these numbers, most reform efforts are focused on elementary schools. We've overlooked struggling middle and high schools.

Under the No Child Left Behind Act, Title I funding should be used to help all schools that need improvement, but high schools receive only 15 percent of Title I funds, even though they enroll 33 percent of low-income students.

Until Title I is fully-funded, it is unlikely that high schools will receive a significant amount of these funds to address the problems they have identified.

Meanwhile, high schools are being held to the requirements of No Child Left Behind without a targeted source of funding to turn around schools in need of improvement.

Our states and districts have worked hard to figure out which high schools need improvement the most, and now it's time we improve them.

That's why my bill would create a $500 million grant program that allows districts to identify, develop, and implement reforms that will turn around these low-performing schools.

School districts can use funds for research-based strategies and best practices that will improve student achievement and bring success.

Districts would work with parents, teachers, students and communities to choose any effective reform such as small schools, block scheduling, whole school reforms or individualized learning plans.

For example, since research shows that small schools enhance student outcomes by allowing teachers to offer personalized assistance and connect with students, some districts may reduce the size of low-performing high schools by creating smaller schools or academies within larger schools.

Working together, we can do more than identify our schools in need of improvement—we can improve them.

In conclusion, the Pathways for All Students to Succeed Act provides the grants America's students need to promote adolescent literacy, support college and career pathways for all our students, and to improve struggling high schools nationwide.

I hope my colleagues will join me in supporting this bill and addressing the needs of our high school students.

By Mrs. BOXER:

S. 1555. A bill to designate certain public lands as wilderness and certain rivers as wild and scenic rivers in the State of California, to designate Salmon Restoration Areas, to establish the Sacramento River National Conservation Area and Ancient Bristlecone Pine Forest, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. BOXER. Mr. President, history books written about California always comment on the natural beauty of the State because our natural treasures have always been one of the things that makes California unique. But that beauty must not be taken for granted. That is why I am introducing the California Wild Heritage Act of 2003 in an effort to pass the first statewide wilderness bill for California since 1984.

I introduced a similar bill last year and was thrilled that the 107th Congress passed legislation to designate 56,000 acres of my bill as wilderness within the Los Padres National Forest. It was a wonderful first step. The California Wild Heritage Act of 2003 represents the next step.

This legislation will protect more than 2.5 million acres of public lands in 81 different areas, as well as the free-flowing portions of 22 rivers. Every acre of wild land is a treasure. But the areas protected in this bill are some of California's most precious, including: the old growth redwood forests near the Trinity Alps in Trinity and Humboldt Counties; the pristine coastline in the King Range in Humboldt and Mendocino Counties; the Nation's sixth highest waterfall, Feather Falls, in Butte County; the ancient Bristlecone Pines in the White Mountains in Inyo and Mono Counties; and the oak woodlands in the San Diego River area.

The bill protects these treasures by designating these public lands as ''wilderness'' and by naming 22 rivers—including the Clavey in Tuolumne County and the Owens in Mono County—as ''wild and scenic'' rivers. These designations mean no new logging, no new dams, no new construction, no new mining, no new drilling, and no motorized vehicles. Mining, logging and grazing activities that are currently permitted would be allowed to continue.

Protection of the areas in this bill is necessary to ensure that these precious places will be there for future generations. Because much of our state's drinking water supply is made up of watersheds in our national forests, this bill also helps ensure California has a safe, reliable supply of clean drinking water.

This bill would also mean that the hundreds of plant and animal species that make their homes in these areas will continue to have a safe haven. Endangered and threatened species whose habitats will be protected by this bill include the bald eagle, Sierra Nevada Red Fox, and spring run chinook salmon, among others.

In short, this bill preserves, prevents, and protects. It preserves our most important lands, it prevents pollution, and it protects our most endangered wildlife.

That is why this bill is so widely supported. Thousands of diverse organizations, businesses, and others see the importance of this legislation and have given it their support. Additionally, over 400 local elected officials have voiced support for the protection of their local areas.

Despite the tremendous support for this bill, it is not without opponents. They will say this bill is too large and goes too far. Yet this bill is similar in size to other statewide wilderness bills that have already passed Congress. The 1984 California Wilderness Act protected approximately 2 million acres and 83 miles of the Tuolumne River. A more recent wilderness bill, the California Desert Protection Act, protected approximately 6 million acres of desert areas.

It is important to note that only 13 percent of California is currently protected as wilderness. This bill would raise that amount to 15 percent. During the last 20 years, 675,000 acres of unprotected wilderness—approximately the size of Yosemite National Park—lost their wilderness character due to activities such as logging and mining. As our population increases, and California becomes home to almost 50 million people, these development pressures are only getting worse. If we fail to act now, there simply will not be any wild lands or wild rivers left to protect.

The other big question that has been raised is whether this bill will limit public access to these areas. I do not believe this will be the case. While wilderness designation means the wilderness areas are closed to mountain bikers, they remain open to a myriad of recreational activities, including horseback riding, fishing, hiking, backpacking, rock climbing, cross country skiing, and canoeing. Mountain bikers and motorized vehicles have 100,000 miles of roads and trails in California that are not touched in my bill. Furthermore, numerous economic studies suggest wilderness areas are a big draw that attract outdoor recreation visitors, and tourism dollars, to areas that have received this special designation.

One important change has been made to the legislation after concerns were raised about wildfire prevention and control near at-risk communities. The bill I am introducing today protects communities by allowing Federal, local and State agencies to perform fire and emergency response activities in wilderness areas. I worked extensively with the California Department of Forestry on this legislation, and they have expressed their support for the language in the bill.

Those of us who live in California have a very special responsibility to protect our natural heritage. Past generations have done it. They have left us with the wonderful and amazing gifts of Yosemite, Big Sur and Joshua Tree. These are places that Californians cannot imagine living without. Now it is our turn to protect this legacy for future generations—for our children's children, and their children. This bill is the place to start and the time to start is now.

By Mr. SMITH (for himself, Mr. BREAUX, Mr. KERRY, Mrs. LINCOLN, Mr. ROCKEFELLER, and Ms. SNOWE):

S. 1556. A bill to amend the Internal Revenue Code of 1986 to restore, increase, and make permanent the exclusion from gross income for amounts received under qualified group legal services plans; to the Committee on Finance.

Mr. SMITH. Mr. President, I am pleased today to introduce the Legal

Services Benefit Act of 2003. My friends and colleagues from the Senate Finance Committee, Senators BREAUX, KERRY, LINCOLN, ROCKEFELLER, and SNOWE, join me in introducing this important bill. This bill will amend the Internal Revenue Code to restore and make permanent the exclusion from gross income for amounts received under qualified group legal services plans.

When Congress first enacted Internal Revenue Code Section 120 in 1976, employers were provided with an incentive to provide their workforce with group legal services benefits at modest cost. These benefit programs enabled employees to contact an attorney and get advice and, if necessary, representation. Most plans covered the everyday legal events that we all expect to encounter in life, from house closings and adoptions to traffic tickets and drafting wills. The provision sunsetted in 1992, however, eliminating this valuable benefits' favorable tax status.

Qualified employer-paid plans have proven to be highly efficient. These arrangements make substantial legal service benefits available to participants at a fraction of what medical and other benefit plans cost. For an average employer contribution of less than $150 annually, employees are eligible to utilize a wide range of legal services often worth hundreds and even thousands of dollars, which otherwise would be well beyond their means.

In addition to the efficiency with which these plans can deliver services, their ability to make preventive legal services available results in additional savings in our economy. Group legal plans give investors access to legal services before they are induced to make unwise investments. Having a lawyer available to review the investment documents could mean the difference between a comfortable retirement and lost life savings. Group legal plan attorneys add a layer of security to the system.

I strongly encourage my colleagues to join me in supporting this important proposal to provide efficient access to our legal system for working Americans. I look forward to working with Chairman GRASSLEY to move this matter successfully through the Finance Committee.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

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

S. 1556

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 ''Legal Services Benefit Act of 2003''.

SEC. 2. EXCLUSION FOR AMOUNTS RECEIVED UNDER QUALIFIED GROUP LEGAL SERVICES PLANS RESTORED, INCREASED, AND MADE PERMANENT.

(a) INCREASE OF EXCLUSION.—Subsection (a) of section 120 of the Internal Revenue Code of 1986 (relating to amounts received under qualified group legal services plans) is amended by striking the last sentence.

(b) RESTORATION AND PERMANENCE OF EXCLUSION.—Section 120 of the Internal Revenue Code of 1986 (relating to amounts received under qualified group legal services plans) is amended by striking subsection (e) and by redesignating subsection (f) as subsection (e).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

By Mr. MCCONNELL (for himself, Mr. SARBANES, and Mrs. BOXER):

S. 1557. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Armenia; to the Committee on Finance.

Mr. MCCONNELL. 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. 1557

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) Armenia has been found to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974.

(2) Armenia acceded to the World Trade Organization on February 5, 2003.

(3) Since declaring its independence from the Soviet Union in 1991, Armenia has made considerable progress in enacting free-market reforms within a stable democratic framework.

(4) Armenia has demonstrated a strong desire to build a friendly and cooperative relationship with the United States and has concluded many bilateral treaties and agreements with the United States.

(5) United States-Armenia bilateral trade for 2002 totaled more than $134,200,000.

SEC. 2. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO ARMENIA.

(a) PRESIDENTIAL DETERMINATIONS AND EXTENSIONS OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that such title should no longer apply to Armenia; and

(2) after making a determination under paragraph (1) with respect to Armenia, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(b) TERMINATION OF APPLICATION OF TITLE IV.—On and after the effective date of the extension under subsection (a)(2) of nondiscriminatory treatment to the products of Armenia, title IV of the Trade Act of 1974 shall cease to apply to that country.

Mr. SARBANES. Mr. President, I rise to join my colleague from Kentucky, Senator MCCONNELL, in introducing legislation to grant PNTR to Armenia.

Since becoming an independent sovereign state in 1991, with the collapse of the Soviet Union, Armenia has pursued comprehensive economic reforms within a democratic framework. Armenia's accession to the World Trade Organization this year reflects its continuing progress in adopting and implementing economic and trade reforms, and it now ranks 44th among the 161 nations surveyed in the ''2003 Index of Economic Freedom'' that the Wall Street Journal and the Heritage Foundation have jointly published.

As a one-time Soviet republic, Armenia continues to be subject to the freedom-of-emigration requirements set out in Title IV of the Trade Act of 1974, the Jackson-Vanik amendment, and therefore its trade status is subject to annual review by the President. Since becoming independent Armenia has annually received the waiver provided under Jackson-Vanik, and indeed for the past 6 years Armenia has been found to be fully in compliance with the amendment.

So long as Armenia remains subject to the Jackson-Vanik provision, the United States is precluded from extending PNTR status and normalizing U.S.-Armenian trade relations. At the same time, however, WTO rules require the United States to grant PNTR to all other WTO members without condition. Our legislation would resolve this contradiction by authorizing the President to terminate the Jackson-Vanik provision with respect to Armenia and extend PNTR. Without PNTR, neither Armenia nor the United States will be able to realize the full benefits of Armenia's accession to the WTO.

PNTR will bring the United States into compliance with WTO rules. And it will significantly expand opportunities for bilateral trade between the United States and Armenia.

In addition, it will enable Armenia to deal more effectively with the challenges of building a vigorous and prosperous economy, at a time when 50 percent of the population lives in poverty and the poverty rate has dropped from 55 percent only in the last 2 years. These challenges are made all the more daunting by the blockades that Azerbaijan and Turkey continue to impose; according to the World Bank, these blockades raise the cost of doing business in Armenia by 30 percent. Expanded U.S.-Armenian trade will act as a spur to greater economic activity in Armenia, which in turn will lead to more and better-paying jobs and ease the hardships that Armenians confront in their daily lives.

The ties between our country and Armenia are strong, and normalization of trade relations will make them stronger still. I urge my colleagues to join me in supporting this legislation.

By Mr. ALLARD:

S. 1558. A bill to restore religious freedoms; to the Committee on the Judiciary.

Mr. ALLARD. 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. 1558

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 ''Religious Liberties Restoration Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Declaration of Independence declares that governments are instituted to secure certain unalienable rights, including life, liberty, and the pursuit of happiness, with which all human beings are endowed by their Creator and to which they are entitled by the laws of nature and of nature's God.

(2) The organic laws of the United States Code and the constitutions of every State, using various expressions, recognize God as the source of the blessings of liberty.

(3) The first amendment to the Constitution secures rights against laws respecting an establishment of religion or prohibiting the free exercise thereof made by the Federal Government.

(4) The rights secured under the first amendment have been interpreted by the Federal courts to be included among the provisions of the 14th amendment.

(5) The 10th amendment reserves to the States, respectively, the powers not delegated to the Federal Government nor prohibited to the States.

(6) Disputes and doubts have arisen with respect to public displays of the Ten Commandments and to other public expression of religious faith.

(7) Section 5 of the 14th amendment grants Congress the power to enforce the provisions of the 14th amendment.

(8) Article III, section 2 of the Constitution grants Congress the authority to except certain matters from the jurisdiction of the Federal courts inferior to the Supreme Court.

SEC. 3. RELIGIOUS LIBERTY RIGHTS DECLARED.

(a) DISPLAY OF TEN COMMANDMENTS.—The power to display the Ten Commandments on or within property owned or administered by the several States or political subdivisions of such States is among the powers reserved to the States, respectively.

(b) WORD ''GOD'' IN PLEDGE OF ALLEGIANCE.—The power to recite the Pledge of Allegiance on or within property owned or administered by the several States or political subdivisions of such States is among the powers reserved to the States, respectively. The Pledge of Allegiance shall be, ''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.''.

(c) MOTTO ''IN GOD WE TRUST''.—The power to recite the national motto on or within property owned or administered by the several States or political subdivisions of such States is among the powers reserved to the States, respectively. The national motto shall be, ''In God we trust''.

(d) EXERCISE OF CONGRESSIONAL POWER TO EXCEPT.—The subject matter of subsections (a), (b), and (c) are excepted from the jurisdiction of Federal courts inferior to the Supreme Court.

By Mr. KENNEDY (for himself, Mrs. HUTCHISON, Mr. INOUYE, Ms. LANDRIEU, Mr. BINGAMAN, and Mrs. MURRAY):

S. 1559. A bill to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it is a privilege to join my colleagues Senator HUTCHISON, Senator INOUYE, Senator LANDRIEU, Senator BINGAMAN, and Senator MURRAY in introducing the ''Comprehensive Tuberculosis Elimination Act''. With the evolution of modern medicine, especially in recent years, we have the actual opportunity to do that now—eliminate this century-old public health threat in the United States. Tuberculosis was once the leading cause of death in America. In recent decades, developments in science and public health have transformed tuberculosis into a preventable and treatable disease. Yet, every year, thousands of Americans still become infected and die from tuberculosis.

Experts agree that we have the ability to eliminate it. What's lacking is a strong national commitment to do it. More than 50 years ago, when the first effective drugs to treat TB were introduced and case rates began to decline, we began making slow but steady progress, and we might have eliminated it. But instead, the declining number of cases led to complacency and neglect. In fact, Federal categorical funding for TB control and prevention was discontinued in 1972, and wasn't restored until 1981. Efforts to control the disease broke down in many parts of the country.

In the late 1980s, cases rose by 20 percent increase in TB and drug-resistant strains began nationwide systems for dealing with the infection had been allowed to deteriorate. In New York City alone, more than $1 billion was needed to regain control of TB.

After considerable effort, TB control was re-established and rates again began declining. Today, with the low number of infections and the expertise of public health officials, we have the opportunity to eradicate TB from the Nation once and for all.

The Institute of Medicine has developed guidelines to do so, and in this bipartisan legislation, my colleagues and I proposed to implement the guidelines by authorizing $235 million for the Centers for Disease Control and Prevention to expand and intensify our prevention, control, and elimination efforts.

Our bill also expands support for vaccine development at the National Institute of Allergy and Infectious Diseases. Experts estimate that $240 million will be needed to develop a safe and effective vaccine. Our legislation authorizes $136 million in 2004 and $162 million in 2005, with the goal of committing the necessary resources to make the vaccine available by 2008 at the latest.

We cannot allow tuberculosis to take more American lives when we have the ability to prevent it. It's time for a new and sustained commitment to the fight against tuberculosis. I urge my colleagues to support this legislation, and I look forward to its enactment.

By Mr. KOHL:

S. 1560. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for the work-related expenses of handicapped individuals; to the Committee on Finance.

Mr. KOHL. Mr. President, I rise today to introduce the Disable Workers Empowerment. Under current law, millions of disabled Americans are unable to claim a tax deduction for many of the expenses they incur as a result of their disabilities. This creates a significant barrier to their leading productive and rewarding lives through employment. For example, in order to work, an individual who uses a wheelchair might need to hire a personal attendant to provide transportation to and from the job site.

At a time when we are doing everything in our power to assist individuals looking for employment, it is counterintuitive to retain legislation that prevents some from seeking employment. While current law allows a limited deduction for disabled workers' expenses, this deduction is limited to expenses that are necessary for the individual to perform work satisfactorily. This means, for example, that a blind individual could only claim a deduction for the cost of using a reading service at the workplace and during normal work hours. In addition, if this individual does not itemize his or her tax returns, the individual would receive no deduction.

This legislation would correct this inequity. Under this bill, whether or not the individual itemizes, he or she would be able to claim a deduction for the overtime services that they require, regardless of itemizing his or her return. This is just one example of the dozens of, often expensive, services that better enable people with disabilities to do their jobs.

I believe we need to do more to encourage individuals with disabilities and the desire to seek out employment. Current law perpetuates an iniquity that discourages people from living the fullest possible life. I believe this legislation goes a long way in correcting a shortcoming in current law, and will remove a barrier for millions of disabled workers. I urge my colleagues to join me in supporting this legislation, and hope to see its passage this year.

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. 1560

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 ''Disabled Workers Empowerment Act of 2003''.

SEC. 2. DEDUCTION FOR WORK-RELATED EXPENSES OF HANDICAPPED INDIVIDUALS.

(a) IN GENERAL.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to additional itemized deductions for individuals) is amended by redesignating section 223 as section 224 and by inserting after section 222 the following new section:

''SEC. 223. WORK-RELATED EXPENSES OF HANDICAPPED INDIVIDUALS.

''(a) IN GENERAL.—In the case of a handicapped individual, there shall be allowed as a deduction for the taxable year an amount

equal to the amount of qualified work-related expenses paid or incurred by the taxpayer during the taxable year.

''(b) LIMITATION BASED ON EARNED INCOME.—The amount allowed as a deduction under subsection (a) for any taxable year shall not exceed the handicapped individual's earned income (within the meaning of section 32) reduced by the employment-related expenses taken into account under section 21 with respect to such individual.

''(c) QUALIFIED WORK-RELATED EXPENSES.—For purposes of this section, the term 'qualified work-related expenses' means any of the following expenses incurred by reason of the individual being a handicapped individual:

''(1) Expenses for attendant care services at the individual's place of employment and other expenses in connection with such place of employment which are necessary for such individual to be able to work.

''(2) Expenses to provide transportation and necessary personal services for the individual which are necessary for such individual to be able to work (including commuting between the individual's residence and place of employment).

''(3) Expenses to maintain the household of the individual and to provide other domestic or personal services for the individual which are necessary for such individual to be able to work.

''(d) HANDICAPPED INDIVIDUAL.—For purposes of this section, the term 'handicapped individual' has the meaning given to such term by section 190(b)(3).

''(e) SPECIAL RULES.—

''(1) COORDINATION WITH OTHER DEDUCTIONS.—No deduction shall be allowed under section 162 for any expense to the extent that a deduction for such expense is allowed under this section.

''(2) JOINT RETURNS.—In the case of a joint return, this section shall be applied separately to each spouse.''.

(b) DEDUCTION ALLOWED WHETHER OR NOT INDIVIDUAL ITEMIZES OTHER DEDUCTIONS.—Section 62(a) of the Internal Revenue Code of 1986 (defining adjusted gross income) is amended by inserting after paragraph (18) the following new paragraph:

''(19) WORK-RELATED EXPENSES OF HANDICAPPED INDIVIDUALS.—The deduction allowed by section 223.''.

(c) CLERICAL AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 223 and inserting the following new items:

''Sec. 223. Work-related expenses of handicapped individuals.

''Sec. 224. Cross reference.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

By Ms. COLLINS (for herself, Mr. VOINOVICH, and Mr. DURBIN):

S. 1561. A bill to preserve existing judgeships on the Superior Court of the District of Columbia; to the Committee on Governmental Affairs.

Ms. COLLINS. Mr. President, today I am introducing a bill that would preserve existing seats on the District of Columbia Superior Court. I am pleased to be joined in this effort by Senators VOINOVICH and DURBIN.

The Superior Court is the local court of general jurisdiction in the District of Columbia. The Associate Judges on the Court are selected through a two-step review process. When a vacancy on the Court occurs, usually because of a retiring judge, the District of Columbia Judicial Nominations Commission, solicits applicants to fill the vacancy. They narrow the possible number of candidates to three and send those three names to the President. The President then selects one of those three candidates to nominate and sends the nominee to the Senate for confirmation. Existing law caps the total number of judges on the Superior Court at 59.

Recently, I was informed that nominations, currently pending in the Committee on Governmental Affairs, and an additional candidate expected to be nominated in the coming months, may not be able to be seated on the Court, even if they are confirmed by the Senate. The three seats that these candidates are intended to fill were left open by retiring judges, so they are not new seats on the Court. The cause of this unusual problem is the District of Columbia Family Court Act, enacted last Congress. That Act created three new seats for the Family Court, which is a division of the Superior Court, but failed to increase the overall cap on the number of judges seated on the Court. As a result, the Family Court Act effectively eliminated three existing seats in the other divisions of the Court, including the criminal and civil divisions.

Because of this, the Governmental Affairs Committee currently has four nominations pending for the Superior Court, but only two seats left to fill. I also understand that there is yet another nomination expected in the coming months. Because existing law sets strict requirements on both the D.C. Judicial Nominations Commission as well as the White House on how quickly they must process potential candidates and make a nomination, it is unclear whether they have legal grounds to halt their processes. Nor is it clear as to whether, had they known of this problem, they would have had the power to not make the nominations they have already made.

This is a highly unusual situation. Mr. President, for this body to have nominations pending before it for which there are no open positions. The bill I introduce today would rectify this problem by amending the District of Columbia Code to increase the cap on the number of Associate Judges on the Superior Court. This is not intended to create new seats on the Court; that was already done when the D.C. Family Court Act was enacted. Instead, this would preserve existing seats on the Court and remedy a problem that is effecting not only the Court, but the Senate as well. I believe that it is also important to not only remedy the immediate problem before the Senate, but also to ensure that all of the divisions of the Superior Court are fully staffed. This is more than just a procedural issue. It is also important for the citizens of the District of Columbia to know that all of the divisions, including criminal and civil, are operating at full capacity. Eliminating existing seats in the criminal and civil divisions will not improve the administration of justice in the District, but can only result in increased judicial case-load and delays at the Courthouse.

By Mr. CRAIG (for himself and Mr. ALLEN):

S. 1562. A bill to amend selected statutes to clarify existing Federal law as to the treatment of students privately educated at home under state law; to the Committee on Finance.

Mr. CRAIG. Mr. President, today I am introducing ''The Home School Non-discrimination Act'' (HONDA). This bill would clarify several existing Federal statutes which inadvertently exclude home schoolers. I am pleased the Senator ALLEN is joining me in sponsoring this measure.

All to often, Federal laws relating to education have left out the millions of children across the Nation who are benefitting from home schooling. For example, home schoolers generally cannot qualify for the education savings accounts, unless they live in one of 13 states where a home school is treated as a private school. Also, home schooled students have found themselves to be ineligible for student aid in some circumstances.

Nearly 2 million American children were home schooled during the 2000–2001 school year. These are good students who frequently outperform their public school peers. For example, in 2002 home schoolers as a whole averaged over 70 points higher on the Scholastic Aptitude Test (SAT). Also, although home schoolers only make up about 2 percent of the U.S. school-age population, in 2003 they made up 12 percent of the 251 spelling finalists and 5 percent of 55 geography bee finalists.

These students consistently score at the highest levels of achievement tests and get into some of the best colleges and universities in our Nation. They are hard working, intelligent, and active in their communities. However, these students may be denied services available to other students because of an oversight in Federal law. That is not right, and HONDA will rectify the situation. I hope my colleagues will join me and Senator ALLEN in this effort.

I ask unanimous consent to print a section-by-section analysis of HONDA as well as the text of the bill in the RECORD.

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

SECTION-BY-SECTION ANALYSIS

Sec. 1—Title.

Sec. 2—Findings. This section merely states the findings of Congress that parents have the right to home school their children, home schooling is effective, and the Congress and the Courts recognize the right of parents to home school their children. It also states that certain federal laws inadvertently exclude home schoolers, and that these laws are in need of clarification.

Sec. 3—Sense of Congress. This section states that it is the sense of Congress that

home schooling has made a positive contribution to our nation and that parents who choose to homeschool should be encouraged in their efforts.

Sec. 4—Clarification of Provisions on Institutional and Student Eligibility Under the Higher Education Act of 1965. To receive federal student aid, both a student and the institution accepting that student must be ''eligible'' under the Higher Education Act. It's been clear since 1998 that home schoolers are eligible, but regulations promulgated in the late 1990's called that eligibility into question. This section would merely clarify that institutions which accepted home schoolers would remain eligible for federal aid.

Sec. 5—Clarification of the Child Find Process Under the Individuals with Disabilities Education Act. Under IDEA, local school officials must seek out students who may qualify for special education services. There is no requirement under current law that forces school personnel to ignore the wishes of the parent and evaluate that parent's child under the child find process when they are found, though. Some schools, however, continue to force parents to submit their children for evaluation, even when those parents intend to home school their children. This section clarifies that if a parent does not give his or her consent, then officials are not required to evaluate their child.

Sec. 6—Clarification of the Coverdell Education Savings Account as to its Applicability for Expenses Associated with Students Privately Educated at Home under State Law. This section states that parents would be eligible to use money saved in Coverdell Savings Accounts for qualified home education expenses, just as parents of private and public schooled students can now use that money for qualified education expenses.

Sec. 7—Clarification of Section 444 of General Education Provisions Act as to Publicly Held Records of Students Privately Educated at Home Under State Law. The Family Educational Records and Privacy Act makes the records of public school students unavailable to the general public. In many states, though, home schooled students must file information with public education officials. This information is not protected by the Family Educational Records and Privacy Act, even though similar records of public school students are. This section would rectify this situation.

Sec. 8—Clarification of Eligibility for Students Privately Educated at Home Under State Law for the Robert C. Byrd Honors Scholarship Program. This section would allow home schooled students to apply for the federally funded Robert C. Byrd Honors Scholarship Program.

Sec. 9—Clarification of the Fair Labor Standards Act as Applied to Students Privately Educated at Home Under State Law. This section would allow students who are home schooled to work during traditional school hours. Since home schooled students are not bound by the traditional school day and since many families choose home schooling for its flexibility, it makes sense for the law to accommodate this flexibility. This would not affect any other child labor laws.

S. 1562

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 ''Home School Non-Discrimination Act of 2003''.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) The right of parents to direct the education of their children is an established principle and precedent under the United States Constitution.

(2) The Congress, the President, and the Supreme Court, in exercising their legislative, executive, and judicial functions, respectively, have repeatedly affirmed the rights of parents.

(3) Education by parents at home has proven to be an effective means for young people to achieve success on standardized tests and to learn valuable socialization skills.

(4) Young people who have been educated at home are proving themselves to be competent citizens in post-secondary education and the workplace.

(5) The rise of private home education has contributed positively to the education of young people in the United States.

(6) Several laws, written before and during the rise of private home education, are in need of clarification as to their treatment of students who are privately educated at home pursuant to State law.

(7) The United States Constitution does not allow Federal control of homeschooling.

SEC. 3. SENSE OF CONGRESS.

It is the sense of the Congress that—

(1) private home education, pursuant to State law, is a positive contribution to the United States; and

(2) parents who choose this alternative education should be encouraged within the framework provided by the Constitution.

SEC. 4. CLARIFICATION OF PROVISIONS ON INSTITUTIONAL AND STUDENT ELIGIBILITY UNDER THE HIGHER EDUCATION ACT OF 1965.

(a) CLARIFICATION OF INSTITUTIONAL ELIGIBILITY.—Section 101(a)(1) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)(1)) is amended by inserting ''meeting the requirements of section 484(d)(3) or'' after ''only persons'' .

(b) CLARIFICATION OF STUDENT ELIGIBILITY.—Section 484(d) of the Higher Education Act of 1965 (20 U.S.C. 1091(d)) is amended by striking the heading ''STUDENTS WHO ARE NOT HIGH SCHOOL GRADUATES'' and inserting ''SATISFACTION OF SECONDARY EDUCATION STANDARDS''.

SEC. 5. CLARIFICATION OF THE CHILD FIND PROCESS UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Section 614(a)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(a)(1)) is amended by adding at the end the following:

''(D) EFFECT OF ABSENCE OF CONSENT ON AGENCY OBLIGATIONS.—In any case for which there is an absence of consent for an initial evaluation under this paragraph or for special education or related services to a child with a disability under this part—

''(i) the local educational agency shall not be required to convene an IEP meeting or develop an IEP under this section for the child; and

''(ii) the local educational agency shall not be considered to be in violation of any requirement under this part (including the requirement to make available a free appropriate public education to the child) with respect to the lack of an initial evaluation of the child, an IEP meeting with respect to the child, or the development of an IEP under this section for the child.''.

SEC. 6. CLARIFICATION OF THE COVERDELL EDUCATION SAVINGS ACCOUNT AS TO ITS APPLICABILITY FOR EXPENSES ASSOCIATED WITH STUDENTS PRIVATELY EDUCATED AT HOME UNDER STATE LAW.

(a) IN GENERAL.—Paragraph (4) of section 530(b) of the Internal Revenue Code of 1986 (relating to qualified elementary and secondary education expenses) is amended by adding at the end the following new subparagraph:

''(C) SPECIAL RULE FOR HOME SCHOOLS.—For purposes of clauses (i) and (iii) of subparagraph (A), the terms 'public, private, or religious school' and 'school' shall include any home school which provides elementary or secondary education if such school is treated as a home school or private school under State law.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 7. CLARIFICATION OF SECTION 444 OF THE GENERAL EDUCATION PROVISIONS ACT AS TO PUBLICLY HELD RECORDS OF STUDENTS PRIVATELY EDUCATED AT HOME UNDER STATE LAW.

Section 444 of the General Education Provisions Act (20 U.S.C. 1232g; also referred to as the Family Educational Rights and Privacy Act of 1974) is amended—

(1) in subsection (a)(5), by adding at the end the following:

''(C) For students in non-public education (including any student educated at home or in a private school in accordance with State law), directory information may not be released without the written consent of the parents of such student.'';

(2) in subsection (a)(6), by striking '', but does not include a person who has not been in attendance at such agency or institution.'' and inserting '', including any non-public school student (including any student educated at home or in a private school as provided under State law). This paragraph shall not be construed as requiring an educational agency or institution to maintain education records or personally identifiable information for any non-public school student.''; and

(3) in subsection (b)(1), by striking subparagraph (F) and inserting the following:

''(F) organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, provided—

''(i) such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of such organizations and such information will be destroyed when no longer needed for the purpose for which it is conducted; and

''(ii) for students in non-public education, education records or personally identifiable information may not be released without the written consent of the parents of such student.''.

SEC. 8. CLARIFICATION OF ELIGIBILITY FOR STUDENTS PRIVATELY EDUCATED AT HOME UNDER STATE LAW FOR THE ROBERT C. BYRD HONORS SCHOLARSHIP PROGRAM.

Section 419F(a) of the Higher Education Act of 1965 (20 U.S.C. §1070d–36(a)) is amended by inserting ''(or a home school, whether treated as a home school or a private school under State law)'' after ''public or private secondary school''.

SEC. 9. CLARIFICATION OF THE FAIR LABOR STANDARDS ACT AS APPLIED TO STUDENTS PRIVATELY EDUCATED AT HOME UNDER STATE LAW.

Subsection (l) of section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203) is amended by adding at the end the following: ''The Secretary shall extend the hours and periods of permissible employment applicable to employees between the ages of fourteen and sixteen years who are privately educated at a home school (whether the home school is treated as a home school or a private school under State Law) beyond such hours and periods applicable to employees

between the ages of fourteen and sixteen years who are educated in traditional public schools.''.

By Mr. KENNEDY (for himself, Mrs. CLINTON, and Mr. PRYOR):

S. 1563. A bill to require the Federal Communications Commission to report to Congress regarding the ownership and control of broadcast stations used to serve language minorities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. KENNEDY. Mr. President, Senator CLINTON and I are proposing legislation to protect the voices of language minorities in our country. Representative ROBERT MENENDEZ will be introducing a companion bill in the House after the August recess. Our bill is called the National Minority Media Opportunities Act. Its goal is to see that Americans who are members of any ''language minority'' groups under the Voting Rights Act—defined as American Indian, Asian Americans, Alaskan Natives, and Hispanic Americans—are not injured by excessive media concentration of companies that broadcast primarily in their native languages.

Neither the Federal Communications Commission's new broadcast ownership regulations adopted on June 2 nor the previous regulations deal with the effects of growing media concentration on citizens relying on minority-language broadcasts for their news and information.

The FCC's new rules are already controversial because they allow excessive concentration, in spite of its effect on competition, the diversity of views, and other major national, State, and local priorities. Unfortunately, the specific and often more harmful effects of such concentration on minority populations have gone largely unnoticed.

For instance, surveys show that the majority of the nearly 40 million Hispanic Americans rely significantly on Spanish-language broadcast media for their news and information. Forty percent—nearly 16 million—of them rely predominantly on Spanish-language broadcast media, and 25 percent—nearly 10 million—rely exclusively on it.

Additional measures are clearly needed to guarantee that Americans who are members of minority language groups will continue to have access to diverse sources of news, information and cultural programming, and to opportunities for ownership of their media.

Our bill addresses these concerns by requiring the FCC to hold public hearings, with notice and opportunity to comment, before approving the transfer of a license for a station serving a minority-language audience. It also requires the FCC to report to Congress on issues involving the concentration of ownership and control of minority-language broadcast media and the effects of excessive concentration on competition and diversity in these minority-language markets.

The bill will continue the Nation's strong commitment to competition in broadcast media and the fullest possible participation in the political process for all our citizens, including the growing number of those whose first language is English. We look forward to working with our colleagues in Congress to enact this needed legislation.

By Mr. CORZINE (for himself, Mr. KERRY, Mrs. MURRAY, Mr. DURBIN, Mr. LAUTENBERG, and Ms. CANTWELL):

S. 1564. A bill to provide for the provision by hospitals of emergency contraceptives to women who are survivors of sexual assault; to the Committee on Health, Education, Labor, and Pensions.

Mr. CORZINE. Mr. President, every two minutes a woman is sexually assaulted in the United States, and an estimated 25,000 annually will become pregnant as a result of rape. Though there is widespread consensus in the medical community that emergency contraception is a safe and effective means of preventing pregnancy after unprotected intercourse, studies indicate that many hospitals still do not provide emergency contraception to rape survivors. That is why today, along with my colleagues Senators KERRY, MURRAY, DURBIN, LAUTENBERG, and CANTWELL, I am introducing the Compassionate Assistance in Rape Emergencies Act, or CARE Act, which will ensure that women who are survivors of sexual assault have access to and information about emergency contraception regardless of where they receive medical care.

Emergency Contraceptive Pills (ECPs) are the most commonly used method of emergency contraception. ECPs are birth control pills taken in larger doses that can reduce a woman's risk of becoming pregnant by up to 95 percent when taken within 72 hours of unprotected intercourse. I want to be clear that emergency contraception does not cause abortion. Instead, emergency contraception works by inhibiting ovulation or fertilization, or by preventing the implantation of a fertilized egg before a pregnancy can occur.

Despite the documented benefits of emergency contraception, many hospitals neglect their responsibility to offer emergency contraception to sexual assault survivors. For example, a survey of emergency rooms in New York State found that 54 percent did not consistently provide emergency contraception to women who had been raped. In Pennsylvania, only 28 percent of hospitals routinely offer and provide emergency contraception to sexual assault survivors.

In short, survivors of sexual assault are not consistently getting access to all the treatment options available to them to prevent an unwanted pregnancy. I believe it is unacceptable that a rape victim's access to standard care depends on the hospital to which she is taken. All healthcare institutions that counsel or treat women who have been raped should consistently inform, provide or meaningfully refer women for emergency contraception. Indeed, the emergency care standards of the American Medical Association recommend that rape survivors seeking medical care be counseled about their risk of pregnancy and offered emergency contraception.

The legislation, which is identical to legislation recently introduced in the House of Representatives by Representatives JAMES GREENWOOD and STEVEN ROTHMAN, would require hospitals that receive federal funds to offer information about and access to emergency contraception for victims of rape. This commonsense legislation will help ensure that women who have survived a heinous sexual attack will have access to comprehensive and compassionate emergency medical care.

We must not sit idly by while so many sexual assault victims are not given the opportunity to safely and effectively prevent a pregnancy caused by their assault. I ask my colleagues to join me in support of this effort to help sexual assault victims across the country receive the medical care they need and deserve.

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. 1564

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 ''Compassionate Assistance for Rape Emergencies Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) It is estimated that 25,000 to 32,000 women become pregnant each year as a result of rape or incest. An estimated 22,000 of these pregnancies could be prevented if rape survivors had timely access to emergency contraception.

(2) A 1996 study of rape-related pregnancies (published in the American Journal of Obstetrics and Gynecology) found that 50 percent of the pregnancies described in paragraph (1) ended in abortion.

(3) Surveys have shown that many hospitals do not routinely provide emergency contraception to women seeking treatment after being sexually assaulted.

(4) The risk of pregnancy after sexual assault has been estimated to be 4.7 percent in survivors who were not protected by some form of contraception at the time of the attack.

(5) The Food and Drug Administration has declared emergency contraception to be safe and effective in preventing unintended pregnancy, reducing the risk by as much as 89 percent.

(6) Medical research strongly indicates that the sooner emergency contraception is administered, the greater the likelihood of preventing unintended pregnancy.

(7) In light of the safety and effectiveness of emergency contraceptive pills, both the American Medical Association and the American College of Obstetricians and Gynecologists have endorsed more widespread availability of such pills.

(8) The American College of Emergency Physicians and the American College of Obstetricians and Gynecologists agree that offering emergency contraception to female patients after a sexual assault should be considered the standard of care.

(9) Nine out of ten women of reproductive age remain unaware of emergency contraception. Therefore, women who have been sexually assaulted are unlikely to ask for emergency contraception.

(10) New data from a survey of women having abortions estimates that 51,000 abortions were prevented by use of emergency contraception in 2000 and that increased use of emergency contraception accounted for 43 percent of the decrease in total abortions between 1994 and 2000.

(11) It is essential that all hospitals that provide emergency medical treatment provide emergency contraception as a treatment option to any woman who has been sexually assaulted, so that she may prevent an unintended pregnancy.

SEC. 3. SURVIVORS OF SEXUAL ASSAULT; PROVISION BY HOSPITALS OF EMERGENCY CONTRACEPTIVES WITHOUT CHARGE.

(a) IN GENERAL.—Federal funds may not be provided to a hospital under any health-related program, unless the hospital meets the conditions specified in subsection (b) in the case of—

(1) any woman who presents at the hospital and states that she is a victim of sexual assault, or is accompanied by someone who states she is a victim of sexual assault; and

(2) any woman who presents at the hospital whom hospital personnel have reason to believe is a victim of sexual assault.

(b) ASSISTANCE FOR VICTIMS.—The conditions specified in this subsection regarding a hospital and a woman described in subsection (a) are as follows:

(1) The hospital promptly provides the woman with medically and factually accurate and unbiased written and oral information about emergency contraception, including information explaining that—

(A) emergency contraception does not cause an abortion; and

(B) emergency contraception is effective in most cases in preventing pregnancy after unprotected sex.

(2) The hospital promptly offers emergency contraception to the woman, and promptly provides such contraception to her on her request.

(3) The information provided pursuant to paragraph (1) is in clear and concise language, is readily comprehensible, and meets such conditions regarding the provision of the information in languages other than English as the Secretary may establish.

(4) The services described in paragraphs (1) through (3) are not denied because of the inability of the woman or her family to pay for the services.

(c) DEFINITIONS.—For purposes of this section:

(1) The term ''emergency contraception'' means a drug, drug regimen, or device that is—

(A) used postcoitally;

(B) prevents pregnancy by delaying ovulation, preventing fertilization of an egg, or preventing implantation of an egg in a uterus; and

(C) is approved by the Food and Drug Administration.

(2) The term ''hospital'' has the meanings given such term in title XVIII of the Social Security Act, including the meaning applicable in such title for purposes of making payments for emergency services to hospitals that do not have agreements in effect under such title.

(3) The term ''Secretary'' means the Secretary of Health and Human Services.

(4) The term ''sexual assault'' means coitus in which the woman involved does not consent or lacks the legal capacity to consent.

(d) EFFECTIVE DATE; AGENCY CRITERIA.—This section takes effect upon the expiration of the 180-day period beginning on the date of enactment of this Act. Not later than 30 days prior to the expiration of such period, the Secretary shall publish in the Federal Register criteria for carrying out this section.

By Mr. INOUYE:

S. 1565. A bill to reauthorize the Native American Programs Act of 1974; to the Committee on Indian Affairs.

Mr. INOUYE. Mr. President, August 11, 2003, will mark the 25th Anniversary of the American Indian Religious Freedom Act of 1978.

I am proud to have served as one of nine original co-sponsors of this Act, joining Senators Abourezk, Goldwater, Gravel, Hatfield, Humphrey, Kennedy, Matsunaga and Stevens to introduce the Joint Resolution on December 15, 1977.

The American Indian Religious Freedom Act states that it is the policy of the United States to preserve and protect the traditional religions of the American Indians, Aleuts, Eskimos and Native Hawaiians. It was necessary to declare this policy to begin to counter the ill effects that stemmed from the policy of the 1880s to the 1930s that sought to ban the exercise of Native American traditional religions.

With the American Indian Religious Freedom Act policy in place, Congress built on this foundation to develop more specific legislation in 1989 and 1990 to provide for the repatriation of Native American human remains, sacred objects and items of cultural patrimony that were taken from Native Americans during the time of that Federal policy attempted to eliminate the practice of their religions.

From time to time, the Congress has also returned certain sacred lands to Native Americans for their traditional religious use.

The Committee on Indian Affairs has been conducting a series of oversight hearings on Native American sacred places and has found that many of these areas are being systematically damaged and destroyed, and Native Americans have no specific statutory authority that would enable them to defend their traditional religious areas in court.

I believe that this twenty-fifth anniversary year of the American Indian Religious Freedom Act is a fitting time for Congress to amend the Act, to assure that Native Americans have the legal means to protect their places of worship.

I believe it is time that we join together in enacting legislation that will fulfill the policy promise of the American Indian Religious Freedom Act.

By Mr. CORZINE:

S. 1566. A bill to improve fire safety by creating incentives for the installation of automatic fire sprinkler systems; to the Committee on Finance.

Mr. CORZINE. Mr. President, I rise today to introduce the Fire Safety Incentive Act of 2003, legislation to improve fire safety and save lives by creating incentives for business owners to install automatic fire sprinkler systems. This bill would classify automatic fire sprinkler systems as five-year property for purposes of depreciation under the Tax Code.

In 2001, fire departments across the United States responded to 1.7 million fires. Not including victims from the September 11 terrorist attacks, 3,745 people died in fires, 99 of whom were firefighters. Fires also caused almost 21,000 civilian injuries and $8.9 billion in direct property damage.

On average, fire departments respond to a fire every eighteen seconds, with fires breaking out in a structure every sixty seconds and in a residential structure every eighty seconds.

Recent tragedies have demonstrated how the lack of effective fire safety precautions can have disastrous consequences. In February, 99 concertgoers were killed when a pyrotechnic display erupted into a fire that devastated the concert venue in the deadliest fire in Rhode Island history. Unfortunately, the building was not equipped with fire sprinklers to respond to the fire. In my home state of New Jersey, a fire on the campus of Seton Hall killed three college students and injured 58 more people. In response to that tragedy, I introduced the Campus Fire Safety Right to Know Act of 2003, S. 1385, which calls for disclosure of fire safety standards and measures with respect to campus buildings.

The Fire Safety Incentive Act would go further by providing economic incentives to business owners to install automatic fire sprinkler systems.

It is difficult to dispute the effectiveness of sprinklers in controlling fire and saving lives and property. According to the National Fire Prevention Association, over a 10-year period ending in 1998, buildings with fire sprinkler systems were proven safer. There were 60 percent fewer deaths in manufacturing buildings equipped with fire sprinkler systems than in those without. Similarly, in hotels, there were 91 percent fewer deaths in buildings with fire sprinkler systems. In fact, the NPFA has no record of a fire killing more than two people in a public assembly, educational, institutional, or residential building in which a fire sprinkler system was installed and operating properly. The same study showed that property loss from fires was significantly reduced by the presence of fire sprinklers, from a low range of 42 percent in industrial buildings to an impressive high of 70 percent in public assembly occupancies.

While the effectiveness of fire sprinkler systems is well established, the major impediment to their widespread use has simply been their cost. Moreover, many State and local governments lack any requirements for structures to contain automatic fire sprinkler systems.

This bill would encourage businesses to install fire sprinkler systems by creating tax incentives to do so. Under the current Tax Code, assets are classified under different schedules of depreciation. The often-employed ''straight-line'' depreciation method uses an average deduction from year-to-year for 39 years. This legislation allows businesses to classify sprinklers under a 5-year schedule, creating a meaningful tax incentive to install automated sprinkler systems.

This legislation would save lives and prevent many tragedies. I hope my colleagues will support it, and I ask unanimous consent that the text of the legislation be printed in the RECORD.

By Mr. FITZGERALD (for himself and Mr. AKAKA):

S. 1567. A bill to amend title 31, United States Code, to improve the financial accountability requirements applicable to the Department of Homeland Security, and for other purposes; to the Committee on Governmental Affairs.

Mr. FITZGERALD. Mr. President, I rise today to introduce the Department of Homeland Security Financial Accountability Act. I am joined in introducing this legislation by the distinguished Senator from Hawaii, Senator AKAKA, who serves as the ranking member of the Governmental Affairs Subcommittee on Financial Management, the Budget, and International Security, which I chair.

This bill is a companion bill to H.R. 2886 that Congressman TODD PLATTS, chairman of the Subcommittee on Government Efficiency and Financial Management, introduced in the House of Representatives on July 24, 2003. The House bill has bipartisan support from the leadership of the House Government Reform Committee, including Chairman TOM DAVIS, Ranking Minority Member HENRY WAXMAN, and the vice chairman and ranking minority member of the Subcommittee on Government Efficiency and Financial Management, MARSHA BLACKBURN and EDOLPHUS TOWNS.

The purpose of this bill is to ensure that the Department of Homeland Security is included in the Chief Financial Officers Act of 1990, as amended, and is subject to the same audit requirements that currently apply to over 100 Federal agencies.

Improving financial management in the Federal Government to eliminate waste, fraud, and abuse, has long been a priority for me. The Chief Financial Officers Act (CFO Act) is regarded as one of the most important statutes that contributes significantly towards accomplishing this objective. The original CFO Act required 24 Federal agencies to submit audited financial statements to the Office of Management and Budget (OMB) and the Congress, thereby improving the accountability of Federal agencies to the taxpayer. In the 107th Congress I sponsored the Accountability of Tax Dollars Act that extended this audit requirement to all Federal agencies with budgets over $25 million, unless the Office of Management and Budget provided a waiver from the requirement. President Bush signed the Accountability of Tax Dollars Act into law on November 7, 2002, as Public Law 107–289.

As my colleagues may know, an auditor may certify a financial statement as unqualified, also known as a clean audit, or as unqualified. An unqualified opinion means that an agency's financial statements present fairly, in all material respects, the financial position, results of operations, and cash flows of the agency. A qualified opinion contains an exception to the standard opinion, but the exception is not of sufficient magnitude to invalidate the statement as a whole. Finally, an agency may also receive a disclaimer of opinion. A disclaimer is the worst case because it indicates that the agency's accounts are in such disorder that the auditor is not in a position to make any certification.

This past year we have seen dramatic improvement by Federal agencies regarding their financial reporting and audit compliance. In February 2003, the Office of Management and Budget announced that a record 21 of the 24 CFO Act agencies submitted unqualified financial audits, including for the first time the Agriculture Department. As a member of the Senate Committee on Agriculture, Nutrition, and Forestry, I raised the issue of financial management with Secretary Ann Veneman at her nomination hearing on January 18, 2001, and stressed the importance of unqualified opinions. I was, therefore, pleased to see that the USDA received its first unqualified opinion this year, demonstrating remarkable improvement in the department's financial management.

I also discussed financial management recently with the Department of Homeland Security, Secretary Tom Ridge, when he testified before the Government Affairs Committee on May 1, 2003. At that time, Secretary Ridge assured me that financial management is a top priority for the Department, and every effort will be made to comply with the provisions of the CFO Act. While Secretary Ridge and the Office of Management and Budget have demonstrated their commitment to financial accountability, the bill I am introducing today will ensure that future secretaries and future administrations also will comply with the CFO Act.

The legislation I propose will ensure that the Department of Homeland Security is subject to the same financial management requirements as all other cabinet departments by accomplishing the following: It will include the Department in the list of agencies covered by the CFO Act, and make necessary adjustments to the Homeland Security Act of 2002 so that it is consistent with the provisions of the CFO Act; it will ensure that the Chief Financial Officer at the Department of Homeland Security is subject to the same requirements as all other similarly situated CFOs in cabinet-level departments by providing that the CFO is nominated by the President and confirmed by the Senate; it will require the CFO at the Department of Homeland Security to report directly to the Secretary and be a part of the statutorily created CFO Council; and it will require the Department of Homeland Security to include in each performance and accountability report an audit opinion of the Department's internal controls over its financial reporting.

Application of the Chief Financial Officers Act to the Department of Homeland Security is essential to ensure that effective financial management and reporting requirements are adhered to by the newest, and one of the largest, cabinet-level departments in the Federal Government. The Department of Homeland Security is in the process of integrating 22 agencies, many with disparate financial systems and a number with their own CFOs. Inclusion of the Department within the management requirements of the CFO Act will help ensure that the financial process is properly managed by requiring full financial disclosure of the Department's financial activities. Therefore, I urge my colleagues to support passage of this bill to protect against financial waste, fraud, and abuse within the Department of Homeland Security.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD.

S. 1567

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 ''Department of Homeland Security Financial Accountability Act''.

SEC. 2. CHIEF FINANCIAL OFFICER OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) IN GENERAL.—Section 901(b)(1) of title 31, United States Code, is amended—

(1) by redesignating subparagraphs (G) through (P) as subparagraphs (H) through (Q), respectively; and

(2) by inserting after subparagraph (F) the following:

''(G) The Department of Homeland Security.''.

(b) APPOINTMENT OR DESIGNATION OF CFO.—The President shall appoint or designate a Chief Financial Officer of the Department of Homeland Security under the amendment made by subsection (a) by not later than 180 days after the date of the enactment of this Act.

(c) CONTINUED SERVICE OF CURRENT OFFICIAL.—The individual serving as Chief Financial Officer of the Department of Homeland Security immediately before the enactment of this Act may continue to serve in that position until the date of the confirmation or designation, as applicable (under section 901(a)(1)(B) of title 31, United States Code), of

a successor under the amendment made by subsection (a).

(d) CONFORMING AMENDMENTS.—

(1) HOMELAND SECURITY ACT OF 2002.—The Homeland Security Act of 2002 (Public Law 107–296) is amended—

(A) in section 103 (6 U.S.C. 113)—

(i) in subsection (d) by striking paragraph (4), and redesignating paragraph (5) as paragraph (4);

(ii) by redesignating subsection (e) as subsection (f); and

(iii) by inserting after subsection (d) the following:

''(e) CHIEF FINANCIAL OFFICER.—There shall be in the Department a Chief Financial Officer, as provided in chapter 9 of title 31, United States Code.''; and

(B) in section 702 (6 U.S.C. 342) by striking ''shall report'' and all that follows through the period and inserting ''shall perform functions as specified in chapter 9 of title 31, United States Code.''.

(2) FEMA.—Section 901(b)(2) of title 31, United States Code, is amended by striking subparagraph (B), and by redesignating subparagraphs (D) through (H) as subparagraphs (C) through (G), respectively.

SEC. 3. FUNCTIONS OF CHIEF FINANCIAL OFFICER OF THE DEPARTMENT OF HOMELAND SECURITY.

Section 3516 of title 31, United States Code, is amended by adding at the end the following:

''(f) The Secretary of Homeland Security—

''(1) shall submit for fiscal year 2004, and for each subsequent fiscal year, a performance and accountability report under subsection (a) that incorporates the program performance report under section 1116 of this title for the Department of Homeland Security; and

''(2) shall include in each performance and accountability report an audit opinion of the Department's internal controls over its financial reporting.''.

Mr. AKAKA. Mr. President. As the ranking member of the Subcommittee on Financial Management, the Budget, and International Security, I am honored to work with my colleague Senator FITZGERALD, Chairman of the Subcommittee, to introduce the ''Department of Homeland Security Financial Accountability Act.''

Our bill would add the Department of Homeland Security (DHS) to the Chief Financial Officers Act of 1990 (CFO Act), P.L. 101–576. It is a companion measure to bipartisan legislation, H.R. 2886, introduced in the House on July 24, 2003. Adding DHS would ensure that Congress will have timely and accurate financial information imperative for good governance of the resources of the Department entrusted to making our homeland safe.

The CFO Act recognizes the responsibility of governmental agencies to be accountable to taxpayers. This bill would require the President to appoint, subject to Senate confirmation, a Chief Financial Officer for DHS, who would report directly to the Director of the Department regarding financial management matters. It also requires the DHS CFO to be a member of the CFO Council. This Council is charged with advising and coordinating the activities of its members' agencies on such matters as consolidation and modernization of financial systems, improved quality of financial information, financial data and information standards, internal controls, legislation affecting financial operations and organizations, and any other financial management matters. In addition, the bill would require the DHS CFO to prepare and provide for audit, annual financial statements that are submitted to Congress, which will aid in congressional oversight of the Department.

Although the DHS bill adopted by the Govermental Affairs Committee last year, S. 2452, would have put the new Department under the CFO Act, the enacted version of the bill, P.L. 107–296, did not. All other Federal departments and major agencies are under the requirements of the Act. Since the passage of the CFO Act in 1990, tremendous improvements have been made in agency financial management. For example, all CFO Act agencies, except for the Department of Defense and the Agency for International Development, achieved clean opinions from their auditors on their financial statements in fiscal year 2003. Initially, none of the agencies were able to do so. Also, the General Accounting Office has reported that the number and severity of internal control problems reported for CFO Act agencies have been significantly reduced. We expect good corporate governance from the private sector; we should also expect good governance from federal agencies.

Adding DHS to the CFO Act would also require that it meet the requirements of the Federal Financial Management Improvement Act of 1996 (FFMIA), P.L. 104–208, which mandates that all agencies subject to the CFO Act meet certain financial system conditions. The goal of FFMIA is for agencies to have systems that provide reliable financial information available for day-to-day management.

It is our responsibility to ensure the Federal Government is accountable to the American taxpayers. I am pleased to join with the Chairman of our Subcommittee to ensure that DHS has the financial management systems and practices in place to provide meaningful and timely information needed for effective and efficient management decision-making.

By Mr. HATCH (for himself, Mr. BREAUX, Mr. SMITH, Mr. LOTT, and Ms. SNOWE):

S. 1568. A bill to amend the Internal Revenue Code of 1986 to simplify certain provisions applicable to real estate investment trusts; to the Committee on Finance.

Mr. HATCH. Mr. President, along with my good friends and colleagues, Senators BREAUX, SMITH, LOTT, and SNOWE, I rise today to introduce the Real Estate Investment Trust Improvement Act of 2003. This legislation would update the tax rules governing real estate investment trusts, commonly referred to as REITs, by making a number of minor but important changes to remove uncertainties in the law and improve their investment climate. Identical legislation has been introduced in the House of Representatives.

REITs are publicly traded real estate companies that pass through their earnings to individual shareholders. Congress originally created REITs in 1960 to enable small investors to make investments in large-scale, income producing real estate. By doing so, Congress made commercial real estate more accessible, more liquid, more transparent, and more attuned to investor interests. REITs have evolved to own properties across the country, including office buildings, apartments, shopping centers, and warehouses. As a result, these entities play a key role in helping our economy move forward by promoting investment and creating jobs.

The Internal Revenue Code includes detailed rules governing the operations of REITs, the types of income they can earn, and the assets they hold. Congress last amended these provisions in 1999. The REIT Improvement Act is the product of almost two years of discussions with the staffs of the Treasury Department and the Joint Committee on Taxation on how to find solutions to several thorny problem areas where the rules are in need of clarification or modification.

The REIT Improvement Act includes three titles: Title I—REIT Corrections; Title II—FIRPTA Corrections; and Title III—REIT Savings.

Title I includes several corrections to the REIT tax rules to remove some uncertainties and provide corrections largely arising from enactment of the REIT Modernization Act in 1999. Although these provisions have very little effect on revenue to the Treasury, they are of considerable importance to REITs because they remove uncertainties that interfere with the efficient operation of their businesses.

Because publicly-held REITs have to report quarterly to the Securities and Exchange Commission that they are in compliance with the specialized income and asset tests applicable to REITs, the uncertain application of these tax rules creates greater difficulties in REIT business operators than unclear tax rules generally do for other corporations.

The most important, time-sensitive provision in this title deals with what is called the ''straight debt'' rule. This rule, which was adopted in the REIT Modernization Act of 1999, prohibits REITs from owning more than 10 percent of the value of any other entity's securities. Although this rule was intended to prevent REITs from owning more than 10 percent of the equity of another corporation, as drafted the rules potentially apply to many situations when individuals and businesses owe some sort of debt, ''security'' defined broadly, to a REIT.

There are many situations in which REITs make non-abusive, ordinary loans in the course of business for which they could face loss of REIT status because the loans do not qualify as

''straight debt.'' The most common context for this situation is in the REIT's relationship with its tenants. For example, the REIT might lend the tenant money for leasehold improvements. In some circumstances such a loan could represent more than 10 percent of the tenant's total debt obligations. In such a case, although the amount owed could be small, it could lead to REIT disqualification. The bill we are introducing today would exempt from the 10 percent rule certain categories of loans that are non-abusive and present little or no opportunity for the REIT to participate in the profits of the issuer's business. This includes any loan from a REIT to an individual or to a government, and any debt arising from a real property rent arrangement.

Other provisions in this title clarify the related party rent rules that limit the amount of space a taxable subsidiary may lease from its parent REIT, update the hedging definitions in the REIT rules, remove a safe harbor protection for a taxable subsidiary providing customary services to a REIT's tenants, and restore a formula for imposing a tax on REITs that fail to meet the 95 percent gross income test.

Finally, the bill would modify a safe harbor to the prohibited transaction rule that imposes a 100 percent tax on the income REITs earn from sales of ''dealer property.'' Currently, the safe harbor is limited to sales of property held for the production of rental income that meet a series of tests. The change proposed in this title would extend the safe harbor to other REIT property, not just that held for the production of rental income.

Title II of the bill would modify the Foreign Investment in Real Property Tax Act (''FIRPTA'') to remove barriers to foreign investment in REITs. Today, there is very little foreign investment in REITs. We understand that U.S. money managers routinely receive assignments to place foreign investment capital in the United States under which they have complete discretion to invest in any U.S. stocks except REITs. The reason they are expressly told to avoid REITs is that under FIRPTA, foreign investors that receive REIT capital gains distributions are treated as doing business in the United States.

Title II would modify the FIRPTA rules so that a publicly traded REIT's payment of capital gains dividends to a foreign portfolio investor would no longer cause the REIT investor to be considered doing business in the United States. The effect of this would be to threat investments in REITs like investment in other corporations, and the provision would parallel current law governing a portfolio investor's sale of REIT stock.

Title III of our bill, REIT Savings, would modify a number so-called ''death trap'' provisions in the REIT tax rules that result in the disqualification of the REIT if various rules are not met. The loss of REIT status would be a catastrophic occurrence that the management of a REIT tries to avoid at all costs, so much so that they expend significant resources to put in place compliance measures to avoid such a result. A better, simpler alternative would be to build in some flexibility to the REIT tax rules and impose monetary penalties, in lieu of REIT disqualification, for the failure to meet these strict rules that lead to REIT disqualification.

For example, under current law, a REIT is disqualified if more than 5 percent of its assets are comprised of the securities of any entity, or if it owns more than 10 percent of the voting power or value of any entity. In lieu of disqualification of the REIT status for violations of these rules, our bill would first give REITs an opportunity to comply with the asset tests with respect to any violation that does not exceed 1 percent of their total assets. Assets in excess of the 1 percent de minimis amount would be subject to a tax of the greater of $50,000 or the highest corporate tax rate multiplied by the net income from the assets if the violation was justified by reasonable cause.

Under current law, a REIT is disqualified if it does not meet certain other tests relating to its organizational structure, the distribution of its income, its annual elections to the IRS, the transferability of its shares, and other requirements. In lieu of this disqualification, Title III would change the law, assess a monetary penalty of $50,000 for each reasonable cause failure to satisfy these rules. This is a much more reasonable solution.

These changes are similar to ''intermediate sanctions'' legislation that Congress approved a few years ago dealing with nonprofit organizations. That legislation imposed monetary penalties on nonprofit organizations for violation of certain tax rules in lieu of a devastating loss of the organizations' tax-exempt status. Those changes, like the ones we are proposing today, recognize that it is far more likely that an entity will be sanctioned under a penalty regime than under draconian rules that entirely disqualify the organization.

The REIT Improvement Act would provide reasonable and much needed reforms to the rules governing a key component of our economy. We urge our colleagues to join with us in sponsoring this legislation and supporting its inclusion in tax legislation heading for passage this year.

Mr. BREAUX. Mr. President, I am pleased to join my colleague, Senator HATCH in the introduction of the REIT Improvement Act of 2003. Through this legislation we hope to remove a number of uncertainties in the tax laws that hinder the management of REITs, and to improve the investment climate for REITs, particularly with respect to their ability to attract foreign capital.

Real estate investment trusts (''REITs'') were created by Congress in 1960 as a means of enabling small investors to invest in real estate through professionally managed companies. While REITs remained a very small sector of the real estate industry for many years—primarily as mortgage owning companies—with the enactment of tax reform in 1986, and the collapse of the real estate markets in the late 1980s—the REIT structure rapidly grew in the 1990s as an attractive means of owning real estate. Unlike the traditional form of real estate ownership, REITs are publicly traded corporations that go to the public capital markets to raise capital for their operations. Today, REITs are corporations or business trusts that combine the capital of many investors to own, operate or finance income-producing real estate, such as apartments, storage facilities, hotels, shopping centers, offices, and warehouses.

Because REITs are publicly traded corporations that must show results to the financial markets, the REIT structure injects better market discipline into the real estate sector. This minimizes the wild valuation swings that have characterized the real estate sector in the past. It also limits the exposure of federally insured depository institutions that have been traditional lenders to private real estate companies.

The legislation that we are introducing today, the REIT Improvement Act of 2003 (RIA), has three objectives. Number one, to make a number of minor corrections in the REIT tax rules, including most importantly fixing an unintended problem arising from the REIT Modernization Act of 1999 that now causes a company to lose its REIT status by holding ordinary debt, e.g., a loan to a small tenant to finance tenant improvements.

Number two, to eliminate a major barrier to foreign investment in publicly traded REITs that now treats portfolio investors as doing business in the U.S. merely because they receive REIT capital gains distributions. The change would parallel the existing Tax Code rule for a foreigner's sale of a publicly traded REIT's stock.

Number three, to replace the penalty for reasonable cause violations of REIT tests from a loss of REIT status to a monetary penalty. This is similar to a test that was enacted as part of the REIT Simplification Act of 1977, as well as ''intermediate sanction'' legislation Congress passed a few years ago for tax-exempt organizations.

Twenty-nine members of the Ways and Means Committee are cosponsoring identical legislation in the House of Representatives, H.R. 1890. I expect we will eventually have similar support for this legislation in the Senate Finance Committee. I invite may colleagues to join us as cosponsors of this legislation in the weeks ahead.

By Mr. AKAKA:

S. 1569. A bill to amend title IV of the Employee Retirement Income Security

Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60; to the Committee on Health, Education, Labor, and Pensions.

Mr. AKAKA. Mr. President, I rise today to introduce the Pension Benefit Guaranty Corporation Pilots Equitable Treatment Act to ensure fair treatment of commerical airline pilot retirees. This bill will lower the age requirement to receive the maximum pension benefits allowed by Pension Benefit Guaranty Corporation (PBGC) to age 60 for pilots, who are mandated by the Federal Aviation Administration (FAA) to retire before age 65. With the airline industry experiencing severe financial distress, we need to enact this legislation to assist pilots whose companies have been or will be unable to continue their defined benefit pension plans. This bill will slightly alter Title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation to take into account the fact that the pilots are required to retire at the age of 60 when calculating their benefits.

The Pension Benefit Guaranty Corporation was established to ensure that workers with defined benefit pension plans are able to receive some protion of their retirement income in cases where the employer does not have enough money to pay for all of the benefits owed. After the employer proves to the PBGC that the business is financially unable to support the plan, the PBGC takes over the plan as a trustee and ensures that the current and future retirees receive their pension benefits within the legal limits. Four of the ten largest claims in PBGC's history have been for airline pension plans. Although airline employees account for only two percent of participants historically covered by PBGC, they have constituted approximately 17 percent of claims. For example, Eastern Airlines, Pan American, Trans World Airlines, and US Airways have terminated their pension plans and their retirees rely on the PBGC for their basic pension benefits.

The FAA requires commercial aviation pilots to retire when they reach the age of 60. Pilots are therefore denied the maximum pension benefit administered by the PBGC because they are required to retire before the age of 65. Herein lies the problem. Mr. President, if pilots want to work beyond the age 60, they have to request a waiver from the FAA. It is my understanding that the FAA does not grant many of these waivers. Therefore, most of the pilots, if not all, do not receive the maximum pension guarantee because they are forced to retire at age 60.

The maximum guaranteed pension at the age of 65 for plans that terminate in 2003 is $43,977.24. However, the maximum pension guarantee for a retiree is decreased if a participant retires at the age of 60 to $28,585.20. This significant reduction in benefits puts pilots in a difficult position. Their pensions have been reduced significantly and they are prohibited from reentering their profession due to the mandatory retirement age. They are unable to go back to their former jobs.

It is my sincere hope that existing airlines are able to maintain their pension programs and that the change this bill makes will not be needed for any additional airline pension programs. However, due to the difficult financial conditions of many or the airlines, I feel that we must enact this protective measure. My legislation ensures that pilots are able to obtain the maximum PBGC benefit without being unfairly penalized for having to retire at 60, if their pension plan is terminated.

I urge my colleagues to support this bill. 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:

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 ''Pension Benefit Guaranty Corporation Pilots Equitable Treatment Act''.

SEC. 2. AGE REQUIREMENT FOR EMPLOYEES.

(a) SINGLE-EMPLOYER PLAN BENEFITS GUARANTEED.—Section 4022(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322(b)) is amended in the flush matter following paragraph (3), by adding at the end the following: ''If, at the time of termination of a plan under this title, regulations prescribed by the Federal Aviation Administration require an individual to separate from service as a commercial airline pilot after attaining any age before age 65, paragraph (3) shall be applied to an individual who is a participant in the plan by reason of such service by substituting such age for age 65.''.

(b) MULTIEMPLOYER PLAN BENEFITS GUARANTEED.—Section 4022B(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322b(a)) is amended by adding at the end the following: ''If, at the time of termination of a plan under this title, regulations prescribed by the Federal Aviation Administration require an individual to separate from service as a commercial airline pilot after attaining any age before age 65, this subsection shall be applied to an individual who is a participant in the plan by reason of such service by substituting such age for age 65.''.

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply to benefits payable on or after the date of enactment of this Act.

By Mr. SANTORUM (for himself and Mr. GRAHAM of South Carolina):

S. 1570. A bill to amend the Internal Revenue Code, of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance, and to establish State health insurance safety-net programs; to the Committee on Finance.

Mr. SANTORUM. Mr. President I rise to join my colleague Senator LINDSEY GRAHAM in reintroducing the Fair Care for the Uninsured Act, legislation aimed at ensuring that all Americans, regardless of income, have a basic level of resources to purchase health insurance. I am pleased that Congressman MARK KENNEDY of Minnesota has joined in introducing companion legislation in the House of Representatives that now has 120 bipartisan cosponsors.

As we all know, the growing ranks of uninsured Americans—currently more than 40 million—remains a major national problem that must be addressed as Congress considers improvements to our healthcare delivery system.

An Urban Institute study released earlier this year estimated that the nation annually spends about $35 billion on uncompensated care received by the uninsured, both those who are uninsured for a full year and those who lack coverage for part of a year. About two-thirds of uncompensated care, almost $24 billion, is provided by hospitals caring for uninsured people in emergency rooms, outpatient departments, and as inpatients. This study also estimated that a substantial portion of uncompensated care, perhaps as much as $30 billion, is already being financed by taxpayers through programs such as: Medicare and Medicaid Disproportionate Share Payments; Medicaid Upper Payment Limit payments; state and local tax appropriations, primarily to public hospitals and clinics; federal grants to community health centers, and federal direct care provided by the Department of Veterans Affairs and the Indian Health Service.

These sobering statistics reveal that the price of being uninsured is very high, and they ought to serve as a catalyst for us to address the problem of uninsured Americans in a deliberate yet responsible fashion.

The Fair Care for the Uninsured Act represents a major step toward helping the uninsured obtain health insurance coverage through the creation of a new refundable tax credit for the purchase of private health insurance, a concept which again, enjoys bipartisan support.

This legislation directly addresses one of the main barriers now inhibiting access to health insurance for millions of Americans: discrimination in the tax code. Most Americans obtain health insurance through their place of work, and for good reason: workers receive their employer's contribution toward health insurance completely free from federal taxation, including payroll taxes. The Federal Government effectively subsidizes employer-provided health insurance to the tune of more than $80 billion per year. By contrast, individuals who purchase their own health insurance get virtually no tax relief. They must buy insurance with after-tax dollars, forcing many to earn twice as much income before taxes in order to purchase the same insurance. This hidden health tax penalty effectively punishes people who try to buy their insurance outside the workplace.

The Fair Care for the Uninsured Act would remedy his situation by creating a parallel system for working families who do not have access to health insurance through the workplace. Specifically, this legislation creates a refundable tax credit of $1,000 per adult and up to $3,000 per family, indexed for inflation, for the purchase of private health insurance; would be available to individuals and families who don't have access to coverage through the workplace or a federal government program; enables individuals to use their credit to shop for a basic plan that best suits their needs and which would be portable from job to job; and allows individuals to buy more generous coverage with after-tax dollars. And of course the States could supplement the credit.

I would like to apprise our colleagues of one improvement in particular which we have added to last session's bill that we believe will help bring about an even more positive impact on America's uninsured population. In an effort to keep premiums affordable for older, sicker Americans, our Fair Care legislation augments funding provided in the Trade Act of 2002, P.L. 107–210, to State-run safety net insurance programs, currently operating in 30 States, and encourages more States to establish these important programs. And, as in our legislation last session of Congress, we seek to help further reduce premiums by permitting the creation of Individual Membership Associations, through which individuals can obtain basic coverage free of costly state benefit mandates.

This legislation complements a bipartisan consensus which is emerging around this means for addressing the serious problem of uninsured Americans: Instead of creating new government entitlements to medical services, tax credits provide public financing to help uninsured Americans buy private health insurance. President Bush has proposed a similar tax credit for health insurance coverage, and Congress has already acknowledged the promise of this idea in passing into law the new Health Coverage Tax Credit, which helps folks who are eligible to receive Trade Adjustment Assistance or pension benefit payments from the Pension Benefit Guaranty Corporation. Some 200,000 people across the country who meet eligibility requirements—nearly 200,000 of whom reside in the Commonwealth of Pennsylvania—now can obtain a tax credit covering 65 percent of qualified health insurance premiums. They can get this assistance in two ways. First, they can claim it on their tax forms in a lump sum next year on April 15th. Or, beginning in August, the Health Coverage Tax Credit program will allow eligible individuals and their families to directly apply the credit to their health insurance premiums every month. This advance payment option could make a big difference for families that are just getting by month-to-month or week-to-week.

In reducing the amount of uncompensated care that is offset through cost shifting to private insurance plans, and in substantially increasing the insurance base, a health insurance tax credit will help relieve some of the spiraling costs of our health care delivery system. It would also encourage insurance companies to write policies geared to the size of the credit, thus offering more options and making it possible for low-income families to obtain coverage without paying much more than the available credits.

It is time that we reduced the tax bias against families who do not have access to coverage through their place of work or existing government programs, and to encourage the creation of an effective market for family-selected and family-owned plans, where Americans have more choice and control over their health care dollars. The Fair Care for the Uninsured Act would create tax fairness where currently none exists by requiring that all Americans receive the same tax encouragement to purchase health insurance, regardless of employment.

It is my hope that our colleagues will join Senator GRAHAM and me in endorsing this legislation to provide people who purchase health insurance on their own similar tax treatment as those who have access to insurance through their employer.

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. 1570

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fair Care for the Uninsured Act of 2003''.

TITLE I—REFUNDABLE CREDIT FOR HEALTH INSURANCE COVERAGE

SEC. 101. REFUNDABLE CREDIT FOR HEALTH INSURANCE COVERAGE.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 36 as section 37 and by inserting after section 35 the following new section:

''SEC. 36. HEALTH INSURANCE COSTS.

''(a) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this subtitle an amount equal to the amount paid during the taxable year for qualified health insurance for the taxpayer, his spouse, and dependents.

''(b) LIMITATIONS.—

''(1) IN GENERAL.—The amount allowed as a credit under subsection (a) to the taxpayer for the taxable year shall not exceed the sum of the monthly limitations for coverage months during such taxable year for each individual referred to in subsection (a) for whom the taxpayer paid during the taxable year any amount for coverage under qualified health insurance.

''(2) MONTHLY LIMITATIONS.—

''(A) IN GENERAL.—The monthly limitation for an individual for each coverage month of such individual during the taxable year is the amount equal to 1/12 of—

''(i) $1,000 if such individual is the taxpayer,

''(ii) $1,000 if—

''(I) such individual is the spouse of the taxpayer,

''(II) the taxpayer and such spouse are married as of the first day of such month, and

''(III) the taxpayer files a joint return for the taxable year, and

''(iii) $500 if such individual is an individual for whom a deduction under section 151(c) is allowable to the taxpayer for such taxable year.

''(B) LIMITATION TO 2 DEPENDENTS.—Not more than 2 individuals may be taken into account by the taxpayer under subparagraph (A)(iii).

''(C) SPECIAL RULE FOR MARRIED INDIVIDUALS.—In the case of an individual—

''(i) who is married (within the meaning of section 7703) as of the close of the taxable year but does not file a joint return for such year, and

''(ii) who does not live apart from such individual's spouse at all times during the taxable year,

the limitation imposed by subparagraph (B) shall be divided equally between the individual and the individual's spouse unless they agree on a different division.

''(3) COVERAGE MONTH.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'coverage month' means, with respect to an individual, any month if—

''(i) as of the first day of such month such individual is covered by qualified health insurance, and

''(ii) the premium for coverage under such insurance for such month is paid by the taxpayer.

''(B) EMPLOYER-SUBSIDIZED COVERAGE.—

''(i) IN GENERAL.—Such term shall not include any month for which such individual is eligible to participate in any subsidized health plan (within the meaning of section 162(l)(2)) maintained by any employer of the taxpayer or of the spouse of the taxpayer.

''(ii) PREMIUMS TO NONSUBSIDIZED PLANS.—If an employer of the taxpayer or the spouse of the taxpayer maintains a health plan which is not a subsidized health plan (as so defined) and which constitutes qualified health insurance, employee contributions to the plan shall be treated as amounts paid for qualified health insurance.

''(C) CAFETERIA PLAN AND FLEXIBLE SPENDING ACCOUNT BENEFICIARIES.—Such term shall not include any month during a taxable year if any amount is not includable in the gross income of the taxpayer for such year under section 106 with respect to—

''(i) a benefit chosen under a cafeteria plan (as defined in section 125(d)), or

''(ii) a benefit provided under a flexible spending or similar arrangement.

''(D) MEDICARE AND MEDICAID.—Such term shall not include any month with respect to an individual if, as of the first day of such month, such individual—

''(i) is entitled to any benefits under title XVIII of the Social Security Act, or

''(ii) is a participant in the program under title XIX or XXI of such Act.

''(E) CERTAIN OTHER COVERAGE.—Such term shall not include any month during a taxable year with respect to an individual if, at any time during such year, any benefit is provided to such individual under—

''(i) chapter 89 of title 5, United States Code,

''(ii) chapter 55 of title 10, United States Code,

''(iii) chapter 17 of title 38, United States Code, or

''(iv) any medical care program under the Indian Health Care Improvement Act.

''(F) PRISONERS.—Such term shall not include any month with respect to an individual if, as of the first day of such month, such individual is imprisoned under Federal, State, or local authority.

''(G) INSUFFICIENT PRESENCE IN UNITED STATES.—Such term shall not include any month during a taxable year with respect to an individual if such individual is present in the United States on fewer than 183 days during such year (determined in accordance with section 7701(b)(7)).

''(4) COORDINATION WITH DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.—In the case of a taxpayer who is eligible to deduct any amount under section 162(l) for the taxable year, this section shall apply only if the taxpayer elects not to claim any amount as a deduction under such section for such year.

''(c) QUALIFIED HEALTH INSURANCE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified health insurance' means insurance which constitutes medical care as defined in section 213(d) without regard to—

''(A) paragraph (1)(C) thereof, and

''(B) so much of paragraph (1)(D) thereof as relates to qualified long-term care insurance contracts.

''(2) EXCLUSION OF CERTAIN OTHER CONTACTS.—Such term shall not include insurance if a substantial portion of its benefits are excepted benefits (as defined in section 9832(c)).

''(d) MEDICAL SAVINGS ACCOUNT CONTRIBUTIONS.—

''(1) IN GENERAL.—If a deduction would (but for paragraph (2)) be allowed under section 220 to the taxpayer for a payment for the taxable year to the medical savings account of an individual, subsection (a) shall be applied by treating such payment as a payment for qualified health insurance for such individual.

''(2) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under section 220 for that portion of the payments otherwise allowable as a deduction under section 220 for the taxable year which is equal to the amount of credit allowed for such taxable year by reason of this subsection.

''(e) SPECIAL RULES.—

''(1) COORDINATION WITH MEDICAL EXPENSE DEDUCTION.—The amount which would (but for this paragraph) be taken into account by the taxpayer under section 213 for the taxable year shall be reduced by the credit (if any) allowed by this section to the taxpayer for such year.

''(2) DENIAL OF CREDIT TO DEPENDENTS.—No credit shall be allowed under this section to any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins.

''(3) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2004, each dollar amount contained in subsection (b)(2)(A) shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2003' for 'calendar year 1992' in subparagraph (B) thereof.

Any increase determined under the preceding sentence shall be rounded to the nearest multiple of $50 ($25 in the case of the dollar amount in subsection (b)(2)(A)(iii)).''.

(b) INFORMATION REPORTING.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 of such Code (relating to information concerning transactions with other persons) is amended by adding at the end the following new section:

''SEC. 6050U. RETURNS RELATING TO PAYMENTS FOR QUALIFIED HEALTH INSURANCE.

''(a) IN GENERAL.—Any person who, in connection with a trade or business conducted by such person, receives payments during any calendar year from any individual for coverage of such individual or any other individual under creditable health insurance, shall make the return described in subsection (b) (at such time as the Secretary may by regulations prescribe) with respect to each individual from whom such payments were received.

''(b) FORM AND MANNER OF RETURNS.—A return is described in this subsection if such return—

''(1) is in such form as the Secretary may prescribe, and

''(2) contains—

''(A) the name, address, and TIN of the individual from whom payments described in subsection (a) were received,

''(B) the name, address, and TIN of each individual who was provided by such person with coverage under creditable health insurance by reason of such payments and the period of such coverage, and

''(C) such other information as the Secretary may reasonably prescribe.

''(c) CREDITABLE HEALTH INSURANCE.—For purposes of this section, the term 'creditable health insurance' means qualified health insurance (as defined in section 36(c)) other than—

''(1) insurance under a subsidized group health plan maintained by an employer, or

''(2) to the extent provided in regulations prescribed by the Secretary, any other insurance covering an individual if no credit is allowable under section 36 with respect to such coverage.

''(d) STATEMENTS TO BE FURNISHED TO INDIVIDUALS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under subsection (a) shall furnish to each individual whose name is required under subsection (b)(2)(A) to be set forth in such return a written statement showing—

''(1) the name and address of the person required to make such return and the phone number of the information contact for such person,

''(2) the aggregate amount of payments described in subsection (a) received by the person required to make such return from the individual to whom the statement is required to be furnished, and

''(3) the information required under subsection (b)(2)(B) with respect to such payments.

The written statement required under the preceding sentence shall be furnished on or before January 31 of the year following the calendar year for which the return under subsection (a) is required to be made.

''(e) RETURNS WHICH WOULD BE REQUIRED TO BE MADE BY 2 OR MORE PERSONS.—Except to the extent provided in regulations prescribed by the Secretary, in the case of any amount received by any person on behalf of another person, only the person first receiving such amount shall be required to make the return under subsection (a).''.

(2) ASSESSABLE PENALTIES.—

(A) Subparagraph (B) of section 6724(d)(1) of such Code (relating to definitions) is amended by redesignating clauses (xi) through (xviii) as clauses (xii) through (xix), respectively, and by inserting after clause (x) the following new clause:

''(xi) section 6050U (relating to returns relating to payments for qualified health insurance),''.

(B) Paragraph (2) of section 6724(d) of such Code is amended by striking ''or'' at the end of subparagraph (AA), by striking the period at the end of subparagraph (BB) and inserting '', or'', and by adding at the end the following new subparagraph:

''(CC) section 6050U(d) (relating to returns relating to payments for qualified health insurance).''.

(3) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 of such Code is amended by adding at the end the following new item:

''Sec. 6050U. Returns relating to payments for qualified health insurance.''.

(d) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period '', or from section 36 of such Code''.

(2) The table of sections for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by striking the last item and inserting the following new items:

''Sec. 36. Health insurance costs.

''Sec. 37. Overpayments of tax.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 102. ADVANCE PAYMENT OF CREDIT FOR PURCHASERS OF QUALIFIED HEALTH INSURANCE.

(a) IN GENERAL.—Chapter 77 of the Internal Revenue Code of 1986 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

''SEC 7528. ADVANCE PAYMENT OF HEALTH INSURANCE CREDIT FOR PURCHASERS OF QUALIFIED HEALTH INSURANCE.

''(a) GENERAL RULE.—In the case of an eligible individual, the Secretary shall make payments to the provider of such individual's qualified health insurance equal to such individual's qualified health insurance credit advance amount with respect to such provider.

''(b) ELIGIBLE INDIVIDUAL.—For purposes of this section, the term 'eligible individual' means any individual—

''(1) who purchases qualified health insurance (as defined in section 36(c)), and

''(2) for whom a qualified health insurance credit eligibility certificate is in effect.

''(c) QUALIFIED HEALTH INSURANCE CREDIT ELIGIBILITY CERTIFICATE.—For purposes of this section, a qualified health insurance credit eligibility certificate is a statement furnished by an individual to the Secretary which—

''(1) certifies that the individual will be eligible to receive the credit provided by section 36 for the taxable year,

''(2) estimates the amount of such credit for such taxable year, and

''(3) provides such other information as the Secretary may require for purposes of this section.

''(d) QUALIFIED HEALTH INSURANCE CREDIT ADVANCE AMOUNT.—For purposes of this section, the term 'qualified health insurance credit advance amount' means, with respect to any provider of qualified health insurance, the Secretary's estimate of the amount of credit allowable under section 36 to the individual for the taxable year which is attributable to the insurance provided to the individual by such provider.

''(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 77 of such Code is amended by adding at the end the following new item:

''Sec. 7528. Advance payment of health insurance credit for purchasers of qualified health insurance.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2004.

TITLE II—STATE HIGH RISK HEALTH INSURANCE POOLS

SEC. 201. EXTENSION OF FUNDING FOR OPERATION OF STATE HIGH RISK HEALTH INSURANCE POOLS.

Section 2745(c)(2) of the Public Health Service Act, as inserted by section 201 of the Trade Act of 2002 (Public Law 107–210), is amended—

(1) in subsection (b)(1), by striking ''established a qualified health risk pool that'' and all that follows through the end of subparagraph (C) and inserting ''established a qualified health risk pool that provides for premium rates and covered benefits for such coverage consistent with standards included in the NAIC Model Health Plan for Uninsurable Individuals'';

(2) in subsection (b)(2), by striking ''number of uninsured individuals'' and inserting ''enrollees in qualified high risk pools''; and

(3) in subsection (c)(2), by striking ''$40,000,000 for each of fiscal years 2003 and 2004'' and inserting ''$40,000,000 for fiscal year 2003 and $75,000,000 for each of fiscal years 2004 through 2009''.

TITLE III—INDIVIDUAL MEMBERSHIP ASSOCIATIONS

SEC. 301. EXPANSION OF ACCESS AND CHOICE THROUGH INDIVIDUAL MEMBERSHIP ASSOCIATIONS (IMAs).

The Public Health Service Act is amended by adding at the end the following new title:

''TITLE XXIX—INDIVIDUAL MEMBERSHIP ASSOCIATIONS

''SEC. 2901. DEFINITION OF INDIVIDUAL MEMBERSHIP ASSOCIATION (IMA).

''(a) IN GENERAL.—For purposes of this title, the terms 'individual membership association' and 'IMA' mean a legal entity that meets the following requirements:

''(1) ORGANIZATION.—The IMA is an organization operated under the direction of an association (as defined in section 2904(1)).

''(2) OFFERING HEALTH BENEFITS COVERAGE.—

''(A) DIFFERENT GROUPS.—The IMA, in conjunction with those health insurance issuers that offer health benefits coverage through the IMA, makes available health benefits coverage in the manner described in subsection (b) to all members of the IMA and the dependents of such members in the manner described in subsection (c)(2) at rates that are established by the health insurance issuer or a policy or product specific basis and that may vary only as permissible under State law.

''(B) NONDISCRIMINATION IN COVERAGE OFFERED.—

''(i) IN GENERAL.—Subject to clause (ii), the IMA may not offer health benefits coverage to a member of an IMA unless the same coverage is offered to all such members of the IMA.

''(ii) CONSTRUCTION.—Nothing in this title shall be construed as requiring or permitting a health insurance issuer to provide coverage outside the service area of the issuer, as approved under State law, or preventing a health insurance issuer from excluding or limiting the coverage on any individual, subject to the requirement of section 2741.

''(C) NO FINANCIAL UNDERWRITING.—The IMA provides health benefits coverage only through contracts with health insurance issuers and does not assume insurance risk with respect to such coverage.

''(3) GEOGRAPHIC AREAS.—Nothing in this title shall be construed as preventing the establishment and operation of more than one IMA in a geographic area or as limiting the number of IMAs that may operate in any area.

''(4) PROVISION OF ADMINISTRATIVE SERVICES TO PURCHASERS.—

''(A) IN GENERAL.—The IMA may provide administrative services for members. Such services may include accounting, billing, and enrollment information.

''(B) CONSTRUCTION.—Nothing in this subsection shall be construed as preventing an IMA from serving as an administrative service organization to any entity

''(5) FILING INFORMATION.—The IMA files with the Secretary information that demonstrates the IMA's compliance with the applicable requirements of this title.

''(b) HEALTH BENEFITS COVERAGE REQUIREMENTS.—

''(1) COMPLIANCE WITH CONSUMER PROTECTION REQUIREMENTS.—Any health benefits coverage offered through an IMA shall—

''(A) be underwritten by a health insurance issuer that—

''(i) is licensed (or otherwise regulated) under State law,

''(ii) meets all applicable State standards relating to consumer protection, subject to section 2902(2), and

''(iii) offers the coverage under a contract with the IMA; and

''(B) subject to paragraph (2) and section 2902(2), be approved or otherwise permitted to be offered under State law.

''(2) EXAMPLES OF TYPES OF COVERAGE.—The benefits coverage made available through an IMA may include, but is not limited to, any of the following if it meets the other applicable requirements of this title:

''(A) Coverage through a health maintenance organization.

''(B) Coverage in connection with a preferred provider organization.

''(C) Coverage in connection with a licensed provider-sponsored organization.

''(D) Indemnity coverage through an insurance company.

''(E) Coverage offered in connection with a contribution into a medical savings account or flexible spending account.

''(F) Coverage that includes a point-of-service option.

''(G) Any combination of such types of coverage.

''(3) HEALTH INSURANCE COVERAGE OPTIONS.—An IMA shall include a minimum of 2 health insurance coverage options. At least 1 option shall meet all applicable State benefit mandates.

''(4) WELLNESS BONUSES FOR HEALTH PROMOTION.—Nothing in this title shall be construed as precluding a health insurance issuer offering health benefits coverage through an IMA from establishing premium discounts or rebates for members or from modifying otherwise applicable copayments or deductibles in return for adherence to programs of health promotion and disease prevention so long as such programs are agreed to in advance by the IMA and comply with all other provisions of this title and do not discriminate among similarly situated members.

''(c) MEMBERS; HEALTH INSURANCE ISSUERS.—

''(1) MEMBERS.—

''(A) IN GENERAL.—Under rules established to carry out this title, with respect to an individual who is a member of an IMA, the individual may apply for health benefits coverage (including coverage for dependents of such individual) offered by a health insurance issuer through the IMA.

''(B) RULES FOR ENROLLMENT.—Nothing in this paragraph shall preclude an IMA from establishing rules of enrollment and re-enrollment of members. Such rules shall be applied consistently to all members within the IMA and shall not be based in any manner on health status-related factors.

''(2) HEALTH INSURANCE ISSUERS.—The contract between an IMA and a health insurance issuer shall provide, with respect to a member enrolled with health benefits coverage offered by the issuer through the IMA, for the payment of the premiums collected by the issuer.

''SEC. 2902. APPLICATION OF CERTAIN LAWS AND REQUIREMENTS.

''State laws insofar as they relate to any of the following are superseded and shall not apply to health benefits coverage made available through an IMA:

''(1) Benefit requirements for health benefits coverage offered through an IMA, including (but not limited to) requirements relating to coverage of specific providers, specific services or conditions, or the amount, duration, or scope of benefits, but not including requirements to the extent required to implement title XXVII or other Federal law and to the extent the requirement prohibits an exclusion of a specific disease from such coverage.

''(2) Any other requirement (including limitations on compensation arrangements) that, directly or indirectly, preclude (or have the effect of precluding) the offering of such coverage through an IMA, if the IMA meets the requirements of this title.

Any State law or regulation relating to the composition or organization of an IMA is preempted to the extent the law or regulation is inconsistent with the provisions of this title.

''SEC. 2903. ADMINISTRATION.

''(a) IN GENERAL.—The Secretary shall administer this title and is authorized to issue such regulations as may be required to carry out this title. Such regulations shall be subject to Congressional review under the provisions of chapter 8 of title 5, United States Code. The Secretary shall incorporate the process of 'deemed file and use' with respect to the information filed under section 2901(a)(5)(A) and shall determine whether information filed by an IMA demonstrates compliance with the applicable requirements of this title. The Secretary shall exercise authority under this title in a manner that fosters and promotes the development of IMAs in order to improve access to health care coverage and services.

''(b) PERIODIC REPORTS.—The Secretary shall submit to Congress a report every 30 months, during the 10-year period beginning on the effective date of the rules promulgated by the Secretary to carry out this title, on the effectiveness of this title in promoting coverage of uninsured individuals. The Secretary may provide for the production of such reports through one or more contracts with appropriate private entities.

''SEC. 2904. DEFINITIONS.

''For purposes of this title:

''(1) ASSOCIATION.—The term 'association' means, with respect to health insurance coverage offered in a State, an association which—

''(A) has been actively in existence for at least 5 years;

''(B) has been formed and maintained in good faith for purposes other than obtaining insurance;

''(C) does not condition membership in the association on any health status-related factor relating to an individual (including an employee of an employer or a dependent of an employee); and

''(D) does not make health insurance coverage offered through the association available other than in connection with a member of the association.

''(2) DEPENDENT.—The term 'dependent', as applied to health insurance coverage offered by a health insurance issuer licensed (or otherwise regulated) in a State, shall have the meaning applied to such term with respect to such coverage under the laws of the State relating to such coverage and such an issuer. Such term may include the spouse and children of the individual involved.

''(3) HEALTH BENEFITS COVERAGE.—The term 'health benefits coverage' has the meaning given the term health insurance coverage in section 2791(b)(1).

''(4) HEALTH INSURANCE ISSUER.—The term 'health insurance issuer' has the meaning given such term in section 2791(b)(2).

''(5) HEALTH STATUS-RELATED FACTOR.—The term 'health status-related factor' has the meaning given such term in section 2791(d)(9).

''(6) IMA; INDIVIDUAL MEMBERSHIP ASSOCIATION.—The terms 'IMA' and 'individual membership association' are defined in section 2901(a).

''(7) MEMBER.—The term 'member' means, with respect to the IMA, an individual who is a member of the association to which the IMA is offering coverage.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 216—ESTABLISHING AS A STANDING ORDER OF THE SENATE A REQUIREMENT THAT A SENATOR PUBLICLY DISCLOSES A NOTICE OF INTENT TO OBJECT TO PROCEEDING TO ANY MEASURE OR MATTER

Mr. LOTT (for himself, Mr. BYRD, Mr. GRASSLEY, and Mr. WYDEN) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 216

Resolved, That (a) the majority and minority leaders of the Senate or their designees shall recognize a notice of intent of a Senator who is a member of their caucus to object to proceeding to a measure or matter only if the Senator—

(1) submits the notice of intent in writing to the appropriate leader or their designee, and

(2) submits, within 3 session days after the submission under paragraph (1), the following notice for inclusion in the Congressional Record and in the applicable calendar section described in subsection (b):

''I, Senator ____, intend to object to proceeding to ____, dated ____.''

(b) The Secretary of the Senate shall establish for both the Senate Calendar of Business and the Senate Executive Calendar a separate section entitled ''Notices of Intent to Object to Proceeding''. Each such section shall include the name of each Senator filing a notice under subsection (a)(2), the measure or matter covered by the calendar which the Senator objects to, and the date the objection was filed.

(c) A Senator may have an item with respect to the Senator removed from a calendar to which it was added under subsection (b) by submitting the following notice for inclusion in the Congressional Record:

''I, Senator ____, do not object to proceeding to ____, dated ____.''

(d) This resolution shall apply during the portion of the 108th Congress after the date of the adoption of this resolution.

Mr. LOTT. Mr. President, today I am submitting a resolution that addresses the issue of anonymous ''holds'' that Senators use to prevent consideration of legislation and nominations. I am pleased to be joined in this effort by the distinguished former Majority Leader, Senator BYRD, along with the Chairman of the Finance Committee, Senator GRASSLEY, and the distinguished Senator from Oregon, Senator WYDEN.

The resolution we are submitting today builds on the work of Senators GRASSLEY and WYDEN who have pursued this issue for years. On June 17, I chaired a hearing at the Rules Committee to consider a resolution, S. Res. 151, that Senators GRASSLEY and WYDEN introduced that would have amended the Senate's Rules to require the publication of the names of Senators who have placed holds on legislation or nominations.

Many Senators and witnesses who testified before the Committee expressed concern about the propriety of incorporating an informal custom designed to obstruct—the hold—in the Senate's rules. Others were concerned that there could be unintended consequences to making this permanent change in the rules of the Senate.

As a result of that hearing, I worked with the sponsors of the resolution and with Senator BYRD to develop what we believe is an appropriate way to resolve the problem of anonymous holds. The resolution we are introducing today reflects that work.

During my tenure as Majority Leader, I, along with Senator DASCHLE attempted to address the issue of secret holds. We sent a letter to all Senators and indicated that members placing holds on legislation or nominations would have to notify the sponsor of the legislation, the committee of jurisdiction, and the leaders. Unfortunately, we had no mechanism to enforce those requirements and secret holds continue to plague the Senate.

The resolution we are submitting today would place a greater responsibility on Senators to make their holds public. Our resolution creates a Standing Order that would stay in effect until the end of the 108th Congress. The Order requires that the majority and minority leaders can only recognize a hold that is provided in writing. Moreover for the hold to be honored, the Senator objecting would have to publish his objection in the CONGRESSIONAL RECORD, three days after the notice is provided to a leader.

New sections would be created in the Legislative and Executive Calendars that would identify the names of Senators with holds on particular measures and nominations. The order also provides a brief written format that a Senator must use to indicate his opposition to proceeding. In addition, a format is provided to remove a hold.

I believe that holds, whether anonymous, or publicly announced, are an affront to the Senate, the leadership, the Committees and to the individual members of this institution. As leader, I could not establish a rational and timely agenda for the institution to perform its business without having to first consult with, effectively, every other member of the Senate.

One day, a Senator would have a hold on a bill and after I convinced him to lift the hold, the next day I was told another Senator had placed a hold on the same bill. And don't get me wrong, these weren't just holds from Democrats, they were holds from some of my best friends on this side of the aisle.

This Order does not eliminate the right of a Senator to place a hold. Some day, the Senate may decide that holds, in and of themselves, are an undemocratic practice that should no longer be recognized. I, for one, would consider eliminating the hold, by for example, limiting debate on the motion to proceed. However, I believe before we consider such a drastic step, we should, at the very least, eliminate the secret hold and I believe this Order will achieve that goal.

Secret holds have no place in a publicly accountable institution. A measure that is important to a majority of the American public and a majority of Senators can be stopped dead in it's tracks by a single Senator. And when that Senator can hide behind the anonymous hold, democracy itself is damaged.

How do you tell your constituents that legislation they have an interest in, legislation that has been approved by the majority of a committee, is stalled and you don't know who is holding it up? What does that say about this institution? I think the secret hold has no place in this revered institution.

I believe that if we adopt this Resolution, the public will have greater trust in the Senate. Secrecy and anonymity in an institution of the people does not engender trust among our constituents. Holds belong in the wrestling ring, not in this hallowed chamber.

This resolution is an experiment in making the Senate and Senators more accountable. At the end of the 108th Congress, the Senate will be able to determine whether it wants to make this a permanent Standing Order or whether it wants to modify the Order. I hope my colleagues will give the Senate the opportunity to see if this approach will eliminate the secrecy surrounding holds and facilitate dialogue that breaks the logjam on legislating in this body.

I ask unanimous consent that the text a copy of the February, 1999, letter I sent with Senator DASCHLE be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, February 25, 1999.

DEAR COLLEAGUE: As the 106th Congress begins, we wish to clarify to all colleagues, procedures governing the use of holds during the new legislative session. All Senators should remember the Grassley and Wyden initiative, calling for a Senator to ''provide

notice to leadership of his or her intention to object to proceeding to a motion or matter [and] disclose the hold in the *Congressional Record*.''

While we believe that all members will agree this practice of ''secret holds'' has been a Senatorial courtesy extended by party Leaders for many Congresses, it is our intention to address some concerns raised regarding this practice.

Therefore, at the beginning of the first session of the 106th Congress, all members wishing to place a hold on any legislation or executive calendar business shall notify the sponsor of the legislation and the committee of jurisdiction of their concerns. Further, written notification should be provided to the respective Leader stating their intentions regarding the bill or nomination. Holds placed on items by a member of a personal or committee staff will not be honored unless accompanied by a written notification from the objecting Senator by the end of the following business day.

We look forward to working with you to produce a successful new Congress.

Best regards,

TRENT LOTT
Majority Leader, U.S. Senate
TOM DASCHLE
Democratic Leader, U.S. Senate.

Mr. GRASSLEY. Mr. President, I rise to say just a few words about the Senate Resolution being submitted today by Senator LOTT along with the distinguished Senator from West Virginia, Senator BYRD, myself and Senator WYDEN. This resolution aims to end the practice of secret holds in the Senate; an issue on which Senator WYDEN and I have worked long and hard.

On May 21 of this year, I resubmitted with Senator WYDEN our simple resolution to amend the Senate Rules to require Senators placing a hold to make that hold public in the CONGRESSIONAL RECORD. I was very pleased by the support and encouragement we received from Chairman LOTT, who subsequently held a hearing on our resolution in the Senate Rules Committee. This was a very positive step in bringing this issue to the forefront. In fact, I was gratified by the many positive comments and expressions of interest from members of the Rules Committee in response to the testimony from myself and Senator WYDEN.

Following the hearing, my staff and Senator WYDEN's staff were able to engage in very productive discussions with Chairman LOTT's staff and staff for Ranking Member DODD and Senator BYRD. The product of those discussions is this resolution and I'm very pleased with the result. This resolution is a little longer and not as simple as our original resolution, but it does precisely what Senator WYDEN and I have been seeking. In some ways it is even better than what we started with.

Unlike our previous resolution, this measure establishes a standing order instead of amending the Senate Rules. Some Senators are understandably nervous about making a permanent change to the Senate Rules. In fact, this order is only written for the remainder of the 108th Congress to allow Senators to see what effect this change has in practice before deciding whether to renew to requirement or make changes. Nevertheless, it's important to point out that a standing order has essentially the same force and effort in practice as a Senate Rule. Also, I'm confident based on my own experience in practicing public disclosure of holds in the CONGRESSIONAL RECORD, that Senators will find public holds don't hurt a bit. Therefore, it's my expectation that this standing order will be renewed in future congresses.

This new standing order would also spell out the exact format and content required when Senators publish notices of holds so there is no ambiguity or room for misunderstanding. Having a standard format will also make it easier in practice for Senators to submit notices of holds for the RECORD. It will be as simple as adding a cosponsor to a bill. Our resolution would also provide for publication in the Senate Calendars of notices of holds on legislation or nominees as well as a standard procedure for removing a Senator's name from the calendar when a hold is released.

One other change we made from our previous resolution was to allow for three session days instead of two after a hold has been placed for the public notice to be included in the RECORD. I want to be clear that I support immediate public disclosure of holds because I believe in the principle of open government and I can find no legitimate reason why a Senator placing a hold should remain anonymous. However, it's necessary to allow for a short window of time to permit Senators and their staff to prepare a notice and submit it for the RECORD. I've found that two session days has been more than adequate for myself and my staff, but not all Senators' offices are the same. Senator BYRD suggested that three session days might be more appropriate and since the practice of disclosing holds will be uncharted territory at first for most Senators, a deadline of three session days to publish holds seems reasonable.

I should add at this time that I'm very honored to have the support of Senator BYRD on this initiative. No one knows Senate procedure better or has more institutional knowledge of the Senate than Senator BYRD. Both he and Senator LOTT have a unique understanding of the problem of secret holds, having both served as Senate Majority Leader. Having Senator BYRD's name on this resolution should send a strong message to the Senate that secret holds are a serious problem that should be dealt with for the good of the Senate as an institution.

I believe that this change will lead to more open dialogue and more constructive debate in the Senate. Moreover, it will make the Senate process more transparent and reduce public cynicism. I look forward to continuing to work with Senator LOTT, Senator BYRD, and the rest of the Rules Committee to move this needed reform through the legislative process.

Mr. WYDEN. Mr. President, the submission of this resolution marks a very important milestone in the seven-year effort I have pursued with Senator GRASSLEY to bring the Senate practice of holds out of the shadows and into the sunshine. Throughout this time we have labored as a bipartisan team to champion the cause of the ''sunshine'' hold. I especially want to thank Rules Chairman LOTT and the Senate's foremost authority on the Rules, Senator BYRD, for their commitment to working with us on this resolution. They know all too well the havoc ''secret'' holds can wreak on the Senate agenda.

Whether public or secret, the hold in the Senate is a lot like the seventh inning stretch in baseball: there is no official rule or regulation that talks about it, but it has been observed for so long that it has become a tradition. Its capacity to tie the Senate and Senators in knots is notorious, and it has even given birth to several intriguing offspring: the hostage hold, the rolling hold and the Mae West hold.

The secret hold is a practice of Senatorial courtesy extended by the respective Leaders. Even though it is one of the Senate's most popular procedures, it cannot be found anywhere in the United States Constitution or in the Senate Rules. It is one of the most powerful weapons any Senator can wield in this body, and in its stealth version, known as the secret hold, it is even more potent.

The target of this resolution is specifically ''holds,'' which we define as a Senator's intent to object to proceeding to a motion or matter. The resolution does not deal with so-called ''consults,'' which are confidential communications between a Senator and the respective Leader informing the Leader of a Senator's interest in a bill or nomination. This resolution would say to those who want to kill or stop a bill or nomination that they must come forward and notify their respective party leaders. It would not affect the process known as the ''consult'' insofar as it is used to alert a Senator when a bill or nomination is moving toward the floor so that the Senator may prepare for floor consideration.

The resolution would establish a Senate Temporary Standing Order for the duration of the 108th Congress allowing ''sunshine'' holds. The resolution would require a Senator who wishes to object to a motion or matter to publish notice of the intent in the CONGRESSIONAL RECORD within 3 session days of notifying the respective Leader. The resolution would in no way limit the privilege of any Senator to place a ''hold'' on a measure or matter, it would simply say that the notice of intent to object to a measure or matter be published.

Throughout the Senate's history some of the most potent weapons—procedural and otherwise—often have not

been rules but rather the absence of them.

Beginning in 1997 and again in 1998, the United States Senate voted unanimously in favor of amendments Senator GRASSLEY and I sponsored to require that a notice of intent to object be published in the CONGRESSIONAL RECORD within 48 hours. The amendments, however, never survived conference.

So, Senator GRASSLEY and I took our case to the leadership, and to their credit, TOM DASCHLE and TRENT LOTT agreed it was time to make a change. They recognized the need for more openness in the way the Senate conducts its business. The leaders sent a joint letter in February 1999, to all Senators setting forth a policy requiring ''all Senators wishing to place a hold on any legislation or executive calendar business [to] notify the sponsor or the legislation and the committee of jurisdiction of their concerns.'' Their letter said: ''written notification should be provided to the respective Leader stating their intentions regarding the bill or nomination,'' and that ''holds placed on items by a member of a personal or committee staff will not be honored unless accompanied by a written notification from the objecting Senator by the end of the following business day.''

At first, this action seemed to make a real difference: many Senators were more open about their holds, and staff could no longer slap a hold on a bill with a quick phone call. But after some time, the clouds moved in on the sunshine hold, obscuring the progress that had been achieved. Legislative gridlock resumed, and the Senate seemed to have forgotten the Lott/Daschle letter.

The problem the Senate faces today is not that a significant number of our colleagues make their holds public, but that a small number of Senators do not. It is their abuse of secret holds that contributes to legislative gridlock. By calling for publication of the intent to object in the CONGRESSIONAL RECORD, I believe the resolution puts the burden where it ought to be: not on the leadership, where it is today, but squarely on the shoulders of the objector. An objector who seeks to kill a bill by hiding behind a curtain of secrecy is hurting the leaders' ability to run the body and is obstructing rather than facilitating the Senate's business.

Public notice of holds may be an inconvenience for a few, but not a hardship. In any given week, Senators insert more than two dozen statements in the RECORD on subjects such as sports teams winning championships and charitable fundraisers. These important events should be recognized, and I would hope that the intent of a Senator to block action on a bill or nomination would be considered of equal importance.

The sponsors of the resolution have discussed at great length, most recently at the Rules Committee hearing on the subject, the matter of enforcement. My sense is that no Senator will ever go to jail for failing to give public notice of a hold, just as no Senator has gone to jail for violating the Standing Order adopted in the 98th Congress requiring Senators to vote from their assigned desks during the ''yeas'' and ''nays.'' There are any number of provisions even in the Senate.

Rules that are not enforced at all or rarely today. Senate Rule XXVI requires the inclusion of various items of information in written committee reports, but Senate Rules do not require committees to file written reports on bills. Senate Rule VII, para. 5, provides committees shall make every reasonable effort to have printed hearings available for Senators before a measure comes to the floor for debate, although the Senate has debated any number of measures without the benefit of a printed report.

This resolution signals to all members the Senate's preferred manner of doing business. I think most Senators believe the Senate's business should be conducted in public, and I think the American people would agree.

Sunshine holds would strengthen the Leaders' hands as well as their options. A Leader may opt to continue to honor a secret hold, but a Leader wishing to move a measure or matter would be under no obligation to honor a hold unless the objecting Senator had complied with the Rule and published notice in the RECORD.

The resolution is constructed so as to become a part of the Temporary Standing Orders, or the series of unanimous consent agreements that are renewed at the outset of each new Congress. Because there may be unintended consequences and because I have no desire to inflict irreparable harm on the Senate Rules, I deferred to the experience and wisdom of Senator BYRD whose wise counsel urged that the terms of the resolution be limited to the 108th Congress. My intent is to revisit the matter with Senators GRASSLEY, LOTT, and BYRD at the end of the 108th Congress to determine the benefits of making the resolution part of the Senate Rules at that time.

As United States Senators we occupy a position of public trust, and I believe the exercise of the power that has been vested in us should always be accompanied by public accountability. I would argue that it is not the hold, but the anonymity of the hold that is so odious to the basic premise of our democratic system. The Lott-Byrd-Grassley-Wyden resolution would bring the anonymous hold out of the shadows of the Senate. It would assure that the awesome power possessed by an individual Senator to stop legislation or a nomination would be accompanied by the sunshine of public accountability.

At its hearing in June, the Rules Committee weighed the merits of the Grassley-Wyden Resolution, and considered several fundamental questions: Whether the practice of secret holds is consistent with a democratic system; whether the elimination of the secrecy would disrupt the Constitutional balance of power between the various branches of government; and whether the removal of the secrecy would tip the balance between the rights of the majority and the minority in the Senate.

My response is that removing secrecy from the hold will not alter the practice, merely its form. Removing secrecy from the hold will not tip the balance in Senate Rules and procedures between majority and minority rights. And removing the secrecy will not alter the balance of powers created under the Constitution. On the contrary, surrendering secrecy will strengthen public accountability and lessen the gridlock that has increasingly come to plague the world's greatest deliberative body.

I would like to close by quoting the foremost authority on Senate Rules, who served as Majority Leader in the 95th, 96th and 100th Congresses. In Chapter 28, ''Reflections of a Party Leader,'' of Volume II of The Senate, the Honorable ROBERT C. BYRD wrote: ''To me, the Senate rules were to be used, when necessary, to advance and expedite the Senate's business.'' Giving the sunshine hold a place in the Senate's Rules would surely serve this worthy goal.

SENATE RESOLUTION 217—EXPRESSING THE SENSE OF THE SENATE REGARDING THE GOALS OF THE UNITED STATES IN THE DOHA ROUND OF THE WORLD TRADE ORGANIZATION AGRICULTURE NEGOTIATIONS

Mr. CONRAD (for himself, Mr. GRASSLEY, Mr. BAUCUS, and Mr. HARKIN) submitted the following resolution; which was referred to the Committee on Finance.

S. RES. 217

Whereas the cap on trade-distorting domestic support available to producers in the European Union under the Agreement on Agriculture of the World Trade Organization is 3 times higher than the cap on domestic support available to producers in the United States;

Whereas according to the Organization for Economic Cooperation and Development (OECD), in 2002 government support provided to agricultural producers in the European Union was twice the level provided to producers in the United States, and United States agricultural support was just 58 percent of the average level provided in all 30 OECD-member countries;

Whereas in 2000 the European Union accounted for more than 87 percent of the world's agricultural export subsidies, and the United States represented just 1 percent;

Whereas according to the Congressional Budget Office, expenditures under United States farm and conservation programs are expected to remain at least 20 percent below the average of such expenditures during the years 2000 and 2001;

Whereas the results of the Doha Development Agenda of the World Trade Organization negotiations on agriculture are critically important to the future of farming and ranching in the United States;

Whereas the World Trade Organization will hold a Ministerial Meeting in Cancun, Mexico, in September 2003, at which members of the World Trade Organization are expected to make decisions that will determine the broad outlines of any agreement on agriculture reached in the Doha Development Agenda; and

Whereas the Chairman of the World Trade Organization Agriculture Negotiations Committee has proposed a modalities framework to serve as the basis for discussion and decisions at the Ministerial Meeting in Cancun: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the goals of the United States in the Doha Round of the World Trade Organization agriculture negotiations are to achieve significantly increased market access, to harmonize allowed levels of trade-distorting domestic support for all countries, to immediately eliminate export subsidies, and to achieve a more level playing field in the world market for United States farmers, ranchers, and agricultural producers;

(2) the Chairman of the World Trade Organization Agriculture Negotiations Committee has properly sought to move the negotiations forward, but the proposed modalities framework he has released fails to meet the goals described in paragraph (1) because—

(A) the framework accepts the European formulation of equal percentage reductions from unequal levels of support that locks in place the European Union's current advantage on trade-distorting domestic support levels;

(B) while the framework recognizes that high tariff levels should be reduced more quickly, it nevertheless fails to sufficiently open export markets for United States products by allowing countries to maintain prohibitively high tariffs;

(C) while the framework eliminates trade-disrupting export subsidies, it phases out the elimination of export subsidies over too long a period of time;

(D) the framework contains a potentially unlimited tariff reduction loophole that would disadvantage United States agricultural products exported to developing countries, and would also limit trade between developing countries; and

(E) the framework preserves trade-distorting direct payments under production-limiting programs that are not subject to commitments to reduce domestic support under the Agreement on Agriculture of the World Trade Organization; and

(3) the United States should not agree to the proposed framework unless and until it is substantially improved in order to result in significantly increased market access, the harmonization of allowed levels of trade-distorting domestic support, and a more level playing field for United States farmers, ranchers, and agricultural producers.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1540. Mr. FRIST proposed an amendment to the concurrent resolution H. Con. Res. 259, providing for an adjournment or recess of the two Houses.

SA 1541. Mr. WARNER (for Mr. GREGG (for himself, Mr. REED, Mr. FRIST, Mr. KENNEDY, and Mr. ENZI)) proposed an amendment to the bill S. 888, to reauthorize the Museum and Library Services Act, and for other purposes.

TEXT OF AMENDMENTS

SA 1540. Mr. FRIST proposed an amendment to the concurrent resolution H. Con. Res. 259, providing for an adjournment or recess of the two Houses; as follows:

Strike ''when the House adjourns on the legislative day of Friday, July 25, 2003, or Saturday, July 26, 2003, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee,'' and insert: ''when the House adjourns on the legislative day of Tuesday, July 29, 2003,''.

SA 1541. Mr. WARNER (for Mr. GREGG (for himself, Mr. REED, Mr. FRIST, Mr. KENNEDY, and Mr. ENZI)) proposed an amendment to the bill S. 888, to reauthorize the Museum and Library Services Act, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Museum and Library Services Act of 2003''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—GENERAL PROVISIONS

Sec. 101. General definitions.
Sec. 102. Institute of Museum and Library Services.
Sec. 103. Director of the Institute.
Sec. 104. National Museum and Library Services Board.
Sec. 105. Awards; analysis of impact of services.

TITLE II—LIBRARY SERVICES AND TECHNOLOGY

Sec. 201. Purpose.
Sec. 202. Definitions.
Sec. 203. Authorization of appropriations.
Sec. 204. Reservations and allotments.
Sec. 205. State plans.
Sec. 206. Grants to States.
Sec. 207. National leadership grants, contracts, or cooperative agreements.

TITLE III—MUSEUM SERVICES

Sec. 301. Purpose.
Sec. 302. Definitions.
Sec. 303. Museum services activities.
Sec. 304. Repeals.
Sec. 305. Authorization of appropriations.
Sec. 306. Short title.

TITLE IV—NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE ACT

Sec. 401. Amendment to contributions.
Sec. 402. Amendment to membership.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Amendments to Arts and Artifacts Indemnity Act.
Sec. 502. National children's museum.
Sec. 503. Conforming amendment.
Sec. 504. Technical corrections.
Sec. 505. Repeals.
Sec. 506. Effective date.

TITLE I—GENERAL PROVISIONS

SEC. 101. GENERAL DEFINITIONS.

Section 202 of the Museum and Library Services Act (20 U.S.C. 9101) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) DETERMINED TO BE OBSCENE.—The term 'determined to be obscene' means determined, in a final judgment of a court of record and of competent jurisdiction in the United States, to be obscene.'';

(2) by striking paragraph (4);

(3) by redesignating paragraph (3) as paragraph (5);

(4) by inserting after paragraph (2) the following:

''(3) FINAL JUDGMENT.—The term 'final judgment' means a judgment that is—

''(A) not reviewed by any other court that has authority to review such judgment; or

''(B) not reviewable by any other court.

''(4) INDIAN TRIBE.—The term 'Indian tribe' means any tribe, band, nation, or other organized group or community, including any Alaska native village, regional corporation, or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), which is recognized by the Secretary of the Interior as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.''; and

(5) by adding at the end the following:

''(6) MUSEUM AND LIBRARY SERVICES BOARD.—The term 'Museum and Library Services Board' means the National Museum and Library Services Board established under section 207.

''(7) OBSCENE.—The term 'obscene' means, with respect to a project, that—

''(A) the average person, applying contemporary community standards, would find that such project, when taken as a whole, appeals to the prurient interest;

''(B) such project depicts or describes sexual conduct in a patently offensive way; and

''(C) such project, when taken as a whole, lacks serious literary, artistic, political, or scientific value.''.

SEC. 102. INSTITUTE OF MUSEUM AND LIBRARY SERVICES.

Section 203 of the Museum and Library Services Act (20 U.S.C. 9102) is amended—

(1) in subsection (b), by striking the last sentence; and

(2) by adding at the end the following:

''(c) MUSEUM AND LIBRARY SERVICES BOARD.—There shall be a National Museum and Library Services Board within the Institute, as provided under section 207.''.

SEC. 103. DIRECTOR OF THE INSTITUTE.

Section 204 of the Museum and Library Services Act (20 U.S.C. 9103) is amended—

(1) in subsection (e), by adding at the end the following: ''Where appropriate, the Director shall ensure that activities under subtitle B are coordinated with activities under section 1251 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6383).''; and

(2) by adding at the end the following:

''(f) REGULATORY AUTHORITY.—The Director may promulgate such rules and regulations as are necessary and appropriate to implement the provisions of this title.

''(g) APPLICATION PROCEDURES.—

''(1) IN GENERAL.—In order to be eligible to receive financial assistance under this title, a person or agency shall submit an application in accordance with procedures established by the Director by regulation.

''(2) REVIEW AND EVALUATION.—The Director shall establish procedures for reviewing and evaluating applications submitted under this title. Actions of the Institute and the Director in the establishment, modification, and revocation of such procedures under this Act are vested in the discretion of the Institute and the Director. In establishing such procedures, the Director shall ensure that the criteria by which applications are evaluated are consistent with the purposes of this title, taking into consideration general standards of decency and respect for the diverse beliefs and values of the American public.

''(3) TREATMENT OF PROJECTS DETERMINED TO BE OBSCENE.—

''(A) IN GENERAL.—The procedures described in paragraph (2) shall include provisions that clearly specify that obscenity is without serious literary, artistic, political, or scientific merit, and is not protected speech.

''(B) PROHIBITION.—No financial assistance may be provided under this title with respect to any project that is determined to be obscene.

''(C) TREATMENT OF APPLICATION DISAPPROVAL.—The disapproval of an application by the Director shall not be construed to mean, and shall not be considered as evidence that, the project for which the applicant requested financial assistance is or is not obscene.''.

SEC. 104. NATIONAL MUSEUM AND LIBRARY SERVICES BOARD.

The Museum and Library Services Act (20 U.S.C. 9101 et seq.) is amended—

(1) by redesignating section 207 as section 208; and

(2) by inserting after section 206 the following:

''SEC. 207. NATIONAL MUSEUM AND LIBRARY SERVICES BOARD.

''(a) ESTABLISHMENT.—There is established within the Institute a board to be known as the 'National Museum and Library Services Board'.

''(b) MEMBERSHIP.—

''(1) NUMBER AND APPOINTMENT.—The Museum and Library Services Board shall be composed of the following:

''(A) The Director.

''(B) The Deputy Director for the Office of Library Services.

''(C) The Deputy Director for the Office of Museum Services.

''(D) The Chairman of the National Commission on Libraries and Information Science.

''(E) 10 members appointed by the President, by and with the advice and consent of the Senate, from among individuals who are citizens of the United States and who are specially qualified by virtue of their education, training, or experience in the area of library services, or their commitment to libraries.

''(F) 10 members appointed by the President, by and with the advice and consent of the Senate, from among individuals who are citizens of the United States and who are specially qualified by virtue of their education, training, or experience in the area of museum services, or their commitment to museums.

''(2) SPECIAL QUALIFICATIONS.—

''(A) LIBRARY MEMBERS.—Of the members of the Museum and Library Services Board appointed under paragraph (1)(E)—

''(i) 5 shall be professional librarians or information specialists, of whom—

''(I) not less than 1 shall be knowledgeable about electronic information and technical aspects of library and information services and sciences; and

''(II) not less than 1 other shall be knowledgeable about the library and information service needs of underserved communities; and

''(ii) the remainder shall have special competence in, or knowledge of, the needs for library and information services in the United States.

''(B) MUSEUM MEMBERS.—Of the members of the Museum and Library Services Board appointed under paragraph (1)(F)—

''(i) 5 shall be museum professionals who are or have been affiliated with—

''(I) resources that, collectively, are broadly representative of the curatorial, conservation, educational, and cultural resources of the United States; or

''(II) museums that, collectively, are broadly representative of various types of museums, including museums relating to science, history, technology, art, zoos, botanical gardens, and museums designed for children; and

''(ii) the remainder shall be individuals recognized for their broad knowledge, expertise, or experience in museums or commitment to museums.

''(3) GEOGRAPHIC AND OTHER REPRESENTATION.—Members of the Museum and Library Services Board shall be appointed to reflect persons from various geographic regions of the United States. The Museum and Library Services Board may not include, at any time, more than 3 appointive members from a single State. In making such appointments, the President shall give due regard to equitable representation of women, minorities, and persons with disabilities who are involved with museums and libraries.

''(4) VOTING.—The Director, the Deputy Director of the Office of Library Services, the Deputy Director of the Office of Museum Services, and the Chairman of the National Commission on Library and Information Science shall be nonvoting members of the Museum and Library Services Board.

''(c) TERMS.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, each member of the Museum and Library Services Board appointed under subparagraph (E) or (F) of subsection (b)(1) shall serve for a term of 5 years.

''(2) INITIAL BOARD APPOINTMENTS.—

''(A) TREATMENT OF MEMBERS SERVING ON EFFECTIVE DATE.—Notwithstanding subsection (b), each individual who is a member of the National Museum Services Board on the date of enactment of the Museum and Library Services Act of 2003, may, at the individual's election, complete the balance of the individual's term as a member of the Museum and Library Services Board.

''(B) FIRST APPOINTMENTS.—Notwithstanding subsection (b), any appointive vacancy in the initial membership of the Museum and Library Services Board existing after the application of subparagraph (A), and any vacancy in such membership subsequently created by reason of the expiration of the term of an individual described in subparagraph (A), shall be filled by the appointment of a member described in subsection (b)(1)(E). When the Museum and Library Services Board consists of an equal number of individuals who are specially qualified in the area of library services and individuals who are specially qualified in the area of museum services, this subparagraph shall cease to be effective and the board shall be appointed in accordance with subsection (b).

''(C) AUTHORITY TO ADJUST TERMS.—The terms of the first members appointed to the Museum and Library Service Board shall be adjusted by the President as necessary to ensure that the terms of not more than 4 members expire in the same year. Such adjustments shall be carried out through designation of the adjusted term at the time of appointment.

''(3) VACANCIES.—Any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor of the member was appointed.

''(4) REAPPOINTMENT.—No appointive member of the Museum and Library Services Board who has been a member for more than 7 consecutive years shall be eligible for reappointment.

''(5) SERVICE UNTIL SUCCESSOR TAKES OFFICE.—Notwithstanding any other provision of this subsection, an appointive member of the Museum and Library Services Board shall serve after the expiration of the term of the member until the successor to the member takes office.

''(d) DUTIES AND POWERS.—

''(1) IN GENERAL.—The Museum and Library Services Board shall advise the Director on general policies with respect to the duties, powers, and authority of the Institute relating to museum and library services, including financial assistance awarded under this title.

''(2) NATIONAL AWARDS.—The Museum and Library Services Board shall advise the Director in making awards under section 209.

''(e) CHAIRPERSON.—The Director shall serve as Chairperson of the Museum and Library Services Board.

''(f) MEETINGS.—

''(1) IN GENERAL.—The Museum and Library Services Board shall meet not less than 2 times each year and at the call of the Director.

''(2) VOTE.—All decisions by the Museum and Library Services Board with respect to the exercise of its duties and powers shall be made by a majority vote of the members of the Board who are present and authorized to vote.

''(g) QUORUM.—A majority of the voting members of the Museum and Library Services Board shall constitute a quorum for the conduct of business at official meetings, but a lesser number of members may hold hearings.

''(h) COMPENSATION AND TRAVEL EXPENSES.—

''(1) COMPENSATION.—Each member of the Museum and Library Services Board who is not an officer or employee of the Federal Government may be compensated at a rate to be fixed by the President, but not to exceed the daily equivalent of the maximum annual rate of pay authorized for a position above grade GS–15 of the General Schedule under section 5108 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Museum and Library Services Board. Members of the Museum and Libraries Services Board who are full-time officers or employees of the Federal Government may not receive additional pay, allowances, or benefits by reason of their service on the Museum and Library Services Board.

''(2) TRAVEL EXPENSES.—Each member of the Museum and Library Services Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

''(i) COORDINATION.—The Director, with the advice of the Museum and Library Services Board, shall take steps to ensure that the policies and activities of the Institute are coordinated with other activities of the Federal Government.''.

SEC. 105. AWARDS; ANALYSIS OF IMPACT OF SERVICES.

The Museum and Library Services Act (20 U.S.C. 9101 et seq.) is amended by inserting after section 208 (as redesignated by section 104 of this Act) the following:

''SEC. 209. AWARDS.

''The Director, with the advice of the Museum and Library Services Board, may annually award National Awards for Library Service and National Awards for Museum Service to outstanding libraries and outstanding museums, respectively, that have made significant contributions in service to their communities.

''SEC. 210. ANALYSIS OF IMPACT OF MUSEUM AND LIBRARY SERVICES.

''From amounts described in sections 214(c) and 275(b), the Director shall carry out and publish analyses of the impact of museum and library services. Such analyses—

''(1) shall be conducted in ongoing consultation with—

''(A) State library administrative agencies;

''(B) State, regional, and national library and museum organizations; and

''(C) other relevant agencies and organizations;

''(2) shall identify national needs for, and trends of, museum and library services provided with funds made available under subtitles B and C;

''(3) shall report on the impact and effectiveness of programs conducted with funds made available by the Institute in addressing such needs; and

''(4) shall identify, and disseminate information on, the best practices of such programs to the agencies and entities described in paragraph (1).

''SEC. 210A. PROHIBITION ON USE OF FUNDS FOR CONSTRUCTION.

''No funds appropriated to carry out the Museum and Library Services Act, the Library Services and Technology Act, or the Museum Services Act may be used for construction expenses.''.

TITLE II—LIBRARY SERVICES AND TECHNOLOGY

SEC. 201. PURPOSE.

Section 212 of the Library Services and Technology Act (20 U.S.C. 9121) is amended by striking paragraphs (2) through (5) and inserting the following:

''(2) to promote improvement in library services in all types of libraries in order to better serve the people of the United States;

''(3) to facilitate access to resources in all types of libraries for the purpose of cultivating an educated and informed citizenry; and

''(4) to encourage resource sharing among all types of libraries for the purpose of achieving economical and efficient delivery of library services to the public.''.

SEC. 202. DEFINITIONS.

Section 213 of the Library Services and Technology Act (20 U.S.C. 9122) is amended—

(1) by striking paragraph (1); and

(2) by redesignating paragraphs (2), (3), (4), (5), and (6) as paragraphs (1), (2), (3), (4), and (5), respectively.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

Section 214 of the Library Services and Technology Act (20 U.S.C. 9123) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle $232,000,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2009.''; and

(2) in subsection (c), by striking ''3 percent'' and inserting ''3.5 percent''.

SEC. 204. RESERVATIONS AND ALLOTMENTS.

Section 221(b)(3) of the Library Services and Technology Act (20 U.S.C. 9131(b)(3)) is amended to read as follows:

''(3) MINIMUM ALLOTMENTS.—

''(A) IN GENERAL.—For purposes of this subsection, the minimum allotment for each State shall be $340,000, except that the minimum allotment shall be $40,000 in the case of the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

''(B) RATABLE REDUCTIONS.—Notwithstanding subparagraph (A), if the sum appropriated under the authority of section 214 and not reserved under subsection (a) for any fiscal year is insufficient to fully satisfy the requirement of subparagraph (A), each of the minimum allotments under such subparagraph shall be reduced ratably.

''(C) EXCEPTION.—

''(i) IN GENERAL.—Notwithstanding subparagraph (A), if the sum appropriated under the authority of section 214 and not reserved under subsection (a) for any fiscal year exceeds the aggregate of the allotments for all States under this subsection for fiscal year 2003—

''(I) the minimum allotment for each State otherwise receiving a minimum allotment of $340,000 under subparagraph (A) shall be increased to $680,000; and

''(II) the minimum allotment for each State otherwise receiving a minimum allotment of $40,000 under subparagraph (A) shall be increased to $60,000.

''(ii) INSUFFICIENT FUNDS TO AWARD ALTERNATIVE MINIMUM.—If the sum appropriated under the authority of section 214 and not reserved under subsection (a) for any fiscal year exceeds the aggregate of the allotments for all States under this subsection for fiscal year 2003 yet is insufficient to fully satisfy the requirement of clause (i), such excess amount shall first be allotted among the States described in clause (i)(I) so as to increase equally the minimum allotment for each such State above $340,000. After the requirement of clause (i)(I) is fully satisfied for any fiscal year, any remainder of such excess amount shall be allotted among the States described in clause (i)(II) so as to increase equally the minimum allotment for each such State above $40,000.

''(D) SPECIAL RULE.—

''(i) IN GENERAL.—Notwithstanding any other provision of this subsection and using funds allotted for the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau under this subsection, the Director shall award grants to the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau to carry out activities described in this subtitle in accordance with the provisions of this subtitle that the Director determines are not inconsistent with this subparagraph.

''(ii) AWARD BASIS.—The Director shall award grants pursuant to clause (i) on a competitive basis and after taking into consideration available recommendations from the Pacific Region Educational Laboratory in Honolulu, Hawaii.

''(iii) ADMINISTRATIVE COSTS.—The Director may provide not more than 5 percent of the funds made available for grants under this subparagraph to pay the administrative costs of the Pacific Region Educational Laboratory regarding activities assisted under this subparagraph.''.

SEC. 205. STATE PLANS.

Section 224 of the Library Services and Technology Act (20 U.S.C. 9134) is amended—

(1) in subsection (a)(1), by striking ''not later than April 1, 1997.'' and inserting ''once every 5 years, as determined by the Director.''; and

(2) in subsection (f)—

(A) by striking ''this Act'' each place such term appears and inserting ''this subtitle'';

(B) in paragraph (1)—

(i) by striking ''section 213(2)(A) or (B)'' and inserting ''section 213(1)(A) or (B)''; and

(ii) by striking ''1934,'' and all that follows through ''Act, may'' and inserting ''1934 (47 U.S.C. 254(h)(6)) may''; and

(C) in paragraph (7)—

(i) in the matter preceding subparagraph (A), by striking ''section:'' and inserting ''subsection:''; and

(ii) in subparagraph (D), by striking ''given'' and inserting ''applicable to''.

SEC. 206. GRANTS TO STATES.

Section 231 of the Library Services and Technology Act (20 U.S.C. 9141) is amended—

(1) in subsection (a), by striking paragraphs (1) and (2) and inserting the following:

''(1) expanding services for learning and access to information and educational resources in a variety of formats, in all types of libraries, for individuals of all ages;

''(2) developing library services that provide all users access to information through local, State, regional, national, and international electronic networks;

''(3) providing electronic and other linkages among and between all types of libraries;

''(4) developing public and private partnerships with other agencies and community-based organizations;

''(5) targeting library services to individuals of diverse geographic, cultural, and socioeconomic backgrounds, to individuals with disabilities, and to individuals with limited functional literacy or information skills; and

''(6) targeting library and information services to persons having difficulty using a library and to underserved urban and rural communities, including children (from birth through age 17) from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.''; and

(2) in subsection (b), by striking ''between the two purposes described in paragraphs (1) and (2) of such subsection,'' and inserting ''among such purposes,''.

SEC. 207. NATIONAL LEADERSHIP GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS.

Section 262(a)(1) of the Library Services and Technology Act (20 U.S.C. 9162(a)(1)) is amended by striking ''education and training'' and inserting ''education, recruitment, and training''.

TITLE III—MUSEUM SERVICES

SEC. 301. PURPOSE.

Section 271 of the Museum and Library Services Act (20 U.S.C. 9171) is amended to read as follows:

''SEC. 271. PURPOSE.

''It is the purpose of this subtitle—

''(1) to encourage and support museums in carrying out their public service role of connecting the whole of society to the cultural, artistic, historical, natural, and scientific understandings that constitute our heritage;

''(2) to encourage and support museums in carrying out their educational role, as core providers of learning and in conjunction with schools, families, and communities;

''(3) to encourage leadership, innovation, and applications of the most current technologies and practices to enhance museum services;

''(4) to assist, encourage, and support museums in carrying out their stewardship responsibilities to achieve the highest standards in conservation and care of the cultural, historic, natural, and scientific heritage of the United States to benefit future generations;

''(5) to assist, encourage, and support museums in achieving the highest standards of management and service to the public, and to ease the financial burden borne by museums as a result of their increasing use by the public; and

''(6) to support resource sharing and partnerships among museums, libraries, schools, and other community organizations.''.

SEC. 302. DEFINITIONS.

Section 272(1) of the Museum and Library Services Act (20 U.S.C. 9172(1)) is amended by adding at the end the following: ''Such term includes aquariums, arboretums, botanical gardens, art museums, children's museums, general museums, historic houses and sites, history museums, nature centers, natural history and anthropology museums, planetariums, science and technology centers, specialized museums, and zoological parks.''.

SEC. 303. MUSEUM SERVICES ACTIVITIES.

Section 273 of the Museum and Library Services Act (20 U.S.C. 9173) is amended to read as follows:

"SEC. 273. MUSEUM SERVICES ACTIVITIES.

''(a) IN GENERAL.—The Director, subject to the policy advice of the Museum and Library Services Board, may enter into arrangements, including grants, contracts, cooperative agreements, and other forms of assistance, with museums and other entities as the Director considers appropriate, to pay the Federal share of the cost of—

''(1) supporting museums in providing learning and access to collections, information, and educational resources in a variety of formats (including exhibitions, programs, publications, and websites) for individuals of all ages;

''(2) supporting museums in building learning partnerships with the Nation's schools and developing museum resources and programs in support of State and local school curricula;

''(3) supporting museums in assessing, conserving, researching, maintaining, and exhibiting their collections, and in providing educational programs to the public through the use of their collections;

''(4) stimulating greater collaboration among museums, libraries, schools, and other community organizations in order to share resources and strengthen communities;

''(5) encouraging the use of new technologies and broadcast media to enhance access to museum collections, programs, and services;

''(6) supporting museums in providing services to people of diverse geographic, cultural, and socioeconomic backgrounds and to individuals with disabilities;

''(7) supporting museums in developing and carrying out specialized programs for specific segments of the public, such as programs for urban neighborhoods, rural areas, Indian reservations, and State institutions;

''(8) supporting professional development and technical assistance programs to enhance museum operations at all levels, in order to ensure the highest standards in all aspects of museum operations;

''(9) supporting museums in research, program evaluation, and the collection and dissemination of information to museum professionals and the public; and

''(10) encouraging, supporting, and disseminating model programs of museum and library collaboration.

''(b) FEDERAL SHARE.—

''(1) 50 PERCENT.—Except as provided in paragraph (2), the Federal share described in subsection (a) shall be not more than 50 percent.

''(2) GREATER THAN 50 PERCENT.—The Director may use not more than 20 percent of the funds made available under this subtitle for a fiscal year to enter into arrangements under subsection (a) for which the Federal share may be greater than 50 percent.

''(3) OPERATIONAL EXPENSES.—No funds for operational expenses may be provided under this section to any entity that is not a museum.

''(c) REVIEW AND EVALUATION.—

''(1) IN GENERAL.—The Director shall establish procedures for reviewing and evaluating arrangements described in subsection (a) entered into under this subtitle.

''(2) APPLICATIONS FOR TECHNICAL ASSISTANCE.—

''(A) IN GENERAL.—The Director may use not more than 10 percent of the funds appropriated to carry out this subtitle for technical assistance awards.

''(B) INDIVIDUAL MUSEUMS.—Individual museums may receive not more than 3 technical assistance awards under subparagraph (A), but subsequent awards for technical assistance shall be subject to review outside the Institute.

''(d) SERVICES FOR NATIVE AMERICANS.—From amounts appropriated under section 275, the Director shall reserve 1.75 percent to award grants to, or enter into contracts or cooperative agreements with, Indian tribes and organizations that primarily serve and represent Native Hawaiians (as defined in section 7207 of the Native Hawaiian Education Act (20 U.S.C. 7517)), to enable such tribes and organizations to carry out the activities described in subsection (a).''.

SEC. 304. REPEALS.

Sections 274 and 275 of the Museum and Library Services Act (20 U.S.C. 9174 and 9175) are repealed.

SEC. 305. AUTHORIZATION OF APPROPRIATIONS.

Section 276 of the Museum and Library Services Act (20 U.S.C. 9176) is amended—

(1) in subsection (a), by striking ''$28,700,000 for the fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2002.'' and inserting ''$38,600,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2009.''; and

(2) by redesignating such section as section 275 of such Act.

SEC. 306. SHORT TITLE.

Subtitle C of the Museum and Library Services Act (20 U.S.C. 9171 et seq.) is amended—

(1) by redesignating sections 271, 272, and 273 as sections 272, 273, and 274, respectively; and

(2) by inserting after the subtitle heading the following:

"SEC. 271. SHORT TITLE.

''This subtitle may be cited as the 'Museum Services Act'.''.

TITLE IV—NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE ACT

SEC. 401. AMENDMENT TO CONTRIBUTIONS.

Section 4 of the National Commission on Libraries and Information Science Act (20 U.S.C. 1503) is amended by striking ''accept, hold, administer, and utilize gifts, bequests, and devises of property,'' and inserting ''solicit, accept, hold, administer, invest in the name of the United States, and utilize gifts, bequests, and devises of services or property,''.

SEC. 402. AMENDMENT TO MEMBERSHIP.

Section 6(a) of the National Commission on Libraries and Information Science Act (20 U.S.C. 1505(a)) is amended—

(1) in the second sentence, by striking ''and at least one other of whom shall be knowledgeable with respect to the library and information service and science needs of the elderly'';

(2) by striking the fourth sentence and inserting the following: ''A majority of members of the Commission who have taken office and are serving on the Commission shall constitute a quorum for conduct of business at official meetings of the Commission''; and

(3) in the fifth sentence, by striking ''five years, except that'' and all that follows through the period and inserting ''five years, except that—

''(1) a member of the Commission appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed, shall be appointed only for the remainder of such term; and

''(2) any member of the Commission may continue to serve after an expiration of the member's term of office until such member's successor is appointed, has taken office, and is serving on the Commission.''.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. AMENDMENTS TO ARTS AND ARTIFACTS INDEMNITY ACT.

Section 5 of the Arts and Artifacts Indemnity Act (20 U.S.C. 974) is amended—

(1) in subsection (b), by striking ''$5,000,000,000'' and inserting ''$8,000,000,000'';

(2) in subsection (c), by striking ''$500,000,000'' and inserting ''$600,000,000''; and

(3) in subsection (d)—

(A) in paragraph (6), by striking ''or'' after the semicolon;

(B) by striking paragraph (7) and inserting the following:

''(7) not less than $400,000,000 but less than $500,000,000, then coverage under this chapter shall extend only to loss or damage in excess of the first $400,000 of loss or damage to items covered; or

''(8) $500,000,000 or more, then coverage under this chapter shall extend only to loss or damage in excess of the first $500,000 of loss or damage to items covered.''.

SEC. 502. NATIONAL CHILDREN'S MUSEUM.

(a) DESIGNATION.—The Capital Children's Museum located at 800 Third Street, NE, Washington, D.C. (or any successor location), organized under the laws of the District of Columbia, is designated as the ''National Children's Museum''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Capital Children's Museum referred to in subsection (a) shall be deemed to be a reference to the National Children's Museum.

SEC. 503. CONFORMING AMENDMENT.

Section 170(e)(6)(B)(i)(III) of the Internal Revenue Code of 1986 (relating to the special rule for contributions of computer technology and equipment for educational purposes) is amended by striking ''section 213(2)(A) of the Library Services and Technology Act (20 U.S.C. 9122(2)(A)'' and inserting ''section 213(1)(A) of the Library Services and Technology Act (20 U.S.C. 9122(1)(A))''.

SEC. 504. TECHNICAL CORRECTIONS.

(a) TITLE HEADING.—The title heading for the Museum and Library Services Act (20 U.S.C. 9101 et seq.) is amended to read as follows:

"TITLE II—MUSEUM AND LIBRARY SERVICES".

(b) SUBTITLE A HEADING.—The subtitle heading for subtitle A of the Museum and Library Services Act (20 U.S.C. 9101 et seq.) is amended to read as follows:

"Subtitle A—General Provisions".

(c) SUBTITLE B HEADING.—The subtitle heading for subtitle B of the Museum and Library Services Act (20 U.S.C. 9121 et seq.) is amended to read as follows:

"Subtitle B—Library Services and Technology".

(d) SUBTITLE C HEADING.—The subtitle heading for subtitle C of the Museum and Library Services Act (20 U.S.C. 9171 et seq.) is amended to read as follows:

"Subtitle C—Museum Services".

(e) CONTRIBUTIONS.—Section 208 of the Museum and Library Services Act (20 U.S.C. 9106) (as redesignated by section 104 of this Act) is amended by striking ''property of services'' and inserting ''property or services''.

(f) STATE PLAN CONTENTS.—Section 224(b)(5) of the Library Services and Technology Act (20 U.S.C. 9134(b)(5)) is amended by striking ''and'' at the end.

(g) NATIONAL LEADERSHIP GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS.—Section 262(b)(1) of the Library Services and Technology Act (20 U.S.C. 9162(b)(1)) is amended by striking ''cooperative agreements, with,'' and inserting ''cooperative agreements with,''.

SEC. 505. REPEALS.

(a) NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE ACT.—Section 5 of the National Commission on Libraries and Information Science Act (20 U.S.C. 1504) is amended—

(1) by striking subsections (b) and (c); and

(2) by redesignating subsections (d), (e), and (f) as subsections (b), (c), and (d), respectively.

(b) MUSEUM AND LIBRARY SERVICES ACT OF 1996.—Sections 704 through 707 of the Museum and Library Services Act of 1996 (20 U.S.C. 9102 note, 9103 note, and 9105 note) are repealed.

SEC. 506. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of enactment of this Act, except that the amendments made by sections 203, 204, and 305 of this Act shall take effect on October 1, 2003.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that the Committee on Energy and Natural Resources will hold a hearing on September 11, 2003 at 2:30 p.m.

The Committee will consider S. 432, a bill to authorize the Secretary of the Interior and the Secretary of Agriculture to conduct and support research into alternative treatments for timber produced from public lands and lands withdrawn from the public domain for the National Forest System and for other purposes; S. 849, which would provide for a land exchange in the State of Arizona between the Secretary of Agriculture and Yavapai Ranch Limited partnership; and S. 511, which would provide permanent funding for the Payment in Lieu of Taxes program, and for other purposes.

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364, Washington, D.C. 20510–6150 prior to the hearing date.

For further information, please contact Frank Gladics (202–224–2878) or Meghan Beal (202–224–7556).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. TALENT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Friday, August 1, 2003, at 9:30 a.m., in the Dirksen Senate Office Building Room 226 on ''Examining the Senate and House Versions of the 'Greater Access to Pharmaceuticals Act'.''

Witness List

Panel I: The Honorable Timothy J. Muris, Esq., Chairman, Federal Trade Commission, Washington, DC; Mr. Jon W. Dudas, Deputy Under Secretary for Intellectual Property, Deputy Director of the United States Patent and Trademark Office, Department of Commerce, Arlington, Virginia; Mr. Dan Troy, Esq., Chief Counsel for Food and Drugs, Food and Drug Administration, Rockville, MD; and Mr. Sheldon T. Bradshaw, Deputy Assistant Attorney General, Office of Legal Counsel, Department of Justice, Washington, DC.

Panel II: Mr. Robert Armitage, Vice President and General Counsel, Eli Lilly and Company, Washington, DC.

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

MUSEUM AND LIBRARY SERVICES ACT OF 2003

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 178, S. 888.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 888) to reauthorize The Museum and Library Services Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. GREGG. Mr. President, I am pleased that the Senate will consider and pass today a Substitute Amendment to H.R. 13, the Museum and Library Services Act of 2003. This substitute mirrors my bill, S. 888. Since I first introduced this legislation in April with several of my colleagues, it has been a bipartisan process. Over the past several months we have worked to build support for this language, so that today S. 888 has over 50 Senators as cosponsors. I thank my colleagues for their support. I particularly want to thank Senator REED, Senator FRIST, Senator KENNEDY, and Senator ENZI for their efforts.

This bill recognizes the importance of libraries and museums and provides them with continued federal support through the Institute of Museum and Library Services. In addition, it authorizes a doubling of the minimum state allotment under the Grants to State Library Agencies Program, up to $680,000. That provision allows for an increase, if appropriated, of 50% for New Hampshire's Federal library allotment under the law.

Recognizing the key role that libraries play in fostering the academic achievement of our nation's schoolchildren, the Museum and Library Services Act of 2003 also requires that the director, where appropriate, ensure that the library activities of the IMLS are coordinated with the school library provisions of the No Child Left Behind Act.

Furthermore, this bill increases the indemnity limits in the Arts and Artifacts Indemnity Act, thereby facilitating the international exchange and display of works of art, books, rare documents and other published materials, artifacts, and films and other audiovisual media. This will ensure that people throughout the world are exposed to American culture and that our own citizens will have richer educational opportunities available as well.

In addition, S. 888 supports the efforts of President Bush and Mrs. Bush to recruit more librarians by allowing funds to be used for the recruitment of persons in library and information science. Over the next 16 years, America's libraries are projected to lose 58 percent of their professional librarians, and more than one-quarter of all librarians with master's degrees will reach the age of 65 before 2009. This bill will help to alleviate this shortage.

The legislation contains a number of other important provisions. It prohibits projects determined to be obscene from receiving Federal funds, requires the Institute to conduct analyses of the need for museum and library services and the effectiveness of funded projects in meeting those needs, consolidates the library and museum advisory boards into one entity, and prohibits funds appropriated under the Act's authority from being used for library or museum construction.

We have worked hard to reach an agreement on this language with our colleagues in the House, and expect that when the House returns from the August recess, they will pass this bill as well and send it on to the President for his signature. Again, I thank my colleagues for their support of this important legislation.

Mr. KENNEDY. Mr. President, I strongly support the Museum and Library Services Act. Federal support of museums and libraries is appropriate and often essential to maintain the cultural and educational centers that provide valued resources for communities across the country. These institutions encourage learning, understanding, and respect for others in our diverse society, and their benefits are found in every neighborhood in America.

As technology's role in our society becomes more significant than ever, wider access to the internet and other resources is increasingly important. Greater Federal funding for libraries and museums is especially important when local budgets are so hard-pressed.

This bill supports the use of a wide range of media in both museums and libraries, enhancing access to exhibits and programs, and improving learning in a variety of formats. Library and museum advisory boards are consolidated into one body under this bill as a way to improve networks among museums, schools, and other community organizations.

This bill is intended to increase the efficiency of library services and provide much-needed financial assistance. It encourages library services for peoples of all backgrounds, especially in under-served urban and rural communities, so that access to technology will be much more widely available to all.

Support for museums is equally important. They help to preserve and maintain and explain the nation's history and heritage. They impart knowledge of other cultures as well. They inspire citizens of all ages to learn more about history, art, and science. Few experiences can more vividly excite the imagination of a child about our Nation's history than seeing an actual relic of an event they've read about or been told about. With this legislation, we can do more to enable museums to increase their services, bring more exhibits into more communities, and encourage the use of new technology and variety of media.

Also, to ease the burden of insurance, our bill authorizes increased indemnity for art exhibits that might not otherwise take place because of rising costs.

The House has passed a similar version of the bill by an overwhelming majority, and I hope the Senate will do the same. I particularly commend the leadership Senator GREGG, the Chairman of our HELP Committee, and the principal sponsor of this bipartisan legislation. I also commend Senator REED, the principal cosponsor of the bill, who has so effectively carried on the commitment on this issue by his predecessor from Rhode Island, Senator Claiborne Pell. Our committee unanimously approved this bill, and I urge my colleagues in the Senate to approve it now.

Mr. REED. Mr. President, I rise today to strongly support passage of the Museum and Library Services Act of 2003.

I thank the Chairman of the Health, Education, Labor, and Pensions Committee, Senator GREGG, and the Ranking Member, Senator KENNEDY, for working closely with me on this bill and for getting us to this point. This has been a long time in coming, and I am glad that we have worked out a bill with the other body that we can be proud to support. Indeed, the bill before us today is essentially the bill we approved in Committee on June 26th.

Last year, during the hearing I chaired on the Museum and Library Services Act, we heard directly from the museum and library communities about the recommendations for updating this law so its meets the future needs of museum and library users. I also extend my thanks to the museum and library communities for their efforts in this process.

Like S. 238, the legislation I introduced earlier this year, and S. 888, which I joined Senator GREGG in introducing, this bill doubles the minimum state allotment under the Library Services and Technology Act, which will enable smaller States like Rhode to benefit and implement the valuable services and programs that larger States have been able to put in place.

It also ensures that library activities are coordinated with the school library program I authored, which is now part of the No Child Left Behind Act of 2001.

The bill includes an increase in the indemnity limits under the Arts and Artifacts Indemnity Act to ensure continued support for American museums as they facilitate international cultural exchanges through touring exhibitions here in the U.S. and loans of American art around the world.

The bill also establishes a reservation of 1.75 percent of funds for museum services for Native Americans, to match the reservation currently provided for library services under the Library Services and Technology subtitle.

The bill updates the uses of funds for library and museum programs and increases the authorization levels for the Library Services and Technology Act and the Museum Services Act.

We should meet these funding levels in the appropriations process due to this bill's strong bipartisan support. I personally believe that our libraries and museums should be more robustly funded, particularly as these institutions play increasingly important roles in our lives.

Again, I congratulate and thank my colleagues, in particular, Senators GREGG, KENNEDY, FRIST, and ENZI, on passage of this important legislation. I look forward to working with them to get this bill to the President's desk in September so that the bill's increase in the minimum state allotment will take effect in Fiscal Year 2004, as well as on ensuring increased funding for our Nation's libraries and museums.

Mr. WARNER. Mr. President, I ask unanimous consent that a Gregg substitute amendment at the desk be agreed to, the bill be read a third time; that the HELP Committee be discharged from further consideration of H.R. 13, and that the Senate proceed to its immediate consideration; that all after the enacting clause be stricken, and the text of S. 888, as amended, be inserted in lieu thereof; that the bill be read a third time, passed, and the motion to reconsider be laid upon the table; that S. 888 be returned to the calendar, and any statements related to the bill be printed in the RECORD.

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

The amendment (No. 1541) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill (H.R. 13), as amended, was read the third time and passed.

MEASURES READ THE FIRST TIME—H.R. 2799 AND H.R. 2861

Mr. WARNER. Mr. President, I understand that the following appropriations bills are at the desk: H.R. 2799 and H.R. 2861. I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by their titles.

The legislative clerk read as follows:

A bill (H.R. 2799) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies.

A bill (H.R. 2861) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, and for other purposes.

Mr. WARNER. Mr. President, I now ask for their second reading and object to further proceedings on these matters.

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

The bills will receive their second reading on the next legislative day.

Mr. WARNER. The bills will be read for the second time on the next legislative day; is that my understanding from the Chair?

The PRESIDING OFFICER. The Senator is correct.

APPOINTMENT AUTHORITY

Mr. WARNER. Now, in the category of appointment authority, I ask unanimous consent that notwithstanding the recess or adjournment of the Senate, the President of the Senate, the Senate's President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR AND NOMINATIONS DISCHARGED

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider en bloc the following nominations on today's Executive Calendar: Calendar Nos. 344, 345, 346, 353, and 355.

Further, I ask unanimous consent that the Foreign Relations Committee and the Finance Committee be discharged from further consideration of the following nominations from their respective committees: from the Foreign Relations Committee, PN764, Jeffrey Marcus; from the Finance Committee, PN477, Teresa Ressel.

I further ask unanimous consent that the nominations be considered and confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. DAYTON. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, on behalf of the Democratic leader, we are also clear on Calendar No. 308, Jack

Goldsmith III, to be an Assistant Attorney General; and Calendar No. 354, Daniel Bryant, to be an Assistant Attorney General.

So I withdraw my objection.

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

The nominations considered and confirmed en bloc are as follows:

EXECUTIVE OFFICE OF THE PRESIDENT

Josette Sheeran Shiner, of Virginia, to be a Deputy United States Trade Representative, with the rank of Ambassador.

DEPARTMENT OF COMMERCE

James J. Jochum, of Virginia, to be an Assistant Secretary of Commerce.

DEPARTMENT OF THE TREASURY

Robert Stanley Nichols, of Washington, to be an Assistant Secretary of the Treasury.

DEPARTMENT OF JUSTICE

Rene Acosta, of Virginia, to be an Assistant Attorney General.

Paul Michael Warner, of Utah, to be United States Attorney for the District of Utah for the term of four years.

DEPARTMENT OF STATE

Jeffrey A. Marcus, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belgium.

DEPARTMENT OF TREASURY

Teresa M. Ressel, of Virginia, to be Assistant Secretary of the Treasury.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

AUTHORIZATION TO SIGN ENROLLED BILLS OR JOINT RESOLUTIONS

Mr. WARNER. Mr. President, I ask unanimous consent that during this adjournment of the Senate, the majority leader or the assistant majority leader or Senator SANTORUM be authorized to sign duly enrolled bills or joint resolutions.

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

ORDERS FOR TUESDAY, SEPTEMBER 2, 2003

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Tuesday, September 2. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin consideration of Calendar No. 197, H.R. 2660, the Labor, HHS, and Education appropriations bill, as provided under the previous order.

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

PROGRAM

Mr. WARNER. For the information of all Senators, when the Senate reconvenes on Tuesday, September 2, the Senate will begin consideration of H.R. 2660, the Labor, HHS, and Education appropriations bill. There will be no rollcall votes on Tuesday, but Members are encouraged to come to the floor to offer and debate amendments to the bill. Senators who wish to offer an amendment should contact the bill managers so they can schedule an orderly process for debate. Any votes ordered with respect to amendments to the appropriations bill would occur on Wednesday, September 3.

On behalf of the leader, I wish all of my colleagues a safe and restful period and, hopefully, one in which they can have an opportunity to be with their families. Yet, as always, we enjoy the engagement with our constituents and visits to places in our State. So this is a well-earned recess for the Senate. We have had a very active session. I commend our joint leadership for their leadership. We made some history here in the last 48 hours on certain bills passed and nominations accepted.

I see a Senator desiring recognition, but I wonder if I might make the following request, with the understanding that the Chair will recognize our colleague who has been patiently waiting.

ORDER FOR ADJOURNMENT

Mr. WARNER. So I say, if there is no further business to come before the Senate, I ask unanimous consent that the Senate adjourn under the provisions of H. Con. Res. 259, following the statement of our colleague, Senator DAYTON, to speak for no longer than 20 minutes.

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

APPOINTMENT OF CONFEREES—H.R. 2417

The PRESIDING OFFICER. Under the previous order, the Chair will appoint conferees to H.R. 2417.

The Presiding Officer appointed Mr. ROBERTS, Mr. HATCH, Mr. DEWINE, Mr. BOND, Mr. LOTT, Ms. SNOWE, Mr. HAGEL, Mr. CHAMBLISS, Mr. WARNER, Mr. ROCKEFELLER, Mr. LEVIN, Mrs. FEINSTEIN, Mr. WYDEN, Mr. DURBIN, Mr. BAYH, Mr. EDWARDS, and Ms. MIKULSKI from the Select Committee on Intelligence; Mr. ALLARD and Mr. NELSON of Florida from the Committee on Armed Services conferrees on the part of the Senate.

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota.

SENATOR WARNER

Mr. DAYTON. Mr. President, let me preface my intended remarks. I seldom have occasion to take exception to the remarks made by the very distinguished chairman of the Senate Armed Services Committee on which I am honored to serve, but I must say that I respectfully disagree with the modesty by which he characterized himself as anything less than one of the real greats in the Senate. In my estimation, the Senator from Virginia ranks up among the greats of the Senate from the beginning of our Nation's proud heritage and through the years.

I believe the Senator has now completed 25 years of extraordinary service on behalf of not only the citizens of Virginia but also the citizens of Minnesota and the citizens of this country. When I was one-hundredth in Senate seniority for my first 2 years, I had some doubts about the worth of the seniority system. I was dissuaded whenever I would see the Senator from Virginia, Mr. WARNER, act as chairman of the Senate Armed Services Committee, then as its ranking member, and now as chairman again, of that most important committee.

When I recently had a chance to travel with him to Iraq and saw his fortitude and his determination to serve the best interests of our country, or when matters of great importance to the future of this country and this world came before the Senate Armed Services Committee, I was always reassured by the knowledge that the Senator from Virginia, Mr. WARNER, was chairman of that committee, and acting with the very distinguished ranking member, Senator LEVIN from Michigan. I believed that our democracy was in the best possible hands. The wisdom of the seniority system with a man of that stature serving in that role was certainly upheld. I would just like to acknowledge that his own modesty prevented him from saying what I know that my colleagues join with me on both sides of the aisle in saying, that this man is one of the true greats of the Senate on this day or any day.

Mr. WARNER. Mr. President, I thank our distinguished colleague. He is a very active member of the Armed Services Committee. Indeed, he did make reference to our excellent trip of nine Senators into Iraq, 3 days in country. It was a very important mission, defining exactly what I tried to enumerate in my remarks earlier, our responsibility to the men and women of the Armed Forces and their families. I thank the Senator.

Mr. DAYTON. I thank also the Presiding Officer for his forbearance in permitting my remarks this afternoon. I had the opportunity to serve on many of these occasions in the previous 2 years as Presiding Officer. I know how my heart sank when yet another Senator would arrive on the floor to make his or her remarks. I thank the Presiding Officer for this opportunity and his forbearance as well.

AVIATION ADMINISTRATION CONFERENCE REPORT

Mr. DAYTON. Mr. President, yesterday and this morning I placed holds on the nominations of 15 men and women

for appointments in the executive branch. They have one characteristic in common. They all come from States of Senators or Members of the House of Representatives who have signed the Federal Aviation Administration conference report. This report, which will come before the Senate and the House after the August recess, steals the rightful authority of the Minnesota Metropolitan Airports Commission, which is a public body, its members appointed by the Governor, to make decisions about the lives of Minnesotans who live near our major international airport. The Report would prohibit Federal funds from being used for noise insulation of homes or apartment buildings where the airplane noise ranges from 60 to 64 decibels.

This clause was not in the Senate bill and it was not in the House bill. It was neither considered nor acted upon by either body, nor by any of the committees of jurisdiction in the Senate or the House. There was no public notification about this intent. There were no hearings, no testimony, nothing about this particular clause.

It appears in the conference report reportedly because a lobbyist representing a client found a Senator from another State far removed from my State, where citizens will bear the burdens and the consequences of this action. To slip this contemptible language into the final conference report, which will become, if it is acted favorably upon by the Senate and House, the final bill, the law of the land if the President signs it, this action reminds me of the old contest called limbo, where the object was to ''see how low you could go.'' This action is very low. It is low because it is a perversion of our public process for making laws which govern the lives of the citizens of this country; in this case, the lives of people who live in over 8,000 homes and over 3,200 apartments which surround the Minneapolis-St. Paul Metropolitan Airport.

Some 300 years ago, even before the formation of this democracy, one of the first leaders of English settlers arriving here was William Penn. He wrote that people are free under a government where the laws rule and the people are a party to those laws. Those are the two conditions under which the people are free.

The several thousand people who would be affected by this clause if it were to become law—and it will not become law—were not a party to that decision because the people they elected to represent them in Congress, their two Senators and their Congressman, were not a party to this clause. I am not myself a supporter of the idea of a unicameral legislative body, but if there were ever consideration given, this would be exhibit number 1 in support of one, because a unicameral legislative body would eliminate these conference committees, where a few Members of the House and Senate go into some back room or private office and write one final bill out of the two versions passed by the Senate and the House, and then the rest of us—all of the elected Senators and Representatives—have to vote that final report up or down, with no changes, no additions, no subtractions.

Conference committees recently have taken a very dangerous turn. The Democratic conferees are being excluded from their deliberations and decisions. Republicans make up the majority of the conferees from both the House and Senate, as they should because they hold the majority in both bodies. So if those Republican conferees concur among themselves, they will prevail on every vote, and they will get the final bill they want to create. They have that right based on the rules of the Senate and the House.

For some reason, however, that is not enough these days because, increasingly, the Democratic conferees are not allowed in meetings where those deliberations and decisions are being made. They are not even allowed to object or agree, or to try to persuade otherwise. I have to ask myself, as someone who has been here only 2½ years, why is it they are not even allowed to participate? Is it to make it easier to sneak in these kinds of terrible additions to bills that will become law and hope they won't be noticed by the rest of us before the final bill is acted upon?

This exclusion from the process and the inclusion of another provision that was not previously passed by the Senate or the House, to privatize this Nation's air traffic control system, which ranks as one of the most unwarranted, unjustified, destructive, and dangerous ideas of this new century, were the major reasons that not a single Democratic conferee from either the Senate or the House signed the FAA conference report. There were 38 conferees—24 Republicans and 14 Democrats. All 24 Republicans signed the conference report. None of the Democrats, out of 14 Democratic conferees, signed that conference report.

So much for ''changing the tone'' in Washington. So much for ''bipartisanship.'' So much for honest Government reflecting the will of the people, who elected all of us to represent them in the Senate and in the House. The majority caucus of the Senate is comprised of 51 Members, and the minority caucus has 49 members. If the then-incumbent senior Senator from Minnesota had not been killed in a plane crash last October, the Senate would be 50/50 evenly divided, as it was when I arrived here 2½ years ago. The people of America have recently voted for a closely divided Government, to which the 2000 Presidential election also bears witness to.

It is fundamentally wrong for the barely majority party to usurp the responsibility for good government, and in conformance to the expressed political will of the American people. It is terribly wrong to do so for the purpose of writing bills behind closed doors and putting in garbage like this airport noise clause, which affects the people of Minnesota. They ought to be ashamed, they should be better than that, and they ought to stop doing it.

Where does this legislative dropping come from? Reportedly, I have heard from several sources, it was added by a Senate conferee. Neither my Minnesota colleague nor I were aware of it, which obviously was the intent of both its author and originator. I am deeply offended that one of my colleagues would behave in such an underhanded fashion and harm the people in my State for no apparent reason.

What would induce another Member of the Senate to do something like that? Now, he didn't make up the idea by himself. We have enough to do in these jobs that we don't have to hunt for issues affecting airports in other States to make our sneak attacks upon—at least I hope not. We have our disagreements here, as we should. We have our political arguments, as we must. But I certainly hope we are not here to do damage to people in other Members' States.

If we are going to engage in such a practice, I certainly expect that we will all have the integrity to do so in the proper and public lawmaking processes of this Senate and this Congress. I certainly expect the decency to be informed by my colleague that he intends to do so. If that integrity and that decency do not prevail here, then the former Chaplain of the Senate, Dr. Edward Everett Hale, was right when asked if he prayed for the Senators. ''No,'' the Senate Chaplain replied, ''I look at the Senators and pray for the country.''

The Senate Chaplain spoke those words 100 years ago. I believe, and for the sake of our country I pray, that the Senate of 2003 is far better than the Senate of 1903, if that is what caused the Chaplain then to make such a remark. Let all of us be sure to make it better today by our own conduct here.

There is someone else who is also responsible for this sneaky, slimy, and sordid shenanigan, and that, I regret to say, is Northwest Airlines, a major Minnesota company, founded in Minnesota, headquartered in Minnesota, employing over 18,000 people in Minnesota. It is one of Minnesota's most important companies. It is our link to the world.

Northwest Airlines controls 85 percent of the gates at the Minneapolis-St. Paul Airport. It is comprised of 18,000 tremendous people in Minnesota—executives, pilots, flight attendants, mechanics, baggage handlers, reservation agents, skycaps. One by one they are great people: hard working, dedicated, loyal, courteous, and skilled in what they do.

As a corporate entity, however, Northwest Airlines more often acts like Darth Vader than the Caped Crusader. The company is capable of wonderful acts of charity. Last year it helped to transport 10,000 boxes of Girl

Scout cookies to soldiers stationed abroad. Every quarter it partners with a worthwhile charity, and on every flight it asks passengers to donate either their money or accumulated frequent flier miles, equivalent to money, to that worthwhile cause.

However, during my entire public career, going back 25 years as Minnesota's commissioner of economic development to being a Senator today, no other Minnesota company has ever asked for as much from the public, received as much from the public, asked as much again and again from the public, received as much again and again from the public, and showed as little gratitude, graciousness, or respect for the public as Northwest Airlines.

In 1989, Northwest Airlines was subject to a hostile takeover. A company that at the time had a cash balance of over $700 million became one saddled with over $2 billion in corporate debt. With the economic downturn that began in 1990 and went into 1991, Northwest fell into serious financial difficulty and was near bankruptcy, we were informed. That condition was caused by loss of revenues compounded by the debt load of their takeover. So Northwest Airlines came to the people of Minnesota for help, and the people of Minnesota responded.

The Minnesota Legislature authorized $710 million in grants and in low-interest secured loans. The Metropolitan Airports Commission essentially remortgaged the airport to provide a loan of $350 million. That is the same Metropolitan Airports Commission which Northwest Airlines now criticizes for every spending decision, for its supposed lack of frugality, forgetting it would be even more frugal if it had saved the cost of carrying that loan for the last 12 years.

At the same time as that corporate bailout by the people of Minnesota, our State also began a 7-year agreed-upon timetable, a dual-track process to decide where to locate the new airport for our State and for the entire region: whether it should be the expansion of the existing airport or building a new one at a more remote site.

By the mid-1990s, in the middle of that timetable, based on the seeming experience of the costly new airport in Denver and its effects financially on the airline industry, particularly those who had their hubs there, Northwest Airlines took a legitimate position in its own corporate interest to oppose building a new airport elsewhere. But they were so insistent on getting their own way that they convinced the Governor and the Minnesota Legislature to abrogate after 6 years the final year of that intended 7-year process, cutting off the last year of public debate, cutting off the opportunity by those who are opposed to that decision, those who lived in the surrounding areas who were plagued by airport noise. They were denied their opportunities to make their last cases to the public decision makers.

Their lives were being made worse also, I note, by the noise of Northwest Airlines' aging fleet of airplanes, the oldest of any of the major carriers at the time, which were not being replaced by the newer planes originally on order because of the financial difficulties that the corporate takeover put on the company. But at least in this instance, Northwest went through the public process, and they prevailed.

As part of that agreement, they reportedly agreed to contribute $70 million to this next phase of noise insulation of homes and apartments in the surrounding areas. Northwest was hard hit on September 11, 2001, and its aftermath, as were other air carriers in this country, as were many other businesses throughout this country, many of which went out of business as a result of the disruption to our economy caused by those dastardly events.

They sought financial assistance from this body and from the institution of Congress. On September 22, Congress provided $5 billion of grants to the airline carriers, of which Northwest Airlines received $428 million in public funds, grant money, not to be repaid.

On April 3 of this year, as part of the supplemental appropriation, this body, and its counterpart, authorized another $2.3 billion in grant money of which Northwest Airlines will receive $205 million. In addition, we granted a 4-month ticket tax holiday. I supported every single one of those measures, and if Northwest Airlines' survival were at stake, I would support it again because it would be in the interests of both the company and the people of Minnesota.

For a company to be the recipient of all of that public support, to receive all of that support from this institution of Congress, and then show so little respect for the public and so little regard for the Congress or for the integrity of our public process, I find to be deplorable, detestable, and deranged.

The money this airline company seeks to prohibit being expended to improve the lives of their neighbors in Minnesota is not their money. It is the public's money. It is Federal money that comes from general funds, from ticket taxes or from passenger taxes. It is beyond irresponsible for any one person or any one corporation to try to destroy the public will expressed through the legitimate public process by this kind of back-door maneuver. No one has that right. No one deserves to have that right. And no one who shows such disrespect and disregard for our Democratic process, which exists to represent the interests of all of the people of this country, to protect the best interests of all the people of this country, no one who tries to abrogate that democratic authority should get away with it. They must not get away with it. It is too destructive to our democracy if they do. It is too damaging to our citizens' faith in their Government and to their trust in their Government, which is their Government.

Northwest Airlines will not get away with this deviant, dastardly, and undemocratic action. Northwest Airlines will not get its way this way. This deed will not stand. It will not become law. The people of Minnesota have my word, it will not become law.

Before I began these remarks, I withdrew my 15 holds on those executive branch nominations at the specific request of the White House, out of my respect. I am mindful that a year ago, when I put 60 holds on nominations for various executive positions, the White House staff responded in a most impressive way.

They worked with my office and other Senators' offices to rescue over 200 Cambodian orphans from orphanages in Cambodia who were being prevented by the INS to be brought to this country by their adoptive parents.

To the great credit of the President of the United States, the White House used his ultimate authority to override that decision by INS and to make it possible for those children to come to loving homes in Minnesota and other States; and for that reason, and for my respect generally, I yielded to that specific request by the White House and withdrew those 15 holds.

I have equally the greatest regard for this institution of the Senate, for all of its procedures, its protocols, and its proud traditions.

I listened earlier today to the words of the majority leader, a man whom I greatly respect. By his invitation, I was privileged to accompany him to China, Taiwan, Japan, and the Republic of Korea 2 months ago. I watched with the greatest of admiration how he led our delegation and sat down face to face with some of the most important leaders of other nations in this world. He brought nothing but great credit to this Senate. He and his predecessor in that position, now the Democratic leader, Senator DASCHLE are two men with dignity and with honor. I am in awe of their continual patience. When they have disagreements about policy or legislation, they are honest and they are honorable. We have debates. We have votes and the majority prevails.

I also respect the desire of the majority leader to proceed with an orderly schedule which he outlined when we return in September. In fact, I share that desire. But I must give fair warning and advance notice that I will not permit the Senate to proceed with business as usual when we return on September 2, while this FAA conference report, with this poisonous paragraph a part of it, is before the Senate. I will put a hold on every nomination that comes before the Senate. I will object to every motion to proceed after the prayer and the Pledge of Allegiance, and I will not yield on those matters until this language is removed from that conference report. You have my word.

We have over a month until we return. That is plenty of time for those who are party to this detestable act, to

work it out and to get it out of that conference report.

Do not doubt my resolve. That language must be removed or I will not allow the business of the Senate to proceed. You have my word. You have my word.

I yield the floor.

ADJOURNMENT UNTIL TUESDAY, SEPTEMBER 2, 2003 AT 9:30 A.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. on Tuesday, September 2, 2003.

Thereupon, the Senate, at 2:37 p.m., adjourned until Tuesday, September 2, 2003, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate August 1, 2003:

DEPARTMENT OF STATE

RICHARD EUGENE HOAGLAND, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TAJIKISTAN.

THE JUDICIARY

SANDRA L. TOWNES, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK, VICE STERLING JOHNSON, JR., RETIRED.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JAMES R. SHOLAR, 0000

To be brigadier general

COL. HENRY J. OSTERMANN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be lieutenant colonel

MADELFIA A. ABB, 0000
WILLIAM R. ABB, 0000
TIMOTHY W. ABEL, 0000
ANTONIO A. AGUTO JR., 0000
LARRY P. AIKMAN JR., 0000
CARL A. ALEX, 0000
THOMAS A. ALLAIRE, 0000
SHAWN D. ALLEN, 0000
ANTONIO J. AMOS, 0000
DEBORAH K. ANDERSON, 0000
DUANE T. *ANDERSON, 0000
JAMES E. ANDERSON, 0000
MICHAEL R. ANDERSON, 0000
JOSEPH W. ANGYAL, 0000
BRUCE P. ANTONIA, 0000
CARMINE C. APICELLA, 0000
JAN F. APO, 0000
MICHAEL APODACA, 0000
EDWINA D. ARNOLD, 0000
THOMAS S. ARRINGTON, 0000
SAMUEL L. ASHLEY, 0000
SAMUEL L. ASKEW III, 0000
FERNANDO AVALOS, 0000
MARC D. AXELBERG, 0000
ANDREW W. BACKUS, 0000
CLARK R. BACKUS, 0000
DENNIS L. BACON, 0000
JACQUELINE BAGBY, 0000
GREGORY C. BAINE, 0000
JAMES E. BAKER JR., 0000
TRACY P. BANISTER, 0000
TRESE A. BANNISTER, 0000
MARK A. BARBOZA, 0000
JAMES T. BARKER, 0000
BRIAN T. BARRETT, 0000
BENJAMIN J. BARRIS, 0000
HILLARY R. BAXTER, 0000
MARK D. BAXTER, 0000
ALFRED J. BAZZINOTTI, 0000
KEITH A. BEAN, 0000
PATRICK C. BEATTY, 0000
WENDY M. BECHTEL, 0000
JOHN G. BECHTOL, 0000
ANTHONY F. BECK, 0000
DAVID A. BEECH, 0000
TED J. BEHNCKE, 0000
RONNIE L. BELL JR., 0000
THOMAS G. BELL, 0000
STEVEN D. BELTSON, 0000
MICHAEL A. BENDER, 0000
ROBERT W. BENNETT JR., 0000
CHRISTOPHER L. BENSON, 0000
PHARISSE BERRY, 0000
ROBERT D. BIALEK, 0000
GARY M. BIDELMAN, 0000
ALLAN L. BILYEU, 0000
STEPHEN M. BIRCH, 0000
JOSEPH F. BIRCHMEIER, 0000
JAMES E. BIRD III, 0000
JOHN H. BIRDSONG III, 0000
MARTIN O. BIXBY, 0000
MARCUS C. *BLACK JR., 0000
OLIVER A. BLACK, 0000
CRYSTAL S. BLACKDEER, 0000
MICHAEL D. BLACKWELL, 0000
OBEDIAH T. BLAIR, 0000
THOMAS S. BLAIR, 0000
GUSTAVO E. BLUM, 0000
ROGER M. BOBER, 0000
WILLIAM L. BOLDEN JR., 0000
DONALD C. BOLDUC, 0000
BOB G. BOND, 0000
MADELINE T. BONDY, 0000
MICHAEL D. BORG, 0000
SHERRIE L. BOSLEY, 0000
MARK C. BOUSSY, 0000
CHRISTOPHER E. BRADBERRY, 0000
JEFFREY A. BRADFORD, 0000
IVAN D. BRADLEY, 0000
HAROLD T. BRANDENBURG JR., 0000
MARY E. BRANSFORD, 0000
GARY M. BRENNIS, 0000
HOWARD K. BREWINGTON, 0000
VON M. BRICKHOUSE, 0000
ERIC W. BRIGHAM, 0000
JEFFREY W. BRLECIC, 0000
JAMES L. BROGAN, 0000
BOBBY J. BROWN, 0000
BRIAN D. BROWN, 0000
JOHN O. BROWN, 0000
THERREL L. BROWN JR., 0000
TIMOTHY D. BROWN, 0000
DAVID W. BUCKINGHAM, 0000
GREGG E. BUEHLER, 0000
DANNIE L. BULLOCK JR., 0000
JOHN C. BURDETT JR., 0000
DEBRA L. BURGER, 0000
ROBERT K. BURK, 0000
CHARLES F. BURKE, 0000
WILLARD M. BURLESON II, 0000
JAMES S. BURNSIDE, 0000
AL T. BURRS JR., 0000
ROBERT C. BUSCHER JR., 0000
HOLLIS L. BUSH JR., 0000
BRIAN D. BUTLER, 0000
ROLAND S. BUTLER, 0000
LYNN K. BYERS, 0000
ROBERT K. BYRD, 0000
PAMELA M. BYRNE, 0000
RONALD D. CAFFEE, 0000
STEPHEN R. CAIN, 0000
ROBERT W. CAIRNS, 0000
MARION K. CALLAHAN, 0000
JOHN T. CALLERY, 0000
JOSEPH R. CALLOWAY, 0000
JENNIFER K. CAMPBELL, 0000
JOSE A. CARBONE, 0000
CHRISTOPHER B. CARLILE, 0000
MARK J. CARLSON, 0000
DANIEL W. CARPENTER, 0000
MAXEY B. CARPENTER III, 0000
LISA B. CARR, 0000
CHARLES L. *CARRICK III, 0000
JONATHAN L. CARROLL, 0000
CURTIS J. CARSON, 0000
DAVID H. CARSTENS, 0000
DENNIS A. CASH, 0000
ROBERT J. CASPER, 0000
ROBERT M. CASSIDY, 0000
JOHN CATINO JR., 0000
DONALD R. *CECCONI, 0000
MACIE M. CHAMBERS, 0000
SHARON Y. *CHARLES, 0000
JOHN T. *CHERNEY, 0000
TIMOTHY J. CHMURA, 0000
HERBERT M. CHONG, 0000
THOMAS V. CHRISTENSEN, 0000
CHRISTOPHER J. CHURCHBORNE, 0000
EDDIE W. CLARK, 0000
JOEL J. CLARK, 0000
PATRICK A. CLARK, 0000
RONALD P. CLARK, 0000
SANDRA R. CLARK, 0000
WILLIAM R. CLARK, 0000
KEVIN R. CLARKE JR., 0000
MARTIN C. CLAUSEN, 0000
JEANIE S. CLAXTON, 0000
DAVID C. COCHRAN, 0000
CARL R. COFFMAN JR., 0000
JONATHAN M. COHEN, 0000
ERNEST C. COLEMAN, 0000
JAMES J. CONNELLY, 0000
SCOTT P. CONNORS, 0000
BESHARA J. CONSTANTINE JR., 0000
PETER D. COOK, 0000
JOHN D. COOKSEY, 0000
KEVIN D. COONEY, 0000
CURT S. COOPER, 0000
PAUL COPELAND, 0000
DAMON J. CORBETT, 0000
SHARI L. CORBETT, 0000
THOMAS L. CORE, 0000
DENISE H. CORLEY, 0000
ROOSEVELT H. CORPENING, 0000
CONSTANTINE H. COSTAS, 0000
ANDRE M. COTAROBLES, 0000
SCOTT R. COULTER, 0000
ALEX G. COVERT, 0000
ALLAN L. COVILLE, 0000
CONSTANCE M. COVINGTON, 0000
BRUCE E. COX, 0000
DOUGLAS A. COX, 0000
JOSEPH M. COX, 0000
REGINALD T. COX, 0000
SCOTT A. COY, 0000
JAMES E. CRAIG, 0000
ROBERT S. CRAIG, 0000
MARK A. CRAVENS, 0000
NEIL P. CRIBB, 0000
DOUGLAS C. CRISSMAN, 0000
RICHARD E. CROGAN II, 0000
IVETTE R. CROSBY, 0000
JOHN W. CROSS, 0000
CLIFFORD P. CROW, 0000
EDWARD J. DAES JR., 0000
PAUL R. DANIELS, 0000
DAVID A. DANIKOWSKI, 0000
DUANE A. DANNEWITZ, 0000
ROGER R. DANSEREAU, 0000
JOHN C. DAVIDSON, 0000
ARCHIE P. DAVIS III, 0000
CHARLES M. DAVIS, 0000
LEONEAL DAVIS JR., 0000
SAMUEL J. DAVIS, 0000
WILLIE L. DAVIS, 0000
DENNIS D. DAWSON, 0000
ROGER A. DEAN, 0000
BRYAN D. DECOSTER, 0000
DONALD E. DEGIDIO JR., 0000
CHRISTOPHER DELAROSA, 0000
TIMOTHY R. DELASS, 0000
FREDERICK R. DENNISON, 0000
GREGORY P. DEWITT, 0000
SONIA R. *DEYAMPERT, 0000
ROBERT P. DICKERSON, 0000
DAVID A. DIEHL, 0000
MICHAEL A. DILLARD, 0000
JOSEPH P. DIMINICK, 0000
RICHARD B. DIX, 0000
PATRICK K. DIXON, 0000
DAVID H. DODSON, 0000
PATRICK J. DONAHOE, 0000
STEVEN L. DONALDSON, 0000
THOMAS T. DORAME, 0000
MARSHALL K. DOUGHERTY JR., 0000
JOHN P. DRAGO, 0000
REGINA K. DRAPER, 0000
MARIA R. DREW, 0000
JON R. DRUSHAL, 0000
CHRIS A. DUDLEY, 0000
DAVID A. DUFFY, 0000
JAMES C. DUGAN, 0000
WILLIAM P. DUGGAN, 0000
MICHAEL R. DULANEY, 0000
PAUL C. DULCHINOS, 0000
STEPHEN F. DUNHAM, 0000
KEVIN R. DUNLOP, 0000
BRIAN P. DUNN, 0000
DWIGHT L. DUQUESNAY, 0000
RANDY D. DURIAN, 0000
LEVERN EADY, 0000
TYRON W. EASON, 0000
BRIAN W. EBERT, 0000
TIMOTHY S. ECOFF, 0000
JOHN O. EDBORG, 0000
CHARLES E. EDGE, 0000
JIMMY D. EDINGER, 0000
SCOTT L. EFFLANDT, 0000
SHANNON L. EGGER, 0000
CHARLES J. EKVALL JR., 0000
JOSHUA M. ELLIOTT II, 0000
MARK A. ELLIOTT, 0000
RICKY L. ELLISON, 0000
HARRIS EMMONS III, 0000
ROBERT D. ERVIN, 0000
ROBERT G. ESTEY, 0000
DALLAS L. EUBANKS, 0000
BEATRICE M. EVANS, 0000
CHARLES M. EVANS, 0000
LUIS A. FAJARDO, 0000
LISA J. FANELLI, 0000
ANGELIA D. FARNELL, 0000
MARK F. FASSL, 0000
TIMOTHY L. FAULKNER, 0000
DAVID M. FEE, 0000
SEAN P. FEELEY, 0000
JOSEPH R. FELICIANO, 0000
BENJAMIN R. FELTS JR., 0000
RICHARD M. FENOLI, 0000
BRYAN P. FENTON, 0000
CHARLES P. FERRY, 0000
DOUGLAS M. FIELDS, 0000
DANIEL A. FINLEY, 0000
JAMES M. FISCUS, 0000
CHARLES A. FISH, 0000
RUSSELL E. FISHER, 0000
THOMAS S. FISHER, 0000
TIMOTHY W. FISHER, 0000
TIMOTHY E. FITZGERALD, 0000
RONALD F. FIZER, 0000
MICHAEL A. FLEETWOOD, 0000
EDWARD R. FLEMING, 0000
MARC A. FLICKER, 0000
ALBERT L. FLOOD III, 0000
JAMES O. FLY JR., 0000
MATTHEW C. FLY, 0000
FRANCIS D. FLYNN, 0000
SCOTT A. FORSYTHE, 0000
ROGER A. FORTIER JR., 0000
MICHAEL S. FOSTER, 0000
WILLIAM I. FOX III, 0000

GARY W. FRANKLIN, 0000
GEORGE M. FRASER, 0000
GEORGE L. FREDRICK, 0000
MARK A. FREITAG, 0000
LEE A. FRETWELL, 0000
STANLEY P. FUGATE, 0000
BARRY A. GAERTNER, 0000
CARLOS J. GAINER, 0000
JOSEPH N. GAINES, 0000
WILLIAM J. GALBRAITH III, 0000
EDWARD R. GALLOWITZ, 0000
JOSEPH J. GANDARA, 0000
DANIEL R. GARCIA, 0000
VICTORIANO GARCIA JR., 0000
ROBERT L. GARDNER, 0000
TODD GARLICK, 0000
KENNETH C. GARRETT, 0000
MARK GATTO, 0000
AARON L. GEDULDIG, 0000
SCOTT M. GEIGER SR., 0000
EARL F. GENTILE, 0000
CHARLES C. GIBSON, 0000
KAREN H. GIBSON, 0000
PETER A. GIBSON, 0000
JOHN L. GIFFORD, 0000
WILLIAM T. GILLESPIE JR., 0000
CARL L. GITCHELL, 0000
GEORGE A. GLAZE, 0000
NATHANIEL R. GLOVER, 0000
KEITH M. GOGAS, 0000
MORRIS T. GOINS, 0000
GREGORY M. GOODE, 0000
HERMAN GOODEN JR., 0000
MICHAEL J. GOULD, 0000
MICHAEL S. GRAESE, 0000
TIMOTHEUS A. GRAHAM, 0000
WILLIAM H. GRAHAM JR., 0000
DEWEY A. GRANGER, 0000
EARL GRAVETTE, 0000
HOWARD L. GRAY, 0000
JOHN A. GRAY, 0000
ROBERT W. GRAY, 0000
HARDEE GREEN, 0000
RONALD L. GREEN, 0000
WILLIAM J. GREGG JR., 0000
WAYNE C. GRIEME JR., 0000
MICHAEL W. GRIFFITH, 0000
JONNY G. GRIGORIAN, 0000
BRUCE H. GUGGENBERGER, 0000
TODD H. GUGGISBERG, 0000
DIXON M. GUNTHER, 0000
CHRISTOPHER S. HAIGH, 0000
JOHN D. HALL, 0000
RUSSELL J. HAMPSEY, 0000
RONALD K. HANN JR., 0000
JOHN N. HANSEN, 0000
SHANE M. HANSEN, 0000
JOHN A. HANSON, 0000
SAMMIE L. HARGROVE, 0000
VICTOR M. HARMON, 0000
ROBERT A. HARNEY JR., 0000
BERNARD F. HARRIS JR., 0000
CHARLES P. HARRIS, 0000
DARRELL E. HARRIS, 0000
PATRICK O. HARRIS, 0000
SCOTT A. HARRIS, 0000
JEFFREY S. HARRISON, 0000
MICHAEL J. HARTIG, 0000
HERMAN G. HASKEN III, 0000
ADRIAN H. HAYNES JR., 0000
ANGELA D. HAYNES, 0000
ANGELA N. HAYNES, 0000
WILLIE V. HEARNE, 0000
CHARLES C. HEATHERLY, 0000
DOLORES M. HEIB, 0000
DEAN D. HEITKAMP, 0000
JOSEPH P. HENDERSON, 0000
STEPHEN E. HERRING JR., 0000
JAMES D. HESS, 0000
SEAN W. HIGGINS, 0000
CHRISTOPHER P. HIMSL, 0000
JON M. HINCHCLIFFE, 0000
MARK R. * HIRSCHINGER, 0000
ROBERT T. HIXON, 0000
RICHARD G. HOBSON, 0000
BARRY W. HOFFMAN, 0000
SCOTT J. HOFFMANN, 0000
CHRISTOPHER J. * HOGUET, 0000
MARTIN J. HOLLAND, 0000
CHRISTOPHER S. HOLLY, 0000
RALPH A. HOLSTEIN, 0000
CHARLIE P. HOLT JR., 0000
PAUL S. HOSSENLOPP, 0000
SEAN HOTALING, 0000
SAMUEL C. HOUSTON JR., 0000
WILLIAM L. HOWARD JR., 0000
JENNIFER M. HOYLE, 0000
BARRY F. HUGGINS, 0000
GEORGE D. HUGGINS, 0000
SCOTT F. HUME, 0000
CHARLES F. HYDE, 0000
MICHAEL P. HYNES, 0000
MICHAEL A. IACOBUCCI, 0000
ROBERT D. IBARRA, 0000
DAVID S. IMHOF, 0000
LEO M. IMPAVIDO JR., 0000
SEBASTIAN O. INGRAM, 0000
DOUGLAS L. INGROS, 0000
MICHAEL E. IRATCABAL, 0000
JOSEPH M. * IRBY, 0000
DAVID T. ISAACSON, 0000
SCOTT D. JACKSON, 0000
THOMAS P. JAMESON, 0000
TERRY J. JAMISON JR., 0000
JAMES B. JARRARD, 0000
BRUCE D. JENKINS, 0000
STEPHEN E. JESELINK, 0000
FREDERICK H. JESSEN, 0000
ANGELO W. JOHNSON, 0000
DARRYL H. JOHNSON, 0000
DARYL S. JOHNSON, 0000
GREGORY A. JOHNSON, 0000
MICHAEL J. JOHNSON, 0000
PHILLIP M. JOHNSON JR., 0000
RONALD M. JOHNSON, 0000
ROSSIE D. JOHNSON, 0000
JOHNNY J. JOHNSTON, 0000
CRAIG W. JONES, 0000
DAVID S. JONES, 0000
JERRY C. JONES, 0000
PATRICIA A. JONES, 0000
RONALD D. JONES, 0000
ALGIE M. JORDAN III, 0000
KAREN Z. JORDAN, 0000
CHRISTOPHER A. JOSLIN, 0000
KEITH L. JUNE, 0000
FREDRIC E. KAEHLER, 0000
ROBERT E. KAISER, 0000
ARTHUR A. KANDARIAN, 0000
GREGORY P. KANDT, 0000
RICHARD M. KANNEY, 0000
THOMAS J. KARDOS, 0000
MATTHEW C. KAUFMAN, 0000
PHILLIP G. KAUFMANN, 0000
MICHAEL H. KAUTZ, 0000
RALPH L. KAUZLARICH, 0000
JAMES A. KEARSE, 0000
JOHN D. KEITH, 0000
MATTHEW S. KELLEY, 0000
DAVID M. KELLY, 0000
STEVEN W. KELLY II, 0000
RICHARD B. KEMPF, 0000
CHRISTOPHER KENDZIERA, 0000
STEPHEN J. KEPPLER, 0000
ROGER D. KERN, 0000
JOHN W. KING II, 0000
RONALD KIRKLIN, 0000
ROBERT R. KISER, 0000
RICHARD P. KLEIN, 0000
SHAWN M. KLIEGL, 0000
LENNY J. KNESS, 0000
LANCE R. KOENIG, 0000
JOHN M. KOLESSAR, 0000
AIMEE L. KOMINIAK, 0000
STEVEN R. KRAMER, 0000
SCOTT P. KUBICA, 0000
DALE C. KUEHL, 0000
THOMAS G. KUNK, 0000
JOHN G. KUNKLE, 0000
KEITH D. LADD, 0000
JAMES A. LAFFEY, 0000
SAMUEL E. LAMB, 0000
SHIRLEY J. LANCASTER, 0000
KEVIN A. LANDY, 0000
DONALD A. LANNOM, 0000
ROBERT S. LARSEN, 0000
GREGORY P. LARSON, 0000
LOUIS J. LARTIGUE JR., 0000
GREGORY D. LAUTNER, 0000
JOHN P. LAWSON, 0000
MICHAEL L. LAYRISSON, 0000
ROBERT E. LAZZELL II, 0000
WILLIAM J. LEADY JR., 0000
JAMES P. LEARY, 0000
EDWARD C. LEDFORD, 0000
PETER J. LEE, 0000
ADAM J. LEGG, 0000
ROBERT J. LEHMAN, 0000
CHAD G. LEMAY, 0000
BOHDAN W. LETNAUNCHYN, 0000
JACQUELINE B. LETT, 0000
MICHAEL S. LEWIS, 0000
SAMUEL M. LIGO, 0000
ROBERT C. LING, 0000
DENISE A. LITTLE, 0000
MANFRED L. LITTLE II, 0000
RUSSELL M. LIVINGSTON, 0000
SCOTT J. LOFREDDO, 0000
CHRISTOPHER D. LONG, 0000
JAMES J. LOVE, 0000
RICARDO M. LOVE, 0000
JAMES B. LOWERY III, 0000
JAMES E. LUCAS, 0000
DAVID J. LUDERS, 0000
MICHEL J. LUGO, 0000
GEORGE A. *LUMPKINS, 0000
ANNIESTINE D. LUNDY, 0000
ANGELA M. LUNGU, 0000
VIET X. LUONG, 0000
BRIAN M. LYNCH, 0000
DAVID L. LYNCH, 0000
JOHN M. LYNCH JR., 0000
JOHN M. MACHESNEY, 0000
KERRY J. MACINTYRE, 0000
KEVIN S. MACWATTERS, 0000
LAWRENCE H. MADKINS III, 0000
JIMMIE C. MAHANA, 0000
PATRICK J. MAHANEY JR., 0000
DAVID W. MAJOR, 0000
DOUGLAS J. MALAN, 0000
STEPHEN G. MANDES, 0000
JOHNATHAN E. MANKEL, 0000
JOEL B. MANNING, 0000
MARK L. MARCHANT, 0000
GWEN C. MARSHALL, 0000
THOMAS R. MARSHALL, 0000
TIMOTHY J. MARSHALL, 0000
JEFFREY R. MARTINDALE, 0000
SCOTT W. MARYOTT, 0000
CLAUDIA L. MASON, 0000
GLEN A. MASSET, 0000
DAVID A. MASTERSON, 0000
SHELLY R. MATAUTIA, 0000
MICHAEL E. MATHES, 0000
PATRICK E. MATLOCK, 0000
DOUGLAS C. MCALLISTER, 0000
GAYLON L. MCALPINE, 0000
DAVID J. MCCARTHY, 0000
FRANK MCCLARY, 0000
GARRY W. MCCLENDON, 0000
GREGORY R. MCCLINTON, 0000
JAMES N. MCCLOSKEY, 0000
CALVIN R. MCCOMMONS, 0000
JIMMY L. MCCONICO, 0000
OAKLAND MCCULLOCH, 0000
JARVIS B. MCCURDY, 0000
CHRISTOPHER T. MCCURRY, 0000
RICHARD F. MCCUSKER, 0000
RONNIE K. MCDANIEL, 0000
ROBERT C. MCDOWELL, 0000
EDWARD G. *MCGINLEY, 0000
MICHAEL L. MCGINN, 0000
MICHAEL J. MCGUIRE, 0000
PAUL A. MCINNIS, 0000
KIRK E. MCINTOSH, 0000
TIMOTHY A. MCKERNAN, 0000
JOHN E. MCLAUGHLIN, 0000
STEPHEN T. MCMILLAN, 0000
CHARLES L. MCMURTREY, 0000
JAMES T. MCNAIR, 0000
CORNELL MCNEAL, 0000
CHAD B. MCREE, 0000
PHILLIP A. MEAD, 0000
JOSHUA MELENDEZ, 0000
BRIAN J. MENNES, 0000
TODD A. MESSITT, 0000
WILLIAM P. METHENY III, 0000
RONALD J. METTERNICH, 0000
GREG E. METZGAR, 0000
TOM J. MEYER, 0000
DREW R. MEYEROWICH, 0000
TERRY P. MICHAELS, 0000
LYMUS MIDDLETON JR., 0000
STEPHEN A. MIDDLETON, 0000
MARK F. MIGALEDDI, 0000
JOHN S. MIKOS, 0000
BLAINE I. MILLER, 0000
MICHAEL D. MILLER, 0000
RONNIE M. MILLER, 0000
TODD D. MILLER, 0000
STEVEN F. MILLNER, 0000
SCOTT S. MILLS, 0000
PATRICK D. MINER, 0000
MICHAEL W. MINOR, 0000
JAMES J. MINGUS, 0000
MARK D. MIRAGE, 0000
DANIEL S. MISHKET, 0000
MARK E. MITCHELL, 0000
MICHAEL D. MITCHELL, 0000
RICARDO J. MITCHELL, 0000
DONNA E. MOHNEY, 0000
PETER C. MOLIN, 0000
WILLIAM H. MOLLER, 0000
KIMBERLEY J. MONDONEDO, 0000
EDWARD M. MONK, 0000
BRUCE J. MONTGOMERY, 0000
DORIS P. MONTGOMERY, 0000
MICHAEL C. MOORE, 0000
PETER J. MORET, 0000
MICHAEL J. MORONEY, 0000
RODNEY S. MORRIS, 0000
TODD B. MORRIS, 0000
DAVID W. MORRISON, 0000
ROBERT D. *MORSCHAUSER, 0000
NANCY L. *MORSE, 0000
WILLIAM L. MOSELEY, 0000
MARK A. MOSER, 0000
TIMOTHY E. MOUL, 0000
WILLIAM B. MOWERY, 0000
FRANK MUGGEO, 0000
MICHAEL T. MURPHY, 0000
KEITH E. MUSCHALEK, 0000
ALFREDO J. MYCUE, 0000
STEPHEN C. MYERS, 0000
PETER F. NAJERA, 0000
BOBBIE K. NAPIER, 0000
DAVID W. NAPIER, 0000
JOHN J. NELSON, 0000
JOSEPH A. NELSON, 0000
JOHN C. NEWSOME, 0000
TIMOTHY E. NEWSOME, 0000
KEITH R. NICOLETTI, 0000
CHRISTOPHER M. NOLTA, 0000
ERIK A. NORDBERG, 0000
JOHN E. NOVALIS II, 0000
RICKY J. NUSSIO, 0000
JAMES M. OBRIEN, 0000
LAUREL D. OCONNOR, 0000
MARK W. ODOM, 0000
JOHN E. OMALLEY, 0000
JEFFREY K. OPPERMAN, 0000
KEITH R. ORAGE, 0000
JERRY R. ORBAN, 0000
TIMOTHY W. ORNER, 0000
FELIX *ORTIZ, 0000
ORLANDO W. ORTIZ, 0000
CRAIG A. OSBORNE, 0000
TYLER C. OSENBAUGH, 0000
MARK E. OVERBERG, 0000
DARRYL A. OWENS, 0000
WADE A. OWENS, 0000
JOSEPH H. PACE, 0000
GREGORY W. PACKER SR., 0000
BRIAN R. PAGE, 0000
DANIEL D. PAGE, 0000
EMILY S. PALMER, 0000
STEVEN R. PALMER, 0000
PAUL M. PAOLOZZI, 0000
CHRIS P. PAPAIOANNOU, 0000
MICHAEL A. PARK, 0000
DENNIS M. PARKER, 0000

ERIK N. PARKER, 0000
GREGORY M. PARRISH, 0000
CHRISTOPHER R. PARSONS, 0000
EDWIN E. PASCUA, 0000
MICHAEL S. PATTEN, 0000
MARK C. PATTERSON, 0000
COURTNEY W. PAUL, 0000
WILLIAM R. PEACOCK, 0000
BARRETT K. PEAVIE, 0000
MICHAEL D. PEMRICK, 0000
CLINTON R. PENDERGAST, 0000
JOHN W. PERFETTI, 0000
AXA S. PERWICH, 0000
MICHAEL P. PETERMAN, 0000
COBY M. PETERSEN, 0000
JAY L. PETERSON, 0000
KENNETH M. PETERSON, 0000
DONALD V. PHILLIPS, 0000
JAMES W. PHILLIPS, 0000
STEPHEN J. PINETTE, 0000
JOHN R. PLATT, 0000
MICHAEL J. PLUMMER, 0000
JOHN L. POLLOCK, 0000
ROBERT L. POPOWSKI, 0000
ANDREW P. POPPAS, 0000
MARK E. POWELL, 0000
SCOTT W. *POWER, 0000
LISA K. PRICE, 0000
BRIAN L. PRINCE, 0000
MARK T. PUHALLA, 0000
MICHAEL D. PYOTT, 0000
DAVID E. QUICHOCHO, 0000
MARUE R. QUICK, 0000
TIMOTHY W. QUILLIN, 0000
MATTHEW S. QUINN, 0000
ROBERT E. QUINN, 0000
MARIA L. QUINTANILLA, 0000
WENDEL N. QUON, 0000
TODD R. RATLIFF, 0000
RANDY W. READSHAW, 0000
PERRY D. REARICK, 0000
BRANSON P. RECTOR, 0000
MICHAEL T. RECTOR, 0000
KIETH W. REED, 0000
LYDIA V. REEVES, 0000
DAVID M. REGAN, 0000
VERNIE L. REICHLING JR., 0000
ALFRED E. RENZI JR., 0000
ERNEST J. RESCHKE, 0000
MARTIN B. REUTEBUCH, 0000
JOHN C. REYNOLDS, 0000
SCOTT T. RHODA, 0000
KENNETH E. RICE, 0000
MARK A. RICE, 0000
KENT R. RIDEOUT, 0000
EDWARD F. RIEHLE, 0000
ALFONSO RIERA, 0000
WILLIAM S. RIGGS, 0000
FREDERICK A. RIKER, 0000
JOHN M. RILEY, 0000
ANTHONY P. RISI, 0000
RONALD J. RISPOLI JR., 0000
NATHANIEL RIVERS, 0000
WILLIAM J. RIVETT, 0000
DOUGLAS C. ROBBINS, 0000
TODD C. ROBBINS, 0000
DIANNA ROBERSON, 0000
ALICE R. ROBERTS, 0000
MECCA M. ROBINSON, 0000
MONTROSE L. ROBINSON, 0000
JONATHAN D. RODDEN, 0000
MARK L. RODWELL, 0000
STEVEN J. ROEMHILDT, 0000
BRIAN L. ROGERS, 0000
EMMITT W. ROGERS, 0000
GWENDOLYN S. ROLAND, 0000
CHRISTOPHER J. ROLLINS, 0000
KENNETH A. ROMAINE JR., 0000
STEVEN M. ROSCOE, 0000
MICHAEL W. ROSE, 0000
DAWN M. ROSS, 0000
STONEY L. ROSS, 0000
THOMAS J. ROTH, 0000
MICHAEL J. ROUNDS, 0000
PAUL D. ROUNSAVILLE, 0000
REBECCA A. ROUSE, 0000
KENNETH M. ROYALTY, 0000
KENNETH T. ROYAR, 0000
SCOTT E. RUBITSKY, 0000
JAY N. RUDD JR., 0000
DONNA E. RUTTEN, 0000
JAMES E. SAENZ, 0000
RICKEY L. SALLEE, 0000
CHRISTOPHER W. SALLESE, 0000
GREGORY J. SALOMON, 0000
JOSEPH V. SAMEK, 0000
SCOTT E. SANBORN, 0000
MICHAEL A. SANCHEZ, 0000
MICHAEL C. SANTOS, 0000
DINO J. * SARRACINO, 0000
TONY J. SARVER, 0000
JOSE F. SAUCEDO, 0000
JEFFREY T. SAUER, 0000
JOHN C. SAUER, 0000
MICHAEL R. SAYERS, 0000
KATHERINE A. SCANLON, 0000
ROBERT L. SCHAEFER, 0000
RONALD A. SCHIER, 0000
JEFFERY R. SCHILLING, 0000
GERHARD P. SCHROTER, 0000
RICHARD H. SCHULZ, 0000
MARK C. SCHWARTZ, 0000
STEVEN A. SCIONEAUX, 0000
BRADLEY B. SCOFIELD, 0000
CASEY P. SCOTT, 0000
KELVIN K. SCOTT, 0000
SEAN M. SCOTT, 0000
LOWELL A. SEAL, 0000
DAVID M. SEARS, 0000
KIRK E. SESSIN, 0000
JOSEPH C. SHANNON, 0000
DARRYL S. SHAW, 0000
SIMUEL SHAW III, 0000
DANIEL R. SHEA, 0000
MICHAEL L. SHENK, 0000
IVAN B. SHIDLOVSKY, 0000
DARRYL L. SHIRLEY, 0000
WILSON A. SHOFFNER JR., 0000
CHRISTOPHER R. SHOTTS, 0000
THOMAS L. SHREVE, 0000
ROGER L. SHUCK, 0000
DEAN P. SHULTIS, 0000
RONALD L. SHULTIS JR., 0000
VAL A. SIEGFRIED, 0000
REGINALD L. SIKES JR., 0000
JANET A. SIMMONS, 0000
JOHN F. SINGLETON, 0000
GREGG A. SKIBICKI, 0000
KARL E. SLAUGHENHAUPT, 0000
ANNETTE M. SMALLS, 0000
JEFFREY S. SMIDT, 0000
AVANULAS R. SMILEY, 0000
IRVING SMITH III, 0000
JOSEPH K. SMITH, 0000
RANDY L. SMITH, 0000
TROY A. SMITH, 0000
ROSS W. SNARE III, 0000
BRUCE K. SNEED, 0000
DAVID B. SNODGRASS, 0000
MICHAEL W. SNOW, 0000
DAVID A. SNYDER, 0000
KELLY J. SNYDER, 0000
ROBERT A. SNYDER JR., 0000
DONALD G. SOHN, 0000
CHERYL Y. SOLOMON, 0000
BRUCE V. SONES, 0000
PATRICK A. SOOS, 0000
ELMER R. SOYK, 0000
WILLIAM M. STACEY, 0000
RONALD R. STALLINGS, 0000
DAVID W. * STANDRIDGE, 0000
MARK E. STANLEY, 0000
TYRON D. STANLEY, 0000
ALBERT J. STAROSTANKO, 0000
ANNELIESE M. STEELE, 0000
TROY A. STEPHENSON, 0000
DALE B. STEWART, 0000
TOD A. STIMPSON, 0000
DANIEL E. STOLTZ, 0000
ANGELA K. STOWMAN, 0000
MARK A. STRONG, 0000
DAVID M. STROUD, 0000
FRANK D. STUREK, 0000
SHERAL D. STYLES, 0000
GREGORY O. SUDMAN, 0000
EUGENE R. SULLIVAN, 0000
JOHN P. SULLIVAN, 0000
KENNETH M. SULLIVAN, 0000
LESLIE J. SULLIVAN, 0000
MARK S. * SULLIVAN, 0000
ROBERT V. SUSKIE JR., 0000
JAYME M. SUTTON, 0000
KENNETH D. SWANSON, 0000
JOHN M. SWARTZ, 0000
KINA B. SWAYNEY, 0000
ERIC D. SWEENEY, 0000
SEAN P. SWINDELL, 0000
JASON T. TANAKA, 0000
DANA S. * TANKINS, 0000
PATRICK J. TAPEN, 0000
RICK A. TARASIEWICZ, 0000
MICHAEL J. TARSA, 0000
FRANK W. TATE, 0000
KEVIN W. TATE, 0000
BRADLEY S. TAYLOR, 0000
IVERY J. TAYLOR, 0000
JOEL C. TAYLOR, 0000
MARK C. TAYLOR, 0000
TROY E. TECHAU, 0000
ROY D. TEMPLIN, 0000
JAMES M. TENNANT, 0000
WILLIAM O. THEWES, 0000
GREGORY M. THOMAS, 0000
SIDNEY R. THOMAS, 0000
WAYNE L. THOMAS, 0000
DWAYNE D. THOMPSON, 0000
BERNADINE I. THOMSON, 0000
RICKY L. TILLOTSON, 0000
PATRICK E. TILQUE, 0000
DANNY F. TILZEY, 0000
EVELYN TIRADO, 0000
TIMOTHY J. TODARO, 0000
JOHN A. TOKAR, 0000
DANIEL N. TORRES, 0000
RAFAEL TORRES JR., 0000
PAUL D. TOUCHETTE, 0000
STEPHEN A. TOUMAJAN, 0000
ROBERT N. * TOWNSEND, 0000
RICHARD M. TOY, 0000
PETER T. TREBOTTE JR., 0000
MANUEL C. TREVINO, 0000
THOMAS J. TROSSEN, 0000
CARL R. TROUT, 0000
SCOTT M. TROUTMAN, 0000
PHILLIP M. TRUED JR., 0000
BRYAN P. TRUESDELL, 0000
HOWARD L. TRUJILLO, 0000
CARL L. TUCKER, 0000
STEVEN L. TUCKER, 0000
DARRYL J. TUMBLESON, 0000
LEROY L. TUNNAGE, 0000
ERIC C. TURNER, 0000
ROSENDO VALENTIN, 0000
MATTHEW J. VANDERFELTZ, 0000
KURT P. VANDERSTEEN, 0000
CHARLES H. VANHEUSEN, 0000
DANIEL L. VANNUCCI, 0000
BRIAN F. VAUGHN, 0000
JOHN M. VENHAUS, 0000
ARLESTER VERNON JR., 0000
RICHARD S. VICK JR., 0000
JEFFREY J. VIEIRA, 0000
PHILLIP D. VONHOLTZ, 0000
DAVID G. WADE, 0000
ROBERT P. WADE, 0000
MARTIN S. WAGNER, 0000
CHRISTOPHER E. WALACH, 0000
DAVID L. * WALDEN, 0000
CARLOS L. WALKER JR., 0000
MICHAEL R. WALKER, 0000
CHERIE S. WALLACE, 0000
KENZIE WALLACE, 0000
JOHN C. WALLER, 0000
DANIEL R. WALRATH, 0000
TIMOTHY W. WALROD, 0000
MICHAEL T. WALSH, 0000
FREDERICK K. WALTER, 0000
ROBERT B. WALTER, 0000
TIMOTHY C. WALTER, 0000
MARK L. WALTERS, 0000
WAYNE M. WALTERS, 0000
KELLY J. WARD, 0000
LLOYD R. WASHINGTON, 0000
TIMOTHY B. WASHINGTON, 0000
JOHN C. WATERS, 0000
JOSEPH D. WAWRO, 0000
JERRY J. WAYNICK, 0000
BRENT N. WEAVER, 0000
JOHN M. WEBB, 0000
MICHAEL J. WEBB, 0000
AARON A. * WEBSTER, 0000
ALLAN L. WEBSTER, 0000
RUSSELL A. WEIR, 0000
THOMAS M. WEISZ, 0000
LEONARD E. WELLS, 0000
ERIC M. WELSH, 0000
LESLEY W. WELSH, 0000
JAMES P. WETZEL, 0000
TIMOTHY J. WHALEN, 0000
RICHARD S. WHEELER, 0000
DAVID O. WHITAKER, 0000
BENJAMIN M. WHITE, 0000
HERBERT B. WHITE JR., 0000
RICHARD E. WHITE, 0000
BARRY K. WILLIAMS, 0000
BOBBIE L. WILLIAMS SR., 0000
EDWARD A. WILLIAMS, 0000
PATRICK W. WILLIAMS, 0000
RONALD J. WILLIAMS, 0000
LAUREN B. WILSON, 0000
BRIAN E. WINSKI, 0000
JEFFREY J. WINTERS, 0000
MARK E. WISECARVER, 0000
DONALD M. * WIX JR., 0000
TODD R. WOLF, 0000
ROGER M. WOOD, 0000
JOEL A. WOODWARD, 0000
DAVID J. WRAY, 0000
STEPHEN C. WREN, 0000
TIMOTHY R. WULFF, 0000
SHAUN T. WURZBACH, 0000
FRANCIS E. WYNNE, 0000
JOSEPH YAKAWICH, 0000
THOMAS J. YANOSCHIK, 0000
CATHERINE A. YARBERRY, 0000
BETTY J. YARBROUGH, 0000
GARETH S. YOUNG, 0000
GEORGE R. YOUNG II, 0000
LAWRENCE T. ZABEN JR., 0000
FRANK ZACHAR, 0000
STEPHEN M. ZACHAR, 0000
JAMES G. * ZELLMER, 0000
GUY M. ZERO, 0000
JOHN R. ZSIDO, 0000
MARIA T. ZUMWALT, 0000
X0000
X0000
X0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be lieutenant colonel

RICHARD K. ADDO, 0000
JEFFREY P. ANGERS, 0000
FRANCISCO ARCE, 0000
RICHARD A. AST, 0000
BRYAN F. AVERILL, 0000
CHRISTOPHER M. BADO, 0000
PETER J. BADOIAN, 0000
ARTHUR H. BAIR III, 0000
STEVEN D. BEHEL, 0000
TIMOTHY E. BIRKENBUEL, 0000
KURT A. BODIFORD, 0000
ROBERT W. BORDERS, 0000
ALLEN T. BOYD, 0000
MICHAEL R. BRIDGES, 0000
DARRELL L. BRIMBERRY, 0000
SAN L. BROWN, 0000
SHAWN P. BUCK, 0000
GREGORY J. BURKE, 0000
ROBERT E. BURKS JR., 0000
LESTER J. CAMPBELL, 0000
DOUGLAS A. CARR, 0000
SHANNON S. CLABURN, 0000
JOHN R. CRINO, 0000
ALVIN F. CROWDER III, 0000

DAVID M. CROY, 0000
CLAYTON M. DAUGHTRY, 0000
KENT D. DAVIS, 0000
KENNETH L. DEAL JR., 0000
MARK D. DRABECKI, 0000
DANIEL E. EVANS, 0000
BARRY C. EZELL, 0000
KIMBERLY FIELD, 0000
NEIL E. FITZPATRICK, 0000
KEITH E. FLOWERS, 0000
ROBERT B. FOUTZ, 0000
DAVID N. FRALEN, 0000
JOHN A. GEORGE, 0000
TODD M. GESLING, 0000
JAMES A. GLACKIN, 0000
BRUCE J. GORSKI, 0000
THOMAS J. GOSS, 0000
STACY A. GRAMS, 0000
SONIA I. GRIFFIN, 0000
DAVID K. GRIMM, 0000
JOHNNY HALL JR., 0000
ERIC P. HARRIS, 0000
TIM C. HARRIS, 0000
BENJAMIN E. HENDERSON, 0000
WILLIAM R. HENSLEY JR., 0000
ROBERT E. HENSTRAND, 0000
BRENDA L. HICKEY, 0000
MARK H. HLADKY, 0000
RICHARD J. HOLDREN, 0000
FRANCIS L. HOLINATY, 0000
RICHARD D. HORSLEY, 0000
EVAN A. HUELFER, 0000
FERNANDO M. HUERTA, 0000
ROBERT S. HUGHES, 0000
GILBERT G. HURON, 0000
EDMOND L. * IRIZARRY, 0000
CURTIS D. JACKSON, 0000
KORYA J. JAMES, 0000
KARL A. JEHLE, 0000
JOHN H. JESSUP, 0000
MICHAEL R. JOHNS, 0000
MICHAEL W. JOHNSON, 0000
DARVIN H. JONES, 0000
JOHN K. JONES, 0000
ROBERT S. JONES, 0000
JOHN M. KEETER, 0000
THOMAS A. KELLEY, 0000
ILEAN K. KELTZ, 0000
PATRICK J. KIRK, 0000
STEVEN D. KNIGHT, 0000
HAROLD M. KNUDSEN, 0000
DAVID P. KOMAR, 0000
JOHN F. KOPE, 0000
DEAN A. KRATZENBERG, 0000
CLEMENT J. LANIEWSKI, 0000
BOBBI J. LEYES, 0000
MARK W. LUKENS, 0000
CHARLES H. LUNATI, 0000
THEODORE L. MAGUDER III, 0000
KEVIN B. MARCUS, 0000
MATTHEW W. MARKEL, 0000
EDWARD J. MARTIN, 0000
JOHN A. MAUK, 0000
DOUGLAS F. MCCOLLUM, 0000
ANDREW J. MCCONACHIE, 0000
QUINTON W. MCCORVEY, 0000
MICHAEL V. MCCREA, 0000
THOMAS B. MCGEACHY, 0000
MARK A. MCNAIR, 0000
ARIE J. MCSHERRY, 0000
TIMOTHY D. MEREDITH, 0000
THOMAS F. MOORE, 0000
RICHARD J. NIEBERDING JR., 0000
CHAD W. OCHS, 0000
CARL J. OHLSON, 0000
STANLEY J. OLENGINSKI, 0000
GREGORY A. OLSON, 0000
CATHERINE E. PACE, 0000
RUSSEL A. PATISHNOCK, 0000
GREGORY S. PERROTTA, 0000
JOAN M. PERRY, 0000
JAMES C. PHELPS III, 0000
JAMES C. PIETSCH, 0000
BRADLEY W. PIPPIN, 0000
THOMAS P. POPLAWSKI, 0000
JOHN A. POTTS, 0000
GARY D. QUINTERO, 0000
SCOTT A. RAINEY, 0000
RODNEY L. ROEDERER, 0000
KARL O. SCHWARTZ, 0000
ALAN SEISE, 0000
ROBERT G. SHIRLEY, 0000
VAN R. SIKORSKY, 0000
EUGENE SIMON, 0000
MICHAEL E. SIMONELLI, 0000
ERIC L. SINGER, 0000
DAVID R. SMITH, 0000
BRYNDOL A. SONES, 0000
WILLIAM T. SORRELLS, 0000
JEFFREY L. SPONSLER, 0000
HEYWARD STACKHOUSE, 0000
JEFFREY J. STORCH, 0000
JAMES A. SWORDS, 0000
BRANDON T. THOMAS, 0000
STEVEN G. THOMAS, 0000
TIMOTHY R. THOMAS, 0000
MICHAEL E. TURNER, 0000
JOHN T. VOGEL, 0000
CHRISTINE J. VOISINETBENDER, 0000
WILLIAM J. WANOVICH, 0000
LAWRENCE J. WARK, 0000
JACQUELINE K. WESTOVER, 0000
JAMES P. WHITE, 0000
WESLEY B. WHITE, 0000
JOEL C. WILLIAMS, 0000
CHRISTOPHER S. WILSON, 0000
ROBERT K. WINEINGER, 0000
VERONICA S. ZSIDO, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

BRYAN K. ADAMS, 0000
GEORGE A. ANDARY, 0000
WILLIAM G. APIGIAN, 0000
KEVIN V. ARATA, 0000
GARY R. ARNOLD, 0000
MARK BAKUM, 0000
MARK J. BALLESTEROS, 0000
WAYNE S. BAREFOOT JR., 0000
ROBERT G. BARTHOLET, 0000
WILLIAM R. BECKMAN, 0000
BRIAN P. BEDELL, 0000
MICHAEL J. BESSASPARIS, 0000
WILLIAM F. BIGELOW, 0000
VINCENT C. BONS, 0000
CALVERT L. BOWEN III, 0000
BARTON B. BROWN, 0000
JOHN R. BRUDER, 0000
SHAWN A. BUDKE, 0000
JOHN R. BURGER, 0000
DUANE T. CARNEY, 0000
HUGH C. CATE III, 0000
BRUCE D. CAULKINS, 0000
ALGIS J. CESONIS, 0000
CARMINE CICALESE, 0000
PATRICK E. CONNORS II, 0000
CHRISTOPHER D. CONWAY, 0000
JAMES D. COOK, 0000
PAUL J. COOPER, 0000
JOHN R. CORNELIO, 0000
BENTON A. DANNER, 0000
RICHARD J. DOW, 0000
JOSEPH P. DRAGO, 0000
JAMES A. EGAN, 0000
DAWN M. EISERT, 0000
MICHAEL S. EIXENBERGER, 0000
MANUEL V. ESPINOSA, 0000
DAVID C. FARLOW, 0000
MICHAEL J. FERRONE, 0000
PAUL M. FITZPATRICK, 0000
ROBERT F. FOLEY, 0000
CARL E. FOSSA JR., 0000
CURTIS R. FOX, 0000
JOHN A. FURLOW, 0000
HOLVIN GALINDO, 0000
MICHAEL GERICKE, 0000
ROBERT B. GILPIN, 0000
LEE P. GIZZI, 0000
SIMON R. GOERGER, 0000
JOHN M. GRAHAM JR., 0000
DAVID W. GROB, 0000
ERIK O. GUNHUS, 0000
LAWRENCE T. HALL JR., 0000
CARY C. HARBAUGH, 0000
VICTOR A. HARRIS, 0000
FREDRICK D. HOSKINS, 0000
JOSEPH F. HUIBSCH, 0000
ROBERT L. HULSLANDER, 0000
JAMES E. HUTTON, 0000
BOBBY F. JARVIS JR., 0000
DAVID G. JOHNSON, 0000
JEFFREY W. KILGO, 0000
TAMMY L. KNOTT, 0000
GARY M. KOLB, 0000
KENNETH M. KRUMM, 0000
EDWARD C. LARSEN, 0000
LARRY R. LENKEIT, 0000
THOMAS A. LETO, 0000
ROBERT C. LOGSDON, 0000
ANDRES A. LOPEZ, 0000
LOIS J. LOVE, 0000
MARK J. LUNDTVEDT, 0000
RAYMOND J. MAIER, 0000
STEVEN M. MARROCCO, 0000
ERASMO A. MARTINEZ, 0000
DOUGLAS V. MASTRIANO, 0000
MATTHEW D. MATTER, 0000
MCGEE A. MCCARTHY, 0000
JOHN J. MCDANIEL, 0000
MICHAEL F. MCDONOUGH, 0000
KENNETH W. MCDORMAN, 0000
MICHAEL K. MCFARLAND, 0000
MICHAEL D. MCNETT, 0000
JAMES R. MEISINGER, 0000
CHRISTOPHER W. PAYNE, 0000
KEITH M. PERKINS, 0000
JAMES D. REDWINE, 0000
SCOTT P. ROSEN, 0000
DONALD M. ROSS, 0000
ANTHONY J. SCHMITZ, 0000
TIMOTHY R. SCHMOYER, 0000
KEVIN W. SIMPSON, 0000
BRIAN S. SNEDDON, 0000
EDWARD J. SOBIESK, 0000
STEPHEN C. SOBOTTA, 0000
MATTHIAS A. SPRUILL IV, 0000
WAYMON E. STALLCUP, 0000
RICHARD G. STEELE, 0000
MATTHEW A. STERN, 0000
DONALD F. STEWART, 0000
WAYNE P. STILWELL, 0000
STEVEN W. STONE, 0000
JEROME P. TERRY, 0000
ANNETTE L. TORRISI, 0000
RANDAL R. VICKERS, 0000
WILLIAM T. WADSWORTH JR., 0000
JOHN F. WEGENHOFT IV, 0000
JOHN C. WILLIAMS, 0000
JONATHAN B. WITHINGTON, 0000
JOSEPH M. YOSWA, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be lieutenant colonel

SCOTT E. ALEXANDER, 0000
MATTHEW H. AMBROSE, 0000
THOMAS J. ANDERSON, 0000
STEVEN W. AYERS, 0000
MICHAEL J. BAGLEY, 0000
RUSSELL N. BAILEY, 0000
TERRANCE J. BAKER, 0000
DOUGLAS T. BANKS III, 0000
DAVID G. BASSETT, 0000
PAUL K. BAUMANN, 0000
ANDREW M. BERRIER, 0000
JAMES A. BLANCO, 0000
JEFFREY T. BOCHONOK, 0000
RALPH BOECKMANN, 0000
WILLIAM M. BORUFF, 0000
SCOTT P. BOSSE, 0000
BRIAN E. BOSWORTH, 0000
SAUL BRACERO, 0000
DAVID M. BROCK, 0000
ANDREW I. BROWN, 0000
MICHAEL E. BROWN, 0000
STEPHEN M. BRUCE, 0000
PATRICK W. BURDEN, 0000
KATHLEEN A. CANNON, 0000
ROBERT K. CARNAHAN, 0000
JOHN A. CHICOLI, 0000
HONG K. CHUNG, 0000
TIMOTHY D. CHYMA, 0000
PHILIP B. CLEMMONS, 0000
GREGORY J. COOK, 0000
THOMAS S. COOK, 0000
KENNETH D. COPELAND, 0000
BRIAN P. CUMMINGS, 0000
CLIFF A. DAUS, 0000
CHRISTOPHER P. DAVIS, 0000
ROBERT B. DAVIS, 0000
PAUL B. DEGIRONIMO, 0000
ANDREW J. DIMARCO, 0000
JIMMY E. DOWNS, 0000
CHARLOTTE D. * DRIVER, 0000
STEVEN M. ELLIOTT, 0000
GARY D. ESPINAS, 0000
KENNETH C. EVENSEN, 0000
ROBERT J. FAGAN, 0000
WILLIAM E. FIELD, 0000
CARLOS A. FIGUEROA, 0000
MICHAEL J. FINNEGAN, 0000
THOMAS P. FLANDERS, 0000
ROBERT E. FLETCHER, 0000
STEPHANIE L. FOSTER, 0000
CHRISTINE A. FOX, 0000
ROBERT E. FRIEDENBERG, 0000
SHAWN D. FRITZ, 0000
KURT A. FRULLA, 0000
WILLIAM S. FULLER, 0000
ROBERT J. GADDIS, 0000
JOSEPH G. GARCIA, 0000
RONALD J. GARNER, 0000
ROBERT B. GEDDIS, 0000
JAMES A. GENTILE, 0000
VELMA W. GORDON, 0000
ALFRED J. GREIN, 0000
GENE E. GRIFFIN JR., 0000
ROBERT E. GRIGSBY, 0000
ALBERT L. GRUBBS, 0000
GEORGE A. GUTHRIDGE III, 0000
DONG C. HA, 0000
MARK O. HAGUE, 0000
RUTH A. HAIDER, 0000
JAMES G. HALLINAN, 0000
LINWOOD Q. HAM JR., 0000
VICTOR R. HARPER, 0000
DONALD M. HEILIG JR., 0000
JEFFREY L. HENDREN, 0000
CHRISTOPHER V. HERNDON, 0000
ALAN W. HESTER, 0000
MARK A. HICKS, 0000
PAUL M. HILL, 0000
JUSTIN A. HIRNIAK, 0000
KEITH A. HIRSCHMAN, 0000
SAMUEL C. HOMSY, 0000
THOMAS G. HOOD, 0000
MICHAEL W. HUBNER, 0000
RODERIC C. JACKSON, 0000
MICHAEL J. JANSER, 0000
ROBERT R. JARRETT II, 0000
WALTER P. JENSEN III, 0000
RAMON JIMENEZ, 0000
ROBERT J. JOHNSTON, 0000
DEISY JONES, 0000
JEANNETTE J. JONES, 0000
HARRY F. KANE, 0000
RYAN B. KIVETT, 0000
MICHAEL E. KNUTSON, 0000
JEFFREY D. KULMAYER, 0000
GARY L. LAASE, 0000
JAMES D. LAMPTON, 0000
EDWARD J. LANE, 0000
PATRICIA M. LARRABEE, 0000
JOHN LEMONDES JR., 0000
JAMES R. LOY II, 0000
ANDREW J. MACDONALD, 0000
PATRICK E. MATHES, 0000
PAUL A. MCDERMOTT, 0000
ROBERT M. MCKINLEY JR., 0000
WADE L. * MCVEY, 0000
FREDERICK L. MILLER, 0000
JAMES C. MITCHELL, 0000
PAUL MOORE JR., 0000
RICHARD C. MUSCHEK, 0000
YEWSTON N. MYERS III, 0000

MICHAEL E. NERSTHEIMER, 0000
MARKO J. NIKITUK, 0000
TODD E. OJA, 0000
MARK OLEKSIAK, 0000
KEITH R. OLSON, 0000
LOUIS ORTIZ JR., 0000
YEONGSIK PAK, 0000
DAVID R. PERSHING, 0000
CHARLES A. PFAFF, 0000
DANIAL D. PICK, 0000
MARK J. PINCOSKI, 0000
JOSEPH K. POPE, 0000
SAMUEL H. PRUGH, 0000
SCOTT A. PULFORD, 0000
FREDERICK A. PUTHOFF, 0000
BRIAN W. RAFTERY, 0000
JAMES A. RANKIN, 0000
STEPHEN S. REED, 0000
MICHAEL C. REGAN, 0000
MICHAEL J. REPETSKI, 0000
CRAIG L. RETTIE, 0000
DONALD D. RILEY, 0000
ROBERT K. RIZZO, 0000
DANIEL S. ROBERTSON, 0000
DAVID J. ROHALL, 0000
CHRISTIAN E. RUSH, 0000
JOSEPH A. SANCHEZ, 0000
JEFFREY D. SAUNDERS, 0000
CRAIG P. SCHAEFER, 0000
KLAUS D. SCHMIDT, 0000
JEFFREY D. SCHUTTER, 0000
RALPH A. SKEBA, 0000
WILLIAM C. SLADE, 0000
JOHN M. SMITH III, 0000
DANIEL R. SMYTHE, 0000
NORMAN E. SOLOMON, 0000
ARTHUR E. SPENARD, 0000
LEONARD T. STEINER JR., 0000
LEWIS E. STEWART, 0000
KEVIN P. STODDARD, 0000
KENNETH F. SWEAT, 0000
BURKE A. TARBLE, 0000
WADE S. TATE, 0000
MICHAEL D. THEODOSS, 0000
DENNIS THIES, 0000
ROBERT TIMM, 0000
VALEN S. TISDALE, 0000
JAMES P. TOOMEY, 0000
JAMES L. TURNER, 0000
MICHAEL C. VANDEVELDE, 0000
ANTONIO J. VAZQUEZ, 0000
DAVID R. VIENS, 0000
ALBERT J. VISCONTI, 0000
JEFFREY R. VOIGT, 0000
DESMOND D. WALTON, 0000
MARK V. WATKINS, 0000
ROBERT M. WELLBORN, 0000
CHARLES A. WELLS, 0000
DAVID R. WHIDDON, 0000
DANNY A. WILEY, 0000
JULIAN R. WILLIAMS, 0000
JAMES O. WINBUSH JR., 0000
JOHN S. WOMACK, 0000
WILLIAM H. WOODS, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

EMMA J. M. BROWN, 0000
JAMES S. BROWN, 0000
JODY H. GRADY, 0000
WAYNE J. KULICK, 0000
ROGER J. LUCAS, 0000
MARK A. PREISSLER, 0000
SHAWN A. ROBERTS, 0000
SHEILA A. SMITH, 0000
MARCIA L. ZIEMBA, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

BRENT T. CHANNELL, 0000
MATTHEW W. EDWARDS, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate August 1, 2003:

EXECUTIVE OFFICE OF THE PRESIDENT

JOSETTE SHEERAN SHINER, OF VIRGINIA, TO BE A DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR.

DEPARTMENT OF COMMERCE

JAMES J. JOCHUM, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

DEPARTMENT OF THE TREASURY

ROBERT STANLEY NICHOLS, OF WASHINGTON, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF STATE

JEFFREY A. MARCUS, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BELGIUM.

DEPARTMENT OF THE TREASURY

TERESA M. RESSEL, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

DEPARTMENT OF JUSTICE

RENE ACOSTA, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL.

PAUL MICHAEL WARNER, OF UTAH, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF UTAH FOR THE TERM OF FOUR YEARS.