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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. This morning our prayer will be led by our guest Chaplain, Max Lucado, Minister of the Oak Hills Church of Christ, San Antonio, TX.

PRAYER

The guest Chaplain offered the following prayer:

Oh Lord, God of our Fathers. You are the God who is in heaven. You rule over all the kingdoms of the nations. Power and might are in Your hand, and no one can withstand You.—2 Chron. 20:6.

We declare Your sovereign strength and confess that all decisions of rulers, kings, parliaments, and Senators ultimately serve Your will.

Grant that these leaders may do just that. Bless them with faith and vision. Strengthen those who are weak. Heal those who are sick. Superintend the affairs of their families and finances. Quiet any fears. Remind them of Your unquenchable, unconditional love.

Set the compass needle of our hearts on You. Affirm us when we seek Your will; forgive and correct us when we don't. Speak to us about the brevity of this life and the beauty of the next. And, most of all, prepare our souls for the moment we meet You face to face.

By the source of mercy we pray. To You be the glory forever and ever. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, the Senate will resume debate immediately this morning on the Labor-HHS-Education appropriations bill. It is the first bill we are addressing coming back from our recess. We made significant progress on the bill on Tuesday and on Wednesday. I thank our colleagues for coming forward and offering their amendments. Today will be an important day as we wrap our hands around how many amendments we have so we can systematically address those and engage in debate and vote accordingly.

I inform all Members that rollcall votes will occur throughout the day today. It is our intention that we can set a vote on one or more amendments to occur this morning. Members will be notified when the first vote is scheduled.

I wish to make one final plea: That people come forward as soon as possible to talk to the managers and make it clear what their intentions are on the various amendments.

The PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, while the majority leader is still on the floor, I would like to renew the managers' plea for amendments to come to the floor. There has been good cooperation with the distinguished assistant Democratic leader about moving toward the preparation of the list. If we are to finish this bill and get it completed before September 30, we are going to move ahead with expeditious diligence. If we do not get it completed by September 30, we are going to lose $3 billion. This is a very tight bill as it stands at the present time.

There is always concern about what is going to happen on Friday. In my capacity as manager of the bill, it is my desire to move ahead and have substantive votes tomorrow morning. Our custom is to conclude by noon, but I believe we are going to have to do that if we are going to finish this bill in a timely way.

There is word that there are 13 amendments ready to go today, which is good. But we may be a little slow getting out of the box here with amendments being ready to come to the floor as early as 10 o'clock. The Senator from Florida, Mr. NELSON, is ready to go. But that may be a short amendment.

I think it would be advisable to work on into the evening with the stacking of votes tomorrow morning early. There might be an earlier departure, if we have a list, if we know where we are going, and if we see that there would be a conclusion, say, next Tuesday.

This is an issue where we have already been advised about the need to bring some Members in from the other side of the aisle.

We prefer not to schedule in accordance with the Presidential candidacies. But we understand that people can talk, and we want to work it out on a cooperative basis. That would be a Tuesday target to wrap it up completely. To accomplish that, we are going to have to go into the evening and have votes tomorrow morning—at least until midmorning, and perhaps until noon. At least that is as this manager sees it.

We did not complete as much work as we should have yesterday. The quorum call was on for a considerable period of time. As I have said repeatedly, that is sort of the bane of a manager's existence—trying to do third reading and go to completion.

The majority leader advised everyone on August 1—more than a month ago—to be ready with amendments. It is my hope that our colleagues will come forward with amendments so we can get a list and see precisely where we stand so we can accommodate a lot of conflicting and competing interests on schedules.

I hope we will proceed with amendments today. If we work into the

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

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evening, we could stack votes early in the morning and have a departure which would not be too late to accommodate the schedules of many Members who would like to understandably depart going back to their home States.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The assistant Democratic leader.

Mr. REID. Mr. President, I say through you to the manager and distinguished majority leader that we are going to cooperate in every way we can to move this most important piece of legislation. We have eight appropriations bills and a short time to complete them. We will do the best we can to wrap them up as soon as possible.

Mr. FRIST. Mr. President, if I could ask that a few minutes be devoted to accommodate the Senator from Texas with comments on the guest Chaplain.

The PRESIDENT pro tempore. The Senator from Texas is recognized.

PASTOR MAX LUCADO

Mr. CORNYN. Mr. President, I appreciate the indulgence of the majority leader, the bill's managers, and Senator NELSON and Senator REID. Before we get on to the business of the day today, I wish to say a couple of words about our guest Chaplain, Max Lucado, who opened the Senate with prayer this morning.

Max is a longtime friend of mine and our family and is the minister of the Oak Hills Church in San Antonio. He has a wonderful wife, Denalyn, and he is a loving father to their children: Jenna, Andrea, and Sara.

Most people will know Max because of his best-selling books. Currently, he has more than 33 million books in print, and is America's leading inspirational author.

A half century ago, Dietrich Bonhoeffer wrote about the difference between ''cheap grace'' and ''costly grace'' when it comes to our faith. Cheap grace, he said, requires nothing of us but vague sentiment—but costly grace requires a lifetime of faithful sacrifice and service.

Someone who understands and embraces that kind of costly grace with a whole heart is a true disciple. By that definition, Max Lucado is a man who exemplifies what a disciple is and can be.

I thank Max for his service to Texas, to America, and today to the Senate, and also to his Creator who chose to set a disciple like him among us for such a time as this.

Thank you, Mr. President. I yield the floor.

RESERVATION OF LEADER TIME

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

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2660, which the clerk will report by title.

The legislative clerk read as follows:

A bill (H.R. 2660) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

Pending:

Specter amendment No. 1542, in the nature of a substitute.

Byrd amendment No. 1543 (to amendment No. 1542), to provide additional funding for education for the disadvantaged.

Akaka amendment No. 1544 (to amendment No. 1542), to provide funding for the Excellence in Economic Education Act of 2001.

Mikulski amendment No. 1552 (to amendment No. 1542), to increase funding for programs under the Nurse Reinvestment Act and other nursing workforce development programs.

The PRESIDENT pro tempore. The Senator from Florida is recognized.

AMENDMENT NO. 1557 TO AMENDMENT NO. 1542

Mr. NELSON of Florida. Mr. President, I send to the desk an amendment.

The PRESIDENT pro tempore. Is there an objection to setting aside the pending amendments? If not, without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. NELSON] proposes an amendment numbered 1557.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide for a study and report on the propagation of concierge care)

On page 61, between lines 14 and 15, insert the following:

SEC. ___. GAO STUDY AND REPORT ON THE PROPAGATION OF CONCIERGE CARE.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study on concierge care (as defined in paragraph (2)) to determine the extent to which such care—

(A) is used by medicare beneficiaries (as defined in section 1802(b)(5)(A) of the Social Security Act (42 U.S.C. 1395a(b)(5)(A))); and

(B) has impacted upon the access of medicare beneficiaries (as so defined) to items and services for which reimbursement is provided under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(2) CONCIERGE CARE.—In this section, the term ''concierge care'' means an arrangement under which, as a prerequisite for the provision of a health care item or service to an individual, a physician, practitioner (as described in section 1842(b)(18)(C) of the Social Security Act (42 U.S.C. 1395u(b)(18)(C))), or other individual—

(A) charges a membership fee or another incidental fee to an individual desiring to receive the health care item or service from such physician, practitioner, or other individual; or

(B) requires the individual desiring to receive the health care item or service from such physician, practitioner, or other individual to purchase an item or service.

(b) REPORT.—Not later than the date that is 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the study conducted under subsection (a)(1) together with such recommendations for legislative or administrative action as the Comptroller General determines to be appropriate.

Mr. NELSON of Florida. Mr. President, this is an amendment that I think is noncontroversial, that I am led to believe will be accepted by both sides. It calls for a study by the GAO of a practice that is going on in health care today that I have considerable concerns with, which could cause the beginning of the demise of a major part of Medicare, which is our health insurance system provided by the Federal Government for senior citizens.

The practice, interestingly, started in my State of Florida. It has spread to other States. We do not know the extent of this practice. That is one of the reasons for the GAO study that would take place over the next year and a half.

But here is what happens: Let's say a doctor has a patient list of some 3,000 patients, and the doctor wants to constrict his or her practice. So the doctor writes all of the patients—and what I am recounting right now is in fact what has happened in Florida—the doctor writes all of the patients and says: Henceforth, I am going to limit my practice. If you want to continue with me, you must pay an entrance fee of $1,800 per year. In some cases it has been noted in articles that have appeared in periodicals such as the Los Angeles Times, the Washington Post, and the New York Times that that entrance fee is as high as $20,000 per patient.

So what happens is, patients who have enjoyed the services of that physician in the physician-patient relationship, and who cannot afford the entrance fee, suddenly have to go elsewhere to seek their health care services.

You may say: Well, that sounds reasonable because we ought to have the opportunity for individuals to charge what they want for the services they provide as a physician. And, of course, that is our free market system way of doing things. But when part of the equation is a health insurance system funded by the Federal Government for senior citizens, and the doctor wants to continue to receive reimbursement by that health insurance system called Medicare, and the doctor is limiting the access of patients with an entrance fee which that patient must pay, then what we start to create under Medicare is a two-tier system of those who can afford it and those who cannot. It was never contemplated that is what Medicare would be.

Let me give you an example in the private sector. If Blue Cross/Blue Shield has a panel of doctors, and those doctors on that panel are entitled to receive reimbursement from the health insurance company—in this case in the private sector my example is Blue Cross/Blue Shield—if those doctors say, ''Well, I will be glad to see you, enrollee of Blue Cross/Blue Shield, insured by Blue Cross/Blue Shield, but you have to pay me $1,800 a year before I will see you,'' do you think Blue Cross/Blue Shield is going to keep that doctor on its panel of physicians who are going to handle those insureds of that insurance company? The answer to that is, of course not.

If that will not occur in the private sector, then why, in the public sector, in a health insurance system funded by the Federal Government for senior citizens, should the Federal Government close its eyes and look the other way while the physicians limit their practice with that entrance fee?

We have already addressed this. The Senate took its first step in opposing the use of these access fees by doctors who treat Medicare patients by including a provision in last year's budget resolution that expressed the Senate's preference that Federal funds should not reimburse doctors who charge their Medicare patients any unnecessary fees.

What has happened in the meantime is the doctors who practice this, of course, want these entrance fees because they can now limit their practice. But, oh, by the way, they still want to continue to receive the insurance benefits from Medicare, so naturally they are going to fight this. And they have engaged all kinds of lobbyists to fight it.

So what I am asking for is a study. It is my understanding that both sides of the aisle have agreed to have this provision. This is a study by the GAO over the next year and a half that will look at how extensive this is and whether there is any diminution in the service through Medicare to the Medicare recipients we are trying to help. I maintain there is.

What the doctors will tell you is: No, no, no; what we are doing is we are adding all kinds of different services. We are adding an annual health checkup, a physical exam. We are going to give them hot towels. There won't be any waits in a waiting room. They will have a special private waiting room.

I do not have any problem with that if that is what the patient wants to pay. But to say no patient can come to that doctor who is receiving Medicare reimbursement unless that patient is, at the same time, paying them that entrance fee—which ranges across America from $1,800 per patient in Florida to $20,000 per patient that was noted by the New York Times and the Los Angeles Times in a case out in California—then I think it is beginning to establish a dangerous precedent that in effect could impose a means test to access Medicare providers. That would further increase the gap between those who can afford health care and those who cannot. That is not the purpose of Medicare.

The purpose of Medicare is to assist all seniors, not just some seniors. The purpose of Medicare is a health insurance system funded by the Federal Government for all senior citizens, not just some. I think the logical extension of this practice is, as you go down the line, with access limited, we are going to create a two-tier system, and that is not what Congress had in mind.

So what I am offering is an amendment that would get at the heart of this. Let's be fair. If the doctors can make their case to GAO, then so be it. I personally believe strongly that it is the beginning of the disintegration of the main principle of Medicare, which is to have access to health care for all senior citizens.

Mr. President, that is the essence of the amendment. I will abide by the leaders of the bill as to how they want to dispose of it. If the leader of the committee, the chairman, would like me to call for a vote, I would be happy to do so. It is whatever is the pleasure of the distinguished chairman of the committee, the Senator from Pennsylvania.

The PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I thank the Senator from Florida for offering this amendment. I think he has articulated good reasons for a study by the General Accounting Office. These are important issues which could have a significant impact on health care delivery in our country. We are prepared to accept the amendment.

Mr. NELSON of Florida. Mr. President, I am grateful to the Senator from Pennsylvania.

The PRESIDENT pro tempore. Is there further debate on the amendment?

Mr. SPECTER. Trying to be brief in acceptance to give plenty of time for other amendments to be offered, but as the Chair can observe, there are no Senators in the Chamber seeking to offer amendments. If we are to proceed, as I said earlier, to get this bill considered and acted upon, we will have to have people coming to the floor with amendments.

I urge the adoption of the amendment.

The PRESIDENT pro tempore. Is there any further debate?

The question is on agreeing to amendment No. 1557.

The amendment (No. 1557) was agreed to.

Mr. SPECTER. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, we are having a little down time. We expect a significant number of Senators to have their schedules arranged so they will be here, but it is not right now; it probably won't be until 45 minutes or so. We will see what we can do to try to get someone to come. We have people who have indicated they will offer their amendments today, a dozen Senators. But we have had difficulty getting people to come during the 10 o'clock hour.

The PRESIDENT pro tempore (Ms. MURKOWSKI). The Senator from Florida.

AMENDMENT NO. 1543

Mr. NELSON of Florida. Madam President, with the permission of the two leaders, I would like to speak to another amendment that is pending. That is Senator BYRD's amendment. Since we have no one else in the Chamber ready to offer an amendment, I would like to do so at this time.

Senator BYRD's amendment, on which we will be voting probably later today, will allow us to fulfill the promises we made when we passed 2 years ago the No Child Left Behind Act which was the additional educational assistance from the Federal Government to the States and local governments in order to help children by increasing title I for disadvantaged children. Let me go back and cite a little of the history.

The Federal Government has had a very limited role in education. Today, of all the expenditures for education—be it at the university level all the way down to the beginning of school, pre-K and K—the Federal Government only engages in 7 percent of those expenses. Ninety-three percent is borne by the governments you would expect to carry the load in education—the State and the local governments, mainly through the school boards.

Along about 20 years ago or so, when we set up the Department of Education—and I don't remember the exact time title I was set up—it was believed that there was a particular role for the Federal Government to play in assisting State and local government on educational expenses by helping the children who had disadvantaged backgrounds, and thus was born title I which sends money to help children who come from disadvantaged backgrounds. Indeed, an example is the School Lunch Program. It is clearly an acknowledgment that a child cannot learn if the child is hungry—and a whole host of other kinds of moneys that flow from the Federal Government to try to reach that principle that every child should have an equal opportunity to an education.

In the Senate 2 years ago—fortunately, then, we were looking at a surplus in our Federal budget—we crafted, in a give and take, not only with the other body, the House of Representatives, but also with the White House—especially with the White House—this act that is referred to as No Child Left Behind. It had additional provisions of accountability, testing so that you could measure the progress of children

in those school districts in those States. It was authorized at a specific level. It was authorized at approximately $18 billion, whereas at the time the funding was about $11 billion. That was the clear intent when we passed it.

But when we got around to appropriating the moneys, for whatever reason, the White House decided it was not going to support the increased funding to the level authorized in the bill, the No Child Left Behind Act, of $18 billion, but instead was only going to support an increase of roughly $1 billion, to the tune of somewhere around $12 billion, from $11 billion.

As a result, I had about 25 townhall meetings when I was home in August. When those school board members came, when that superintendent of the schools came to that townhall meeting or when I met, in one case, in Volusia County, with the entire school board, they were crying the blues that they have all kinds of requirements under this new law we enacted but the money did not flow with it.

Senator BYRD has offered an amendment to take that level of funding up to what was worked out with the President and the Senate in our negotiations in a bipartisan way in the Senate as well as between the leadership of the Senate—at that time it was under the leadership of Senator DASCHLE, as majority leader—and the White House. That is what Senator BYRD's amendment does. It increases it roughly about $6 billion to the level authorized.

Folks back home—and I believe it is this way all over America, not just in Florida—are crying the blues about how the No Child Left Behind Act was not funded as promised. Title I schools provide education to the most disadvantaged children in our country. These are the very children we pledged not to leave behind. Typically they use those funds to buy educational material, to provide afterschool programs, to provide professional development to teachers, all of these things aimed at that special category of children, the disadvantaged children. This is separate and apart from the disabled children.

We had an amendment yesterday, which unfortunately did not pass, to bring up the level of funding on the program known as IDEA which is special funding from the Federal Government for disabled children. Think of all the problems that a school board, that a school, that a classroom teacher has to confront these days—disabilities, as well as children coming from disadvantaged backgrounds. We were not able to pass that amendment yesterday on disabled kids. I hope we will be able to pass this one for disadvantaged children.

Why we would deny the most needy schools, providing education in the most difficult circumstances, the resources they need to make a difference in the lives of those disadvantaged kids is, to use a southern expression, beyond me. Why would we pass a law that claims to leave no child behind and then underfund the very reforms that were included in the bill to reach all of those students? In order to ensure that every child, no matter where that child comes from, has the opportunity to achieve, we simply have to stop paying lipservice to educational reform and we have to start funding it. That is what I promised my people back home in Florida that I was going to come back up here and try to articulate to this Senate.

It doesn't make any sense, given all the budgets we have, that our education budget is any lesser priority, especially given that this is the future of America. So with Senator BYRD's amendment, we have the opportunity to reach a little over 2 million more disadvantaged students. I simply don't want us to pass up this opportunity.

HEAD START

Madam President, as long as I don't see any other Senators seeking recognition, I want to bring something else to the attention of the Senate. It came home to me loudly and clearly when I was home. The last week before the August recess, the House of Representatives passed a bill by a one-vote margin that is starting the demise of another one of the most successful and tremendously popular programs, the Head Start Program.

What the House of Representatives passed in late July before they left—and most people around the country don't know this. There was a simple one-line mention in the newspapers that the House of Representatives had passed, by a vote of 217 to 216, a bill to take the funding formula for Head Start and change it in eight States, to be determined, instead of in those eight States sending the funding directly to those Head Start centers—instead, to package it in a block and send it to the Governor and the legislatures of eight States, yet to be determined.

Now, let me tell you why I think this is the beginning of the demise of Head Start. Head Start is a wildly popular program because it has been so successful over three decades of doing what? Of bringing 3-year-olds, 4-year-olds, and 5-year-olds who come from disadvantaged and poor backgrounds up to the level that, by the time they enter school at prekindergarten and the first grade, they are not so far left behind that they have a chance to compete and they don't become discarded in the system and then, of course, so much more expensive in the long run because of the cost to society of the dropout, and so forth.

I visited a Head Start center and you should have seen it. It was down in Boynton Beach in Florida. It has this happy little classroom environment where these 3, 4, and 5-year-olds are beginning to learn their numbers, beginning to learn the alphabet, beginning to interact in a classroom setting, beginning to learn self-discipline, respect for property, respect for others, and respect for themselves—a wildly successful and, therefore, enormously popular program. There are 19,000 Head Start centers all over America, and the funding formula—since this was a program that was set up by the Federal Government over three decades ago, again, with that principle that we are trying to achieve that of giving each child an equal opportunity for an education—the funding was set up by the Federal Government to try to assist the States.

Now, let me tell you—well, I don't have to; just go talk to your school board members, talk to the principals and the teachers in those elementary schools. Ask them whether they think it is of extremely high value—the Head Start Program—when those kids are in pre-K and the first grade and they see their progress throughout the elementary school system. They will give you an earful of just how important it is to keep it.

But that is not what the House of Representatives did. The House of Representatives, by that one-vote margin, decided they were going to fund it in a different way. Instead of the money, as it has for over 30 years, going straight to the Head Start center based on a formula of how many children and what kind of background, instead, they are going to ball up all that money for all of the Head Start centers in eight States, yet to be chosen—by the way, you can pick eight States that have well over half of the population of the entire country—and they are going to give that in a block grant to the Governor and legislature of those States. Well, have we missed reading all of the chronicling on the front pages of the newspapers of how 48 of the 50 States are in fiscal cardiac arrest, how they are hurting so much they don't have enough funds? Can you imagine the temptation, even though we might try to put requirements on it, to find ways around it to siphon off some of those funds from Head Start into other educational programs? I am telling you, if we did that, in this Senator's judgment, that would be the beginning of the demise of one of the most successful and popular programs in America, the Head Start Program.

I have enough confidence in the common sense of this Senate and in the sensitivity of the Members of this body in listening to their people back home—even though what the House did didn't get a lot of press attention—that this Senate would not even consider the change of that funding formula. But we have to speak out on it because it hasn't gotten a lot of attention.

It is appropriate that while we are debating the question of funding on education, particularly with Senator BYRD's amendment that goes to title I, which is getting at those disadvantaged kids, we also ought to talk about Head Start, which is getting at the very beginning of the educational process of those disadvantaged kids before they ever get to the elementary level of education.

So I wanted to share with the Senate—to again use a southern expression—that I had received an earful back home. I am glad I did and I am glad I could share this with the Senate. When that bill comes over from the House they passed in the last week of their session, I hope we will tell them nothing doing, we are not messing with an extremely popular program. Instead, what we are going to do with that popular and successful program is expand it because today it only, as successful as it is, reaches 60 percent of the eligible children. Even of the earlier ones that we can start working on below age 3, we are only reaching about 3 percent of that eligible population. We have a lot of room to help these little folks as they get ready to compete so they don't get so far behind once they enter school.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, since the issue of education has been brought up not only this morning but over the last couple of days, and I have listened to some wailing and comments, I feel compelled to talk a little bit about education myself.

This week, many of my colleagues have come to the floor to criticize the President and criticize his administration and even to criticize the Senate leadership for their commitment to education. This is a discussion we need to have every time the Senate debates spending, but every time we seem to plow the same old ground. There are a lot of platitudes and myths out there that keep being regenerated. It takes a lot of time, and it keeps us from completing the spending bills. I hope I can say a few words that will put this debate in perspective.

My colleagues have argued that the current appropriations bill cuts education spending and it underfunds the No Child Left Behind Act. They have suggested, and I suppose will continue to insist, that the bill contains harsh and unacceptable cuts to education and that it will somehow leave students and teachers on their own. That is simply not the case.

The bill contains over $12 billion for title I programs, the third straight year it has had an increase. That is a total increase of 45 percent in title I funding since 2001.

It also contains $1 billion for Reading First, close to $700 million for State education technology grants, and over $1.1 billion for impact aid programs. All told, this bill contains about $56 billion for education programs, over $12 billion more—$12 billion more—than fiscal year 2001. Yet my colleagues insist that this bill cuts too much from education. They argue it does not go far enough and that we must increase our Federal deficit by several billion dollars more to assure we have adequately funded education. Where are these disastrous cuts? How is a $12 billion increase in education funding over 4 years a harsh and unacceptable cut?

Before I came to the Senate, I worked as an accountant. I learned how to balance accounts and read ledgers, and I am astounded to see my colleagues insisting that a $12 billion increase in education funding for over 4 years somehow constitutes a cut. I guess that kind of gives you an idea why we have some problems. It does not take special training in accounting to understand that a $3.9 billion increase in title I spending since 2002 is not a cut. Even without my training as an accountant, I am confident I would understand, as do families across America, that a $12 billion increase is not a cut, no matter how you frame it.

It is interesting to see how many of my colleagues are now criticizing the President and this administration for recommending less than the authorized amounts—authorized amounts—under No Child Left Behind. Let me explain authorized amounts.

We go through a three-step process around here. We have a budget process. A budget is something the President has to present to us by February so that we can approve a massive outline of how we are going to do spending by April 15. It is a Federal statute. It has been complied with twice in the history of the country. Once was this year. The other one was many decades ago. We did a budget.

Then there is a second part to the process. It does not necessarily have to come after the first part. It can be contiguous or it can be before the first part. It is called authorization. Authorization is when a bill is drafted by the committee of jurisdiction, the ones that have the knowledge and the concentration and focus on the problem. They do an authorization bill. It is usually a 6-year authorization, and it is an authorization for the maximum amount that will be spent, not minimums.

I hope everybody catches that. The authorization bill does not give minimums of spending, it gives the authorization for the maximums of spending, and that is the maximums of spending over a 6-year period.

Taking into account inflation, new programs, and issues such as those, nobody ever starts at the maximum and hopes they can sustain and increase that through the period of the authorization bill. That is not how it works. We always start at less than the authorized amount, and we build up to it over the 6-year period.

Let's take a look at some history because I seem to recall that this body did the exact same thing last year when they were doing No Child Left Behind in this particular bill.

My colleagues, of course—now they are in the minority—held all of the leadership positions at that time. They were in charge of doing this appropriations bill. They were the ones in charge of figuring out how much of that authorization could logically be tucked into this appropriations bill.

If we look at the appropriations bill reported out of committee last year, we find that it contained $3.5 billion less than the authorized level in title I funding. Somehow the administration is now being taken to task for recommending more than the colleagues on the other side of the aisle who were in charge last year recommended, even though they both recommended less than the fully authorized amounts. That is not unusual, and it shows that both sides of the aisle understand how this works.

Remember, we will find that the appropriations bill reported out of committee last year contained $3.5 billion less than the authorized level in title I funding, and the administration is now being taken to task for recommending more than the other side of the aisle did. I guess that should cut both ways. You cannot accuse the President of cutting education spending because he asked for less than the fully authorized amount when the other side of the aisle has done the same thing.

Even though my colleagues approved a bill last year that left a gap between appropriations and the fully authorized amounts, it has now become unacceptable in their eyes to fund No Child Left Behind at less than the fully authorized levels. In Wyoming, we have a lot of expressions we use to describe that kind of behavior, but the only one I can probably use on the floor of the Senate is doubletalk.

I also want to point out that we never made it to an Education appropriations bill last year. We never passed a budget last year. That was when the other side of the aisle was in the leadership. And it took us until this spring, under our current leadership, to pass any increase in title I and the No Child Left Behind Act. I think that bears a little bit of extra description.

Yes, I have held town meetings in Wyoming, and I have had to answer to education, and I have had to explain to them that a year ago we could not even pass a budget. A year ago, we did not even take up Education appropriations. Yes, we had this new authorization bill for No Child Left Behind, but, Madam President, do you know what. You cannot appropriate any additional dollars if you do not do an appropriations bill, and that appropriations bill never got done under the leadership last year. There was not a dime of increase passed last year.

When Senator FRIST became the majority leader this year, we went to work on getting the appropriations done, and with the cooperation across the aisle, we were able to get nine bills approved in 8 days. I think that is about how it was.

That was the first funding for education under No Child Left Behind. When did that happen? The President signed it into law on February 26, and the bureaucratic machine moved faster than it ever has. By March 26, the checks went out to the States. Miraculous. But school in this country ends at the end of May or the middle of June at

the latest. So on March 26, the mail went out. Eventually the States got those checks. Then the States had to do the allocation out to the school districts.

I do not imagine they got that done in one day. I do not imagine they got that done in a month. So now we are talking about the end of April, and school is going to end the next month. What kind of education funding is that?

So nobody got an increase for last year. They had to operate on the budget that they had from the year before. We never passed a budget. It took us until this spring, under our current leadership, to pass any increases in title I and the No Child Left Behind Act.

The current Senate leadership can point to two separate increases in funding for education compared to last year when this body did not approve any increases in education funding. If this issue is such a priority for my colleagues, why did we adjourn last fall without passing an additional dollar for education? As I am sure my colleagues will recall, we left Washington last year without a single dime more for education than was available the year before. Incidentally, because of this delay, when the President made his budget recommendation to Congress—that is that first step of the process I mentioned—we were still working on fiscal year 2003 appropriations; we had not finished them.

Those appropriations should have been the base for the President's recommendation, but we require him to have that in by February, and he did. That is the only way we can get our work done by April. He complied. So what figures could the President use?

The present administration is being blamed for this body's failure to pass an appropriations bill last fall, and that seems preposterous to me. Of course, he had to base his budget on what we had done for 2002, and he did, and he made substantial increases.

I want to mention just a little bit about the budget process we went through, too. During the budget process, we had an interminable number of votes attempting to do unprecedented earmarking. Well, that is not really what it was designed to do. What it was designed to do was to make it look as if a majority of the Senators who were doing responsible budgeting were actually voting against key programs that are normally not outlined specifically with earmarking. So the responsible Senators did the right thing and voted against what looked like voting against kids, and that is exactly politically how it was designed to be. But they did it so that we could have a responsible budget.

Now here we go again with the interminable number of votes I am sure we will be expected to take that will earmark an increase and change, and all of them are outside of the budget process that has already been approved.

Fortunately, I am sure the people across America are educated enough—I am sure our system has done that—to see through what is happening. We all know the Senate's budget process and we know the President is required to make that recommendation in February. When this body does not pass the appropriations bill that normally serves as the basis for the President's recommendation, it is unconscionable to then criticize the President for his recommendations.

The bottom line is that this body passed last year's appropriations bill 6 months late, and only then under the current Senate leadership. A better comparison would be the President's recommendations on the fiscal year 2002 appropriations, which were the only figures available at the time the President submitted his recommendation to Congress.

Clearly, this discussion is not about funding levels, it is about politics. This body has too much important business before it to waste time playing politics, particularly playing politics on education. There are students and teachers depending on this body to give them additional funding, and that is what my colleagues on the Appropriations Committee have done. Let us get the business of the Senate completed so these students and teachers can get what they need this year, rather than another day, another week, or another month of debate that could once again push the dollars into the following year.

Let us get our work done timely. Let us give some consideration to what kind of amendments are being offered. Let us put the politics behind for our kids and let us get this bill done.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 1558 TO AMENDMENT NO. 1542

Mr. KOHL. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendments?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL] proposes an amendment numbered 1558 to amendment No. 1542.

Mr. KOHL. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide additional funding for the ombudsman program for the protection of vulnerable older Americans)

At the appropriate place insert the following:

SEC. ____. In addition to any amounts otherwise appropriated under this Act under the heading of ADMINISTRATION ON AGING, there are appropriated an additional $1,000,000: *Provided*, That in addition to the amounts already made available to carry out the ombudsman program under chapter 2 of title VII of the Older Americans Act of 1965 (42 U.S.C. 3058 et seq.), there are made available an additional $1,000,000.

Mr. KOHL. Madam President, this is a noncontroversial amendment I hope will be accepted later today. It addresses the tragedy of abuse and neglect in our Nation's nursing homes and other long-term care settings.

Our seniors made our country what it is today, and they have earned the right to live out their days with dignity and the best possible care.

For most seniors in long-term care, they have that opportunity. The vast majority of nursing homes, home health agencies and other long-term care providers do a good job taking care of their patients under difficult circumstances. But too often across this country, there have been and continues to be cases in which our elderly and disabled are abused, beaten, starved, or neglected.

Last year, a House Government Reform Committee report found that nearly one-third of nursing homes had been cited for an abuse violation in the past 2 years. Ten percent of nursing homes had violations that caused actual harm or placed residents in immediate jeopardy of injury or death. The Senate Aging Committee, on which I serve, has repeatedly heard from the GAO that abuse and neglect are a major problem in our Nation's nursing homes.

Tucked away in this appropriations bill is a little program that has a big impact on these problems. The State Long-Term Care Ombudsmen Program places caring people throughout each State to assist elderly and disabled patients who have been abused or neglected. The ombudsmen have the responsibility to make sure that patients' complaints are investigated and addressed. They help these vulnerable people and their families navigate the complicated system and get the help they need.

In addition, the ombudsmen work with nursing homes to improve care. They also serve a large number of patients in home health care and assisted living. In cases where a nursing home must be closed because it cannot or will not improve, the ombudsmen help patients relocate to the best possible setting.

Unfortunately, a lack of funding and staff make it difficult for the ombudsmen to serve the large number of people who need their services—leaving patients vulnerable to substandard care.

A recent Administration on Aging report found that complaints to ombudsmen increased 48 percent from 1996 to 2001. Yet funding still lags far behind what is needed. Ombudsmen are being asked to do more and more, and Congress should make sure they have the resources to do their jobs.

I greatly appreciate the chairman and ranking member's willingness to work with me over the past several

years to increase funding for the ombudsman program. Through our efforts, we have increased funding by $6 million since fiscal year 2000.

This is a great start. But I have been advised by the National Association of Ombudsman Programs that it would take a $36 million increase to adequately fund the program. I realize that such a large increase is not possible in a single year—especially a year that has such tight fiscal constraints as this one. But I am concerned that the bill before us includes no increase at all.

This amendment would take another small but real step forward by increasing the program by $1 million this year. This increase will help ombudsmen keep up with the growing demand for their services. And it will help make sure that patients are better protected from abuse at the hands of those who are supposed to care for them.

I thank the chairman and ranking member for working with me. I know we all have the same goal of making sure our seniors are adequately protected in law term care.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank the Senator from Wisconsin for offering this amendment. I share his concern about adequate care for seniors in nursing homes. That account is currently funded at $13.361 million. I note that the Senator from Wisconsin wants to add $1 million. We would like to be accommodating. However, as Everett Dirksen once said, a million here and a million there add up.

I would be interested to know if the Senator from Wisconsin would care to respond why he picks $1 million instead of $2 million or $750,000? Where does the Senator from Wisconsin see the need for an additional $1 million when there already is $13.361 million? I am searching for some rationality as to why this million should be added.

Mr. KOHL. I do appreciate that. As I say, it will take $36 million, in our judgment, to adequately fund the entire program. I know very well that is not possible. That is not going to happen. I could pick out a figure larger or smaller than a million, and it was Senator Dirksen who did say a million or a billion added up to quite a bit of money. I do recognize $1 million is a lot of money, but considered in the context of what we are talking about and the importance of the program, which I know the Senator from Pennsylvania agrees, $1 million is a reasonable number.

I would not impose on the Senator the burden of having to make a difficult decision if that number were considerably larger. So I am asking for the support of the Senator with respect to a rather nominal number when we are considering the people we are talking about and the need for our service to them.

Mr. SPECTER. Madam President, the difficulty which I have as manager, we are now up to our 302(b) allocation. To find another $1 million, we have to take it from somewhere. It is a matter of evaluating whether $1 million means anything significant on top of $13 million which we already have.

However, I understand the interests of the Senator, the thrust of the argument by the Senator from Wisconsin. It is a worthwhile program. I will sharpen my pencil and pull down my green eyeshade and see if we can find some money to accommodate what the Senator from Wisconsin would like to have done. No commitments, but we will take a close look.

Mr. KOHL. I thank the Senator.

Mr. SPECTER. Madam President, the Senator from Georgia is on the floor and has requested an opportunity to speak for a few moments on another subject. From the manager's point of view, this would be a good time to do that. There is no other Senator on the floor now. I see Senator MURRAY is on the floor, but I think we can accommodate the Senator from Georgia for 7 minutes. I ask unanimous consent the Senator from Georgia be permitted to speak as if in morning business for 7 minutes.

The PRESIDING OFFICER. The Senator from Georgia.

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

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I ask the pending amendment be laid aside so I may offer an amendment.

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

AMENDMENT NO. 1559 TO AMENDMENT NO. 1542

Mrs. MURRAY. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 1559.

Mrs. MURRAY. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To restore funding for certain programs under the Workforce Investment Act of 1998)

In the matter under the heading "TRAINING AND EMPLOYMENT SERVICES" under the heading "EMPLOYMENT AND TRAINING ADMINISTRATION" in title I, add at the end the following:

Subject to the following sentence, for necessary expenses of the Workforce Investment Act of 1998, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act of 1998, $801,000,000, of which—

(1) $100,000,000 is available to carry out activities described in section 132(a)(1) of that Act (relating to adult employment and training activities);

(2) $159,000,000 is available to carry out activities described in subparagraphs (A) and (B) of section 132(a)(2) of that Act (relating to dislocated worker employment and training activities and other activities for dislocated workers);

(3) $99,000,000 is available to carry out chapter 4 of subtitle B of title I of that Act (relating to youth activities);

(4) $250,000,000 is available to carry out section 169 of that Act (relating to youth opportunity grants);

(5) $23,000,000 is available to carry out section 167 of that Act (relating to migrant and seasonal farmworker programs);

(6) $20,000,000 is available to carry out section 166 of that Act (relating to Native American programs); and

(7) $150,000,000 is available for the acquisition and improvement of one-stop center infrastructure, including acquisition of real estate, payment of rent or utilities, improvement of technology, and staff development.

The amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $7,696,199,000 and the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $5,982,301,000: *Provided*, That of the funds appropriated in this Act for the National Institutes of Health, $370,000,000 shall not be available for obligation until September 30, 2004.

Mrs. MURRAY. Madam President, I come to the floor this morning to offer an amendment to help some of the millions of Americans who are looking for work in this very tough economy. The amendment I am offering right now provides an additional $801 million for critically needed worker training and retraining programs under the Workforce Investment Act. I am proud that Senators KENNEDY, DODD, LEAHY, JEFFORDS, and BINGAMAN are cosponsors of this important amendment.

Today our Nation faces both a jobs crisis and a skills crisis. There are 9.1 million Americans searching for jobs and another 5 million more Americans are working part time because they cannot find full-time work in this stagnant economy. Those millions of workers need training and skills to get good jobs that are going to last, and that is what this amendment before us provides.

I am proud that a wide range of organizations have endorsed my worker training amendment, including the U.S. Conference of Mayors, the National Association of Counties, the National Workforce Association, the Paralyzed Veterans of America, and the National Association of Workforce Boards.

My office has also received hundreds of letters of support from local workforce boards, mayors, county executives, employers, and just ordinary Americans. They all want this Senate to provide additional training opportunities for our workers.

The amendment before us would provide training opportunities for an additional 200,000 adults, young people, dislocated workers, Native Americans, and migrant and seasonal farmworkers. Most of these workforce and training programs have not had any—none—increases in funding for the entire last decade.

Think about that. We are in the middle of a jobs and skills crisis but most of our training programs have not had any funding increases in a decade.

My amendment will increase funding for adults by $100 million; for dislocated workers by $159 million; for youth by $99 million; for youth opportunity grants by $250 million; for migrant and seasonal farmworkers by $23 million; for Native Americans by $20 million; and for one-stop infrastructure by $150 million. That funding is going to make a huge difference.

I think any Senators who spent time with their constituents during the August recess from which we have just returned will recognize the urgent need for jobs and job training.

Last month when I was home I visited two of our one-stop employment centers in my State and I met with staff members who are working to train residents. I met with local employers who want to hire people in the community if they have the right skills. I met with workers, from young people who are just starting their careers to established workers who have been displaced by much larger economic forces. All of them want the skills they need to find a good job. But for many of them it is very tough going.

In King County, where Seattle is located, there is currently a 10,000 person waiting list for training. That is appalling. These are people who want to work. They desperately want training. But in King County alone they are stuck on a waiting list with 10,000 other people. They have been waiting a long time. In King County, the freeze on training services began last January. It has been a very long and very difficult year for everyone on that waiting list. They need our help and the Murray amendment will provide it.

Residents of the State of Washington continue to suffer with the third highest unemployment in the country, 7.5 percent. Since January of 2001, my State alone has lost 73,000 good-paying jobs in areas such as technology, aerospace, and manufacturing. Workers who were accustomed to earning $30 to $40 an hour as engineers in my State are now forced to accept warehouse jobs that pay $8 to $12 an hour.

Today, one-stop employment centers across the country are being asked to serve more people than ever before, yet their funding remains below what it was in fiscal year 2001 when our country was still experiencing relative economic prosperity. As a result, workers who are searching for jobs are taking longer than in previous recessions to find work. In 2000, it took an average of 12 weeks to find a new job. Currently, it takes approximately 20 weeks, and that is only if there are jobs to be found.

According to the Center on Budget and Policy Priorities, some 1.1 million workers have exhausted their extended unemployment benefits with no employment prospects on the horizon. These workers have worked hard and they have played by the rules, yet they are losing their homes in record numbers and even foregoing medical treatment for their children. Unfortunately, there is no guarantee these jobs are going to return, making it even more crucial that this Senate provide the retraining dollars to help those workers find jobs in the industries and sectors of the economy that have the greatest potential for growth.

Unfortunately, young people seem to be the hardest hit by the current job crisis. The youth unemployment rate has hit a 10-year high of 19.3 percent. The minority youth unemployment rate continues to hover around 30 percent.

Recent studies have shown that nearly 50 percent of the job losses in this recession have occurred to young people who are 16 to 24 years old. Young people desperately need help but our Federal workforce dollars currently serve only about 7 percent of our eligible youth nationally.

My amendment would increase the youth formula grant money to States and localities, and would fully fund the Youth Opportunity Grant Program, which has a real track record of success in many communities and on Indian reservations around the country. My amendment also provides desperately needed modest increases for some of our most vulnerable populations—migrant and seasonal farmworkers and Native Americans. These two groups often have unemployment rates above 50 percent with few prospects for jobs that will provide a sustainable income to support themselves and their families.

As a nation, we have to place a higher priority on helping these chronically underserved populations. My amendment does just that.

Finally, my amendment provides critical infrastructure funding for our national network of 1,900 one-stop employment centers. These one-stop employment centers integrate nearly 20 Federal workforce and social service programs at the local level.

In the HELP Committee, we have been working very hard to reauthorize the Workforce Investment Act, and to include more related programs such as TANF, small business, and transportation into the one-stops with an additional emphasis on program integration and seamless service delivery for all eligible Americans.

In summary, the Murray amendment that is before this body will provide additional hope and opportunity for citizens who need jobs today. Given the employment trends we will face over the next decade, we cannot afford to waste the talents of any worker as we continue to compete in the global economy.

I hope all Senators will agree with me that taking care of the training needs of our workers at home should be a top priority for our Government. The rest of the world is monitoring how we train our workforce because these foreign governments are looking for every advantage to capture additional market share for goods and services that are currently produced in the United States.

Let us not give our competitors a leg up. Let us support the Murray amendment so we can continue to have the most highly skilled and productive workforce in the world and so we can put our Americans back to work in good jobs that will last.

I urge my colleagues to support the Murray amendment.

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

Mrs. MURRAY. I am happy to yield to the Senator.

Mr. KENNEDY. The Senator from Washington has just made an excellent presentation on an issue which is the heart and soul of our economic challenge; that is, to ensure that we are going to have continued upgrading of skills for workers to be able to compete in the world economy.

On Labor Day, I heard the President of the United States talk about the importance of job training and the importance of continuing education in the employment field. Yet it is my understanding, in terms of the administration's request, that there was actually a reduction in funding for this program—not that money in and of itself is the sole answer. But the Senator is very aware that the job training program that has been worked out and is in place at the present time is really the result of a very strong, bipartisan effort by Senator Kassebaum, Senator MURRAY, myself, and others involved in trying to work out one-stop shopping working with labor, work, and business. We finally got a program that is effective, and now the resources are really needed. We find that workers getting the training are able to find employment. It is really a key issue in terms of our economy today and in terms of the future.

Is the Senator not somewhat perplexed, given the statements by the President that we would have a reduction in funding of the program, which program reflects strong bipartisan effort, passed overwhelmingly in the House and Senate, and supported by the President, and which is so necessary in terms of having people getting the skills necessary for them to get back to work?

Mrs. MURRAY. The Senator from Massachusetts is correct. I heard the President on Labor Day. I was delighted to hear that he was facing up to the fact that our economy is struggling, with thousands of people out of work. I am very perplexed that he is not willing to add additional money to train our workers.

As the Senator from Massachusetts knows, when a young man or woman is laid off, they don't have the money to provide for their family. It impacts not just themselves but their entire family and their entire community as they

struggle. They are not going to find the same jobs. Our economy is changing. The only way they are going to get back into the workforce is if we give them the skills and training to get into the economic sectors that have job openings. These programs are critical in getting our economy back on track. They are fundamental to getting our economy back on track.

It is very perplexing to me that the President has not asked for nor supports the amendment before us that will help those workers.

Mr. KENNEDY. The Senator also understands that we are talking about a different aspect in terms of the need for training. We have the youth, we have the adult workers, and we have those who are laid off because of skills. There are a variety of different challenges out there, are there not? What we want to try to do is make sure we are going to take scarce resources and use those resources in ways which will result in giving skills to individuals—whether they are young, whether they are dislocated, whether they are the adult workers—and get them back into gainful employment, paying taxes and really returning resources to the economy in a very constructive and productive way.

I understand the Senator's amendment attempts to do that. Am I correct?

Mrs. MURRAY. The Senator from Massachusetts is absolutely correct. As I traveled around in August to talk to people in my State, where we have been severely impacted—we have the third highest unemployment in the Nation—I talked to students just out of high school who cannot afford to go college because of tuition increases and who do not have the skills to simply enter the workforce. It is very different than talking to a young father who is 35 years old with three young kids, who was an engineer at Boeing, who will not get that job back and doesn't have the computer training skills to get into another job that will provide him with the income to sustain a family with three children.

There are different programs funded in my State which we have worked on and which were supported in the HELP Committee. They are different for dislocated workers or for adults or for youth.

Mr. KENNEDY. Beyond that, as I understand it, some of the resources could be used to retain individuals actually in school rather than retraining young workers who drop out of school.

This has an important relationship to what we have been trying to do in terms of focus, attention, and support for strengthening our education process to reach out to those individuals who may be tempted to drop out but can be retained in school and perhaps acquire some skills.

This effort is reflective of a long experience—not that there shouldn't be some changes and alterations in a program.

I see our good friend from Wyoming, Senator ENZI, on the other side of the aisle who is an expert in terms of training programs, OSHA, and otherwise.

We have tried to work this out in a bipartisan way. This is really a key to our economic recovery.

I thank the Senator from Washington for bringing this to the attention of the Senate. I hope we will have strong bipartisan support. We have had bipartisan support in the past. This certainly is an amendment that deserves it. I thank her for offering it on the appropriations bill.

Mrs. MURRAY. I thank the Senator from Massachusetts for his support, his words of wisdom, for his longstanding commitment to people in this country who do not have the opportunities, and for making sure that every American, no matter who they are, where they come from, or what circumstances have hit them in their lives, gets the opportunities for the American dream that all of us want. Certainly this amendment is part of that effort.

Thank you, Madam President. I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, as chairman of the Subcommittee on Employment, Safety, and Training of the Health, Education, Labor, and Pensions Committee, I have enjoyed working with the Senator from Washington, the ranking member. I appreciate all of her efforts on the Workforce Investment Act, and, of course, the ranking member of the full committee, Senator KENNEDY, who has been working with us, and his staff who have been working in great detail to be sure we have a Workforce Investment Act we can pass this year so that we can make sure the money is funneled through the proper channels and the most people are taken care of for the money. It is up for reauthorization this year. It is particularly critical that we do it. It is landmark legislation that is a priority for both myself and my colleague from Washington. I am pleased that they worked so closely on getting this bipartisan bill to this point. I think we will be able to finish it and get it marked up sometime this month.

During the reauthorization process, we have considered how resources are most effectively used for the people who need it most. There is no problem for anybody to see that there is a problem.

Having said that, I need to explain that I will be opposing this amendment. I want to carefully explain that. I am not questioning the importance of job training in these difficult economic times, nor am I questioning the importance of the Workforce Investment Act as our Federal workforce development system. But I am opposing the amendment that increases funding for job training without appropriately offsetting such increased amount. At the appropriate time, I will be taking that action.

The way this appears to be offset but really isn't is through what we use rather liberally in some of the amendments, even a couple pending before us now, which is advance funding. That means that we steal a little bit out of another year's appropriations so we can spend it in this year's appropriations, and, oddly enough, spend it in that year's appropriations, too. You can see if we get into a process of spending money twice, we are going to be in some real trouble.

This amendment increases funding that is not targeted to individuals who are in most need of job training and assistance. Of the $801 million increase in funds, only $159 million will go to the dislocated workers program—those individuals most in need of assistance to get back to work.

So we are going to throw $801 million at the dislocated worker problem. Granted, there are uses for that money in those other areas, but we are going to do that to take care of $159 million that will go to dislocated worker programs. I don't think that is the right way for us to go about the process.

The committee bill provides $5.1 billion for job training and employment services, and that is $164 million above the budget request. Of this total amount, the committee bill provides $1.43 billion for dislocated worker activities.

We went through this during the process of the budget. We approved a budget. A change in the budget is what results in budget points of order. So the Labor-HHS bill must seek to address a lot of important needs, not the least of which is job training funding to ensure American workers are equipped to contribute and succeed in a changing economy. Of course, we always want that to happen faster than it is ever possible for it to happen.

The committee bill does reduce job training funding from fiscal year 2003 by $85 million, but I explained in a speech just a little while ago how that comes about. The President had to submit his budget before he knew what we were going to do in 2003, because we did not do a budget for the previous year; and then we did not pass the appropriation. So what we were going to be doing was not known until after he had to submit a budget to us. So he had to base his budget on what had been done for 2002, and there was a significant increase from 2002. Again, we raised it a little bit, and did so again in the appropriation.

So unless that can be offset, I am going to have to reluctantly oppose the amendment. Again, I don't think we ought to spend $801 million trying to solve a $159-million problem. I ask my colleagues to oppose this amendment.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank my colleague from Wyoming, and I understand he is opposing the amendment. I just say we are in a crisis in this country. We are in a crisis

when there are 10,000 people on a waiting list in King County alone to try to get into a training program in order to get the skills they need to get back to work. We are in a crisis when our economy continues to struggle and people are unable to put food on the table, send their kids to college, and to be able to feel secure when it comes to their jobs.

We all know we are spending $1 billion a week in Iraq in order to reconstruct that country. It seems to me totally reasonable to ask for $801 million for next year to help train our workers, to get our economy back on track, and to give American families the security they need in their homes to know they can take care of their own.

Mr. President, I encourage my colleagues to support this amendment at the appropriate time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the amendment offered by the Senator from Washington addresses a very important issue on job training, beyond any question. In structuring this appropriations bill, it has been very difficult, given the budget resolution and the allocation which we had.

We have at the present time in the Senate bill $3,564,436,000 on this line. With respect to the dislocated workers assistance, this committee increased the recommendation of the President, which had been at $1,383,040,000, and we put it back up to the funding of 2003 at $1,431,340,000.

The youth opportunity grants is a program which had a 5-year sunset. The President did not ask for funding for migrant farm workers, but we reinstated more than $77 million there.

We maintained the funding for Native Americans, and maintained the funding for one-stop centers.

Now, in an ideal world, with more funds, the amendment offered by the Senator from Washington might well be the thing to do. But the subcommittee is faced with the constraints, and we structured the very best we could in allocating, as I say, in excess of $3.5 billion for job training.

Unless we can find some offset—and we are constantly taking a look at the long list of items which we have where the appropriations are recommended for the total of $137 billion—it is very difficult to see how the amendment can be accepted, without some offset, without exceeding the limits which we have under our allocation from the Budget Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I take the floor for a few minutes to discuss an amendment Senator KENNEDY and I and others plan to offer to address a very important issue, one that affects the livelihood of millions of American workers and their families. It is an issue that bubbled up earlier this year when the Department of Labor—and I choose this word carefully—sort of surreptitiously issued proposed regulations, changes in regulations that would affect the 40-hour workweek and take away overtime protection for millions of American workers.

They did not have one hearing on that. They published it, put this out as a proposed change in the rules and regulations. Not too many people knew about it. However, I am now aware that over 78,000 comments have come in on this issue from around the country. So now the Department of Labor is hearing back, and more and more Americans are beginning to find out about this proposal.

Senator KENNEDY and I, and a number of our colleagues, will offer an amendment to protect the 40-hour workweek and to make sure overtime protections are there for American workers.

What the administration has proposed is a change in our regulations that would eliminate the 40-hour workweek by allowing employers to deny millions of workers overtime pay, workers who are currently covered and guaranteed overtime pay protections under the Fair Labor Standards Act of 1938.

This proposal by the administration is antiworker, it is antifamily, and it is bad economic policy. It is an attack on America's middle class. It won't create one job in our struggling economy. In fact, it will do just the opposite. It will cost us jobs. It is part of what I call the ''economic malpractice'' of this administration. And it is working Americans who are the victims.

Unemployment continues to climb. It is now at 6.2 percent, the highest level since 1994. That means 9.4 million people looking for work can't find any.

Since President Bush was sworn in, we have lost 3.1 million private sector jobs. We are losing jobs every month. The economy is limping along. Our deficit continues to bloom. It is now over $450 billion, I am told, by the end of this year and may be $500 billion by the end of next year. So the administration passed two record tax cuts for the wealthy to explode the deficit. And instead of trying to put money in the pockets of working Americans, the administration now wants to take it away, taking money out of the pockets of hard-working Americans, hard-working Americans who may be working overtime to help pay some extra bills.

Late last month, the Economic Policy Institute issued a report that analyzed the reach of this administration's proposal. It found that up to 8 million workers who currently are eligible for overtime pay will lose that eligibility. And as they noted, overtime pay for many of these workers can make up to 25 percent of the family's income. We are talking about people such as nurses, police officers, firefighters, retail managers, journalists, medical technicians, surveyors, among a whole host of others. For most of these men and women, that overtime pay is not spare change or for frivolous spending; it is essential. It helps pay the mortgage, feed the kids, and maybe put a little bit away for college for their kids or save a little bit for retirement.

I have a recent letter from the National Association of Police Organizations that represents thousands of law enforcement officers from across the country. They oppose the administration's proposal because, as they said:

> [U]nder such regulations, America's State and local law enforcement officers, already strained by countless overtime hours ensuring community safety from terrorist threats, could lose their basic benefit accorded for their efforts.

A recent national survey shows that working Americans are now becoming more aware of this proposal and have great concerns about it. A survey released this past week by Peter D. Hart Research Associates, pollsters, found that Americans overwhelmingly disagree with the Bush administration proposal. By 17 to 1, the public believes that Federal laws governing overtime should be changed to cover more employees rather than fewer. Fifty-one percent said it should cover more employees. Only 3 percent said it should cover fewer employees. Seventy-four percent of Americans in this poll oppose the Bush administration's proposal to eliminate several million employees' legal right to overtime pay.

I would like to take a few minutes to explain briefly how the rules work right now under the Fair Labor Standards Act of 1938. Hourly workers are generally guaranteed overtime pay when they work more than 40 hours a week. That has been accepted since 1938. Many salaried workers are also eligible for overtime pay under current law.

So what the administration's proposal would do would be to make it much easier for employers to deny salaried workers overtime pay protection. The result is that millions of salaried workers, earning more than $22,100 a year, currently eligible for overtime will be denied overtime under these proposed changes. This proposal will keep workers from spending time with their families, working longer hours without compensation. Employers will be able to force workers to work longer hours without pay.

In case someone says that isn't happening, I suggest they might want to go back and read the story in the Sunday Post of August 31 by Kirstin Downey, who documented some of the things that are happening in the country today.

For example, Wal-Mart Stores, Incorporated, the Nation's largest retailer, is facing 37 lawsuits in 29 States from employees who allege they were illegally forced to work extra hours free to meet corporate productivity demands. In December, a Federal jury in Portland, OR, found Wal-Mart guilty of asking workers to clock out and then return to work unpaid. About 400 current and former Wal-Mart employees

participated in the lawsuit, with some workers testifying that they falsified their time records to keep their jobs because they live in small towns with few other jobs.

About 270 insurance claims adjusters have filed suit in U.S. District Court in Washington, DC, alleging that their employer, GEICO, broke the law by improperly classifying them as workers exempt from overtime pay.

Stan Fortune, quoted in this article, age 47, a former Wal-Mart manager in Weatherford, TX, said he felt driven to climb into store management ranks during the 17 years he worked there. On one temporary assignment in Las Vegas, he said he worked 13 to 14 hours a day from September 1 through December 26 with only 1 day off. Said Fortune:

> It builds up to where that's the norm. You get three or four hours' sleep. It becomes what you are used to. Now that I look back it is pretty sad.

That is happening around the country today. More and more workers are being asked to work longer hours. What the administration wants to do is say: We will make that legal. We are just going to exempt them.

American workers already work longer hours than any other industrialized country. Right now, according to this article in the Washington Post, according to the International Labor Organization, American workers work more than other people in developed economies. They found that American workers put in an average of 1,825 hours per year. French workers, by comparison, average 1,545 hours per year; German workers, about 1,444 hours per year. According to Lawrence Johnson, chief of the ILO's employment trends team:

> The European Union and the United States have two different systems and react to economic conditions differently. . . . A lot of what Europeans have—longer vacations, shorter hours—are legislated, and in the United States, it is handled through collective bargaining.

The problem is now only 13 percent of American workers are covered under collective bargaining. So most workers are not in the collective bargaining agreements that cover overtime.

Major women's organizations, including the National Partnership for Women and Families and the American Association of University Women, oppose this proposal because they fear that an increase in mandatory overtime would take time away from families and disrupt the schedules of working parents as well as impose additional childcare and other expenses.

Ross Eisenbrey of the Economic Policy Institute has shown that this proposal, probably more than anything else, affects women in this country. It is women who are working in these jobs that are about at that level, but it is also the women who have to take their children to childcare. So get this: What the administration is saying is that you will have to leave your child in childcare longer hours during the day. You will be forced to work overtime, longer hours, but you won't get one more nickel for it. Talk about fairness. Talk about compassion.

This proposal will not create one new job. It will do just the opposite. What it will do is give employers a disincentive to hire people because it will allow them to work their current workers longer hours, force them to work longer hours without any extra pay.

When President Roosevelt signed the Fair Labor Standards Act into law in 1938, he made that exact point, that if a worker is working 50 hours a week and not getting paid for that, it does two things—takes him away from his family and, secondly, it is a disincentive to hire anyone else to work. So that is what this proposal will do. It will add to the unemployment figures in America, not put people to work.

As columnist Bob Herbert recently wrote in the New York Times:

> You would think that an administration that has presided over the loss of millions of jobs might want to strengthen the protections of workers fortunate enough to still be employed. But that's not what the administration is about.

Again, as I said in my opening, the administration does not want the American worker to find out what they are doing. They didn't hold one hearing on its proposed rule. Maybe they thought they would slip it through and people would not know about it.

I don't think we should in the shadows set policy that would affect millions of workers and their families. We need to do it in the open. That is why I plan to offer this amendment.

My amendment is very simple. It would prohibit any money, any taxpayer dollars, from being spent to in any way implement any administration proposal that would exempt more workers from overtime pay protections, who are now currently eligible. Very simple and straightforward. It would allow the administration today, tomorrow, or at any time, to increase the number of workers who are eligible for overtime pay.

Again, I wish to take a couple of minutes to clarify some of the claims that some of the opponents of our amendment have made about the administration's proposal.

The first claim is that the proposed regulation will only result in denying overtime pay protection to 644,000 workers, not 8 million. Well, that is because the administration is only counting people right now who are getting overtime pay. There are millions more eligible for overtime pay but they are not getting it because the employers don't want to pay the overtime. However, if you now exempt them, the employer has no disincentive whatsoever. They can work those people longer than 40 hours per week and not have to pay them one additional nickel. So the administration's estimate completely ignores the incentive that will be built in for employers to work these eligible people longer hours per week.

Claim No. 2: The administration's proposal will actually guarantee an additional 1.3 million low-income workers overtime pay.

This is an overstatement. They are saying it because they are raising the current income threshold from $8,060 a year to $22,100 a year—no one is opposed to that—and it is long overdue. Of course, it has been raised several times since 1938.

According to the National Employment Law Project—a coalition representing the interests of low-wage workers—most, if not all, of those 1.3 million workers were already covered by overtime protections because they were working in low-paying nonexecutive jobs. They add that the DOL's proposed threshold increase ''does not help nearly enough workers, because 80 percent of the workforce still makes over the proposed threshold [of $22,100], and workers earning more than the threshold are barely making ends meet in today's economy.'' Again, I point out that my amendment does not affect the increase in the threshold limit.

The third claim they make is that first responders—police and firemen—will not lose their overtime protection with this proposal. They have been making this claim all along. Unfortunately, the proposed regulation as written would, in fact, put many first responders—police and firefighters and others—at risk of losing overtime eligibility. There is no specific carve-out for first responders. This proposed regulation is so vague that it would apply to many first responders who may have minimal supervisory duties.

The National Association of Police Officers and the International Union of Police Associations both oppose the regulations as written.

The fourth claim: This proposal simplifies current regulations, and it will make it easier for employers to determine who qualifies for overtime and who doesn't. It will also reduce litigation.

Well, perhaps that is so. It would reduce litigation because it is going to exempt all these people from overtime protection. But it is not going to make it easier. In fact, it would make the rules more confusing by replacing well-established standards with vague and ambiguous language and would spawn litigation over the meaning of these new rules.

According to the Chicago Tribune:

> The Labor Department's [Wage and Hour Administrator] Tammy McCutchen predicts a deluge of lawsuits as employees and employers press for clarifications once the new rules go into effect.

Also, a recent analysis by the Congressional Research Service found that the proposal is vague—it will be largely up to the interpretation of employers and the Labor Department to determine who qualifies and who doesn't qualify for overtime pay protection.

So what that says to me is that employers will have wide discretion—compared to what they have now—to reclassify and disqualify all kinds of

workers from overtime pay protection in order to make them work longer hours without compensation. I don't really expect the Labor Department to proactively go around and check on these employers. They don't do it now. What if a worker complains? How many workers are going to risk losing their jobs by complaining? As a person who worked for Wal-Mart said, ''In a small town there are no other jobs. Therefore, when they want you to work overtime without any extra pay, that is what you do.''

I close by saying that I also believe this proposed regulation is designed to give cover to employers that are already abusing standing overtime laws. Lawsuits by the hundreds—cases pending before the Labor Department that are now months and years backlogged—will be wiped off the books because now the employers that are denying overtime pay will be legal in doing so.

So why do we want to make it easier to deny American workers overtime pay? How does it help the economy to take money away from millions of low- and middle-income men and women?

Again, the administration's proposal will do nothing to put money in the pockets of working Americans. It will not create new jobs. It will keep people away from their families longer hours. It is a slap in the face to millions of hard-working Americans—men and women who are starting to make ends meet and yet spend some time with their families. It is bad policy. We have an opportunity to stop it with my amendment. I plan to offer that shortly. I urge my colleagues to support it.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

WITHDRAWAL OF ESTRADA NOMINATION

Mr. FRIST. Mr. President, a few moments ago we received a message from the White House. I will read the message and I have comments to make on that particular message, and it will explain the interruption of the debate on this very important bill that we are addressing.

The message from the White House reads:

To the Senate of the United States:

I withdraw the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit.

That message was signed by President George W. Bush.

It was 29 months ago that the President of the United States nominated Miguel Estrada. Today, we have received this message that Miguel Estrada's name has been withdrawn from further consideration by the Senate. I expect that many on the other side of the aisle will be glad of this. Indeed, we have seen our Democrat colleagues block the entire Senate from having a very simple, honest up-or-down vote for 29 months—well over 2 years.

Today is a shameful moment in the history of this great institution. The Senate has been denied the right to confirm or reject a brilliant and a well-qualified nominee because of the obstruction of the few—a hard-working and honorable immigrant American who has excelled in the pursuit of the law and risen to the very top of his profession has been turned away because of the rankest political partisanship.

In rising today, I wish to take a moment to express my regret to Mr. Estrada and to his family and to express my regret to the American people who have been denied the service of this extraordinarily talented and accomplished man.

The record, however, is clear—it is crystal clear: Miguel Estrada was and is superbly qualified to serve on the bench. He was, in fact, unanimously well qualified, according to the rating by the American Bar Association, a rating Democrats once called the gold standard.

Miguel Estrada graduated with honors from Columbia University and then from Harvard Law School where he was editor of the Law Review. He went on to public service, including 2 years of service in the Clinton administration. No one—no one—can claim this man is not qualified to serve on the Federal judiciary, and I fully expect that some day he will stand for a vote by this Senate again.

Mr. President, as you know, earlier this year the Senate engaged in an unprecedented month-long debate on the Estrada nomination. This debate has continued for months thereafter and, indeed, before the August recess we took the seventh—the seventh—cloture vote to end debate and to allow the Senate—a very simple request—a simple up-or-down vote, as the Constitution requires. No nominee has ever had this many cloture votes.

As a result of the Estrada debate, the Senate has had the opportunity to consider the proper nature of the advise-and-consent role of the Senate and to question the propriety of the filibuster as applied to judicial nominees. That self-examination is far from over. The fact is that the use of unprecedented filibusters to deny the Senate the freedom to give advice and consent has, I believe, done great harm to the Senate and to, more generally, public discourse.

Mr. President, let me review the lengthy saga of Miguel Estrada's confirmation process.

Miguel Estrada was nominated by President Bush on May 9, 2001, 29 months ago. He was among the very first nominees to be sent to the Senate for consideration, as the Constitution requires, for this body, the Senate, to advise and consent.

It is worth noting since that time Miguel Estrada was nominated, our country has fought two wars and changed the regimes of two nations.

For the first 505 days of the Estrada nomination, the Democrat leadership refused even to hold a hearing. They defended this delay by arguing that they knew nothing about the candidate, as if a hearing were not the usual and customary way to resolve such a concern of hearing about the candidate. In truth, there was more in Mr. Estrada's record than in the records of many judicial nominees Democrats had comfortably confirmed in previous years.

Opponents also argued at the time that Estrada lacked judicial experience, despite the fact this was not an impediment to the Clinton nominees who had never served on the bench, nominees, it should be noted, who went on to serve on the very same court to which Estrada was nominated. In fact, Earl Warren, William Rehnquist, William Douglas, Lewis Powell, and Thurgood Marshall—none of these great jurists had any judicial experience when first nominated to a Federal court. But no matter, our Democrat colleagues continued to obstruct. They continued their obstructionist tactics. Then after finally giving Mr. Estrada a hearing a year ago, they announced it was too late in the year to give Mr. Estrada a vote in the Judiciary Committee.

After the Republicans won the majority in 2002 and Democrats no longer controlled the calendar or the committee, opponents moved to plan B, to level baseless charges.

First came the accusation that Mr. Estrada had ''refused to answer a single question'' at his hearing. At best, that is hyperbole. In fact, Mr. Estrada answered over 125 questions. The transcript from Mr. Estrada's 7-hour long hearing weighs nearly 3 pounds. Admittedly, the transcript is heavy with questions my colleagues knew full well Mr. Estrada could not answer. They knew he could not answer and also maintain his respect for the independent judiciary and abide by the code of judicial ethics.

We learned through the course of a lengthy debate that, in truth, some nominees of President Clinton answered fewer than 20 questions. One nominee answered only three questions, and he was smoothly confirmed by a Republican-led Senate.

In truth, Mr. Estrada answered more than twice as many questions as all three of President Clinton's appointees to the same circuit court were asked at their hearings—all three combined.

Such facts as these naturally raise the serious question as to why our Democrat colleagues imposed a double standard on this particular nominee with his particular background. In fact, the only questions Mr. Estrada declined to answer, as previous nominees had similarly declined to answer, involved how he would rule on cases that might come before him. During his hearing, Mr. Estrada explained why. He told the committee members that he prizes the independence of the

judiciary; that he believes a judge must put aside his personal views and maintain impartiality. In my mind, rather than being a reason or a cause for opposing his nomination, his integrity only strengthened the case for supporting him.

Since that hearing, Democrats had almost 12 months to ask further questions of him—any at all. Repeatedly, the White House offered Mr. Estrada to answer any written question posed to him. To my knowledge, only one Democrat Senator took up that extraordinary offer. Additionally, the White House offered Mr. Estrada to meet with any Senator. To my knowledge, only two Democrat Senators took up that particular offer. But unlimited availability in writing and in person was simply not enough.

Mr. Estrada's opponents continued that partisan drumbeat and continued to obstruct a simple up-or-down vote by their colleagues so we would have that opportunity to express advice and consent.

At the end, when all the false arguments were exposed, our Democrat colleagues fell back on one last carbuncle. They denied Mr. Estrada a vote, they said, because the Justice Department refused to hand over to them Mr. Estrada's workpapers from the years while he was in the Office of the Solicitor General in the Clinton administration.

This was their asking price, despite the fact that every—every—single living Solicitor General, both Democrat and Republican, told the Senate that such a release of documents would create a harmful new precedent against the interest of the American people.

All of this now has passed. What the American people now deserve is an explanation of why. I suspect many know the answer. The saga of Miguel Estrada is a tale of great and unbridled Democratic partisanship, and the American people, sadly, are the losers.

In the course of the Estrada debate, I observed and I listened and I have reached my own conclusion. I do not believe anyone in the Senate would block a nominee based solely on ethnicity. I do not believe any of my colleagues harbor this kind of rank bigotry. I do believe, however, that what happened to Mr. Estrada was due to base politics.

To date, the President has nominated a greater percentage of Hispanic nominees to the Federal bench than any President before him. The President has made clear that he shares the aspiration of the American people to see a Latino serve on the Supreme Court. I believe Miguel Estrada's incredible abilities and special talents would have eventually led him down this path. I believe, as many do, that given his strong credentials, he would be a superb candidate should there be an opening on that Court.

Many Democrats and hard-left Washington special interests fear that possibility. They do not want this President to have a Hispanic nominee of Miguel Estrada's extraordinary abilities named to the Supreme Court should a vacancy arise. I believe when all is said and done, the American people, who are sensible and fair, will reach a similar conclusion about this sorry chapter.

The fight is not over. We will continue to press for an up-or-down vote for the President's nominees. We will continue to press for fairness. We will continue our fight to put qualified women, men, and minorities on our courts.

We will fight the obstructionist tactics of the Democrats and the liberal special interest ideologues that drive them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the distinguished majority leader for those comments and express my own personal regret on the withdrawal of the nomination of Miguel Estrada. It is not too long ago that I was in college, in law school, and to hear the academic record of Miguel Estrada is enormously impressive. One does not go to Columbia and rank cum laude and one does not go to Harvard and serve as editor of the Law Review there without very substantial academic achievements.

Miguel Estrada is a man with a superb record beyond his academic achievements. When the issue was raised about not disclosing the contents of memoranda which he had written when he was an assistant in the Solicitor General's Office is absolutely specious. It is just a red herring. There is no reason for that at all. If one is going to ask to have a lawyer's work product made available, there would be an enormous chilling effect on lawyers who are working day in and day out expressing their views, giving their opinions in an honest and candid way so their superiors can make an evaluation and a judgment as to what to do.

Having gone to college and law school, and having been a lawyer writing memoranda, which I wrote plenty of, I know the indispensable quality of being able to say what you believe without having somebody look over your shoulder years later in an attempt to deny some appointment. If you are going to have to play defense all the time, you cannot have the kind of ingenuity, assertiveness, independence, and intelligence which is what has made our country strong.

I believe the country is much weaker for the withdrawal of Miguel Estrada as a potential Federal judge. There have been a lot of objections raised to a lot of nominees, but the situation with Estrada was uniquely unmeritorious in what his detractors had to say.

He is a young man, and I agree with the majority leader that he will be back.

I yield the floor.

Mr. ALLEN. Mr. President, will the Senator from Pennsylvania yield?

Mr. SPECTER. I do.

Mr. ALLEN. I say to my good colleague from the Commonwealth of Pennsylvania that I know he is on the Judiciary Committee. Since Miguel Estrada lives in Virginia, my colleague, JOHN WARNER, and I presented Miguel Estrada to the Judiciary Committee. The Democrat leader was then in charge.

Was the Senator from Pennsylvania present at that committee meeting?

Mr. SPECTER. I was.

Mr. ALLEN. I remember him being there. I remember the joy of that committee meeting. Miguel Estrada was there. His wife was there. His mother Clara and his sister Maria were all there. They were so proud of this young man, who came to this country from Honduras as a teenager. He was unable to speak English. He applied himself, worked hard, and went on to an Ivy League school for undergraduate studies. He then went to Harvard Law School, where he graduated magna cum laude. He later worked in the Solicitor General's Office under President Clinton, where he argued 15 cases before the Supreme Court of the United States, winning most of them. He also clerked for Supreme Court Justices. The American Bar Association unanimously recommended him with their highest qualifications. It was really a day of joy. It was uplifting.

There were four vacancies on the court. I remember saying ''adelante'', come, ''Miguel Estrada.'' So people were charged up about this country seeing that a Horatio Alger story still was possible. Seeing that if someone worked hard in this country and applied themselves, that if someone recognizes them, like President Bush, and allows them to serve their country on the second most important court in this country, which is the D.C. Court of Appeals, that everyone would say, this is what America is all about; there is opportunity for all people, regardless of their background, so long as they have that record of performance.

Then we saw obstruction month after month. It took everything the Senator could do on the Judiciary Committee to even get him out of committee. When the Senator from South Dakota, Mr. DASCHLE, was Leader, we could not even get it out of committee. So this hold continued, these personal fouls.

Now we come to this day, 28 months after President Bush nominated Miguel Estrada. I have not served as long as the Senator from Pennsylvania, Mr. SPECTER, or our great leader, Senator FRIST of Tennessee, but I know my colleagues all look at history. Today I think is a very sad, dark day in the history of the Senate. An injustice has been perpetrated, an injustice to this gentleman with impeccable credentials, who is an inspiration to all Americans.

In particular, this was an opportunity for a Hispanic American for the

first time ever to serve on the D.C. Court of Appeals. The real motive of this obstructionism is not his qualifications, not his judicial philosophy, not claims that Miguel Estrada would be an activist or does not understand the proper role of a judge, but the reality is they want to deny him that added aspect on his record of performance that he served on the Court of Appeals. They fear that, should a vacancy arise on the Supreme Court of the United States, President Bush would like to make history and appoint someone who has the proper judicial philosophy and is also a Hispanic American to the Supreme Court.

This is a sad day for America. As the Senator from Pennsylvania says, he is a young man. He is willing to serve in the future and we are going to still champion Miguel Estrada. I know Senator SPECTER, Senator MCCONNELL, Senator FRIST, and those on this side of the aisle, and a few on the other side of the aisle, such as Senator MILLER of Georgia, Senator NELSON of Florida, Senator NELSON of Nebraska, and Senator BREAUX of Louisiana, we are going to keep fighting for well-qualified judges such as Miguel Estrada.

I hope and pray some day in the future we will have another opportunity to vote on Miguel Estrada to serve this country, because we are going to stand for people of quality, of character, of performance, and of competence. This sort of obstruction needs to stop. Senators do not have to vote in favor of judges if they so desire, but they should vote one way or the other—not delay, not hold, not obstruct. It is wrong to treat people in such an unjust, unfair, and inequitable way.

I thank the Senator from Pennsylvania, Mr. SPECTER, for his great leadership in getting Miguel Estrada out of the Judiciary Committee. It is a shame and I think a disgraceful day that Miguel Estrada has been forced to withdraw his name so he can focus, with his family, on his future.

He has a bright future. I know Senators share my view that he has a great future for service in this country someday when the Senate stops its obstruction.

Mr. SPECTER. I have been on the Judiciary Committee for 23 years, and very few nominees have come with Miguel Estrada's record. When a man comes to Washington to serve with that record, we ought to welcome him, not send him packing.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, on the day of the withdrawal of Miguel Estrada, it is important to keep in mind we have approved 145 of the President's judicial nominees. We have worked with the President to do so in a swift and unprecedented pace. Despite the anti-Hispanic rhetoric surrounding Mr. Estrada's nomination generated by some on the other side of the aisle, a Democratic President appointed the vast majority of Latino Americans serving now in our Federal courts.

Mr. Estrada's withdrawal presents a positive opportunity for the President.

I have worked with the Presiding Officer. The President should look at what we have done in Nevada as a model for selecting nominees. Senator ENSIGN and I have worked closely on recommending nominees to the White House. I have worked with the junior Senator from Nevada, who is a representative of the President's party, in selecting four judges.

Larry Hicks, who has waited 10 years to become a judge, was selected previously by the first President Bush. He patiently waited. He was nominated again by the Senator from Nevada and confirmed and is now sitting as a judge.

Jim Meehan, I practiced law in the same community as Judge Meehan. He was a fine lawyer. He has made a fine judge.

In the Ninth Circuit, Jay Bybee. Jay Bybee was criticized by some as being too idealistic, but his background is superb, an academic, someone who worked not only in academia but worked in various administrations of at least two Presidents. He was approved very quickly and swiftly.

Yesterday, we completed a hearing on Robert Clive Jones to be a district court judge.

We do not need the furor surrounding judicial nominations. We have approved 145 judges. We should work to have bipartisan support of these judges. There are lots of judges who have more conservative ideology who do not draw a lot of attention. One hundred forty-five judges have been approved and three have not been approved.

The victim in this has been Miguel Estrada. Miguel Estrada has stated publicly that he would answer the questions, but we were told by the President's counsel that he was not going to answer the questions. We were told by the President's counsel, Mr. Gonzales, that Mr. Estrada would not be allowed to come forward with the memorandums he had written while in the Solicitor's Office. He was taking directions from the President's lawyer, Mr. Gonzales.

If there is a victim in all this, it is Miguel Estrada—I acknowledge that with the majority—but it is caused by the President and the people surrounding him, not caused by us. All we wanted was to have him answer questions and supply the memo while in the Solicitor's Office.

I heard a statement as I walked in the room saying we have to stop this kind of obstructionism. One hundred forty-five judges are now serving, and we have approved those judges—we have turned down three—but 145 to 3 is not bad. It is overwhelmingly positive.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I hope our colleagues listen carefully to the statement of my friend and colleague from Nevada in outlining the factual situation regarding the consideration of Mr. Estrada. He states it quite accurately as a member of the Judiciary Committee.

The real issue is whether the Senate is going to perform as our Founding Fathers expected us to perform. Any fair reading of the Constitutional Convention indicates quite clearly until the final few weeks of the Constitutional Convention that appointed power of all United States judges was in the Senate. Only in the last few weeks was the decision made to make it a shared power. It was never understood that we were to be a rubber stamp for anything that the Executive posed in terms of judicial nominees.

The members of the Judiciary Committee in the Senate take that responsibility very carefully and closely. Part of fulfilling the responsibility after the President makes a nomination is for us to make a balanced and informed judgment. In order to make a balanced and informed judgment, we ought to know, the people ought to know, the Senate ought to know the information the White House knows; that the President knows when he is going to make a nomination to the district court, in this case.

When the nominee comes before the Judiciary Committee and says, look, I am quite prepared to share that information, and where Members of the other side of the aisle implore the White House to make that information available so that there could be a complete understanding of the positions taken by Mr. Estrada, and then a movement toward the completion of the nominee, the White House indicated they were not going to comply with that particular request. They are the ones who made the judgment that it was more important for them not to have that information shared than the consideration for the Senate of the United States to make a balanced and informed judgment about the complete positions, understanding, and awareness of this nominee and how they view the Constitution of the United States.

I am very hopeful, as the Senator from Nevada pointed out, since there has been sufficient and overwhelming acceptance of so many of the White House nominees, that in the future we will be able to work out the process so we can have someone who is qualified, someone who can command the kind of strong support in the Senate as so many other nominees have. And, in particular, this is an enormously important court, as the Senator from Nevada knows, the DC Circuit Court. It has very special jurisdiction. The considerations of the rights to workers, those appeals from the NLRB go to the DC Circuit Court. The interpretations of the environmental laws go to the DC Circuit Court. Protections and matters regarding the Patriot Act go directly to the DC Circuit Court.

It has an extremely important role in terms of our whole judicial system which increases the responsibility we

have in ensuring this information about the nominee is going to be available to the American people.

I wish the best to Mr. Estrada. I agree with the characterization of the Senator from Nevada that he has been the victim of the decision made by the White House to refuse to cooperate with the Senate.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004—Continued

Mr. KENNEDY. It is a privilege to join Senator HARKIN on this urgently needed proposal to protect the 40-hour workweek and the right to overtime pay for millions of working men and women. The Bush administration's new regulations are an unfair scheme to prop up business profits by allowing firms across America to reduce their costs by denying overtime protections to more than 8 million hard-working men and women, including 200,000 in my own State of Massachusetts. Police officers, nurses, cooks, clerks, physical therapists, reporters, and many others would be required to work longer hours for less pay.

Our amendment is very clear. It says that no worker now eligible for overtime protections can be denied overtime pay as a result of the new regulation.

With a failing economy, with more than 9 million Americans out of work, with so many other families struggling to make ends meet, cutbacks in overtime pay are a nightmare that no worker should have to bear. Overtime pay now makes up a quarter of their total pay, and the administration's proposal will mean an average pay cut of $161 a week for them.

Hard-working Americans do not deserve this pay cut, and it is wrong for the administration to force it on them. Overtime protections of the Fair Labor Standards Act have been a fundamental right of this Nation's workers for more than half a century. This basic law was enacted in the 1930s to create a 40-hour workweek. It requires workers to be paid fairly for any extra hours. Especially in times such as these, it is an incentive for job creation because it encourages employers to hire more workers instead of forcing current employees to work longer hours.

The economy has lost more than 3 million private sector jobs since President Bush took office. The Bush administration is wrong to propose regulations that will enable businesses to require their employees to work longer hours and reduce the need to hire additional workers.

According to the congressional General Accounting Office, employees without overtime protection are more than twice as likely to work overtime as those covered by that protection. Americans are working longer hours today than ever before, longer than in any other industrial nation. At least one in five employees now has a workweek that exceeds 50 hours, let alone 40 hours a week.

We know that employees across America are already struggling hard to balance their family needs with their work responsibilities. Requiring them to work longer hours for less pay will impose an even greater burden to this daily struggle. Protecting the 40-hour workweek is vital to protecting the work/family balance for millions of Americans in communities all across the Nation. The last thing Congress should do is to allow this antiworker administration to make the balance worse than it already is.

Sixty-five years ago the Fair Labor Standards Act was signed into law by President Franklin Roosevelt and established minimum wage and maximum work hours. It was in the midst of the Great Depression, and as President Roosevelt told the country:

> . . . if the hours of labor for the individual could be shortened . . . more people could be employed. If minimum wages could be established, each worker could get a living wage.

Those words are as true in 2003 as they were in 1938. Our modern economy has lost more private sector jobs during this economic decline than in any recession since the Great Depression.

What can the administration be thinking when it comes up with such a shameful proposal to deny overtime protections on which millions of workers rely? Congress cannot sit idly by when more and more Americans lose their jobs, their homes, their livelihoods, and their dignity. We will continue to battle to restore jobs, provide fair unemployment benefits, raise the minimum wage, and we will do all we can to preserve the overtime protections of which so many American families depend.

I urge my colleagues to support this essential proposal to keep faith with the Nation's working families.

I wish to take a few moments of the time of the Senate to review what is happening to American workers in relation to other countries around the world. It is reflected in this chart. The red columns indicate the number of hours workers are working and comparing it with other industrialized nations of the world.

As you can see from this chart, American workers are working longer and harder than those in any other industrial nation of the world. That has been a phenomenon that has really developed in the recent times.

This chart shows that U.S. work hours have increased while those in other industrial nations actually decreased. The United States—we see over here the increases; and the decline in other industrial nations. So here we have a workforce that is prepared to work and prepared to work long and hard. Yet we find the administration is attempting to penalize these workers for being willing to work and for working long and hard.

This chart here is ''Workers Without Overtime Protections Are More Than Twice As Likely To Work Longer Hours.''

What does this chart say? That if the workers do not have the overtime protections, the employers work them more than twice what they would work if they did have the overtime protection. Why is that important? Because this particular proposal is taking away this kind of protection. The result will be that the workforce, which is working longer and harder than that in any other industrial nation in the world, is going to find they are going to have to work even longer and harder to make ends meet. This is true, even if they are working 50 hours a week. Then they are three times as likely to be required to work longer than if they had the overtime protections.

So we have a situation where we see Americans working longer and harder. We have a situation that, if they do not have the overtime protections, they are required by their employers to work twice as hard as those with the overtime protections. In the instances of those who work 50 hours a week, they are required to work three times as hard.

These are the facts. Nearly 3 in 10 employees already work more than 40 hours a week and one in five Americans work more than 50 hours a week. One in five Americans are working more than 50 hours a week. These working Americans don't have the time they need to meet their family responsibilities.

Parents today define that biggest daily challenge as balancing work and family responsibilities and instilling values in their children. When parents have more time to spend with their children, they achieve more academically, improve behavior, and demonstrate lower dropout rates.

This proposal by the administration is an antifamily proposal because it is going to deny essential resources for families to be able to meet their particular needs. The result will be all the additional social problems that impact families that do not have a chance to be together, to stay together, to work together, to pray together, to enjoy each other.

The Fair Labor Standards Act overtime protection works. Workers are compensated time and a half their regular pay for hours worked in excess of the 40 hours per week. That is what the law is. Employers have a financial disincentive to work employees excessive hours. Employers have an incentive to hire more workers instead.

As we see, that is the current law. This is the current employment situation where we see the loss of jobs for more than 3 million American workers over this period of time. So we are finding at the present time our workers are working longer and they are working harder in order to provide for their families. We have the greatest loss of jobs that we have had since the time of the Great Depression.

What this particular proposal is saying is that isn't even enough. Even though you are working longer and working harder than at any time before, we are going to take away the protections which are going to effectively deny the average family who is receiving overtime about $161 a week.

With all the challenges we are facing in this country, the fact that workers who are working longer and harder and are making $161 on average in overtime is not on the front burner. These Americans are working. They ought to be entitled to that protection.

We have now more than 8 million workers—2.5 million workers are salaried employees and 5.5 million hourly workers—who will lose their overtime pay under the Bush proposal. Even some who are salaried workers are eligible for overtime. This is 8 million who would be eligible for overtime who will be denied that.

Even the business community admits this will have widespread effects. According to the Society for Human Resource Management:

> This is going to affect every workplace, every employee, and every professional.

This is widespread in its impact on working families in this country.

This is a chart which should give you some kind of historical perspective of the number of workers who were protected in terms of overtime. The percentage of workers who were not protected was 17 percent in 1983. In 1998, it was 20 percent. Now, under the Bush proposal—here it is—33 percent. Thirty-three percent of the workers, effectively.

It includes the 8 million who will not be eligible. The impact of this is very clear. That is sort of a major pay cut for workers. American workers are working longer and harder than any other industrial society in the world. Who are they? They are millions of workers who would lose overtime protections under the Bush proposal.

Let us be clear for any who are watching this debate. Police officers will be affected. Nurses will be affected. Cooks and chefs and clerical workers will be affected. Firefighters and physical therapists will be affected. It is interesting that these are first responders—police officers, firefighters, and nurses. They are our first responders. We are talking about trying to give support to our first responders on the one hand, and on the other hand we are taking away the economic protections they need to provide for their families.

We continue along with the various groups: Paralegals, reporters, dental hygienists, graphic artists, bookkeepers, lab technicians, and social workers.

The interesting irony is that they are our first responders. We not only fail to give support to the local communities which they need for the first responders to terrorism, but on the other hand we are sending a message to the police officers, firefighters, and nurses that we are going to reduce their pay at the same time. What kind of message is that at a time when we are talking about homeland security?

Millions of workers depend on their overtime pay to make ends meet. The most recent statistics show that overtime pay accounted for more than 25 percent of the income of workers who worked overtime which they depend on in terms of their income. The workers are stripped of their overtime protection, and they will be forced to work longer hours for less pay.

That is what this is about. It is just a major broadside against workers in America who are working longer and harder, attempting to maintain their jobs, hopeful that they won't be dismissed or fired as a result of the economic policies of this administration which has seen the greatest growth of unemployment since the Great Depression as a result of economic policy.

The Senator from Iowa will remember when we had different economic policies. We had them during the period of President Clinton when we had the longest period of economic growth and price stability in this country since the early part of the 1960s. That was because of economic leadership at the national level. In the early 1960s, we had the longest period of economic growth and price stability than we had for better part of the century.

National economic leadership is essential in terms of ensuring the people are going to work. We have a failed economic policy with 3 million people left out of work. And for those who are left in, we are cutting back on the pay of some of the hardest working individuals in the world. That is unfair. That is unjust. It is done by the issuance of a regulation rather than as a result of legislation and hearings. It will not stand.

I commend the Senator from Iowa for his leadership in this area because he is involved in some other issues that affect working people and farmers and others on the forefront. I commend him for all he has done. I am proud to join with him in resisting this proposal because it is just wrong. It is wrong for the workers. It is wrong for our economy. It is wrong for families. This is a family issue. It is a homeland security issue. It is a children's issue. It is a women's issue because so many of these workers who work overtime in the economy are women.

Make no mistake, the women will be hurt by this proposal. They are working hard and trying to raise their families. Make no mistake about who is being impacted on this.

It has broad implications in terms of our economy. It is not right, it is not fair, it is not just, it is bad economics, and it is just lousy policy.

There are those of us who will be joining together with the Senator from Iowa to see that we resist this proposal.

Mr. HARKIN. Mr. President, will the Senator yield for a question?

Mr. KENNEDY. Yes.

Mr. HARKIN. I first wish to thank the senior Senator from Massachusetts for his many years of leadership and support on issues that really affect working families in America. No one has fought longer and harder and more successfully in the past to protect the working families of America than the senior Senator from Massachusetts. I am very proud to have his support for this amendment and for his joining us in trying to do what we can to stop this assault on the American working families, as the Senator so ably pointed out.

I must say to the Senator that people ask me all the time: Why would they do this? Why would the administration, sort of under the cover of darkness, want to at this point in time, or any time, take away the protections of overtime pay for millions of Americans? I must tell the Senator from Massachusetts that I am hard pressed to answer that question. Why would they want to do this? I throw up my arms. It makes no sense economically. It is antifamily, as the Senator from Massachusetts pointed out. It is bad economic policy. We are not going to create more jobs. In fact, we will cause the loss of more jobs. I am hard pressed.

I wonder if the Senator has any ideas to help me answer constituents and others who ask me why the administration proposes an outlandish assault on working families. I am at a loss. I don't know if the Senator can help me. Maybe they have given in to some of the people in the business community. As I say, it is not all the people. Not all the people in the business community agree with us. But there are a few who are pushing.

Maybe the answer is that people in the business community just want to be able to tell their workers what to do, when to do it, and how to do it, with no restrictions whatsoever on how they tell their workers what to do and when they can work. That is the best I can come up with.

Mr. KENNEDY. The only answer I can reach is that it is the result of pressure being exerted on the administration by these business groups that do not want to be in a position of having to hire additional workers, and they don't want to be paying additional overtime pay that has been a part of the whole social balance in this country and society and recognized as such by Republicans and Democrats since the 1930s.

Forty hours of work a week is what workers ought have as an opportunity for employment. Under special circumstances, if they are going to have to work longer or want to work longer, they get the time and a half.

Now what we undermining is the age-old concept about the importance of protecting a 40-hour week. We are effectively eliminating that. Make no mistake about it. Effectively, the 40-hour workweek will be eliminated for

millions of workers with this proposal because now employers will be able to require hours from the workers without having to give them fair compensation.

But let me ask the Senator. The Senator from Iowa is a floor manager with the Senator from Pennsylvania on this legislation which has important funding for education programs, for health programs, for job training programs, for the NIH, and all the research we are doing in terms of cancer research—all kinds of research.

Is it true that this administration has said, if their proposal—which will deny millions of workers overtime pay—is eliminated, this administration and this President will veto the underlying bill which they feel so strongly about in terms of the income of working families who are working longer and harder providing for their children; that they are prepared to risk the funding of these vital services which are absolutely at the heart of the quality of life of the American people?

Am I correct in understanding that this is the administration's position, that they feel so strongly about taking away the overtime pay for workers that they are prepared to risk the whole funding stream for education, for health, for NIH, and for job training, the range of different services that are so important to the well-being and health and education of people in this country?

Mr. HARKIN. I just respond to the Senator, he made a great point. I can only say what Reuters news agency reported 1 day ago, yesterday, saying:

> The White House issued a veto threat . . . against a Democratic bid to derail its proposed changes in federal work rules that [would] cost millions of Americans overtime pay. . . .
>
> If the Senate adopted the amendment, President Bush's advisers would recommend he veto the spending bill, the White House budget office said.

I say to the Senator from Massachusetts, this is again mind-boggling, that if the Senate expresses its will that we do not want these rules to go into effect, they are going to veto this bill that has money in it for vital basic medical research for all of NIH, the National Institutes of Health, all of the funding for higher education and Pell grants—and, by the way, I know the Senator and others have amendments to make sure we get those Pell grants up, and I support him in that effort—all of the funding for elementary and secondary education, Head Start programs, maternal and child health care programs. They are going to veto the whole thing because they are so adamant that they want to take away overtime pay from American workers.

I hope this is a mistake. I hope Reuters was wrong, but I can only rely upon what they have said. The White House has not communicated this to me directly, but this has been reported from the White House, that they are going to veto this bill over this.

I say to the Senator from Massachusetts, I am glad he mentioned that because, again, it just shows to me the zeal—the zeal—with which this administration and their advisers want to attack working families in this country and to take away overtime pay; that they are willing to put out that threat of a veto and take away Head Start Program funding, maternal and child health care, elementary and secondary education, all the other things that are in this bill, simply because they want to take away overtime pay from millions of American workers. Again, I find this bordering on the bizarre.

Mr. KENNEDY. I say to the Senator, I certainly agree. I know we are going to have an opportunity to address this and debate this issue, but I hope our colleagues, over the period of the next day or so, will really think long and hard and deeply about this proposal.

We have been attempting in this body to raise the minimum wage for working families. Effectively, without raising the minimum wage this year, we will lose all of the gains of the last increase. And we are denied on the other side of the body. We indicated we would like to raise the minimum wage.

In fact, there are millions of workers in this country who are working two or three jobs a day. These are primarily women. About 62 or 63 percent of those workers who earn the minimum wage are women. One-third of those women have children, so it is a children's issue. It is a women's issue. It is a civil rights issue because most of the people working at the minimum wage are men and women of color. And it is a fairness issue.

The American people support overwhelmingly the fact that people who want to work hard, 40 hours a week, 52 weeks a year, should not have to live in poverty for themselves and their children. We cannot get a vote on it. The other side will not let us have a vote on it.

So they will not let you take care of those who are at the lower end of the economic ladder. Here they are going on to take the overtime away. They have assaulted Davis-Bacon, which is ways of giving protection to workers who are trying to do a decent job in terms of building and constructing the great parts of American commerce. And what in the world, we find out that on the issue of worker health and safety, they are now rescinding the proposed tuberculosis standards which have been in development for 10 years, when we have a dramatic increase in the problems of tuberculosis and other airborne diseases in this country. The list goes on and on.

What is it about this administration? With all the challenges, with Iraq adrift, our grids and electrical systems crashing, the judicial nomination process in shambles, and the economy sputtering, they are spending their time attacking and assaulting working men and women in this country. Can the Senator possibly help me understand how this is a priority, given all the other kinds of needs we are facing in this Nation?

Mr. HARKIN. I respond to the Senator from Massachusetts, from all the polls we have seen, all the data we have seen, the American people do not want this. They want more overtime pay protection, not less.

I say to the Senator from Massachusetts, while he was speaking, I was thinking about something I said a few days ago about the fact that the administration is turning the clock back prior to 1938 when we passed the Fair Labor Standards Act. And someone said that was sort of overblown rhetoric on my part—that of course no one wants to turn the clock back.

As I started doing more research into what happened with the Fair Labor Standards Act, I came across an interesting item. The first kind of strikes that occurred asking for an 8-hour day started in 1886, the famous Haymarket Square riot in Chicago. That was trying to get an 8-hour day at that time. This finally built up to the 1930s during the Great Depression. The 40-hour workweek was a compromise. The Senate, in 1937, passed a measure providing for a 30-hour workweek. Think about that. If we were to propose a 30-hour workweek around here, I don't know how many votes you would get. You would not get many.

In 1937, the Senate passed a measure providing for a 30-hour workweek. It was only because business ganged up and they said they had to compromise, and they compromised on a 40-hour workweek.

So when I say they are turning the clock back to before 1938, I mean it. That is exactly what they are trying to do, put us back to a time when people worked 10, 12 hours a day with no compensation for it and had little time with their families. That is exactly what this measure is intended to do.

You couple that with what the Senator from Massachusetts said about Davis-Bacon, the fact that we can't even get a vote on the minimum wage. The Senator from Massachusetts for the last couple, 3 years has been trying to get this vote up. We can't get a vote up. They won't let us vote on it. I hope we will vote sometime this year on the minimum wage. But these are all attacks on workers.

Mr. KENNEDY. Pensions.

Mr. HARKIN. All of them.

(Mr. GRAHAM of South Carolina assumed the Chair.)

Mr. DAYTON. Will the Senator yield for a question?

Mr. KENNEDY. I have the floor, and after the Senator has finished, I will be glad to yield.

Mr. HARKIN. Go ahead.

Mr. DAYTON. Isn't it also true that this administration proposed eliminating taxation on other income? Doesn't the Senator think it is a little odd for an administration to be penalizing people who want to work, people who want to work overtime and, at the same time, providing tax breaks or tax elimination for people who don't work for their income?

Mr. KENNEDY. The Senator is quite correct. There is a panoply of different issues that affect working families. On each and every one of them, I think any fair assessment is that the administration comes down on the wrong side of it. Today it is overtime. And this is a debate at the core of what policy this administration is focused on.

But I think, as Senator DAYTON and others have pointed out, there are a whole range of issues that shortchange American workers, and we have every intention of continuing the battle for them.

Mr. President, I would like to speak briefly on another subject. I know there are others who want to speak. But I will just take a moment of the Senate's time to address an education issue which, hopefully, we will have a chance to address and debate further. But I think it is important that we have it out in the RECORD so our colleagues are aware of it.

Mr. President, many of us are deeply concerned about the continuing failure of our appropriations for education to fulfill to promise that the Congress and the administration made to pay for the school reforms of No Child Left Behind signed just a year and a half ago.

Make no mistake, the bill before us continues to have harsh cuts in education that will hurt families, students, and teachers throughout the country. These are the children of these workers we were just talking about.

The President and Congress promised to reform and improve public education, to leave no child behind over a year ago. We said to the parents and teachers: Help is on its way. But if we pass the school budget before us, the message to parents and teachers and schools would be: You are on your own.

A pattern is emerging. Each year the President picks a large area to work on in a bipartisan fashion and promises compassion and help. In the past, that area has been in education. This year, it is the global AIDS crisis, and we hope that the promised support will happen. But on education, the promises made consistently have been broken. In fact, the bill before us contains a litany of broken promises on education, because the Republican Congress refuses to keep them:

In January 2002, President Bush promised that ''America's schools will be on a new path of reform . . . our schools will have greater resources to meet those goals.'' But the bill before us cuts funding for the No Child Left Behind Act by $200 million. We have raised standards and raised expectations on school children. We hold schools accountable for better performance. Yet now, the Republican majority wants to cut funding for school reform.

President Bush promised that we would ''leave no child behind,'' and that became the title of the landmark school reform bill he signed into law over a year and a half ago.

But the bill before us leaves 6 million children behind. It underfunds the Title I program for needy children by over $6 billion. Under the Republican education budget, some 6 million needy children will not get smaller classes, will not get supplemental services, and will not get the special attention they need to meet high standards.

In March of last year, President Bush promised to support teachers, making sure they ''get the training they need to raise educational standards.''

But the bill before us cuts 20,000 teachers from professional development programs. It completely eliminates training for teachers in technology. We need to upgrade and expand teacher quality efforts, not downgrade teacher training. The No Child Left Behind Act requires schools to give every classroom a high quality teacher. They need more resources, not fewer resources, to reach that goal.

President Bush promised that his Administration ''will promote policies that expand educational opportunities for Americans from all racial, ethnic, and economic backgrounds.''

The bill before us undermines support for non-English speaking children and undermines support for many of the nation's neediest children.

The bill before us cuts 32,000 children from English as a Second Language programs.

It cuts 40 percent of funding for the children of migrant workers struggling to get their GED and go to college.

It eliminates dropout prevention funding.

It eliminates the Thurgood Marshall Scholarship program.

This legislation basically does nothing to help families afford college, at a time when the rising cost of college is keeping minority and low-income students out. Average public college tuition rose almost ten percent this past year. The average public university's annual costs now equal more than 62 percent of a working class family income. Each year, over 400,000 college-ready, low-income students do not pursue a four-year college degree, because they cannot afford the cost. Yet this bill has a zero increase in individual student Pell grants, zero increase in the campus-based financial aid program, and zero increase in the college work study program.

After all the promises made and all the public visits to schools, how can we possibly approve a cut to the No Child Left Behind Act?

If we intend to hold schools and students accountable, Congress and the Administration have to be accountable too. We know what works in school reform. When we provide the resources, we know that schools can be turned around. They can upgrade their curricula, provide diagnostic tests that identify learning needs early, train teachers in the latest and best instructional techniques, and give students the after-school academic help and English language instruction they deserve. We have seen hundreds of high-poverty schools across the country turn themselves around with exactly these reforms, because they have the necessary resources to do. We need more, not fewer, resources for school reform, so that the reforms we say we care so much about can actually succeed.

Sadly, the Senate is suddenly starting to move even more harshly in the wrong direction. For the first time in eight years, the Senate education budget is lower than the House proposed education budget. And the House Republican bill falls short by over $8 billion, compared to the amount needed to fully carry out the No Child Left Behind Act. The Senate bill before us is even worse. This bill actually cuts funds for the No Child Left Behind Act.

Obviously, money is not the answer to all the problems of our schools. But the way we allocate resources in the federal budget is a pretty clear expression of our view of the nation's priorities. And the priorities on education reflected in the bill before us—the product of a Republican-only budget process—are profoundly wrong.

I hope a bipartisan group of colleagues will come together as we consider this legislation, and keep the promises we made to help these schools. Our nation and our nation's schools and students deserve no less.

I want to talk about the issue of higher education, specifically. In the area of education, the amendment I offer with Senator COLLINS increases the maximum Pell grant by $500, increases other financial aid to keep pace with the soaring tuition costs college students and their families are now facing. A coalition of 56 higher education and student organizations throughout the country supports it. The $2.2 billion is offset by the same mechanism the majority uses in the underlying substitute to offset their funding levels. We rescind $2.2 billion in fiscal year 2004 advanced appropriations made in fiscal 2003 and reappropriate those funds in fiscal 2003.

Our Nation faces a growing crisis in higher education because of the soaring costs of tuition in recent years. The crisis is now far worse because State and local budgets are in crisis, too. Cash-strapped States are dealing with $80 billion in deficits by cutting higher education funds and forcing public colleges to raise tuition. According to a USA Today report last week, over 40 percent of public colleges in America, which educate three-quarters of all college students, are raising tuition by more than 10 percent a year. There has been a $1,750 increase in tuition and fees at the University of Massachusetts. Northern Virginia Community College, which has the most community college students in Virginia, has raised tuition by 45 percent. Iowa has raised tuition by 19 percent at all public colleges. The University of Arizona has raised tuition by 28 percent; the University of Missouri by 18 percent.

Unless this amendment is adopted, over 100,000 current college students are in danger of dropping out because of higher tuition costs and zero increased financial aid.

Hard-working students are threatened, students like Tawn Pham at the University of Massachusetts in Boston. Tawn is 21 years old. He works at the local courthouse. He is a Pell grant recipient. He borrows Stafford loans. His family came to America from Vietnam in 1987. Without financial aid, he would never have gone to college. Without increased financial aid, his college education is threatened by recent tuition and fee hikes. The American dream we all pay homage to is threatened for young students like Tawn Pham because of our threatened failure to increase financial aid.

The answer is not simply to allow students to borrow more and more. Vast numbers of college students are already borrowing, for example, tens of thousands of dollars to pay for their education. Twenty years ago a typical aid package was 40 percent loans, 60 percent grants. Today the figures are reversed. The typical package is now 60 percent loans and 40 percent grants. And students who are pursuing graduate work confront upwards of $120,000 in student loan debt. Yet the banking industry proposed that students borrow even more at higher interest rates to go to college.

Last year the Bush administration proposed to make consolidated student loans more expensive. No young person should have to mortgage their future in order to go to college. They should be paying off the loans they have at lower interest rates, not higher interest rates.

Vast numbers of students are already taking jobs to defray the costs of their education. Half of all college students who take part-time jobs are now working 25 hours a week and trying to be full-time students, too. Their studies are clearly suffering, and so is their future.

According to GAO, only 41 percent of students who work between 20 and 31 hours a week complete a college degree. For students who work 32 hours a week or more, the figure is even worse.

Sadly, this bill provides virtually no new help for students and families struggling to pay the increased cost of higher education.

In the bill before us, there is zero increase in the maximum Pell grant; zero increase in Perkins loans; zero increase in work-study aid; zero increase in campus-based financial aid; zero increase in support for leveraged State student aid.

The amendment Senator COLLINS and I are proposing is a stopgap effort to provide assistance for hard-pressed college students and their families. It will help the 4.8 million Pell grant recipients whose median family income is $15,000 a year. There are 4.8 million students who are going to institutions of higher learning, and their family income is $15,000 a year. It will bring new Pell grants to 200,000 new recipients. It will expand the TRIO and the GEAR-UP Programs to enable historically underrepresented students to achieve the goal of a college education. It supports graduate students in the science, humanities, and public interest.

It will bring us a step closer to guaranteeing all Americans a promise of education security. Just as we have made Social Security and Medicare a promise to our senior citizens over 60 years ago, we should make education security a promise to young men and women. If you work hard, finish high school, and are accepted for admission to college, we should guarantee you will have the opportunity to earn a college degree.

I urge my colleagues to support the pending amendment. Surely we have reached the stage in America where we can say it and mean it—inability to pay the cost will never again be a barrier to the dream of a college education.

I would just point my colleagues' attention to a statement from the administration, an administration policy. I will include the relevant parts—executive branch, September 2 statement, Pell grant programs:

''The bill provides $12.2 billion for Pell grants, $538 million less than the President's request for the high priority program.''

This is the administration saying that the underlying substitute is $538 million below what the President of the United States even requested.

Under the Department's most recent estimates of Pell, the Senate level may be insufficient to cover the cost for student awards in 2004. That's true.

We believe that this amendment that we're offering ought to be accepted. It is related obviously not only to those children who are going on to college, but it also helps and assists GEAR-UP children coming in—which are basically the children who would fit into this category, and helps the TRIO Programs. It gives general support for the education continuum for these children that would otherwise definitely not have the chance to attend higher education.

I ask unanimous consent to set the pending amendment aside so that I might offer an amendment.

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

AMENDMENT NO. 1566 TO AMENDMENT NO. 1542

Mr. KENNEDY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Ms. COLLINS, Mr. DODD, Mr. REED, Mr. BINGAMAN, Mrs. MURRAY, Mr. KERRY, Mr. LIEBERMAN, Mr. EDWARDS, Mr. PRYOR, Mr. CORZINE, Ms. STABENOW, Mr. AKAKA, Mr. LAUTENBERG, and Mr. SCHUMER, proposes an amendment numbered 1566 to amendment No. 1542.

Mr. KENNEDY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To increase student financial aid by an amount that matches the increase in low- and middle-income family college costs)

On the appropriate page and line, insert before the period the following: '': *Provided further*, That of the funds appropriate in this Act for the National Institutes of Health, $1,470,000,000 shall not be available for obligation until September 30, 1994''.

On page 76, between lines 4 and 5, insert the following:

SEC. ____. (a) INCREASE IN FUNDING.—In addition to any amounts otherwise appropriated under this Act for Federal Pell Grants under subpart 1 of part A of title IV of the Higher Education Act of 1965, there are appropriated an additional $1,688,000,000 for such grants. In addition to any amounts otherwise appropriated under this Act for Federal Supplemental Education Opportunity Grants under subpart 3 of part A of title IV of the Higher Education Act of 1965, there are appropriated an additional $115,000,000 for such grants. In addition to any amounts otherwise appropriated under this Act for Federal Work-Study Programs under part C of title IV of the Higher Education Act of 1965, there are appropriated an additional $157,000,000 for such programs. In addition to any amounts otherwise appropriated under this Act for the Leveraging Educational Assistance Partnership Program under subpart 4 of part A of title IV of the Higher Education Act of 1965, there are appropriated an additional $33,445,000 for such program. In addition to any amounts otherwise appropriated under this Act for Federal Trio programs under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965, there are appropriated an additional $160,000,000 for such programs. In addition to any amounts otherwise appropriated under this Act for Gear Up programs under chapter 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965, there are appropriated an additional $57,000,000 for such programs. In addition to any amounts otherwise appropriated under this Act for loan cancellations under the Federal Perkins Loans program under part E of title IV of the Higher Education Act of 1965, there are appropriated an additional $33,000,000 for such loan cancellations. In addition to any amounts otherwise appropriated under this Act for the Graduate Assistance in Areas of National Need program under subpart 2 of part A of title VII of the Higher Education Act of 1965, there are appropriated an additional $13,200,000 for such program. In addition to any amounts otherwise appropriated under this Act for the Thurgood Marshall Legal Educational Opportunity Program under subpart 3 of part A of title VII of the Higher Education Act of 1965, there are appropriated an additional $7,000,000 for such program. The amount $4,050 under the heading 'Student Financial Assistance' in this title shall be deemed to be $4,500. The amount $9,935,000 under the heading 'Higher Education' in this title shall be deemed to be $15,000,000.

(b) BUDGETARY AUTHORITY.—The amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $9,151,909,000. The amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $4,526,591,000.

Mr. KENNEDY. Mr. President, I understand there are a number of pending amendments, the order of which and

the time of which will be worked out by the floor managers. We wanted to make available to the Members today this amendment. We will obviously work with the leadership and floor managers to have appropriate time for debate and discussion.

I yield the floor.

Mr. CORZINE. Mr. President, first I wanted to speak on Senator HARKIN's amendment with regard to protecting overtime pay for hard-working Americans. I also want to second the efforts Senator KENNEDY is making. Both Senators HARKIN and KENNEDY are giants with regard to protecting hard-working Americans who are under incredible stress in our economy today.

I heard Senator KENNEDY talk about the people with $15,000 annual incomes who benefit from Pell grants. Tuitions are going up 15, 20 percent across the board. They are 9 percent in New Jersey, so I guess we are doing well at Rutgers. We are not increasing our financial aid at all. The Senator also knows that back in the drawing rooms of the Education Department they are changing the regulations that are reducing the amount of grants and availability of funding for both grants and financial aid for middle-class Americans. It is unbelievable what we are doing to and the pressure we are putting on the American people, the hard-working people who drive this economy. I compliment the Senator on his efforts in raising this issue on higher education.

I think what singles out more than almost anything I have heard debated is trying to take away overtime pay for the American people. I am just one individual who believes that the best way to grow our economy is to have rising tides lift all boats, making sure everybody participates in the excellence and the wealth of America. But we are doing everything we can to undermine that for millions of American workers. So I am proud to join Senator HARKIN, Senator KENNEDY, and all those who want to speak up for those who are making America work.

We are talking about the whole of America's economy. We need to put it in the context of what is happening in the American economy. People talk about the stock market going up, rising to the point that we have recouped $2 trillion of $7 trillion lost; but the fact is we have not recouped job one yet during any kind of economic turnaround. Nine million Americans are unemployed today. A million have dropped out—actually 2 million have stopped looking for jobs. The unemployment rate hovers at 6.2 percent even today. We have heard that unemployment claims went up to 15,000 today, the highest in the last 12 weeks, above the threshold that shows there is weakening job growth in the economy.

The average length of unemployment is longer than it has ever been—19 weeks. It spiked this summer to the highest level in two decades. Quite honestly, we are seeing the worst employment recession we have had since the Great Depression. It is a real problem for working Americans. And now we are trying to make it really hard on the people who do have jobs. Not only are we not doing addressing unemployment in this country in a real sense, but we are now placing burdens on those who actually are delivering and working every day. I think it is just discouraging to undermine the economic well-being of those who are working, as well as ignoring those who are left out in this jobless recovery we have.

Senator HARKIN has been so eloquent in talking about this back-to-history view of where we are taking ourselves. Looking at the 1938 Fair Labor Standards Act and the 40-hour workweek—one of the highest ones in economically developed countries—nobody is arguing that we ought to change that; we are saying you ought to get time and a half when working overtime, and we should define it in a way that is really meaningful for people who work on hourly wages.

I just don't understand the timing. I don't understand the proposition of it. We should be encouraging having resources in the pockets of people who will go out and spend it and drive the economy. When we are talking about how we get jobs growing in this country, people need the ability to create demand. This does the opposite. It just seems hard to understand why we want to strip workers of their right to overtime pay, particularly at a time of economic stress in our economy.

American families are the drivers of our economy. It is the vast middle class in this country who are in these jobs. They are not in executive positions. This is not redefining what executive positions are. This is trying to cut away at the bulk of those people who are working on an hourly basis, really providing so much of what is good happening in our economy.

These changes mean real losses—on average, 25 percent of annual income—for an estimated 8 million Americans. By the way, if that happens, what does that do to the competitive labor market, or for changes in what is going on? This is about building up the bottom line of corporate America at the expense of working Americans. Again, I go back to rising tides lift all boats and why we want to undermine the economic well-being of policemen, nurses, firefighters, EMTs, and even journalists. Some of us sometimes have trouble with them, but journalists are also folks who would be carved out of this.

I have heard Senator KENNEDY say—and I am sure Senator HARKIN mentioned this before—that so much of this is focused on women in the workplace. It is incredible. We are asking families to have two wage earners so they can make it in today's society, and we have turned the situation into where overtime pay will be taken away from the folks making the sacrifices, trying to get their kids into higher educational environments where they can have access to the American promise.

I don't get it. I don't think the American people get it. I think we have to make sure everyone understands this administration, and those who believe they want to so-call ''clarify'' the rules and change them, is really undermining the economic health and welfare of our American middle class—the people who are paying the bills, living their lives within the rules, and doing the right things for everyone.

Mr. President, this country deserves better, in my view. I stand fully behind the efforts of Senator HARKIN and those who are pushing very hard to block this work rule change that I think undermines the health of our economy and the health and welfare of working Americans in our economy. It is bad and it should not go through. We need to support this amendment that protects working Americans. By the way, that will be good for everybody. That will be good for business, good for creating demand in our society, and I hope we understand we have to look at this on a holistic basis, not on something that just helps special interests and a limited number of folks in our economy.

I think we can do a lot to improve our economy. One of the ways to do it is to stop these kinds of actions from taking place. I am proud to stand with Senator HARKIN in this effort.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I am a little confused because for the last hour I have been listening to debate on an overtime amendment and, as far as I can tell, an overtime amendment has not been laid down. But it is my understanding that when it is, what it will do is keep the Secretary of Labor from spending a single dollar to review the proposed rule dealing with overtime.

Now, the process we usually have is that agencies propose rules, they publish them, and then they get comments. As I understand it, there are 80,000 comments on this. Now, the job of the agency following that is to take those comments into consideration and, if worthy, put them into the rule. What we are saying is we don't want anybody to look at what the public is saying; we don't want anybody to say what the 80,000 people who took the time to comment said. We don't want to see if there can be a change to this rule. We think we can blast it best in its present form. So don't let the Secretary look at the comments.

It is her job to look at them. It is her job to see if there needs to be a change to the proposed rule. All this amendment does is keep the Secretary from taking that action. I suppose it is no coincidence that we are possibly taking up this amendment right after the Labor Day weekend. Each year at this time, we honor those who work hard and help to strengthen the economies of our States and the country. The holiday cannot help but remind us of

those workers this amendment purports to protect.

Now we must carefully consider who is really helped and hurt by this amendment—this amendment that stops the Secretary of Labor from looking at 80,000 comments on ways to improve her rule.

Most of us were able to spend a considerable amount of the August work period meeting with our constituents. At each town meeting I held, there was usually someone in attendance who was quite concerned about Government regulations. I was often told to rein in big Government, keep the rules and regulations simple, current, responsive, and make sure they make sense in today's everchanging workplace.

This amendment that would keep the Secretary of Labor from looking at the 80,000 comments has the opposite approach. Instead of keeping the regulations simple and current, it would prohibit the Secretary of Labor from updating the rules exempting white-collar employees from the Fair Labor Standards Act overtime requirements. Simply put, it is an attempt to reject the new, turn back the clock, look to yesterday for the answer to tomorrow's problems. It is an approach that is doomed to failure before it is even applied, and I am opposed to it.

There is no question that the workplace has dramatically changed during the last half century. It changed during the last half decade. The regulations governing white-collar exemptions, however, remain substantially the same as they were 50 years ago. The existing rule takes us back to a time when workers held titles such as ''straw boss,'' ''keypunch operator,'' ''legman,'' and other occupations that do not exist today. As our economy has evolved, new occupations have emerged that were not even contemplated when those regulations were written 50 years ago.

A 1999 study by the General Accounting Office recommended that the Department of Labor ''comprehensively review current regulations and restructure white-collar exemptions to better accommodate today's workplace and to anticipate future workplace trends.'' That was the General Accounting Office telling the Department of Labor they needed to ''comprehensively review current regulations and restructure white-collar exemptions to better accommodate today's workplace and to anticipate future workplace trends.'' That is precisely what the Department of Labor's proposal to update and clarify the white-collar regulations will do.

While the Department's proposal will update and clarify, this amendment will do neither. It keeps it from happening, it keeps the comments from being reviewed, and it will set the clock back to 1954 and try to force the square peg of the jobs of the 21st century into the round hole of the workplace of 50 years ago.

I am a former shoe salesman, and I know how to tell when something will not fit. This amendment just will not fit. It is like trying to force a size 10 foot into a size 6 shoe. It will not fit no matter how hard you try.

So let's be clear about what this amendment will do. The amendment that keeps the Secretary from looking at the 80,000 comments will undermine the Department of Labor's efforts to extend overtime protection to 1.3 million low-wage workers. Under the current rules, these 1954 rules, only those rare workers earning less than $8,060 a year are automatically protected for overtime. You have to make under $8,060 to automatically be protected.

The administration's proposed rule would raise that threshold to $22,100. As a result, 20 percent of the lowest paid workers would be guaranteed overtime pay. The overtime provisions of the Fair Labor Standards Act were originally intended to protect lower income workers. The proposed rules would provide lower income workers with the protection they deserve.

By undermining the administration's efforts to better protect lower income workers, whom will this amendment protect? The supporters of this amendment claim that an estimated 8 million workers will become ineligible for overtime under the proposed rules. However, this estimate is based on a study by the Economic Policy Institute, and I have to tell you, Mr. President, it looks as if it is riddled with errors.

For example, the study includes in its calculations at least 18 percent of the workforce who work 35 hours or less a week. These part-time workers do not work more than 40 hours a week and, therefore, they do not receive overtime in the first place.

The study also claims the proposed rule will deny overtime pay to white-collar employees earning more than $65,000 a year. However, not all employees earning over $65,000 are exempt under the proposed rule—only those performing office or nonmanual work or one or more exempt duties. This means that workers such as police officers, firefighters, plumbers, teamsters, carpenters, and electricians will not lose their overtime pay. Of course, under union contracts, that is already stipulated regardless of what kind of rule there is.

The Department of Labor does acknowledge the possibility that 644,000 highly educated workers making over $65,000 a year might lose their overtime. It rings in 1.3 million making under $22,100, and then there is the possibility that 644,000 making over $65,000 a year would lose their overtime.

Supporters of this amendment claim the proposed rules will strip overtime pay for first responders and nurses. If we strip the rhetoric from the reality, we will find there will be virtually no change in status for the first responders and nurses under the proposal. Under both the current and the proposed regulations, only registered nurses are exempt from overtime pay.

Again, what this amendment does is keep the Secretary of Labor from looking at the 80,000 comments on the proposed rule to see if the rule ought to be changed. There is not anything in the appropriations bill that automatically puts into place any rule, but it will keep her from looking at the comments that have been sent in.

Whom will this amendment protect if not lower income workers, first responders, nurses, or millions of other working Americans? The antiquated and confusing white-collar exemptions have created a windfall for trial lawyers. Ambiguities and outdated terms have generated significant confusion regarding which employees are exempt from overtime requirements. The confusion has generated significant litigation and overtime pay awards for highly paid white-collar employees. Wage and hour cases now exceed discrimination suits as the leading type of employment law class action.

The amendment will not preserve overtime for millions of working Americans. This amendment will not help employers and employees clearly and fairly determine who is entitled to overtime.

The only clear winners of this amendment will be the people filling in their time from chasing personal injuries. It is a sideline. So the trial lawyers will continue to benefit from the current state of this confusion.

Businesses need to know the rules. The rules need to be interpretable by the average small businessman. I really object to the inference that the only reason anybody would pay overtime is that the Federal Government said you had to. That is not true. That is not the way it works, and I can tell you that even if the Federal Government says you have to, there will still be one-tenth of 1 percent of the people who will not comply. But for the most part, 99.9 percent of the people do comply and want to comply—not only will comply but will exceed complying in a number of areas.

We are spending taxpayers' dollars sorting through the court cases that could be solved with clarity. We are talking about taxpayer money being spent to review the 80,000 comments. I think that is entirely necessary. I expect any agency that has a rule to review the comments of the rule and to make changes based on the comments.

The Department of Labor has received and is currently reviewing those 80,000 comments to the proposed regulation. We should allow that regulatory process to continue and give the Department a chance to complete its review of the proposed rules.

Once the review is completed, the Department will align the white collar regulations with the realities of the 21st century workplace and what they have learned from the comments, should they get to read them, and the intent of the Fair Labor Standards Act.

I want to assure my colleagues that if the rule has gone astray, when it is

finished we put into place something called the Congressional Review Act. That is where we get to jerk these agencies back to reality if they do not follow the proper procedures, if they do not pay attention to what is being said. We have used that before, and that would be the appropriate place for us to jerk the Department of Labor back to reality if they do not pay attention to the comments that are coming in.

I urge my colleagues to oppose this amendment, allow those comments to be read, check and see if there are going to be changes to the overtime rules, and see if it does not clarify it for the workers and the employers so that there will be less conflict.

Time spent in court does not benefit anybody but the trial lawyer. There is no point in having that done if we can clarify things so everybody understands what the rules are, and we raise that terrible $8,000 up to $22,100 so that we are covering more people for overtime.

I do ask that the amendment be defeated when it is put in, should it be put in.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, an agreement has been cleared on both sides, and I ask unanimous consent that the vote in relation to the Murray amendment No. 1559 occur at 1:45 today; provided that no amendments be in order to the amendment prior to the vote, and that there be 2 minutes equally divided for debate prior to the vote.

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

Mr. SPECTER. Mr. President, with respect to the amendment offered by the Senator from Massachusetts, which would increase Pell grants and increase other funding in higher education, there is no doubt that it would be highly desirable to have more funding on more lines. The Kennedy amendment seeks to raise the Pell grants from $4,050 to $4,500.

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

Mr. SPECTER. I do.

Mr. REID. I apologize for interrupting, but I would appreciate that in the future, before any UCs are offered, that we be on the floor.

Mr. SPECTER. Mr. President, I think that is a fair request. I had made a similar request to the assistant Democratic leader last year when we were debating the resolution on the use of force in Iraq when there was a unanimous consent agreement made when I was off the floor. I had thought this was cleared. The one last year on Iraq was not cleared with me, but I think that is a good idea and I will adhere to it during my managerial time.

Mr. REID. I thank the Senator.

Mr. SPECTER. Going back to the issue on the Pell grants, I do not think anybody has fought harder to raise the Pell grants than this Senator. During my tenure as chairman of the Appropriations Subcommittee on Education, I have battled, along with Senator HARKIN, to raise the Pell grants. If one takes a look at where they were a few years ago in fiscal year 1997, they were at $2,700. Now they are at $4,050. It is an increase of about 50 percent in the course of those few years.

When the fiscal year budget for 2002 was set with the Pell grants at $4,000, there was a vociferous objection from the Director of the Office of Management and Budget. I recall the meeting in my Senate office where there was a very strong objection that we had gone too far. They wanted a recision on our bill, but we held our ground. We kept the Pell grants at $4,000.

So it would be a delight to me to be able to raise them to $4,500, but it simply cannot be done within the confines of the funding we have available, unless we go to some other lines to balance out by cuts in programs like community health centers or strengthening historical black colleges. Now I am not about to suggest cuts there, but if we are to have an increase of $2.2 billion, as the Senator from Massachusetts wants, we are either going to be way over our allocation or we are going to have to make some other cuts.

The Senator from Massachusetts has added funding on a number of lines. He has added funding on leveraging education assistance partnership, on the Federal work study, on TRIO, on GEAR UP, on Perkins, on the Javits Fellow Graduate Assistance, all of which would be highly desirable in many ways if we had an allocation which would support it.

One of the most difficult jobs I have every year is managing this bill. I cast more controversial votes in my capacity in managing this bill than I do in all the rest of the year combined. As the manager, it is my obligation to try to bring this bill in in accordance with the budget resolution and in accordance with the allocation which has been made to this subcommittee.

In the absence of any other Senator seeking recognition at this time—pardon me. The Senator from Minnesota is present. I yield to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. I sympathize with the predicament the distinguished Senator from Pennsylvania has expressed. He has been a stalwart in support of increased funding for many of these educational efforts over the years, and I note that his independence and integrity have resulted in his being cited by yet another prominent publication today.

If those qualities of an independent mind, intelligence, experience, and real compassion for people are considered to be detriments, then it is a sad and unfortunate day for the Senate. I think the Senator's record shows clearly to the contrary.

Mr. SPECTER. If the Senator would yield for a question.

Mr. DAYTON. I would be happy to yield.

Mr. SPECTER. I ask him what publication he is referring to. Independence has its price, and I am prepared to pay it.

I thank the Chair.

Mr. DAYTON. The Senator's distinguished record speaks for itself.

I rise on a matter related to what the Senator just described, the quandary regarding funding for education programs. Yesterday, for the fourth time, I attempted to obtain 40 percent of Federal funds for special education to fulfill a promise that was made by the Federal Government to States and school districts 27 years ago, which today, and if we pass the appropriation measure that is before us, would be less than half of that 40 percent share. Every one of my colleagues in the Republican caucus voted against this amendment, evidencing that special education funding in the scheme of everything else is simply not a high enough priority.

At that time, yesterday, the chairman of the Health, Education, Labor and Pension Committee made some observations that I still find rather astounding, particularly as it relates to the actual experience of educators in my State of Minnesota. According to the senior Senator from New Hampshire, it seems we are putting so much Federal money into the education programs—in fact, to quote the Senator, so much so fast under President Bush and the Republican Senate that we now have a situation where a large percentage of the dollars which we have already appropriated cannot be spent and have not been spent.

Over $9 billion were cited that are supposedly sitting in some vault somewhere over at the Department of Education, title I funding, that was appropriated over the last 2 or 3 years evidently that the States have not drawn down to spend.

We were told before that funding for other areas of education had increased so rapidly that those dollars could not be utilized. We were told by the Senator about 2 months ago that there are so many Head Start slots available that some of those are unfilled because there is more availability than parents desiring to put their children into Head Start.

That comes as quite a surprise to parents and educators and Head Start service providers in Minnesota where there has been known to be a serious shortage of funding for those who are eligible and would like to utilize that program for years. It would come as a surprise to the school board members in school districts all over Minnesota that there is unused money in Washington for education. Our State is experiencing a shortage of some $250 to $300 million in education funding resulting in school districts across the State having to make drastic cuts in funding

for public education, cutting teacher positions, cutting curriculum offerings, cutting supportive services.

I wrote this morning to the Secretary of Education to ask him exactly the circumstances resulting in this $9.2 billion of unexpended Federal funds and to ask for his recommendation on what can be done to make these funds available to schools and school districts throughout the country where the funds, I can guarantee, would be well used today, tomorrow, or the day after so we do not have a situation where we have supposedly $9 billion of Federal funds lying around waiting for some school or school board to identify this opportunity to provide the educational services that schoolchildren in Minnesota are being denied today because of a critical shortage of funding.

We also offered yesterday amendments to increase funding in this bill before Senators were lambasted for our fiscal irresponsibility. We were told again by the chairman of the HELP committee that we have finally set up in the Senate this year a budget for ourselves and we have renewed the concept of fiscal discipline through a budget after having been abandoned for a year under prior leadership of the Senate. Even though we have a budget, we should, we are being told, ignore it and fund all these additional programs for education.

Yes, I did seek yesterday to increase funding for special education by $11 billion next year. That is a lot of money. But it is money fulfilling broken promises of over a quarter of a century. It was lambasted for its fiscal excess.

Yesterday the manager of the bill noted there were no Senators offering amendments. It seems one of the reasons was that quite a number of Senators were at the White House literally at the same time I was offering my amendment. About the same time the critics were accusing my amendment and other amendments being offered for being fiscally reckless, Members were being notified by the President that he would seek another $60 billion or $80 billion—according to estimates I have seen, but it will actually be $100 billion—additional spending for the war effort in Iraq over the next fiscal year in addition to the $87 billion we approved earlier this year for additional funding for that effort, which I supported. And I will support, I expect, the request by the President for this continuing effort. Once we are in a war situation, as we are, we cannot conduct a war under budget. We have to conduct a war to win, to secure that victory, as the administration is trying now to do.

It struck me as an odd juxtaposition of priorities, particularly given the Republican assistant leader spoke yesterday and said we were very clear that what the President wants he is going to get in terms of additional dollars.

If we want to break the budget for an additional $160 million, as was one proposal yesterday for education—another proposal was for $68 million for education; in my case, $11 billion for additional funding for special education—those are figures that somehow break whatever this budget and this fiscal discipline the majority caucus claims we have established within this body. As soon as the administration wants another $80 or $100 billion next fiscal year, no questions asked. What the President wants, he will get.

I wish the President would add to his list of priorities in addition to funding the economic reconstruction of Iraq, for $10 billion, we are told in this proposal, and another $15 billion over the next few years for AIDS in Africa, a worthwhile cause, but I wish we would give the same priority to the special needs of the students of America, both those at the elementary and secondary levels and also, as Senator KENNEDY pointed out, those in postsecondary education who find getting a Pell grant or getting a college work-study opportunity about as scarce as finding a weapon of mass destruction in Iraq.

As the American people look at the fiscal crisis afflicting this Government's budget, from the beginning of this fiscal year of a projected deficit of $150 billion to now a deficit projected to be in the neighborhood of $550 billion—that includes, by the way, the use of the Social Security trust fund surplus of $155 billion for this year so actually the operating account of the Federal budget is in deficit close to $700 billion this year. Next year, the budget deficit for fiscal year 2004 was expected to be $200 billion and now it is already up to $480 billion. That does not count the $80 billion or $100 billion for the next fiscal year to be added for the President's request. So we are looking at the start of the fiscal year of a deficit next year of some $580 billion, almost three times what was projected a year ago. That is in contrast, by the way, to a surplus that we enjoyed in each of the last 4 years under President Clinton.

There is one area, however, where there does not seem to be such a problem on the spending side. That is when it comes to pharmaceutical industry prices and profits. There was another interesting article today in the New York Times looking at the practice of the Veterans Administration in successfully lowering the price of prescription drugs for the VA and making it possible for millions of veterans to pay just $7 for up to a 30-day prescription. It is astonishing to see what the Senate and House bills now contain for prescription drug coverage contrasted with the VA copay of $7 per prescription. No wonder thousands of veterans are signing up for this program every month, stretching those appropriated dollars.

I ask unanimous consent this New York Times article be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit No. 1)

Mr. DAYTON. For all its apparent success, lawmakers have disregarded the Veterans Administration model and others like it that use the Government's immense power to negotiate lower prescription drug prices. In fact, under the Senate and House bills, under existing law, Congress would exempt the drug industry from the kind of cost controls in place for virtually every other major provider of Medicare services.

One of the founders of the current health maintenance organization concept who then recanted his support based on what they became, former Minnesotan Dr. Paul M. Elwood, said in the article:

> The legislation pending in Congress does more to deform than to reform Medicare.
>
> Drug companies [the article goes on] say they support prescription drug coverage under Medicare [since the taxpayer will be paying for more of these medicines]. But in the last few years, they have invested several hundred million dollars in campaign contributions, lobbying and advertising to head off price controls.

They were the largest contributor in the last campaign cycle for Federal campaigns, and of course those are not philanthropic contributions; they are political investments on which they expect and are receiving their desired return.

The article goes on to say:

> The legislation ''reflects a political judgment that the pharmaceutical industry'' would block ''price controls or any arrangement that used the concentrated purchasing power of the government to buy prescription drugs,'' said Paul B. Ginsburg, president of the Center for Studying Health System Change, a private research institute.

Why would the pharmaceutical industry be able to block the Congress from enacting legislation that would lower prescription drug prices for the people of America? It begs the question, Whose interests are being represented, that an industry, the pharmaceutical industry, can block legislation right here on the Senate floor, right over there in the House of Representatives—can block legislation that would result in lower prescription drug prices for senior citizens and people of all ages across this country?

It goes on to say that the VA plan, by contrast, uses its buying power and uses it successfully to lower prices that VA pays for the medicines and that the veterans in turn pay. According to the National Academy of Sciences:

> . . . the VA's methods had achieved nearly $100 million in savings over the past 2 years.

But Congress did not consider that approach; in fact, Congress did the opposite. Congress said you cannot use that approach. Medicare cannot get involved in price reductions. Medicare cannot use the vast purchasing power on behalf of all senior citizens and others under Medicare, which goes far beyond what the Veterans' Administration has in terms of numbers—cannot use that clout to negotiate or insist on

lower pharmaceutical prices for seniors, for others on Medicare. Why? Because that would cut into the profits of this already excessively profitable industry.

Representative Michael Bilirakis, the Florida Republican who is chairman of the House Energy and Commerce Subcommittee on Health, said that if Medicare pooled its purchasing power, it would amount to ''a form of price controls.''

''That's not America,'' Mr. Bilirakis said. ''Many of my constituents would feel that price controls are a great thing. But ultimately some of us have to be responsible.''

Since when is it responsible for Congress to allow drug prices to go up higher and higher, beyond the reach of our fellow citizens? Since when is it responsible in America to let an industry, the drug industry, write a letter that 53 Senators sign, saying they would oppose any kind of reimportation such as that proposed by my colleague from the House of Representatives, GIL GUTKNECHT, Republican House Member from Minnesota. He was one of those who courageously and successfully led the drug reimportation victory in the House, one which I hope this body will enact and follow suit.

But when a pharmaceutical industry lobbyist can write a letter that 53 Senators sign, stating exactly what the pharmaceutical industry wants said, that this is somehow dangerous to the safety and well-being and welfare of Americans, says a lot about who controls what happens in Washington.

In fact, if the record be shown, the imports of foreign-manufactured drugs exceeded $14 billion last year. These were drugs that were made, manufactured outside of this country and imported. The only difference is they were imported by the drug companies at higher prices. If the consumers want to import those same drugs from Canada or somewhere else at lower prices, that is what is objectionable. But once again, it is the pharmaceutical industry and its profits that are given priority over people.

So we have this very bizarre but, unfortunately for America, all too real juxtaposition of less spending for education. I see the distinguished Senator from West Virginia, who has been such a champion of funding for education and so many other causes benefiting the people of his State and across America. His amendment is one that we will consider. I wish and hope it will fare better than my amendment yesterday for special education. Given the votes on the other side of the aisle, I don't think that is promising.

But when time after time we try to put more money into education and are defeated, yet we can, without even a blink of an eye, put $80 billion or $100 billion more into economic reconstruction or other efforts in Iraq paying, as I was told, in Iraq, paying 1.8 million Iraqi citizens not to work, not to do anything, just not to foment revolution, pay 1.8 million Iraqi citizens not to work and we are not willing to pay Americans who want to work overtime, or extend unemployment benefits for those who want to work and are seeking work, when we can run up deficits of humongous proportions, the biggest deficits in this Nation's history, three times more 12 months later than they were projected to be, without a blink of the eye on the other side of the aisle. But there is nothing to be said when drug companies want to raise prices and take more money out of the pocket of Americans.

I would say it is time for this body to look very carefully at itself. It is time for the American people to look carefully at this body.

I yield the floor.

EXHIBIT 1

[From the New York Times, Sept. 4, 2003]

SOME SUCCESSFUL MODELS IGNORED AS CONGRESS WORKS ON DRUG BILL

(By Robert Pear and Walt Bogdanich)

By most measures, the Department of Veterans Affairs has solved the puzzle of making prescription drugs affordable for at least one big group of Americans without wrecking the Federal budget.

Wielding its power as one of the largest purchasers of medications in the United States, the V.A. has made it possible for millions of veterans to pay just $7 for up to a 30-day prescription. Thousands are signing up for the program every month.

Yet for all its apparent success, lawmakers have disregarded the V.A. model—and others like it that use the Government's immense power to negotiate lower prices—as they try to give older Americans relief from rising drug costs while reshaping how the elderly get medical services.

Instead, a Congress deeply divided by ideology has given birth to legislation that would add prescription drug coverage to Medicare, but that many experts say would fall short of meeting the needs of the elderly. The benefits, costing $400 billion over 10 years, are complex and limited, and the legislation relies in part on cost control mechanisms that are untested or unproven.

In fact, Congress would exempt the drug industry from the kind of cost controls that are in place for virtually every other major provider of Medicare services.

''The legislation pending in Congress does more to deform than to reform Medicare,'' said Dr. Paul M. Ellwood, a noted health policy analyst who was an early proponent of managed care. ''Instead of creating a system of readily understandable choices based on cost and quality, Congress is writing legislation that will increase the complexity of Medicare, so it will be more difficult for seniors to navigate.''

The effort to forge a final deal on Capitol Hill, blending separate House and Senate measures, was high on the agenda as Congress returned to work this week. Lobbyists and health policy experts say the likelihood that a comprehensive drug bill will become law this year seems no better than 50–50. But Thomas A. Scully, administrator of the federal Centers for Medicare and Medicaid Services, said yesterday that he was ''95 percent sure we will get a Medicare bill out of Congress.''

Politically, the legislation is a marriage of convenience, combining drug benefits, long sought by Democrats, with a Republic approach to administering the benefits, through private health plans and insurance companies. To secure votes, the Senate bill was festooned with provisions aiding various interest groups. There is language that would, for examples, aid chiropractors; marriage and family therapists; doctors in Alaska; hospitals in Iredell County, NC; operators of air ambulance services; and many other groups.

The need for bipartisan support ''led to a series of compromises that resulted in a hodegepodge of a bill,'' said Senator James M. Inhofe, Republican of Oklahoma, who opposed the Senate bill.

Michael Valentino, a manager of the V.A.'s drug benefit program, praised Congress for trying to help Medicare patients buy prescription drugs. But he added that the coverage could be expanded if Medicare took full advantage of its purchasing power.

John C. Rother, policy director for AARP, the lobbying group for older Americans, said the legislation was a ''real godsend'' for people with low incomes or high drug expenses.

''But for many others,'' he said, ''the benefits will be seen as inadequate.''

Premiums and drug benefits could vary from plan to plan, state to state and year to year. The Senate and House bills both establish a standard drug benefit, with substantial coverage upfront and catastrophic coverage for high costs. But beneficiaries would have to pay all drug costs in the middle, until their out-of-pocket costs reached a certain level—$3,700 a year under the Senate bill and $3,500 under the House bill.

Robert D. Reischauer, former director of the Congressional Budget Office, said the gap in coverage ''defies rational policy analysis'' and was not found in commercial insurance. Congress engineered the gap to keep the drug plan's cost under the $400 billion limit.

'POLITICAL JUDGMENT'

Drug companies say they support covering prescription drugs under Medicare. But in the last few years, they have invested several hundred million dollars in campaign contributions, lobbying and advertising to head off price controls.

The legislation ''reflects a political judgment that the pharmaceutical industry'' would block ''price controls or any arrangement that used the concentrated purchasing power of the government to buy prescription drugs,'' said Paul B. Ginsburg, president of the Center for Studying Health System Change, a private research institute.

The V.A. plan, by contrast, owes its relative success to its buying power—and a willingness to use it. Its doctors and pharmacists analyze research to establish a list of preferred drugs for various conditions. The V.A. obtains discounts through bulk purchasing arrangements—using generic drugs where possible—and competitive bidding.

''We are so far ahead of anybody else, it's almost ridiculous,'' Mr. Valentino said. In 2000, the National Academy of Sciences found that the V.A.'s methods had achieved nearly $100 million in savings over the previous two years.

But Congress decided not to adopt the V.A.'s approach; in fact, it was not seriously considered. Lawmakers also passed up other alternatives including vouchers for the purchase of health insurance and proposals to assist only people with low incomes.

Representative Michael Bilirakis, the Florida Republican who is chairman of the House Energy and Commerce Subcommittee on Health, said that if Medicare pooled its purchasing power, it would amount to ''a form of price controls.''

''That's not America,'' Mr. Bilirakis said. ''Many of my constituents would feel that price controls are a great thing. But ultimately some of us have to be responsible.''

The political imperative that seems to have produced today's fragile consensus stems from complaints that every lawmaker has heard from constituents: prescription drugs costs too much.

At Medicare's inception in 1965, policy makers chose not to cover outpatient drugs, because medicines now so indispensable to treating disease either did not exist or were relatively inexpensive.

Instead, Medicare focused on big-ticket items like hospital care and doctors' services. For years, Medicare mostly paid whatever bills health care providers submitted, but by the 1980's Congress decided it needed to restrain rising costs. In subsequent years, Medicare prospectively set limits on what it paid major health care providers, including hospitals, doctors, skilled nursing homes and home health agencies.

The controls have never been popular with the health care industry.

''In Medicare, the tendency is to set prices too low,'' said Dr. Donald J. Palmisano, president of the American Medical Association. Indeed, Carmela S. Coyle, senior vice president of the American Hospital Association, said 67 percent of hospitals lose money on Medicare.

By and large, however, the measures have managed to slow the growth of Medicare costs, say many health policy experts, including Bruce C. Vladeck and Nancy-Ann DeParle, who ran Medicare under President Bill Clinton. Drug costs, however, have skyrocketed, and while most of the elderly get some help from retiree health benefits, Medicaid or state programs, at least one-fourth of Medicare beneficiaries have no drug coverage.

Under the bills passed this year, the government would subsidize drug coverage provided to Medicare beneficiaries by private insurers and health plans. They would bargain with drug companies to secure discounts and rebates, a task likely to be delegated to pharmaceutical benefit managers, or P.B.M.'s, the companies that already perform the service for many employers. Both bills stipulate that Medicare officials cannot ''interfere in any way'' in those negotiations.

For President Bush and Republicans in Congress, the concept makes sense: let the marketplace set the prices, rather than government. For years, lawmakers have found fault with Medicare's arcane and voluminous regulations. Congress has frequently intervened to tweak the formulas, taking money from some providers while giving more to others—often to those with the most persuasive lobbyists.

That, in turn, contributes to anomalies in medical care, because doctors have financial incentives to perform certain services and not others. Mr. Scully, the Medicare administrator, said such anomalies were inevitable because Medicare was ''a big dumb price-fixer.''

Still, Medicare has been a boon to the elderly and their children. Surveys show that beneficiaries are overwhelmingly satisfied with their care. Before Medicare, only 56 percent of the elderly had hospital insurance; the program has contributed to an increase in life expectancy and a sharp reduction in poverty among the elderly.

Moreover, some studies show Medicare has done better at controlling medical costs than private health insurance. Cristina Boccuti, a researcher at the Urban Institute, and Marilyn Moon, a former public trustee of the Medicare program, said Medicare spending grew more slowly than private health insurance costs from 1970 to 2000. Republicans say such comparisons are misleading and contend that Medicare's cost controls have slowed access to new treatments and technology.

NEGOTIATED DISCOUNTS

But that does not seem to be a problem for the V.A. The study by the National Academy of Sciences found that its approach had ''meaningfully reduced drug expenditures without demonstrable adverse effects on quality.''

Mr. Valentino said: ''When we make our recommendations, it's not because Doctor A, in his or her opinion, believes it is the best drug. It is because the evidence says it's the best drug.'' Echoing the criticisms of government investigators, he added that P.B.M.'s, by contrast, sometimes make deals favoring expensive drugs for their own financial benefit.

Under the House and Senate bills, Medicare beneficiaries would have access to drug discounts negotiated on their behalf by private insurers and P.B.M.'s. Supporters of the legislation say these discounts could reduce retail drug prices by 20 percent. But Congress consciously decided to disperse Medicare's purchasing power. It did not want Medicare to establish a uniform nationwide list of preferred drugs or a price list for those drugs—mechanisms that the drug industry opposes.

''Price controls cause artificially low prices,'' said Jeffrey L. Trewhitt, a spokesman for the Pharmaceutical Research and Manufacturers of America. And low prices for a government program, he added, would reduce the money available for researching new drugs and could prompt drug makers to seek higher prices from patients with private insurance.

Critics of the drug industry dispute such arguments—and say that they obscure the obvious.

''The obvious is that if you control prices, you pay less,'' said Mr. Vladeck, the former Medicare administrator. ''There are some problems with it, and not all price controls work as well as others. But the pharmaceutical industry does have enough political juice to prevent any reasonable price controls.''

The idea of giving people a choice between traditional Medicare and private health plans has deep roots.

''We must promote diversity, choice and healthy competition in American medicine if we are to escape from the grip of spiraling costs,'' the Nixon administration said in 1970, in words similar to those of President Bush in 2003.

In 1978, Alain C. Enthoven, a Stanford University economist, called for regulated competition among private health plans. Medicare, he said, would subsidize premiums, and the most efficient health plans would pass on their savings to consumers, so patients would have a financial incentive to enroll.

Prompted by such thinking, the government offered new private alternatives to the traditional Medicare program in the 1980's, and Congress encouraged the development of health maintenance organizations. Enrollment grew, in part because many H.M.O.'s offered drug benefits not available in traditional Medicare.

Medicare beneficiaries generally praised the care they received in H.M.O.'s, but the plans did not control costs as their proponents had hoped. Many H.M.O.'s began reducing some benefits, including drug coverage.

They also pressed Congress for more money, saying that their costs were rising 10 percent a year—five times the increase in payments from Medicare. Unable to persuade Congress to close the gap, many abandoned Medicare or curtailed their participation.

That track record has heightened critics' skepticism about the current legislation.

''The myth of the market,'' said Lynn M. Etheredge, who worked at the White House Office of Management and Budget from 1972 to 1982, ''has a powerful sway over people's minds, despite evidence that it is not working in the Medicare program.''

The Congressional Budget Office estimates that under the legislation, many private plans will cost slightly more than traditional Medicare. Moreover, there is widespread doubt that insurers—who do not now sell stand-alone drug insurance—will begin to do so.

Even Mr. Scully concedes that such drug coverage ''does not exist in nature'' and would probably not work in practice. The elderly are heavy users of prescription drugs, so few insurers are eager to write coverage for their drug costs alone, separate from their other medical expenses.

''It would be like providing insurance for haircuts,'' Charles N. Kahn III said several years ago, when he was president of the Health Insurance Association of America.

LIMITS OF COVERAGE

Even if President Bush signs a Medicare drug bill in the coming year, it will not be the last word.

Health policy experts say that costs may well grow faster than the official projections suggest. That would increase pressure on Congress to hold down drug costs, just as lawmakers continually try to slow the growth of Medicare payments to hospitals.

At the same time, when Medicare beneficiaries realize the limits of the new drug coverage, they can be expected to lobby for more generous benefits. In supporting the Senate bill, Senator Edward M. Kennedy, Democrat of Massachusetts, made clear that it was only a down payment, a foundation for more comprehensive drug benefits.

Ms. DeParle predicts that the legislation will produce a huge demand for drugs, and she is far from certain that competition will do much to control costs. ''It is pretty much theory, and that is what worries me about it,'' she said. The Congressional Budget Office estimates that per capita drug spending for the Medicare population will increase about 10 percent a year over the next decade.

Critics of the legislation doubt its cost can be kept to the $400 billion budgeted by Congress. ''Utilization will go up dramatically, and costs could explode,'' said Senator Don Nickles, Republican of Oklahoma.

For now, however, politicians have chosen to favor drug companies over Medicare beneficiaries, said Prof. Uwe E. Reinhardt, a health care economist at Princeton University.

''On one hand, there is the taxpayer and, in fact, patients who would benefit from having costs controlled,'' Dr. Reinhardt said. ''But on the other hand, those people do not finance the campaigns of these legislators.''

Ms. Coyle of the hospital association declined to address the question of why her industry, but not the pharmaceutical industry, had been subject to price controls. Her group's biggest concern about the legislation, she said, is that ''we are not addressing the larger problem: a health care system that is fundamentally broken.'' The nation, she said, wants the best care for everyone, but needs to decide if it is willing to bear the cost.

So who would be the big winners if the legislation is signed into law?

''The short-run political winner is George Bush, because this law will not be understood by anyone,'' Dr. Reinhardt said. ''It is so complex. But he can go in 2004 and say, 'Look, for 30 years you tried to get a drug benefit—I got you one.' ''

And, he added: ''the elderly will benefit, too, relative to nothing. Who loses? Obviously the people who pay for it.''

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, what is the question before the Senate?

The PRESIDING OFFICER. The question before the Senate is Senator KENNEDY's amendment, No. 1566.

Mr. BYRD. I thank the Chair. Mr. President, am I at liberty to speak out of order? I do not intend to speak on that amendment.

The PRESIDING OFFICER. The Senator is at liberty to speak out of order.

Mr. BYRD. Mr. President, after reading about the Bush administration's proposed rules with regard to overtime pay, there should be no question that American workers are under assault by the Bush administration.

The Denver Post reports that since President Bush's election in 2000, the Labor Department has repealed 41 worker-safety regulations in development, including two aimed at addressing hazardous chemical dangers. Within 2 months of taking office, President Bush sought to repeal the Labor Department's ergonomic standard to prevent repetitive stress injuries, and has issued four Executive orders to curb the rights of labor unions.

It is not enough that the Bush administration has sought to prevent Federal workers from unionizing or that the White House has blocked an increase in the minimum wage. It is not enough that over 3 million jobs have been lost under the Bush administration's watch or that over 9 million workers are unemployed. The administration now wants to take away the right of millions of workers to receive overtime pay.

America's workers should be very concerned about the overtime changes being proposed by the Bush administration. These rule changes would force workers in executive, administrative, and technical fields to labor for longer hours and could make as many as 8 million salaried and hourly workers, many of whom have grown to depend upon overtime pay, ineligible for it.

It is not just hourly workers in factories and restaurants who will be affected by these rules. We are talking about roughly 14 million U.S. workers who are considered to be eligible for overtime pay—from computer engineers, paramedics, and paralegals, to secretaries, grocery clerks, and delivery route drivers. We are talking about the policemen, firefighters, health care officials—the heroes of the September 11 attacks who worked around the clock. These are the workers from whom the administration wants to take overtime pay.

These are not innocuous rule changes. The Labor Department has been flooded with more than 80,000 letters and e-mails debating the merit of its proposed overtime changes, the most mail the agency has received on any wage-and-hour topic in at least a decade. The Washington Post quoted a number of these letters in a story last July:

''Shame on you, President Bush,'' read one letter.

''Please do not take away our overtime pay,'' wrote a Marylander, who said that her husband works overtime so that she can afford to stay at home to take care of their infant daughter.

''Deplorable,'' ''unfair,'' ''absurd;''—these are the words used to describe this administration's proposal. To these I would add callous, hard-hearted, and out-of-touch.

Overtime pay is about more than just making ends meet. In many cases, it is the money used for unexpected health care costs, to pay medical bills, to care for elderly parents. For many families, it is the money carefully squirreled away to pay for a college education years in the future—those things that make life more than simply going to work to survive. I don't believe that the administration has any real appreciation for how important these extra wages are to a family in these tough economic times.

After graduating from high school in the midst of the Great Depression, I sought employment wherever I could find the opportunity—pumping gas at a filling station, working as a produce salesman, and becoming a meat cutter. It was difficult to make ends meet. So I and my wife, Erma, can well appreciate the willingness to work extra time to provide for a better life for the family. Such willingness to go the extra mile should be rewarded.

Earlier this week, Americans celebrated Labor Day to show our appreciation to this Nation's workers. If we really want to show our appreciation, the Senate should stand up for America's workers against the assaults of this administration and support the amendment by Senators KENNEDY and HARKIN.

Mr. President, I ask unanimous consent that my name be added as a cosponsor of that amendment.

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

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

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I come to the floor today to speak about an amendment I will be offering that will bring up the level of President Bush's international mother and child prevention of HIV initiative to the level which the President actually requested. Right now, the bill before us falls $60 million short of what the President requested. I believe we need to fix that. We need to get the numbers back up to what President Bush asked this Senate and asked this Congress to provide.

The international mother and child prevention of HIV initiative is truly one of the most cost-effective ways that we can stop the spread of HIV/AIDS to children. This initiative very simply allows doctors and nurses to give drugs to pregnant women who are HIV positive, or who have AIDS, to lessen the chance that this disease is then passed on to their unborn babies.

For as little as $3, doctors and nurses can give these mothers the drugs they need to lessen the likelihood that their babies are born HIV positive. In fact, when treated with drugs, we are seeing HIV/AIDS transmission rates from the mother who has AIDS to a child about to be born drop from 30 percent to 5 to 10 percent. It is almost a miracle.

Less than a week ago, I returned from a 10-day trip to southern Africa, along with Majority Leader BILL FRIST and Senators WARNER, ENZI, COLEMAN, and ALEXANDER. We traveled to South Africa, Mozambique, Botswana, and Namibia to assess the HIV/AIDS crisis in each one of these nations. On this trip, we saw firsthand how well these mother-to-child transmission programs are working in these countries and how important they are to saving the lives of these unborn babies.

There are already many programs in place in these countries and in other countries around the world—programs that are working and programs that are saving lives. We heard so many times people saying, Thank you—thank you to the United States, thank you to President Bush—for helping set up these programs and for making these programs work.

The bill in front of us provides additional resources for the continuation of these programs and the creation of more programs. The problem is that it does not go far enough. I simply will be asking in this amendment to fulfill the commitment and the request that President Bush made of this Congress to provide a specific amount which he has asked us to provide.

These programs work. We need to get them fully funded.

On our recent trip, for example, we visited a mother-to-child prevention program run by Catholic AIDS Action in Namibia, a nation with a 22.5-percent HIV rate for pregnant women—the fifth highest in the world. At St. Mary's Hospital in Rehoboth, Namibia, Catholic AIDS Action is doing a very good job in enrolling pregnant women in the Women-To-Infant Program. The program has an excellent success rate and is making a difference. We could see that difference. We heard about it.

We met with and talked with a HIV-positive mother. She told us about how this program had reached out to her. She was so very happy and so very proud that, even though she was HIV positive, she had given birth to a child who was healthy and was not HIV positive. She was so very happy. What a miracle it was. What a great thing it was to see.

We saw so many more examples of this throughout our trip. We saw so many good programs out there. People are already doing so much good work to stop the spread of this disease from mother to child.

There are many more good programs ready to go. We just need to get them funded with all the funds they truly need.

One of the most important things I took away from this trip is that we don't have time to delay in helping

these people. Each day we delay, people die—real people, not statistics, real parents and children and babies. And there are things we can do now to start saving these lives.

Time, as the President of the United States told this Congress, is simply not on our side. We need to move forward and provide the proper levels of assistance. So I will be asking my colleagues to support the amendment I will be offering, an amendment to provide the President of the United States with the level of funding he requested for the mother and child initiative. Doing so will help save countless lives and offer hope to the next generation for a life free from HIV. It is the right thing to do.

I thank the Chair and yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1559

Mr. SPECTER. Mr. President, the time has arrived for voting on the Murray amendment. I raise a point of order under section 504 of the concurrent resolution on the budget for fiscal year 2004 that the amendment exceeds discretionary spending limits specified in this section and therefore is not in order.

Mr. REID. Mr. President, on behalf of Senator MURRAY, I, by virtue of the relevant statute, move to waive the point of order that has been raised and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mr. SPECTER. Mr. President, I notice that the Senator from Washington is in the Chamber now. If she would like to have her 2 minutes of argument, I ask unanimous consent that we proceed to 2 minutes of argument on each side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. There are 2 minutes on each side.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank the chairman and appreciate his accommodating me.

The amendment the Senate is about to vote on is a really important one. Across this country thousands of people who have lost their jobs will never get these same jobs back.

Today, in my home State of Washington, there are 10,000 people on a waiting list in King County alone trying to get into a retraining program in order to obtain the skills they need to get back into the workforce and put food on the tables for their families.

Certainly, at this time in our country's history, when our economy is sluggish, when people are struggling everywhere, the best we can do—and one of the most important things we can do—is give these workers the skills they need to get back into the workforce.

This amendment is critically important. Many of these training programs have not received any increase in funding in a decade. It is important to us as a country that we have a workforce that has the skills to be marketable. That is what this very critical amendment does. I urge my colleagues to support it.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, if we had unlimited funding, I would say the Murray amendment would be a good one. But the fact is we do not. This account already has, in the Senate budget bill, in excess of $3.5 billion. The Murray amendment would seek to add another $163 million, and it simply is not within our allocation.

If we were to try to find some accommodation within the existing budget limit, we would have to cut other programs. As it is, the Senate report is $125 million over what the administration had requested. And when you look at the total sum of money which has in excess of $3.5 billion, that is, obviously, very substantial funding. So I ask my colleagues to vote no and not to waive the point of order.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Missouri (Mr. TALENT) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''Yea''.

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

The yeas ands nays resulted—yeas 46, nays 49, as follows:

[Rollcall Vote No. 325 Leg.]

YEAS—46

Akaka	Dodd	Lincoln
Baucus	Dorgan	Mikulski
Bayh	Durbin	Murray
Biden	Feingold	Nelson (FL)
Bingaman	Feinstein	Nelson (NE)
Boxer	Harkin	Pryor
Breaux	Hollings	Reed
Byrd	Inouye	Reid
Cantwell	Jeffords	Rockefeller
Carper	Johnson	Sarbanes
Clinton	Kennedy	Schumer
Coleman	Kohl	Snowe
Collins	Landrieu	Stabenow
Corzine	Lautenberg	Wyden
Daschle	Leahy	
Dayton	Levin	

NAYS—49

Alexander	Dole	McConnell
Allard	Domenici	Miller
Allen	Ensign	Murkowski
Bennett	Enzi	Nickles
Bond	Fitzgerald	Roberts
Brownback	Frist	Santorum
Bunning	Graham (SC)	Sessions
Burns	Grassley	Shelby
Campbell	Gregg	Smith
Chafee	Hagel	Specter
Chambliss	Hatch	Stevens
Cochran	Hutchison	Sununu
Conrad	Inhofe	Thomas
Cornyn	Kyl	Voinovich
Craig	Lott	Warner
Crapo	Lugar	
DeWine	McCain	

NOT VOTING—5

Edwards	Kerry	Talent
Graham (FL)	Lieberman	

The PRESIDING OFFICER. On this vote the yeas are 46, the nays are 49. Three-fifths of the Senate duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The Democratic leader.

Mr. DASCHLE. Mr. President, I want to offer an amendment in a moment, and I will ask unanimous consent to lay aside the pending amendments, but I would first like to announce we are prepared to go to conference on Energy. I am sure later on today we will ensure that the conferees are announced. I have been working with the distinguished ranking member on Energy, Senator BINGAMAN. He and Senator DORGAN, Senator BOB GRAHAM, Senator RON WYDEN, and Senator TIM JOHNSON, along with Senator BAUCUS from the Finance Committee, will be our conferees on the Energy Committee.

I thank Senator AKAKA for his willingness to allow Senator BAUCUS to take his place as a conferee as a result of the decision not to bifurcate conferences but to keep the conference membership together. Senator BAUCUS will be an official part of the entire conference, and Senator AKAKA kindly allowed Senator BAUCUS the opportunity to represent the Finance Committee as it relates especially to tax issues.

I know there was some comment that our Republican colleagues were waiting for us. We were told right before the August recess that they were not ready to go to conference and so we did not anticipate the need to appoint conferees until we were told a couple of days ago that they were now ready. Of course, we are prepared now to do so as well. So there was not any delay on our part. This is something we wanted to do for a long time. Given the fact we were told they were not ready, we did not feel the need to expedite this matter until we returned.

On another matter, I know there was a good deal of discussion this morning on an amendment that we will take up next week, but I wanted to speak to the amendment myself and that is the amendment relating to the overtime regulation.

Our economy has been hemorrhaging jobs over the last 3 years. We have lost

more than 3.2 million private sector jobs since January of 2001, including 2.4 million jobs in the manufacturing sector alone. At the same time, incomes are flat. The only way many Americans can make ends meet is to work overtime. I know there are many Americans, and many South Dakotans, who I talked to over the course of the last couple of weeks, during the month of August, who told me that were it not for overtime they would lose up to a fourth of their income.

For millions of working families, overtime pay makes the difference between their ability to pay bills and their fear of greater indebtedness. Health bills, education bills, clothing bills, grocery bills, rent, mortgage, child care, all of that is possible.

The reason they work so hard and so long—and I might say that the average workweek has now grown to a larger number of hours than it has been in more than 50 years. This overtime pay reliance is possible because 65 years ago this country made a promise to the workers who drive our economy forward. It was called the Fair Labor Standards Act. It struck a balance between the needs of business and the rights of workers. It actually required employers to pay employees time and a half for every hour of overtime worked, and that now has been the law of the land, as I said, for 65 years.

This simple and fair bargain has improved the lives of hard-working Americans all over this country, expanded the job market by providing an incentive to employers to hire more people when business was good. It has been vital to our economy, and I think it has been the essence of prosperity for many families.

If the administration now gets its way, all of the practice and commitment we have made to workers for 65 years will be swept away and 8 million Americans will be forced to take a pay cut. This spring, the administration revealed its plans to undo protections of the Fair Labor Standards Act and end overtime for 8 million workers. This is an outrage.

Overtime is giving families the means to save for a house or a college education. For hundreds of thousands of families, it lifts them out of poverty. This is what the White House wants to abolish.

Just yesterday, the White House released its Statement of Administration Policy. It declares that if the Senate acts to protect workers' overtime pay in this bill, the President will veto it. The message comes through loud and clear. For them, abolishing overtime is more important than every other provision in this bill.

Let's be clear. This is one of the most egregious and brazen attacks on the American working family in years. The White House proposal would affect workers all over the country and virtually every sector of the economy.

As I said, while I was home in South Dakota during the August recess, I heard from all kinds of people who came up to me on the streets, in stores, concerned about these changes and they told me how it would devastate them: nurses and physician assistants caring for our sick, teachers educating our children, criminal investigators keeping our neighborhoods safe, and millions of others.

We need these people to do their jobs and to do them well. Frequently, their jobs ask that they work long hours away from their families. Their time is valuable. Their work is critical. They deserve to be paid fairly. We should be taking every possible step to increase job opportunities for working Americans, but changing the FLSA will not only undermine efforts to increase employment but lead to even more lost jobs as employers cut staff and demand increased hours from remaining employees.

This is a critical moment for our economy. Workers are struggling. Interest rates are rising. The number of people who are unemployed increases every single day. The answer to our economic problems is not to take still more money out of the pockets of working Americans. We cannot allow workers to be forced to spend more time on the job and have less pay to show for it.

Next week we will have an opportunity to vote on the Harkin amendment. I must say for working families all over this country, I do not think there will be a more important amendment this entire Congress. I would hope on a bipartisan basis we would say to this administration that 65 years of progress in treating Americans right and fair ought not be reversed by some regulation in this administration or by anybody else. Let us show on a bipartisan basis that we stand with the workers. We will continue to provide them the overtime pay they deserve.

AMENDMENT NO. 1568 TO AMENDMENT NO. 1542

Mr. DASCHLE. I have an amendment at the desk. I ask unanimous consent the pending amendment be set aside and this amendment be considered.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE], for himself, Ms. COLLINS, Mr. CONRAD, Mr. DORGAN, Mr. DODD, Mr. BAUCUS, Mr. PRYOR, Mr. BINGAMAN, Mrs. LINCOLN, Mr. JOHNSON, Mr. KERRY, and Mr. NELSON of Nebraska, proposes an amendment numbered 1568 to amendment No. 1542.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide funding for rural education)

On page 76, between lines 10 and 11, insert the following:

SEC.____. In addition to any amounts otherwise appropriated under this Act to carry out part B of title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7341 et seq.), there are appropriated an additional $132,347,000 to carry out such part: *Provided*, That of the funds appropriated in this Act for the National Institutes of Health, $25,000,000 shall not be available for obligation until September 30, 2004: *Provided further*, That the amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $7,027,546,000: *Provided further*, That the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $6,650,954,000.

Mr. DASCHLE. Mr. President, I thank Senator CONRAD and Senator COLLINS who have been partners in this effort. I thank them for their cosponsorship and I appreciate very much their help in addressing this challenge.

America's rural schools today educate nearly 40 percent of the children in our country. Many face funding challenges because of limited tax bases, their remote locations, and the large geographical areas they serve.

The Rural Education Achievement Program is part of the No Child Left Behind Act. It is designed to help schools in rural communities address these challenges and make sure rural students have access to a high quality education. Unfortunately, this program, like so many others in the new law, is grossly underfunded.

The amendment we offer today provides an additional $132 million to fully fund the REAP Program at the authorized level—I emphasize the ''authorized'' level—of $300 million. REAP is the first Federal program dedicated to helping rural schools address the unique challenges they face. It consists of two sections, the Small and Rural Schools Achievement Program and the Rural and Low-Income Schools Program. Small school districts generally receive low levels of funding under formula programs because of their small student populations, which are a very characteristic part of who they are. They also receive fewer competitive grants than their urban and suburban counterparts because they do not have grant writers. The Small and Rural Schools Achievement Program provides supplemental grants to rural schools with 600 or fewer students. It also allows these schools to combine their formula funds into one flexible fund to address their most critical areas of need. In the first full year of funding, more than 4,000 school districts applied to receive funding under the program. Of that group, 3,500 had never received competitive funds from the Department of Education. Over 85 percent of those who applied never received competitive funds in previous years from the Department of Education.

The average award in this program was $18,000. While the grants are small, most districts at least doubled the total funding they received from the Federal Government, and are able to use these resources to address many of their very critical needs.

The Rural and Low-Income Schools Program is targeted to larger rural districts that have high levels of poverty.

These grants flow through State education departments to eligible local districts. The resources are used to enhance teacher recruitment and retention, educational technology acquisition, afterschool enrichment activities, and other areas that pose challenges for low-income rural districts.

More than 2,000 districts benefitted from this program in 2002, with an average award in that year of $30,000.

Nearly 40 percent of America's schoolchildren attend public schools in rural areas in small towns with populations of under 25,000. Almost 50 percent of the Nation's public schools are located in rural areas in small towns and 41 percent of public school educators teach in rural community schools.

Rural schools face formidable challenges in meeting the requirements of No Child Left Behind Act because their budgets are particularly limited.

I was in Kadoka, South Dakota in early August and a teacher approached me on the street. All he wanted to talk about was the No Child Left Behind Act. All he could say is that, for them, compliance was almost impossible unless they get some help. He pleaded with Congress to recognize the unique problems the No Child Left Behind Act presented to rural schools, especially Kadoka.

Per-pupil costs tend to be higher in rural districts. Because classes are smaller, the cost of providing teachers is higher per student. Superintendents in South Dakota are also concerned about the impact of the new teacher qualification requirements. Many teachers in rural schools teach several subjects but may not have degrees in all of those subjects. This, too, was an issue the teacher in Kadoka mentioned to me and expressed grave concern about. He noted it can be very difficult to find a good biology teacher, but in a small school that person often teaches general science and chemistry as well as physics because they have no other choice.

Similarly, transportation costs can be significantly higher in rural districts since buses must travel longer distances with fewer students.

In spite of these circumstances, rural schools are expected to apply the same academic standards and obtain the same higher results as urban and suburban school systems under the new law. Additional funding for rural school programs is desperately needed to help these schools address their unique challenges so they, too, can improve student proficiency.

My State has a particularly large number of rural school districts. More than two-thirds of our districts have fewer than 600 students. Administrators tell me they do not have the staff to deal with the paperwork needed to complete Federal grants. For example, when I notified our schools that the Early Reading First Program was seeking proposals, Jack Broome, the superintendent from Burke, SD, responded that while he thought his students might benefit he was unable to assign anyone to fill out the preapplication which was more than 100 pages long. He serves fewer than 250 children. Of those, 15 to 20 students need additional help with reading. REAP, however, is much easier to apply for and those funds are helping to fill that gap.

Although 2002 is the first year schools could participate in this program, 135 out of 177 school districts in South Dakota are currently participating just a year later. Nearly 40,000 children benefit in my State alone. School administrators tell me how much they appreciate and need this help.

Doug Voss is the superintendent in Centerville, SD, an agricultural community which educates about 250 students. They receive $17,809 in REAP funds, an increase of more than 10 percent above the amounts they received from other Federal programs. They used their funding to hire a part-time elementary schoolteacher, provide more training for other teachers, and expand their reading incentive program.

John LaFave, the superintendent of the Hansen school district, received $16,474. That represented a 10 percent increase in their Federal support. The Hansen school district serves 326 students. They used refunds to hire two teaching assistants to work with their growing population of English language learners.

The President's budget has actually proposed that we eliminate funding for the REAP program, for 2 years in a row. He did it last year, but Congress objected. He wanted to do it again this year.

The amendment I have offered would ensure that no student in a rural community is left behind as schools work to implement education reform under the No Child Left Behind Act. We simply cannot turn our backs on the needs of these rural communities. They are doing all they can to comply. Their intent is good. They are troubled; they are concerned; they are frustrated by their inability to comply because they don't have the resources.

Our amendment is very simple. It just says we are going to provide the funding authorized under the law by title VI of the No Child Left Behind Act passed in 2001. That is all it does.

These funds will be spent to enhance key areas outlined by the law, including teacher recruitment and retention, professional development, education technology, parental involvement, school safety, drug use prevention—all in an effort to enhance the academic achievement among rural students as we are demanding they do under the law.

This program is going to help many school districts, not only in my State but I daresay in every single State in the country. I urge my colleagues to support this important amendment. I hope we could see overwhelming bipartisan support as we take it to a vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, as the Senator from South Dakota has outlined the need for funding in rural education, I think he raised a very valid point. I have special reference to that, having grown up in a small community myself, in a little town called Russell, KS. I think the Presiding Officer knows one of my fellow townsmen, a fellow named Dole, Bob Dole. It is a little town on the windswept plains of Kansas, has 4,989 people. It used to have 5,000 until Dole and I left town.

I am not sure that Russell qualifies under the Rural Education Achievement Program, but I think it probably does. The rural areas need help, although Russell perhaps not as much as some. Russell is located in an area where there was a lot of oil underground. In fact, they found oil to the south of town and to the northwest of town. Then they found oil in the town. The requirements were that to drill an oil well there had to be agreement of quite a number of property owners. They couldn't get the agreement because nobody wanted the oil well in their backyard. They all wanted the proceeds but didn't want the oil well. So I am not sure if Russell was in as great a need as some communities.

But that aside, just as a parenthetical expression, there is no doubt that helping the rural part of America is very important. I think it is worth noting that this is a very new program. It came into existence with the authorization in fiscal year 2002 at $162.5 million, raised $5 million in 2003. This year, the administration zeroed out the program, saying there would be sufficient funds from other lines.

When our subcommittee took a look at all of the programs, we decided we ought to keep it, and we funded it at a level rate, as we had to do with so many programs.

In structuring an appropriations bill for the Department of Labor, with worker safety; and the Department of Health with the tremendous needs of NIH and Head Start; and the Education Department, with the mammoth needs in so many directions, it is a Hobson's choice every time we turn around.

As the manager of the bill, along with Senator HARKIN, we have worked on a bipartisan basis. We felt constrained to live within our means as defined by the budget resolution and by the 302(b) allocations.

If we are to measure up to the full authorization and put in $133 million, we would either have to cut into some of the existing funding, or we would have to go beyond our allocation. I would be at a loss, frankly, to find where an offset might be found. If the proponent of this amendment has any ideas on offsets, I would be delighted to consider them on a comparative basis as to where the priorities ought to be.

When the Senator from South Dakota talks about all we want to do is

come to the authorization, that is not quite so simple. It is the generalization that the authorization is characteristically higher than the appropriation. This issue came up in our consideration of the Byrd amendment. As I pointed out earlier, when it came to the issue of Title I funding for fiscal year 2002, when Senator BYRD was chairman of the Appropriations Committee and the Senator from South Dakota was the majority leader, the appropriation was for $10.35 billion or $2.85 billion under the authorization; so that the common practice is to have the appropriation under, and frequently substantially under, the authorization.

If you take a look at the Homeland Security bill, the Transportation Security Agency letter of intent for airport security had an authorization of $500 million and an appropriation of $309 million. Fire grants were $900 million authorization, $750 million appropriation. And so it goes on many lines. On the Violence Against Women Act, authorization $667 million; appropriation, $407 million.

I could go down on item after item where an appropriation is characteristically not as high as the authorization.

So in essence, I find the arguments of the Senator from South Dakota compelling on the desirability of having more funding for rural areas, having grown up in one myself, and, frankly, having been the beneficiary of a very good education system. I have gone to some outstanding educational institutions, but I never had a better education than at Russell High School or a better teacher than Ada May Groetzinger, who was the debate coach.

I think the Senator from South Dakota had a pretty good education, too, the way he handles himself, deports himself, and his achievement level. I would like to see many young people come out, come to the floor of the U.S. Senate. Not too many more competitors from Pennsylvania, I have enough this year. But I think the idea of improving educational attainment and more funding is an excellent idea. I just wish I had more money at my disposal for my subcommittee to grant the request made by the Senator from South Dakota. But I don't.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, let me say, first, I think the distinguished chairman, as always, does a fine job in working with the allocation with which he is presented. That is not only his choice, I know in many respects he has fought hard for greater allocations so we can address many of these issues. So my argument is not with him. He is making the most out of a very difficult situation.

Having said that, let me just say a couple of other things. We have used the same mechanism in an offset for this amendment that our colleague, the chairman of the Appropriations Committee, used in offering his amendment to increase the subcommittee's allocation for fiscal 2004. So I join with Senator STEVENS in using what apparently is an appropriate and acceptable mechanism for the offset.

So we have the offset. But I would make one other point. Again, I say this with all deference to the chairman of the committee. I don't remember how he voted on the budget. I didn't vote for the budget. I didn't vote for these allocations. I didn't vote for the priorities that that budget presents—$3 trillion of tax cuts over the course of the next 10 years.

We are going to be asked—I am told this morning by the White House—to find another $70 billion for Iraq. I am not sure yet what my vote will be. I want to hear the justification from the administration. I would like to ask them what their offset is. I would like to know how much money we are spending in rural Iraq for education compared to what we are spending in rural South Dakota. If we can find $70 billion for Iraq over the course of the next few months, I think we can find a few million dollars to fund the authorized amount of education funding for rural America so that we can go back and tell them they have the resources and now we want them to comply with the No Child Left Behind Act.

I don't know what answer I give to a school superintendent in South Dakota when he says, You tell me I don't have the resources, and then you—DASCHLE—go and vote for $70 billion for Iraq. Explain that to me. I don't have an answer.

Again, that is not the chairman's problem. But that is a problem I have. That is a problem of priorities that I think this administration is yet to explain.

So I don't buy the administration's argument that we just do not have the funds for education when we have all these funds and there is apparently more where that came from when we need it for Iraq.

Again, I compliment the chairman for the work he does in meeting many of the needs we have. He has a tough job. But on this issue, I think we can find the funds if we have the desire.

Mr. CONRAD. Mr. President. I am very pleased to join my distinguished colleague and the minority leader as a cosponsor of an amendment to increase funding for the Rural Education Achievement Program (REAP). No Senator has been a stronger advocate on behalf of rural schools and supporter of REAP. The amendment would increase REAP funding by $132 million, bringing appropriations for the program to the authorized funding level of $300 million under the No Child Left Behind Act.

As my colleagues are aware, the Senate Appropriations Committee reported a Labor-HHS bill that funds REAP at a level of $167.6 million for fiscal year 2004, the same funding level as fiscal year 2003. The House Labor-HHS appropriations bill, H.R. 2660, includes $170 million for REAP. I am especially grateful to appropriators in both the House and Senate for funding rural education, especially since the Administration failed to recommend any funding for REAP in the fiscal year 2004 budget.

While I am pleased with action by Senate appropriators to provide $167.6 million for REAP, the recent enactment of the No Child Left Behind Act has made clear the critical need for additional grant assistance for smaller, rural school districts. Historically, rural school districts receive a smaller percentage of federal education dollars because of their inability to compete as effectively for funding as larger urban or suburban districts are able to do. Additionally, the geographic isolation of many smaller, rural schools, many of which also have declining enrollments, a very limited tax base and significant transportation costs, makes it more difficult to find the resources to provide certain educational opportunities for students.

As my colleagues may recall, Senator SUSAN COLLINS and I introduced legislation to authorize the Rural Education Achievement Program during the 106th Congress. At the time, we were very concerned that many smaller, rural districts did not have the resources or staffing to compete effectively for many of the Department of Education competitive education grant programs. Additionally, in cases where rural school districts received formula allocated funds based on student population or other criteria, the funding was minimal and there was no flexibility to enable local school officials to more effectively use the limited funds to help improve student achievement or professional development.

The REAP program was enacted late in the 106th Congress and initially funded at a level of $162.5 million in fiscal year 2002. Under the REAP program, two small, rural schools programs were authorized. The Small and Rural Schools Achievement Program is a formula grant program that authorizes grants directly from the DOE to eligible school districts. The districts eligible under this program must have an average daily attendance of 600 students or less and be designated by the National Center for Education Statistics, NCES, with a locale code of 7 or 8. Under the Small and Rural Schools Achievement Program, school districts are permitted to consolidate new formula allocated funds under teacher quality, local technology, safe and drug free schools, and innovative programs. The consolidated funds may be spent on any of the preceding programs or Title I, Part A, language improvement and after school programs.

Under the Rural and Low-Income Schools Program, funding is competitive and school districts may apply directly to DOE. School districts must have an NCES local code of 6, 7, or 8

and have a census poverty rate of 20 percent. Funds may be sued for teacher recruitment, professional development, parental involvement, Title I, Part A, bilingual education or Safe and Drug Free Programs.

The REAP program is very important for smaller, rural schools, especially with the new requirements for testing and professional standards under the No Child Left Behind Act. Approximately 80 percent of schools in North Dakota are eligible for REAP funding. I know from a Budget Committee hearing that I chaired last week on implementation of the No Child Left Behind Act and conversations with rural school officials in North Dakota that the $1.2 million in REAP funding that went to North Dakota last year helped 117 school districts meet some of the challenges under the new Act. Funds were used for professional development for teachers, to provide distance learning opportunities to assist with the purchase of computer equipment for classrooms.

Unfortunately, Mr. President, funding in the fiscal year 04 Labor, HHS bill for No Child Left Behind including for rural education, is not adequate. Although S. 1356 provides $23.6 billion for DOE education programs, the bill provides $8.4 billion less than the authorized level in fiscal year 04 for No Child Left Behind, including $132 million below the authorized level for REAP. Without question, we are not fulfilling our responsibility to provide adequate funding to states and local school officials to help communities achievement the goals under NCLB. REAP is an essential program under NCLB, and I hope that my colleagues will support the Daschle amendment to fully fund rural education at the $300 million level.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1572 TO AMENDMENT NO. 1542

Mr. DODD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself, Mr. HAGEL, Mr. JEFFORDS, Ms. COLLINS, Mrs. MURRAY, Mr. DORGAN, Mr. BINGAMAN, Mr. KERRY, Ms. MIKULSKI, and Mr. PRYOR, proposes an amendment numbered 1572 to amendment No. 1542.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide additional funding for grants to States under part B of the Individuals with Disabilities Education Act)

On page 76, between lines 10 and 11, insert the following:

SEC.____. In addition to any amounts otherwise appropriated under this Act for grants to States under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), there are appropriated an additional $1,200,000,000 for such grants: *Provided*, That of the funds appropriated in this Act for the National Institutes of Health, $84,000,000 shall not be available for obligation until September 30, 2004: *Provided further*, That the amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $8,095,199,000: *Provided further*, That the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $5,583,301,000.

Mr. DODD. Mr. President, I offer this amendment on behalf of myself and my colleagues, Senator HAGEL of Nebraska, Senator JEFFORDS of Vermont, Senator COLLINS of Maine, Senator MURRAY, Senator DORGAN, Senator BINGAMAN, Senator KERRY, Senator MIKULSKI, and Senator PRYOR. There may be others who will ask to be added as a cosponsor, but those are the ones I have at this particular time.

This is an amendment that all of my colleagues are familiar with. They have voted on this amendment on several occasions over the last decade. On at least one occasion, we voted unanimously in support of an effort to increase funding for the Individuals With Disabilities Education Act, commonly known as IDEA.

This amendment deals with special education funding. There is not a Member here who has not met a Governor, a mayor, a county supervisor, or a teacher who has not talked about this issue and the importance of it and the implications to their communities and their States if the Federal Government does not live up to its commitment of 40% full funding. A commitment made almost three decades ago.

I offer today a modified version of full funding. We have already voted once, in the last, I think, 24 or 48 hours, on a special education proposal from my colleague from Minnesota, Senator DAYTON. He proposed a far more aggressive program, one that would have added about $11 billion, if I am not mistaken, to this program. My amendment is $1.2 billion above the Labor-HHS appropriations for special education grants to states. The budget within the bill adds $1 billion for Part B Grants to States. This amendment would add and additional $1.2 billion to that, for a total $2.2 billion increase.

Let me explain what we are trying to do and why I hope my colleagues understand how critically important this issue is, regardless of whatever feelings they have had about other proposals. First, obviously, this amendment will help provide needed education for children with special needs. Second, it will provide financial relief for communities.

Most of the dollars spent on special education come from local property taxes. Some States are different, but the overwhelming majority of States in this country support educational efforts through local property taxes. If we do not continue to provide some additional support and live up to the commitments we made three decades ago to fund IDEA at 40%, you are going to see an increase in local property taxes to meet these obligations. I don't think anyone needs to spell out the kind of hardship that would pose for a lot of families across this country. Families that are already facing tremendous economic pressures, with high unemployment, and with huge deficits at the State and local levels.

You have heard over and over again of the tremendous pressures communities are facing today. You have heard about the added burden of having to watch property taxes go up to meet obligations we promised we would make at the Federal level in regards to special education. This amendment would ease that burden by picking up some of the cost.

As I said, almost 30 years ago Congress passed the Individuals With Disabilities Education Act. This was designed to help States provide all children in this country with disabilities with a free, appropriate public education in the least restrictive environment possible.

When we passed this legislation, the Federal Government also made a commitment to our States and localities. We said we would cover 40 percent of the State cost of servicing these students with special needs over time.

Thirty years later—three decades later—we have yet to make good on that commitment. Today, our level of commitment hovers around 18 percent, not 40 percent. This means, of course, that States are bearing more than their share of responsibility for meeting a federally mandated requirement regarding disabled student's needs. States that, mind you, are facing astronomical deficits, as I mentioned a few moments ago. States that often have no choice but to pass costs on to municipalities, which then, of course, pass them on to every-day, average American taxpayers through local property tax increases.

The amendment I am offering with my colleague from Nebraska, Senator HAGEL, Senator JEFFORDS, Senator COLLINS, and others, is designed specifically to provide some relief in this area. This legislation would add an additional $1.2 billion to the special education fund, bringing us up to a $2.2 billion in the total increase to grants to States. This is exactly what we promised to provide in the fiscal year 2004 budget resolution. This is exactly what we voted on. We said this is what we would provide, an additional $2.2 billion. So not only did we make a commitment 30 years ago to provide 40 percent of the funding, as recently as within the last year this body made a

commitment that we would fund an additional $2.2 billion in grants to States in the area of special education.

This amendment makes us live up to that commitment. This $1.2 billion added increase would raise the level of the Federal Government's IDEA commitment to 21 percent from 18 percent. That is just over half of the 40 percent we set as a goal almost 30 years ago. At this rate, $2.2 billion a year, the Federal Government would meet its goal of 40 percent full funding by the year 2012, some 9 years from now.

I know there are those who would suggest that we ought to fully fund this immediately. I wish we could do that. I would be supportive of that kind of an effort, but, obviously, given the tremendous fiscal problems we face at the national level, it is impossible. So rather than suggest we fully fund a remaining 21 percent or more, what we are suggesting here is a $2.2 billion increase for one year. If we maintained this increase over the next 9 years, up until the year 2012, we could fully fund the commitment that we made 30 years ago.

Currently the Labor-HHS appropriations bill adds roughly $1 billion in grants to states. According to the Congressional Research Service, this boost would fund IDEA at about 18.7 percent. More importantly, if this $1 billion increase were to become the standard rate of increase over the coming years, we would never fully fund the special education program. We would never be able to meet the goal that we promised 30 years ago of 40-percent funding, certainly not by the year 2012.

Again, the cost of special education is extremely high. We all know that. Talk to any superintendent of schools, any mayor, county supervisor, Governor, any teacher in any school, and they will tell you, whether they are Democrats or Republicans, anywhere in the United States, all 50 States, the cost of this program is extremely high. They understand the need for it as well. If you talk to them you begin to understand the tremendous fiscal pressures they feel in their communities. In fact, I am quite sure every one of us in this body, including in the other body, have had these types of conversations with our mayors and other local leaders, telling us how important it is that we try to meet our special education commitment of 40 percent.

Better yet, talk to any rural mayor or selectman in my State, Vermont, Nebraska, any one of the communities around this country, and you will begin to understand how as little as two or three special education students in a rural community can throw an entire district's budget off balance. These school districts need our help. They have been asking for it year in and year out.

To the credit of this institution, in years past we have risen to the challenge. This body has voted in support of special education funding. Keep in mind that the amendment I am offering on which Senators HAGEL, JEFFORDS, and COLLINS worked closely, provides for an additional $1.2 billion for only 1 additional year. It is not full funding. In the context of this bill, we have not asked to fully fund IDEA over a set number of years. We are merely asking that we provide our States with some fiscal relief now and provide our taxpayers with some fiscal relief now by providing States and rural counties with the funds they need to carry out their obligations to children with special needs today. It is a modest proposal but a much needed one across the country.

In my State of Connecticut, in spite of spending hundreds of millions of dollars to fund special education programs in our school districts—and it is true in almost every other State across the country—schools are struggling to meet the needs of students with disabilities. The costs borne by local communities and school districts are rising dramatically. The local burden is immense. This amendment is an opportunity not to alleviate it entirely but to alleviate some of that burden. Providing an additional $1.2 billion for special education not only demonstrates this body's commitment to universal access to education for all children, it helps entire communities by easing the tax burden of everyday taxpayers.

When we do not meet our Federal funding obligations then a mayor or county executive has to make up the difference. As you can imagine, there are only two ways to do this: Either you slash social services or you raise local taxes. I don't know about my colleagues, not all of them, but I can assure you that now is not the time to raise local taxes. I also do not want to see our students shortchanged in the quality and quantity of the programs that are offered from town to town and city to city all across the country. I don't understand how raising taxes or cutting services or quality of services are even options that ought to be considered.

Recently the President signed into law a tax cut of over a hundred billion dollars for some of the wealthiest of our fellow citizens. I represent, of course, one of the most affluent States in this country, Connecticut. Still I can say without equivocation that the vast majority of people in my State would support increasing expenditures for something as important as education. In fact, I know and am confident that even the wealthiest of my citizens, who are the beneficiaries of some of the tax cuts, would much rather see resources used to improve the quality of education for children in the 21st century than to provide a tax cut which most of them would tell you they don't need at all.

I am asking today that Congress, without equivocation, support the same thing that the overwhelming majority of our citizens say they support. I say this with the understanding that the Federal Government is facing its own budget challenge similar to that of the States. I understand that our economy is slumping and that the deficits at the State level are estimated to run at roughly $100 billion. Still, I cannot accept the argument that because our economy is faltering, we cannot provide our children and their families with the critical educational resources they need, and we need, as a nation. I cannot accept that we cannot increase the Federal commitment to special education and otherwise ease the burden of the average American taxpayer.

I do not find it acceptable, further, that we are yet again passing the overwhelming majority of costs of special education implementation on to our States. I do not find it acceptable that we are passing on the overwhelming majority of costs of special education implementation on to our local taxpayers.

Having said all of this, I stress again, education needs to be viewed as, and remain, a national priority. Investment in education is no less important in a weak economy. In fact, I could make a case it is more important. Education is the gateway to a better life, the key to a healthy democracy, and absolutely essential to our long-term national economic growth and security. For these reasons, I ask that my colleagues help our schools, our families, and our children by providing them with the resources they need to maximize their potential.

My colleagues understand that and know well how strongly the Governors, mayors, and county executives across this Nation feel about this issue. Inevitably, over the years they list special education as one of the most, if not the most, important areas in which the Federal Government can assist them by meeting the obligation that we proposed 30 years ago.

Thirty years ago, when we passed the Individuals with Disabilities Education Act, we told States we would help them meet their constitutional obligation to provide children with disabilities a free, appropriate education by providing States with 40 percent of the cost. They would have to pick up 60 percent. The States accepted this ratio of 40 to 60 percent.

Tragically, for three decades the States have picked up 80 percent; in fact, only recently, 80. Up until a few years ago it was more.

The amendment I am offering only gets us about halfway to 40 percent, to about 21 percent. At a rate of $2.2 billion it would be another 9 years before we fully meet the 40 percent obligation. But we have to start. We have passed this legislation in the past, or at least similar legislation, and regrettably the other body has refused to accept it and rejected it. But that doesn't mean we ought not to keep on trying.

I hope the President will step up and support this effort. Every mayor and Governor I have ever talked to, Republican or Democrat, tells me they need help in this area and they want us to live up to our obligations.

I urge my colleagues to support the effort my colleagues from Nebraska, Maine, Vermont, and I, and others, are offering. This is a bipartisan amendment being offered by Democrats and Republicans. This is one area in which we ought to find common cause and common bond and say to our States and mayors: We hear you. You are under great pressure today, tremendous pressure and we can help. Here is a modest proposal to get us to a level of funding that can truly make a difference in our Nation.

I will remind my colleagues that just 2 years ago a bipartisan group of 31 Members of this Chamber introduced legislation to direct the Appropriations Committee funds to fully fund special education by the year 2007. That bill, S. 466, was the foundation of the Harkin-Hagel amendment to the No Child Left Behind Act. It was passed by this body on a unanimous vote. Every single Member of this body voted for it. It would have increased Federal support for special education by $2.5 billion a year until we reached full funding.

Unfortunately, because of strong opposition from the President of the United States and the Republican House leadership, this provision, adopted unanimously by this body, was not included in the final drafting of the No Child Left Behind Act. The administration seemed to be saying no child left behind—unless, of course, he or she is a special needs child.

Today's amendment builds on the step this body took in 2001, 2 years later, through the Harkin-Hagel amendment, to fully meet our special education obligation. Today's amendment enables us, once again, as a bipartisan body, to recommit ourselves to this cause.

I ask my colleagues to support this amendment because it is good for students, families, for schools, municipalities, States, and for the average American taxpayer, because so much of education is paid for through local property taxes. Before 1975, only 20 percent of children with disabilities received a formal education. Eighty percent of kids with special needs were being left out of the educational process. Today, as a result of the Special Education Act, we serve 5.4 million school age children, as well as 200,000 infants and toddlers, and 600,000 preschoolers. That is something for which all of us can be deeply proud.

I remember working on this idea when, under President Gerald Ford, I was a new Member of Congress—30 years ago. I had a head of black hair in those days. And while it has turned white over 30 years of experience around here, I remember the great sense of pride in the country when President Ford initiated the effort to not leave behind 80 percent of special education students that were not getting services.

Let me recite the numbers again because every Member ought to be proud of the fact that this is a better and stronger country today because special education children are getting an opportunity to maximize their potential through our public schools, are getting an opportunity to be self-sufficient, independent, contributing citizens. 5.4 million school age children, 200,000 infants, and 600,000 preschoolers are all getting assistance as a result of IDEA. This assistance is being paid primarily with local property tax money.

We need to step up and meet our obligation. As a result of special education legislation, the number of children with disabilities who graduate from high school and go on to college has increased significantly over the last few years. These are things for which America can be proud.

Yet, while we are proud, we must also be concerned with the difficulty the cost of this program causes for cash-strapped States and localities in our Nation. We need to recognize that if we do our part—if we provide States with additional special education funds—we are helping to relieve tax burdens.

I am going to be asked, I am sure, how do we pay for this. We do this by forward funding—an idea used here by others in the Chamber. By forward funding, we can pick up the cost without creating the kinds of hardships that are felt by slashing away at other programs that need continued support.

Let me just mention, if I can, what this amendment may mean to States in terms of additional assistance. I don't have every State here, but to give you an idea, this amendment would provide an additional $130 million for California; $14 million for my State of Connecticut; for Nebraska, $8 million; for New Hampshire, $5 million; for Pennsylvania, $49 million more for special needs kids; for Tennessee, $26 million more. Think of what that means to the States. I will provide these numbers for my colleagues so they know exactly how much more passing this amendment would mean to their States. What kind of relief it could provide for them as they struggle to meet fiscal burdens and challenges.

I see my colleague from Vermont is here, a cosponsor of the amendment. I don't know how my colleague from Pennsylvania wishes to proceed. I presume he wants to hear from all of us.

At this point, I yield the floor and I hope others may be heard on this issue. I think it is extremely important and it is my fervent hope that this is an amendment that deserves broad-based support.

I ask unanimous consent that the distinguished Senator from Minnesota, Mr. COLEMAN, be added as a cosponsor as well.

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

Mr. DODD. We are getting to the point where we have almost as many Democrats as Republicans cosponsoring this amendment. My hope is that we can all join together on this. We have been divided on a lot of issues. Special needs kids deserve us joining forces. We ought to demonstrate that we can do things together on something such as this. We did it in 2001. It is 2003 now and the problems are so much more severe today in terms of the burdens on States and localities.

I hope I can add every Senator to this amendment. What a wonderful message that would be as we have come back from the August break. The school year has begun and parents are worried about whether resources will be there for their kids. Taxpayers wonder whether there will be additional costs to them. This amendment provides an opportunity for us to get together and send a resounding message across the country that we are willing to get this job done. It may take another 9 or 10 years, but we are on the road to getting it done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I am pleased to join with my colleagues, Senators DODD, HAGEL, and others, in offering the amendment today that will provide an additional $1.2 billion in funding for special education. This will bring the total to $2.2 billion and put us on the path to fully fund special education within 8 years.

Unfortunately, I think this has become an annual event. Every year we try again to make the Federal Government fulfill its promise of nearly 30 years ago. Every year we have tried and every year we have failed. This battle started in 1975 when Congress passed the special education bill. As a freshman Congressman, I had the pleasure of working on that bill with my colleague, then-Congressmen HARKIN and DODD.

We recognized that special education would be costly, and we pledged to help States by covering 40 percent of these costs. But time and time again, the Federal Government has failed to keep its word. Instead of providing 40 percent, as we promised, we are currently providing only 18 percent.

The bill before us proposes to increase spending by about $1 billion, and many of my colleagues will speak to how significant an increase this is.

I wish to recognize the chairman and the ranking member for their efforts on increasing special education funding, but I am afraid it is just not enough to meet the needs of our schools. We could increase special education spending by $1 billion each year, but at this rate we could never reach the level of funding that was promised.

Congress has failed time and again to keep its word on special education, and I am both embarrassed and troubled by this. I am embarrassed because we claim to be committed to educating our children, but we do not provide the support to our local schools to do so.

This pattern of chronic underfunding hurts all the children. When school boards develop their budgets, they have

a court-ordered constitutional responsibility to ensure that special education needs are addressed. Too often, they are forced to raise local property taxes or to cut services to all children. Failure to fully fund our share of special education forces our school boards to make impossible choices and divides our communities.

We cannot continue to pretend we are doing our part here in Washington. We cannot continue to call for higher standards and greater achievement while not living up to our end of the bargain. We cannot continue to pit our students against each other in classrooms and school board meetings across the country. And we cannot continue to leave our States, our towns, and our local taxpayers to foot the bill because the Federal Government has failed to keep its promise.

I am troubled because in my State of Vermont, a promise is not made casually or taken lightly. In developing this legislation which has helped so many, I gave my word that this would be a shared responsibility and that the Federal Government would pay its fair share. We have not, and this has gone on for too long.

We have heard over and over from State legislatures and school boards around the country that full funding of special education is a top priority, a constitutional requirement.

In my small State of Vermont, we are talking about the difference between $21 million, the amount of the Federal special education funds my State will receive this year, and $44 million, which is what Vermont would have received if we had just kept our promise.

Right now, my State is struggling, like so many others, to cut budgets because of the economic downturn. Education dollars will not be spared, and that additional $23 million would have gone a long way this year toward easing the pain of the State's budget crunch.

We are here today to ask the Federal Government to keep its promise. While we are almost 30 years overdue, there is no better time than now to do it. I urge my colleagues to support this amendment. The Senate has repeatedly passed symbolic votes to fully fund IDEA, but these votes have been nothing more than symbolic. It is time to move beyond the symbolism. Please join me in passing this bipartisan legislation. Please allow us to be able to look into the eyes of the children and the citizens of our States and tell them we have kept our promise.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank my colleague from Vermont for his leadership on this issue. Along with Senator HARKIN, we were both freshmen Members of Congress in 1975. President Gerald Ford, along with the Congress, adopted the legislation which created the act to deal with students with disabilities. Senator JEFFORDS has been a champion on this issue for 30 years. I am so pleased to be joining with him in this effort once again. I regret it has taken us this long. We have had some great successes in the past.

As I mentioned earlier, less than 2 years ago we voted unanimously to send a message that we cared about this issue. In fact, we adopted a larger sum of money than what we are asking for today. The amendment Senator JEFFORDS offered, along with Senator HARKIN and Senator HAGEL, was for $2.5 billion. We are talking about $2.2 billion, when you add the $1.2 billion that is in the bill. It is less than what we asked for 2 years ago to get us on a road to meeting the full 40 percent funding commitment we made 30 years ago.

I thank the Senator from Vermont once again for his tireless efforts on behalf of America's children, their families, and taxpayers. I know others want to be heard on this matter.

I ask unanimous consent to print in the RECORD a listing of all the increases, to print what this $1.2 billion will mean State by State. I know the Presiding Officer, my good friend, will be curious to know how Idaho would do. Idaho will get an additional $6 million under this program if we get these additional dollars for special education funds. I am quickly looking down the list because I do not want to leave out my colleague from Oregon. An additional $14 million will go to his communities to defray the cost of special needs children. I include what this amount means to each State so my colleagues can have some idea as to how they will benefit.

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

State	FY2003 final amount	FY2004 Senate Appropriations Committee amount	FY2004 increase of $2.2 billion over FY2003 amount	FY2004 estimated full funding
Alabama	$143,066,000	$158,700,000	$178,923,000	$303,153,000
Alaska	26,501,000	29,838,000	33,468,000	57,692,000
Arizona	132,563,000	149,252,000	167,414,000	342,540,000
Arkansas	85,906,000	95,603,000	107,944,000	208,622,000
California	933,124,000	1,046,811,000	1,178,466,000	2,131,907,000
Colorado	112,272,000	126,407,000	141,789,000	258,992,000
Connecticut	103,861,000	114,227,000	128,051,000	236,382,000
Delaware	24,288,000	27,346,000	30,674,000	56,740,000
District of Columbia	12,212,000	13,750,000	15,423,000	38,422,000
Florida	479,525,000	530,376,000	596,151,000	1,244,798,000
Georgia	233,043,000	262,383,000	294,312,000	586,415,000
Hawaii	30,632,000	34,489,000	38,686,000	74,866,000
Idaho	41,226,000	46,416,000	52,064,000	92,671,000
Illinois	393,134,000	435,094,000	489,367,000	991,792,000
Indiana	200,791,000	221,789,000	248,948,000	533,684,000
Iowa	96,042,000	105,628,000	118,411,000	234,267,000
Kansas	84,072,000	93,293,000	105,220,000	203,511,000
Kentucky	122,827,000	135,917,000	152,848,000	319,394,000
Louisiana	142,508,000	160,449,000	179,974,000	321,458,000
Maine	43,047,000	47,343,000	53,073,000	118,272,000
Maryland	153,622,000	169,751,000	190,613,000	360,265,000
Massachusetts	223,317,000	245,605,000	275,328,000	495,396,000
Michigan	308,119,000	342,792,000	387,640,000	738,182,000
Minnesota	149,337,000	164,529,000	185,076,000	358,666,000
Mississippi	92,158,000	103,760,000	116,387,000	203,198,000
Missouri	178,701,000	196,536,000	220,321,000	459,105,000
Montana	28,125,000	31,490,000	35,519,000	61,335,000
Nebraska	58,742,000	64,605,000	72,424,000	139,774,000
Nevada	49,853,000	56,129,000	62,959,000	135,447,000
New Hampshire	37,334,000	41,060,000	46,029,000	98,661,000
New Jersey	284,356,000	312,736,000	350,583,000	750,016,000
New Mexico	71,699,000	79,229,000	88,969,000	165,292,000
New York	597,208,000	660,212,000	741,706,000	1,404,109,000
North Carolina	235,924,000	260,564,000	293,542,000	607,637,000
North Dakota	19,722,000	22,205,000	24,907,000	44,269,000
Ohio	344,364,000	386,101,000	434,899,000	790,180,000
Oklahoma	116,368,000	129,216,000	145,834,000	290,516,000
Oregon	100,991,000	112,110,000	126,494,000	245,531,000
Pennsylvania	336,056,000	374,907,000	424,147,000	835,395,000
Puerto Rico	81,033,000	91,234,000	102,337,000	220,777,000
Rhode Island	34,402,000	37,836,000	42,415,000	104,193,000
South Carolina	137,797,000	153,708,000	172,926,000	350,504,000
South Dakota	23,494,000	26,452,000	29,670,000	55,641,000
Tennessee	181,996,000	201,695,000	227,175,000	399,311,000
Texas	725,934,000	811,593,000	916,785,000	1,580,296,000
Utah	81,887,000	92,196,000	103,416,000	178,607,000
Vermont	19,016,000	21,410,000	24,015,000	43,718,000
Virginia	214,099,000	236,861,000	266,302,000	543,174,000
Washington	170,259,000	190,579,000	215,021,000	390,060,000

State	FY2003 final amount	FY2004 Senate Appropriations Committee amount	FY2004 increase of $2.2 billion over FY2003 amount	FY2004 estimated full funding
West Virginia	59,745,000	65,708,000	73,660,000	160,640,000
Wisconsin	163,780,000	181,384,000	204,153,000	404,601,000
Wyoming	19,949,000	22,461,000	25,194,000	42,329,000
State subtotals	8,740,029,000	9,721,766,000	10,937,631,000	21,012,405,000
Estimated amounts for outlying areas, BIA, and evaluation	134,368,536	136,766,744	136,766,744	NA
Totals	8,874,397,536	9,858,532,744	11,074,397,744	

Mr. DODD. Mr. President, I yield the floor, and I thank my colleague from Vermont.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, before they leave, I commend my colleague from Connecticut, Senator DODD, and my colleague from Vermont, Senator JEFFORDS, for the tremendous work they are doing on behalf of that critically important population of kids.

As the Senator from Connecticut noted, my home State would receive substantial sums under their important amendment. I support it and urge all my colleagues in the Senate to support the amendment.

IRAQ RECONSTRUCTION

Mr. WYDEN. Mr. President, news reports last week revealed that the Bechtel Corporation would be receiving an extra $350 million in Iraq reconstruction work over and above the $680 million contract they were awarded by the U.S. Agency for International Development earlier this year.

Meanwhile, it was also reported that the Halliburton company has been awarded contracts totaling $1.7 billion in connection with the war in Iraq.

Despite repeated promises by the administration to recompete Halliburton's contract, most recently in July, this has still not occurred.

This is especially relevant today because the papers today reveal that the administration intends to seek more than $60 billion in additional taxpayer funding to cover the mounting costs in Iraq, and that is, of course, on top of the $79 billion wartime supplemental funding the President signed into law last April.

I come to the floor this afternoon because as this new debate begins, it should be noted that not once have U.S. taxpayers been given a true accounting of expenditures in Iraq.

This summer, I held, like so many colleagues, town meetings at home. I had 10 town meetings all across Oregon, and repeatedly at these sessions citizens would come up and say: Where are these vast sums going? What is being done to prevent waste in these expenditures? And isn't something being done to make sure that at a time when we are having so much difficulty in Oregon funding schools, health care, and essential services, steps are being taken at the national level to make sure these huge sums being spent for Iraqi reconstruction are being spent wisely?

But the fact is that the public and the Congress are in the dark with respect to a true accounting for these expenditures for Iraq reconstruction. I think the American people and the Congress deserve better.

The budget presented earlier this summer by the Administrator for Iraq, L. Paul Bremer, in effect, used accounting that resembled the approach about which Enron was talking. It had over $1 billion in capital expenditures off budget, and if these costs had been included, the budget simply would not have been in balance.

Certainly, no private company could operate this way. Its accounting would never pass muster with the Securities and Exchange Commission under the Corporate Accountability Act.

My concern is the American taxpayers do not want to find themselves, with respect to these Iraqi reconstruction expenditures, in a situation like so many Enron employees faced—I had constituents involved in this—that hits them when the house of cards begins to crumble.

With enormous sums at stake, American taxpayers deserve a full accounting of what they are getting for their hard-earned tax dollars.

The question now for the Senate is: How much longer is the Congress going to continue to shovel money out the door for Iraqi reconstruction without insisting on the truth for those at home whom we represent? Americans have been kept in the dark about how these handpicked contractors go about doing their business.

Senator COLLINS, Senator CLINTON, myself, and a group of Senators on a bipartisan basis, have been concerned about the substantial evidence that indicates that these contractors were not picked because they were the most cost competitive. In a rare moment of candor, one of the officials in the administration actually admitted that they were using companies to perform work that could be done at a lower cost. Yet there has been no justification for that, no explanation as to why time and again Federal agencies have let contracts for Iraqi reconstruction without asking for competitive bids at all or by confining the bidding process to a select group of U.S. companies that seem to have very good connections.

Earlier this year in the Defense appropriations bill, I was able to write into the legislation a measure that would require the administration to explain why it chose to let billions of dollars in private contracts for reconstruction go forward without open and competitive bidding. That measure is now in conference. I urge my colleagues to accept that provision, make sure that it gets to the President's desk, and that there is some accountability with respect to these dollars.

If billions of dollars are going to go out in private contracts, the rule ought to be open competitive bidding. Colleagues such as Senator COLLINS, who chairs the Committee on Governmental Affairs, have great expertise in this area. There have been various reports in recent years that have documented how it is fraught with problems for taxpayers if we get away from the principle of open and competitive bids. Yet it seems that the closed-bid process, closed and secret bids, are more the rule rather than the exception with respect to Iraqi reconstruction contracts.

I believe if Federal agencies had to justify their spending decisions in Iraq, there would be egregious cases of waste that would be stopped. We would not see money funneled to a handpicked group of companies, and we would see more of the contracts awarded to lower bidders who actually had to compete, and the public would see the fruits of full and open competition.

Clearly, as this rebuilding effort goes forward, the American people are saying, at a time when our schools are closing early, at a time when we have bridges, roads, and critical infrastructure crumbling from neglect, they want to know what is being done to ensure that their tax dollars are spent in a judicious fashion.

This is not the first time this request has been made on the Senate floor, and I am certainly not the only Senator who has been issuing this call. As I said, on various legislation, the Defense authorization, the Defense appropriations bill, a bipartisan group of us, particularly the chair of the Committee on Governmental Affairs, Senators COLLINS, CLINTON, BYRD, LIEBERMAN, and myself, all of us have said it is time for some sunshine. It is time for some sunshine at a period when vast sums of the people's money are being used for Iraqi reconstruction, and yet little is known about how this money is being spent and whether it is being spent in a prudent fashion.

At a time when Oregon families are hurting, when we are having difficulty getting funds for education at home in Oregon—and I know this is true elsewhere—I want the full truth about how these tax dollars are being spent in Iraq and why the administration is refusing to use the most cost-effective method again and again for doling these dollars out.

Most of all, it is time for the administration to level with the public. At this point, virtually the only information Congress and the citizens of this

country have with respect to these billions of dollars worth of contracts are the news reports. Certainly, what I am reading makes the Iraqi contracting process look more like a cash grab for a few companies than a fair process to get the taxpayer the best deal. Instead of awarding the contracts to the lowest bidders, too often the administration has funneled ever larger sums to a select group of companies that seem awfully well connected.

Now, more than ever, taxpayers deserve to know the terms of the contracts that have been awarded and how these contractors were selected.

My amendment to the Defense appropriations bill would require the disclosure of that critical information. It would create not just openness in the contracting process but would help ensure that the careful spending of tax dollars in Iraq gets the value that America's working families deserve.

I think virtually every Member of the Senate would agree that the American people should not be asked to write blank check after blank check for the cost of rebuilding Iraq. They certainly should not be asked to do it when they have gotten absolutely no answers with respect to how their money is being spent and why. The American people have not received any assurance that their tax dollars are not being wasted in Iraq while so many of them are hurting at home.

So I intend to keep this fight visible on the Senate floor. I think all of us ought to be taking every step possible. We have two pieces of legislation to do it, to ensure that there is accountability for these expenditures, and to ensure that actual steps are taken to cut the waste. The families I represent in Oregon deserve careful, not wasteful, spending of tax dollars that are used to reconstruct Iraq. Right now, those citizens and the Congress are in the dark and the American people deserve better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I rise today to comment on two of the amendments that I am pleased to join my colleagues in cosponsoring. First, let me acknowledge the hard work of Senator SPECTER and Senator HARKIN in shaping this bill. There are so many important priorities. They have done a very good job.

The amendments I have cosponsored have to do with education spending. First, I think it is important that all of the Members of this body acknowledge and recognize that under President Bush's leadership we have invested unprecedented amounts of Federal funding to improve the education of our children. We should never forget that fact. In fact, President Bush's budgets are 60 percent higher for education funding than the budgets presented under President Clinton. Nevertheless, there are a couple of areas where I think we can do even better and make a real difference.

AMENDMENT NO. 1566

For this reason, I have been very pleased to join my colleague from Massachusetts in offering an amendment to the bill to provide additional funding for higher education.

Our system of higher education is in many ways the envy of the world, but its benefits today have not been distributed equally to all Americans. As tuition rises, the road to higher education in America gets steeper and harder to climb for low- and middle-income families.

In 1979, a student in the top quartile of family income was four times more likely to obtain a baccalaureate degree by age 24 than a student from the bottom quartile. That discrepancy has grown by an additional 70 percent by graduation day for the class of 2001.

Tuition fees at 4-year public colleges have increased by 40 percent over the past decade. Everyone is familiar with the pressures State budgets are under, and that, too, has caused more pressure on the tuition at public universities and colleges.

At the same time, the value of Pell grants has declined by nearly half over the last 20 years. Today, Pell grants cover only 40 percent of the average fixed costs at 4-year public colleges whereas 20 years ago the Pell grant covered more than 80 percent of public college expenses.

From my experience in working at a Maine college before my election to the Senate, I know how critical Pell grants and other forms of Federal financial aid are in opening the doors of educational opportunity to many students. In fact, at Husson College where I worked, 85 percent of the students were reliant on Pell grants and student loans to finance their college education. Without that assistance, they simply would not be able to afford higher education.

I found more and more of our students are graduating with a mound of debt because of that change in ratio. It used to be that Pell grants and other forms of assistance covered most of the costs of a college education. Now, they cover far less and thus our students are forced to take out more and more and greater and greater amounts of loans to finance their education.

I am not saying education should be paid for the students, but we need to strike the right balance or else the doors of higher education and, thus, economic opportunity will be slammed shut for far too many low-income families.

Therefore, our amendment provides $2.2 billion to help fund crucial higher education programs including Pell grants, the SEOG, Work-Study, Perkins loans, the LEAP program, GEAR UP, and last but not least, the TRIO programs. The Kennedy-Collins amendment would provide desperately needed funding to increase the maximum Pell grant award. Our amendment provides a $450 increase in the maximum Pell grant and increases Pell grants to approximately 4.8 million students with a median family income of only $15,200. A Pell grant makes all the difference to these low-income families. It makes the difference between their children having economic opportunity, being able to pursue an education that is so necessary for a brighter future, that is necessary to participate in the American dream.

We can take this step, we can provide this $450 increase in Pell grants to these low-income children. In my State of Maine, this amendment results in an increase of $6.3 million in Pell grant aid.

I also want to talk about the importance of this amendment and the significant increases for other student-oriented programs. Again, I commend the committee and subcommittee chairmen for their hard work in bringing education spending up to unprecedented levels.

There is a program that I believe is so important to expanding opportunity for so many students. That is the TRIO Program. Our amendment provides a $160 million increase. The TRIO programs may be better known to many of my colleagues as Upward Bound, for example. That is an example of the TRIO programs. They help first-generation college students and low-income students get on the right track and begin to think about higher education as something that should be part of their lives.

I have talked to many students in Maine whose parents did not have the advantage of higher education. They told me that prior to participating in the TRIO programs, they just did not realize that college could be part of their lives. The TRIO programs exposed them to higher education, encouraged them, counseled them, helped them afford SATs, for example. It makes a difference. It truly changes the lives of so many students who come from families with absolutely no experience in higher education.

We have proposed to increase the funding for TRIO programs as well as for the GEAR UP and LEAP program which are aimed at younger children. The sooner we get students interested in higher education, the better. These programs change lives for the better. I hope we can help keep the doors of higher education open to all qualified students no matter their financial needs.

AMENDMENT NO. 1568

I am also very pleased to be a cosponsor of an amendment offered by Senator DASCHLE and Senator CONRAD that would increase the funding for the Rural Education Achievement Program. This program I authored along with Senator CONRAD as part of the No Child Left Behind Act.

Again, I acknowledge the tremendous efforts of the chairman, Senator SPECTER, on behalf of rural schools. The administration's budget, I am sad to say, eliminated funding altogether for the

Rural Education Achievement Program. Senator SPECTER was able to restore this funding, which I deeply appreciate. It is essentially flat funded, however, and I would like to see an increase.

Our rural schools—and in Maine, that is 56 percent of the school districts in the State—need help in meeting the mandates of the No Child Left Behind Act. Children in small rural school districts deserve the same educational opportunities as their more urban counterparts.

We enacted the Rural Education Achievement Program to respond to two problems. First, smaller school districts do not have the grant writers and the other resources to compete for Federal grants the way the larger, more urban school districts do. Second, they often receive so little funding under the formula programs that it is not sufficient to accomplish the goals of those programs.

So the concept behind the Rural Education Achievement Program was to give more funding for rural schools, that they would not have to go through an elaborate grant-writing process, and to give them the flexibility of combining funding streams so they could have the funds available that would make a difference.

Let me give a couple of examples. In Jackman, ME, for example, a small community in western Maine, last year the school district received $16,000 in REAP funding in the Rural Education Achievement Program. The superintendent plans to use that money to support technology in the classroom and teacher training. There are other examples. In the Bradley School District in Penobscot County, ME, with 104 students, they received $21,000 through the Rural Education Achievement Program. The total Federal formula funding under ESEA going to this small school district will be about $25,000 this year. That is enough to allow Bradley the flexibility to hire a part-time reading specialist to meet the mandates of No Child Left Behind, to update computer systems, or provide some extended-day learning opportunities.

With the increased challenges of No Child Left Behind, our Nation's rural school districts need the additional financial resources and the flexibility provided by the rural education program now more than ever.

I hope my colleagues will join me in supporting this amendment as well.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, I think the managers, if I can get Senator HARKIN's attention, are prepared to go to third reading. That notion is gaining support on the floor.

Mr. HARKIN. What a jester you are. I wouldn't mind it.

Mr. SPECTER. Senator HARKIN says he wouldn't mind. It is not a formal commitment. This may replace late-night television, Mr. President.

Mr. HARKIN. Does that mean you will accept all our amendments and just go to third reading?

Mr. SPECTER. Does that mean we will accept all your amendments? Let's hear some amendments so I will know if I can accept them or not. You cannot accept a pig in a poke, as the expression goes. I think that is an Iowa expression. It comes from Waterloo, IA.

Senator HARKIN and I are prepared to go to third reading if we don't have amendments down here by 4:15.

Mr. HARKIN. Waterloo, MO.

Mr. SPECTER. In a very serious vein, there is a long list of amendments and there is talk about Senators wanting to go home on Friday. That may or may not be possible, depending upon what the status of this bill is. But in the light of these assertions, I yield to my distinguished colleague from Iowa to concur.

Mr. HARKIN. I would like to ask my good friend, the chairman of the committee, does he know from the leadership on his side whether we will be having votes tomorrow? If we are, that is fine. We will get some votes packed in tomorrow, on some amendments tomorrow. I don't know. No one has advised me.

Mr. SPECTER. We cannot have votes tomorrow unless we have amendments. I think that is definitive. So the alternative to that is go to third reading and then we do have a vote.

Mr. HARKIN. I understand there are some amendments coming down this afternoon. There are some amendments pending right now.

Mr. SPECTER. There is no amendment being offered on the floor. There is no amendment we can put our hands around. The only thing we could put our hands around would be third reading. We could do that.

Mr. HARKIN. We have a vote at 5 o'clock, I understand. Was that already ordered? Oh, not yet.

There is the rural education amendment.

Mr. SPECTER. We have that, that we can vote on, and we can vote on the Dodd amendment? We can't vote on the Dodd amendment either? We can't vote on the Dodd amendment until the Senate is in session, and the Senate is not in session until the Democratic Presidents come back.

Mr. HARKIN. I understand we can have votes tomorrow on certain amendments. The Senator has an amendment which I am supporting on NIH. Is that going to be offered here this afternoon? We could vote on that. We have amendments on both sides. I am supporting that amendment, as my friend knows. Why can't we vote on that?

Mr. SPECTER. Mr. President, again, let me make a plea to our colleagues to come to the floor and offer the amendments. There are quite a few on the Republican side who have listed amendments, as well as Democrats.

Mr. HARKIN. I understand we want some people back for that, too, on NIH.

Mr. SPECTER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, this has been cleared on both sides. In the presence of the ranking member of the subcommittee and the assistant Democratic leader, I ask unanimous consent that the vote in relation to the Daschle amendment No. 1568 occur at 5:10 today; further, that no amendments be in order to the amendment prior to the vote.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

The Senator from Nevada.

Mr. REID. Is there a quorum call in effect?

The PRESIDING OFFICER. There is not.

Mr. REID. Mr. President, I would ask the distinguished Senator from Pennsylvania—and this is certainly not his fault—but we received a call. We need to change the time of the vote to 5:40, and with 10 minutes of debate prior to a 5:40 vote; 5 minutes for Senator DASCHLE and 5 minutes for those opposing the rural education amendment.

Mr. SPECTER. Well, if that is the best we can do, so stated.

The PRESIDING OFFICER. Is there objection to the unanimous consent request, as modified?

Hearing none, it is so ordered.

Mr. SPECTER. Mr. President, I have been asked, on behalf of the leader, to have that vote followed by a judge vote. So as in executive session, I ask unanimous consent that following the scheduled vote at 5:40 under the previous unanimous consent agreement, the Senate proceed to executive session to the consideration of calendar No. 349; further, that there be 2 minutes equally divided in the usual form for debate, and that the Senate then vote on the confirmation of the nomination, with no intervening action or debate. Finally, I ask consent that following the vote the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I am wondering if the Senator will withhold. We may be able to have the judge's vote

first and then go to the Daschle amendment at 5:30. If the Senator would withhold just for a minute, we could check that out. It might be more convenient for everybody to have the vote earlier rather than later.

Mr. SPECTER. Mr. President, that would be agreeable.

Mr. REID. If we could, then, Mr. President, I ask the distinguished Senator from Pennsylvania—and I do again apologize to him, but I think it would be better for everyone involved if we had the vote on the judge at 5 o'clock, followed by a vote on the Daschle amendment at 5:40, and prior to the 5:40 vote there be 10 minutes of debate equally divided in the usual form.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, this is kind of like the kangaroo cops on my side. We can't have the vote before 5:30—I apologize—the first vote. I apologize. The unanimous consent request offered by the Senator from Pennsylvania, as unmodified, we accept. We would have the first vote at 5:40, followed by a vote on the judge.

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

The Senator from Iowa.

AMENDMENT NO. 1575 TO AMENDMENT NO. 1542

Mr. HARKIN. Mr. President, shortly, I am going to offer another amendment dealing with school renovation and construction on behalf of myself and Senator CLINTON from New York. This is an issue I have been involved with for over almost 12 years now. I first started talking about the need for the Federal Government to be involved in school construction and renovation back in 1991. At that time, when I was seeking my party's nomination to be the candidate for President, I had come up with sort of a blueprint for America. But one of the cornerstones was the need to invest in the infrastructure of our country. In that infrastructure, aside from water and power generation and transportation, communications, one of the elements of the proposal was for the Federal Government to provide for meaningful funds for the renovation and reconstruction of schools throughout the country. I had picked up on this after reading ''Savage Inequalities'' by Jonathan Kozol from which it became clear to me that Mr. Kozol had provided a great service to our country by pointing out that all over America, the poorest schools—the worst schools, I should say—the schools that are the most rundown and in the most need of repair were those located in very low-income areas.

It became obvious the reason they did is because they were in low-income areas where they had low property tax values, and they simply didn't have the wherewithal to fix up the schools. However, the schools that were in high-income areas basically were in pretty good shape. Thus he termed it ''Savage Inequalities.''

Based upon that, I said: We ought to embark upon an effort to get the Federal Government involved in reconstructing schools. One of the reasons I proposed that and have been proposing it for the last 12 years is that I do firmly believe in local control of schools, local control in terms of curriculum, teachers, hiring, the general sort of thrust of the schools, how they are operated. That has been one of the geniuses of the American educational system. We have had this diverse approach to education in our country.

The fact is, giving construction money to the schools in no way takes away from local control. It just provides the funds they need. I also thought at the time that we would have a matching. We would have the States then come up with funds. For example, a low-income area that has low property tax values could take, let's say, a grant, a Federal grant of money that would lower the total cost of the bond or whatever is needed to be passed to provide for new construction; thus they might not only be more willing but at least able to build new schools or to reconstruct and renovate old schools.

Nothing happened on that in the early 1990s. Obviously, I did not get my party's nomination. I tried to get the Clinton administration to provide some of this. In fact, in 1994, we did get money for school renovation and reconstruction. It was rescinded the next year. I then embarked upon an effort to test my theories in the State of Iowa.

So beginning about 1997–1998, I got some money to go to the State of Iowa for school construction and renovation. And the State department of education handled that money and put out a requirement that there had to be certain local matches to get this grant money.

Local communities, at least in my State, could match that money one of three ways: They could either pass a bond, raise money through further bonding, they could have a local option sales tax, which we have in Iowa, or they could do it with what we call a plant and equipment levy. In the State of Iowa local jurisdictions are allowed to do that.

When we first put out several millions of dollars for this to test this theory, it turned out that the leveraging was incredible. The leveraging was over almost 20 times. In other words, for every Federal dollar we put out, we got about 20 times that in local moneys coming in to help. That is because they got the grant money, and they could see they could get maybe $100,000 or $200,000. And if they matched that with a local option sales tax or something or a bonding, then they get it. Many of these jurisdictions that had trouble passing bonds in the past found that with this carrot approach they were able to get the bond passed because obviously they didn't have to pass as big a bond as what they had in the past. Therefore, their local property tax levees would not be that great.

So it worked very well. In fact, there are schools all over the State of Iowa that have gotten these Federal grants now going back almost 5, 6 years. There are new classrooms; there are new schools; there are renovated buildings all over the State of Iowa that are testament to the fact that the theory I had actually does work.

So in 1991, we had $1 billion we had put into this program nationwide. That $1 billion was cut down to about $800 million in conference, but we got about $800 million out for school construction and renovation all over the United States. Every State has participated in this. Again, not all that money has been spent because it took some time to get the money out. People had to make contracts for construction, things such as that. But the reports we are getting back are that this has been something the States have found they can use and, as I said, multiply the amount of money. There is a multiplier effect to every Federal dollar that goes out.

It is estimated 14 million children in this country attend schools that are deteriorated. Just this morning, the American Society of Civil Engineers, a decidedly nonpartisan group, issued one of its periodic report cards which assess the condition of the Nation's physical infrastructure. In 2001, the ASCE awarded the Nation's schools a grade of D minus, the lowest grade for any individual category. That is bridges, water systems, sewage disposal systems, of all the infrastructure of America, schools got D minus, the lowest grade.

This morning, the American Society of Civil Engineers concluded there had been no progress in the condition of our schools. The report states: Due to aging, outdated facilities, severe overcrowding, or new class sizes, 75 percent of our Nation's school buildings remain inadequate to meet the needs of schoolchildren.

The ASCE also found that the average cost of capital investments needed to upgrade and replace our schools is $3,800 per student. That is more than half the average cost to educate that student for 1 year. They estimate the total cost to fix our schools at more than $127 billion nationwide.

I have said many times, it is a national disgrace that the nicest places that our children see are shopping malls, sports arenas, and movie theaters. The most rundown place they see is their public school. What kind of signal, what kind of message are we sending to our kids when the nicest things they see are shopping malls and movie theaters and sports arenas, and one of the most rundown places is the public school they attend every day?

What message does that say about the value we place on their education and their future? It is not just a matter of appearances. Numerous studies demonstrate the link between safe and healthy school buildings and student performance. That is basic common

sense. If buildings are making teachers and students sick, obviously, they will not learn as well.

The Healthy Schools Network has reported many such problems around the Nation. For example, several parents have complained that their children were getting sick at a large city school near Albany, NY. The county inspected the school and found unsafe levels of lead and mold. The school has not been able to correct the problem, citing a lack of funding for repairs, but children are still attending the school.

A child in North Carolina missed several days of school suffering from headaches and stomachaches. During the summer break, the child's illnesses abate but come back when school resumes in the fall. The child attends class in an old trailer that has a musty odor and poor ventilation and mold.

A Virginia parent said her son felt sick at school and was doing poor in social studies. An inspector found nonfunctioning ventilators and several water-stained ceiling tiles.

We talk a lot about leaving no child behind but children such as these are being left behind all over the country today in bad school buildings. It doesn't have to be this way.

Last year I visited Longfellow Elementary School in Council Bluffs, IA. Longfellow school was built in 1939, the year I was born. Now you know how old I am. That was the year the school was built.

Basically, in the 2001–2002 school year, Longfellow recorded 4,893 student absences. The next year, after all the modifications and changes and everything, absences dropped by more than a half, to 2,357—cut in half in 1 year. Why? Well, that school received this Federal grant to make improvements to the school. Before this, they had an old boiler in the basement, an old water heating system. It was always leaking and it was many years old. There was mold all over the basement and mold on the ceilings. Kids were getting sick, plus there was poor ventilation. When you have these hot radiators in the middle of the winter, if you have a mild day, they are still hot. They just had all these problems, so they put in a new geothermal heating and cooling system. They put in better plumbing. They put in new window glazing with double-paned windows. They cleaned up everything. The mold and mildew has disappeared. The indoor air quality has risen dramatically. The building is not just a nicer place; it is a healthier place. In 1 year, they cut absences in half just by putting in this new system.

Another bonus came with the school's utility bill. As I said, they put in a new geothermal system. I looked at all the wells they drilled for this new system. Last winter the custodian at the school told me that when they first fired up this system on one of the coldest days of the year, the gas company called him to report what they thought was a broken meter in their school because they weren't using very much gas. The meter wasn't broken; it was just that the new system was so efficient. So this school district is now going to save money every single year because it won't be paying the high utility bills.

Here is a story of another school from a recent report by the Rural School and Community Trust, titled ''Save a Penny, Lose a School: The Real Cost of Deferred Maintenance.''

This report cited a 1998 incident in which the failure of a $12 gasket caused the flooding of a 6-year-old gymnasium, as well as the main building of the school. The problem might have been prevented by some routine maintenance. Instead, classes were canceled for 2 days and the gymnasium closed for 5 weeks. The total bill was nearly $200,000—$26,000 for emergency response and $160,000 for repairs.

Now, compare that with what happened in Waterloo, IA, where the school district in 1999 received another one of these Federal grants to upgrade their fire alarm system at West High School. A few months after they had put this new system in, an incident at the school one evening caused the water pipes to burst. But the upgraded alarm alerted authorities of the problem and an immediate response was taken to contain the damage. Without this early warning, the problem would not have been discovered until the next morning. Not a single day of instruction was lost. In addition, the new alarm saved the district money. The district officials estimated if the water had not been contained immediately, large areas of the school would have been flooded and over $400,000 in damages sustained.

I wish more schools could see results such as these. Unfortunately, the Federal Government is doing virtually nothing to help school districts address this critical problem.

As I said, in fiscal 2001, we provided $800 million for school repair. This program was extremely well received all over the country.

Unfortunately, President Bush zeroed out the program in his fiscal year 2002 budget, and we never have been able to restore it. That is why Senator CLINTON and I are introducing an amendment today to provide $1 billion, as we did in 2001, for a national school repair program. Grants would be made to school districts to make urgent repairs to fix a leaky roof, replace faulty wiring, or make repairs to bring schools up to local safety and fire codes. Funds could also be used to expand existing structures to alleviate overcrowding or make the school more accessible to students with disabilities.

Under this program, my own State would receive about $5.2 million, enough to create 125 jobs. Now, the amendment was fully offset and achieves this by rescinding the fiscal year 2004 advance appropriations and reappropriating those moneys in 2003. This is the exact same mechanism that the committee used in adding $2.2 billion to the base bill. The Harkin-Clinton amendment builds upon this and adds a billion dollars more for school renovation.

Let me also add a couple of other items I wanted to mention. I mentioned Longfellow school that was built in 1939 and the problems the kids were having and how sick they were getting with the mold and mildew and old heating system, and how absences were cut in half after they got the new system in and how the utility bills are lower. There is one other thing about that school I found. When I went into the school, I noted that it had been built in 1939 because it says so on the cornerstone. The principal of the school showed me the actual bill for the new school—how much it cost and everything.

The interesting thing was, guess who built the school. It was called the WPA, the Work Project Administration, instituted under President Franklin Roosevelt, supported by Congress. So it was a Federal Government project. They built that school in 1939.

Imagine that. It is still being operated today, with these modifications made with the new Federal grant. So this idea that somehow it is unheard of for the Federal Government to provide construction money or renovation money to local public schools is not so. It may have been unheard of in the recent past, in the last few years; but back in the 1930s and 1940s, we put a lot of Federal dollars into building new schools around the United States. So we have precedents for this. Many of the schools that are still being operated today were built by the WPA in the 1930s and early 1940s.

Secondly, this grant money that goes out to the schools, as I said, is money that would be used to reconstruct, renovate, make sure it is healthier and safer, and the results we have had back not only from Iowa but from around the country that this is not only needed but the amount of multiplier effect we get from this is much more than 10 to 1 nationally. In fact, it is approaching, if I am not mistaken, probably closer to 15 to 1 nationally for every dollar we put out.

Mr. President, I am proud to support this amendment with my colleague from New York. I will refrain from offering it until the Senator can be on the floor. I know Senator CLINTON is tied up, and I know she wants to speak on this amendment.

I will go ahead and send the amendment to the desk on behalf of myself, Senator CLINTON, Senator CORZINE, Senator KERRY, Senator BINGAMAN, and Senator MURRAY.

The PRESIDING OFFICER. Is there objection to laying aside the pending amendments? Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, Mrs. CLINTON, Mr. CORZINE, Mr.

KERRY, Mr. BINGAMAN, Mrs. MURRAY, and Ms. STABENOW, proposes an amendment numbered 1575 to amendment No. 1542.

Mr. HARKIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide additional funding for the Fund for the Improvement of Education)

On page 76, between lines 10 and 11, insert the following:

SEC.____. (a) ADDITIONAL FUNDS.—

(1) IN GENERAL.—In addition to any amounts otherwise appropriated under this Act for the Fund for the Improvement of Education under part D of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7241 et seq.), there are appropriated an additional $1,000,000,000 for such fund that shall be used by the Secretary of Education to award formula grants to State educational agencies to enable such State educational agencies—

(A) to expand existing structures to alleviate overcrowding in public schools;

(B) to make renovations or modifications to existing structures necessary to support alignment of curriculum with State standards in mathematics, reading or language arts, or science in public schools served by such agencies;

(C) to make emergency repairs or renovations necessary to ensure the safety of students and staff and to bring public schools into compliance with fire and safety codes;

(D) to make modifications necessary to render public schools in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794);

(E) to abate or remove asbestos, lead, mold, and other environmental factors in public schools that are associated with poor cognitive outcomes in children; and

(F) to renovate, repair, and acquire needs related to infrastructure of charter schools.

(2) AMOUNT OF GRANTS.—The Secretary shall allocate amounts available for grants under this subsection to States in proportion to the funds received by the States, respectively, for the previous fiscal year under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq).

(b) OFFSET.—Of the funds appropriated in this Act for the National Institutes of Health, $352,000,000 shall not be available for obligation until September 30, 2004: *Provided*, That the amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $7,895,199,000, and the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $5,783,301,000.

Mr. HARKIN. Mr. President, I see my colleague from Michigan on the floor. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I ask unanimous consent to add my name as a cosponsor to the Harkin-Clinton amendment.

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

Ms. STABENOW. Mr. President, I commend my colleague from Iowa for his stalwart commitment year after year and month after month as it relates to education. I thank Senator HARKIN for his leadership particularly on this issue, as well as special education, as well as other critical needs for our children and our communities.

I rise today to lend my support—and it is a pleasure being a cosponsor—to the Harkin-Clinton amendment and to indicate my support for and cosponsorship of the Dodd-Jeffords amendment supporting special education which is long overdue. If we can do one thing to help our schools increase operating dollars, it would be to keep a commitment that was made over 25 years ago for 40 percent of the cost of special education to be borne by the Federal Government. That has never actually happened. If we were to do that, in 1 year alone, it would be close to $500 million additional resources coming in for Michigan children, not only to help special education but to help general education students as well. This is critical, as is the Harkin amendment.

I also wish to speak as a cosponsor to an additional amendment, the Kennedy-Collins amendment, to increase Pell grants.

First, as in anything else we do in this Senate or in the Congress, this is an issue of priorities. It is an issue always of values. I am a member of the Budget Committee, and this week we heard a midterm review of where we are in terms of the budget, with huge looming budget deficits. In fact, we are paying this year $322 billion in interest. That does not fix one school. It does not send one more young person to college. It does not fix a road. It does not help pay for Medicare prescription drugs. It is $322 billion in interest which, by the way, is almost as much as the entire—if you take away defense—nondefense discretionary budget of our country. It is amazing, astounding, that the interest on the publicly held debt now almost equals the entire spending on health, education, the environment, law enforcement, and most of the homeland security efforts.

Why do I mention that in the context of these amendments? Because it is an issue of values and priorities, and in the Budget Committee—and we hear over and over from esteemed witnesses, from the Chairman of the Federal Reserve to the head of the CBO, from whom we heard this week—we hear over and over talk about what drives the economy. It is increased productivity, which is education and innovation. It is being able to have more technology, more people who have the skills, the brain power, and the training to create that innovation in technology. It means more opportunity for children to receive a quality education and for people to be able to afford higher education. That is how we get to increased productivity which drives the economy.

Instead of the policies that have been used in this administration of focusing on supply-side economics—in other words, you give to a few at the top; you give tax breaks to a few at the top; you focus only on the needs of a few at the top of our income levels in our country, which, by the way, is a policy that has now created the largest single-year deficit in the history of the country and an interest payment of $322 billion this year. Instead of that, if we were to focus and invest very small amounts of money, relatively speaking, in educating our children in safe, quality schools where they do not have buckets in the corner to catch the water, that have the latest technology at each and every desk, if we make sure the funds that have been committed through special education, through Leave No Child Behind, through the commitments of the Government that are actually kept, small amounts of money, comparatively speaking, with huge results in increasing opportunities for everyone, increasing productivity, increasing jobs, lowering the Federal deficit—all of these things happen by focusing on opportunity and education and innovation, and that is what these important amendments do.

Think of the comparison now: $322 billion paid in interest on the debt this year versus $1 billion for more school construction so that children not only hear us say education is important, but they see it when they walk into a quality school building with technology, with the infrastructure they need, or special education.

I am pleased to be a cosponsor of the amendment Senators KENNEDY and COLLINS offered, to give more opportunities for young people to go to college and to receive something called a Pell grant. Right now there are 145,151 students in Michigan who have the opportunity to receive some assistance to get a higher education, to go to college. It is an investment not only in the students but it is an investment in us, in our country, in our future.

Under the amendment proposed by Senator KENNEDY and Senator COLLINS, in Michigan another 5,371 students would be able to afford to go to college—5,371 new opportunities for people to receive Pell grant assistance, and we would increase the average amount from $4,050 to $4,500 just to keep pace with the rising cost of higher education. We raise the amount a little less than $500 per grant per student, and we give more people an opportunity to go to college.

What would that do and what would that cost? That would cost $2.2 billion. I would say that is a very small investment for a very huge impact in terms of opportunity, growth, and productivity in the economy and strengthening our country.

Let me make one other comparison because right now, again, focusing on values and priorities, as we look at putting together this budget, we know that, in fact, $1 billion a week is being spent in Iraq to rebuild their infrastructure, to help them have health care, to help rebuild their schools.

While I certainly hope and pray that we will be successful in helping to rebuild Iraq and creating the climate for a Democratic process and an economy that can work in Iraq, should we do less at home? If we can spend a billion

dollars a week in Iraq, and we are asking for a little over $2 billion for a year to increase the opportunity for Americans to be able to get higher skills, to get higher paid jobs, to increase that productivity we are hearing about from the experts that drives the economy and hopefully helps to lower this debt, is that not a small investment to make?

Two weeks in Iraq would address the funding needs in this amendment for students to be able to have Pell grant opportunities to be able to go to college.

One week in Iraq would fund the Harkin-Clinton amendment on school construction that is so critical. We can go right on down the line. We are talking about small investments, relatively speaking, for major impacts on real people. In the end it is, in fact, education and innovation that increases productivity and drives this economy and creates jobs that all of us want to make sure are there for ourselves and our families.

So I urge my colleagues to support these amendments, to advocate with us for a set of priorities to say to the American people we want to put opportunities for you and your children first; that we understand that creating opportunities for everyone to be successful through opportunities to go to college, through quality schools, through full funding of special education that guarantees the full range of opportunities to every child in our school, those things are an important part of making sure that everybody has a chance for the American dream.

We fight for that abroad. We need to make sure it is available at home, for every single young person who works hard, goes to school, plays by the rules, and wants to make it. They deserve a chance. We need them to succeed in order to be successful as a country.

I urge my colleagues to look at these amendments as important investments in the future for all of us.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from New York.

Mrs. CLINTON. Mr. President, I want to echo and support the eloquent comments of my colleague from Michigan about the values and priorities of our Nation at this point in our history. I particularly wish to reinforce her strong statement of support for the Kennedy-Collins amendment concerning higher education and its affordability. This amendment that will increase access to higher education would invest $2.2 billion in Pell grants and other critical programs.

I think all of us know that investing in higher education pays off, but we also know we have put our students into a difficult dilemma. They understand the importance of going to college. That is why in the last week they have packed up; they have moved to campuses; they have enrolled in courses; they are prepared to do their part to acquire the skills and credentials they need to make a contribution to our country. Yet at the very time they are doing their part, accepting their responsibility, the costs of higher education are dramatically increasing.

States are reducing their support, increasing tuition, and other related costs. As a result, many qualified students from middle-income and low-income families, sometimes the first in their families to even dream of going to college, the first to apply, the first to believe they could put together the financial resources to attend and graduate from college, are coming up against the reality of not being able to fund their education. We know that on average each year a postsecondary education increases earnings by 6 to 12 percent.

Research also points out what many of us know from personal experience; that postsecondary education leads low-income citizens to become more self-sufficient, to lead productive lives. Clearly, this is a time when we cannot ignore the importance of preparing our workforce, making it as productive as possible, and providing programs such as GEAR UP and TRIO which have helped change the expectations and raise the vision of many children from families for whom college was not a reality.

I recently heard from Melissa Santos, a tenth grade GEAR UP student at Hempstead High School in my State of New York. She wrote to tell me something that sometimes young people do not realize until it is too late.

She writes: Life can take you many places. It all depends on the choices you make. I feel that life could be good, but it all depends on how you live it. For instance, if you decide to go to college and get your education, you will most likely live a good life. GEAR UP has a lot of benefits like helping students get into college, which is essential to making it in today's world. My philosophy is that education can break many boundaries.

Well, Melissa Santos is a young woman who is wise beyond her years, but she is taking advantage of a program that is giving her the structure, the incentive, and the motivation to dream about going to college. She is preparing herself to take advantage of that.

The Kennedy-Collins amendment will increase access to college for eligible students in all States, and it will be particularly important to students in New York where tuition at the State University of New York at our various campuses jumped by 28 percent. Students attending the city University of New York are now faced with a 25-percent tuition increase. Last year, 404,181 students received Pell grants in New York. This amendment will expand grant aid to additional students, but it will also make sure the grant amount is sufficient to keep students in school.

So I am hopeful, along with my friend and colleague from Michigan, that we will do something to invest in our own students, make it possible for these bright young men and women from all corners of our country to have an educational opportunity, not feel that they have to postpone it or drop out because of financial pressures.

AMENDMENT NO. 1575

Similarly, I join with my colleague, Senator HARKIN from Iowa, in working to amend the appropriations to provide critical relief to schools that are overcrowded and worn down and, as a side benefit, create much needed jobs in the economy. The Harkin-Clinton amendment would provide $1 billion to help needy schools make those critical repairs and renovations and relieve overcrowding.

For New York alone, this amendment would mean more than $100 million which, believe me, is money that is sorely needed. It is particularly needed because of the requirements of No Child Left Behind.

We promised that we would put a qualified teacher in every classroom. We led teachers, parents, and students to believe that a qualified teacher would be able to teach because the number of students sitting before him or her would be low enough that you could actually do the hard work of helping these students meet the new accountability standards.

Unfortunately, because of the deterioration in our public school stock, because at least one-third of our schools need extensive repair, we know that we have all kinds of learning and educational problems that we could help alleviate.

It is impossible for most of our communities to even think about raising property taxes to fix these schools.

On the other hand, because of the State, county, city, and school district budget crunches, we have schools that were contracted for and built a few years ago and we cannot even fill the classrooms with teachers because they do not have the money. We are creating a recipe for failure.

For many who voted for No Child Left Behind, we did so with the understanding there would be the resources, that the Government would do its part so our students, teachers, and parents would do their part. The net result would be better outcomes on learning measurements for our kids.

This amendment, the Harkin-Clinton amendment, is sponsored by a number of our colleagues. Senator BOB GRAHAM asked to be added as a cosponsor. I appreciate the support it has received. Clearly, we have to do more than just introduce amendments and talk about them. We need action.

We estimate 14 million American children are attending these deteriorating schools. Think if it were your child, your grandchild, your niece, or your nephew. Think what that would mean to you and what kind of confidence you would be able to instill in the future of that young boy or girl.

According to the General Accounting Office, one-fifth of all children attend

schools with unhealthy air quality. I know a little bit about this now because of our work in lower Manhattan after 9/11. It is absolutely clear that air quality is associated with absenteeism. In fact, American children miss 10 million schooldays a year because of asthma exacerbated by indoor air quality. Poor indoor air quality has a disproportionate impact on racial minorities and students from low-income families. Black and Hispanic students have a much higher likelihood of living in neighborhoods with toxic waste facilities. Eighty percent of Hispanic children live in neighborhoods where quality does not meet EPA standards. According to the GAO, schools with at least 40 percent of students eligible to receive free or reduced-price lunch are more likely to have unsatisfactory air quality.

We are putting our children who need help and encouragement the most into the environments that are least likely to produce the kind of positive results we all hoped for from the unprecedented Federal mandate under No Child Left Behind.

These Federal requirements which we have imposed on our school districts are really a two-edged sword. On the one hand, we hope these requirements will inspire school districts to do things that maybe they should have done on their own but have not in the past; on the other hand, they may set up impossible barriers to any school district being able to achieve what is expected because we have not funded the resources that were called for in the authorization of No Child Left Behind.

I know many of my colleagues argue there is no Federal role for building and repairing schools. The reality is that we made an explicit Federal priority to close the achievement gap, to say my daughter and the sons and daughters and grandchildren of my colleagues would not have an unfair advantage by dint of birth and genetics and environment; they would be given all the opportunities we could give as their parents and grandparents, but we would do more to help those children who, through no fault of their own, might not have been provided all of the benefits we take for granted.

When we think about how we are going to achieve the standards put forth in No Child Left Behind and what our dearest hopes and dreams are for all children, I don't think we can ignore the compelling body of evidence that unhealthy school buildings are a detriment to performance.

If our goal is to leave no child behind, we must first start by leaving no school behind. The Harkin-Clinton amendment would help States and schools comply with the requirements of No Child Left Behind. I hope we will look seriously at this amendment that gives us the opportunity to put our money where our mouths have been about higher education standards.

We were ahead of the curve in New York. The New York regents already established standards for science, but many of our districts did not have the financial wherewithal to make sure their facilities were adequate. New York City lacks science labs in its junior high schools and has insufficient funds to construct then. We are still recovering from 9/11. We still have higher than 8 percent unemployment. Is it fair to say to the million children in the New York school district: You are not meeting the standards because we have not given you the basic equipment to be able to do that? I don't think so.

The city also lacks the funding to build or modernize science labs and high schools. Chancellor Joel Klein wrote in a letter to me in support of this amendment:

> [W]ithout the necessary resources to meet our acute needs in this area, our students are in danger of falling short of meeting these requirements.

The Harkin-Clinton amendment will also help alleviate overcrowding. Today, school enrollments are at their highest level in history, even more than the baby boomers. We filled up the classrooms, but the children of the baby boomers are even in greater numbers. A record 47.7 million children are enrolled in elementary and secondary schools today. The number will climb to 53.7 million by 2008. Between 1990 and 2000, school enrollments increased by 14 percent.

Anyone who has driven by a school recently often sees trailers parked on the grounds because that is the only way the children can be accommodated. The temporary facilities sometimes last years because there are not sufficient resources to do what needs to be done in terms of facilities.

We have a very big overcrowding problem in New York City. We have 30,000 more children than we have seats. We know we have to figure out what to do for those children, especially with the new standards and the testing requirements. But it is very hard to figure out how we are going to build the classrooms we need to seat those 30,000 children without some help.

Where does the help, such as it is, come from? We know it comes from local tax bases, local taxpayers, and we know that in the last several years, according to a survey conducted by the National League of Cities, virtually every State that provides aid to local communities is cutting back on that aid because of the current fiscal problems. Local taxpayers cannot be expected to bear the brunt of every education cut occurring at the local level. There is no way it can be done.

What administrators do is postpone costs, postpone repairs, postpone renovations, and even routine maintenance. Deferring the costs does not make them go away. Oftentimes it just leads to increased costs because something fails and then there is a bigger problem that is more expensive. There were $12 gaskets that failed at a school in New York costing $186,000 and forcing a gym to be closed for 5 weeks. Those are the things that happen as a matter of course through the country.

There are many educationally compelling reasons to vote for this Harkin-Clinton amendment. There are many benefits that would flow to our children, our teachers, to the enterprise we have committed ourselves to as a nation to improve educational outcomes among all children, leaving no child behind.

But there is another benefit, an ancillary benefit, and that is this would create jobs. We are in the worst, heightening slump since the Great Depression. More than 3.2 million private sector jobs have been lost since February of 2001; 1.4 million people have fallen back into poverty in the last 2 years. We have an unemployment problem. It is not going away. Some people say the economy is recovering, but even the most optimistic call it a jobless recovery. We know many people have even given up looking for work.

This is a way to stimulate the economy. I don't think it is the primary reason. The primary reasons are the reasons to which I have alluded. It would not hurt to put some people to work. Spending $1 billion on school construction would generate 23,765 jobs. In New York alone, it is estimated it would put 2,434 people back to work.

So this commonsense amendment, the Harkin-Clinton amendment, is really central to our achieving the purposes we claim to be supporting. I hope my colleagues will recognize the merit in this amendment and support it because I believe it has a tremendous amount of positive impact across the board. I further believe it would be affordable and, in comparison to the other challenges we are facing in Iraq and elsewhere, it would be a demonstration of real commitment to our goals.

I hope on the Kennedy-Collins amendment concerning Pell grants and other related support for higher education, and on the Harkin-Clinton amendment with respect to school construction, modernization, repair, and renovation, that this body will cast a vote that really puts our children first—not just in rhetoric but in resources.

Mr. DODD. Will the distinguished Senator yield?

Mrs. CLINTON. Certainly.

Mr. DODD. I wish to ask the distinguished Senator from New York; she has raised a tremendously important amendment here. I don't recall the numbers exactly. Maybe my colleague from New York does. What I have been told over the years is, back towards the turn of the 20th century, we were in this country building a new high school every week in order to provide for the challenges of the 20th century. We understood that creating places that were conducive to learning was critically important to take advantage of the technologies that were emerging at

that time. Obviously, we are now in a new century, but the technologies and ability to provide students with access to education are unprecedented historically.

I wonder, from a historical standpoint, if the Senator might share her own thoughts on what has been the history of our Nation regarding the commitment to education, going back to the Northwest Ordinance, the GI bill even before the end of World War II. At times of great national crises, Congress and Presidents always found time, in the midst of other issues, to commit themselves to education. I wonder if she might share some comments and thoughts on that point.

Mrs. CLINTON. The Senator is absolutely correct. If one looks throughout our history, one sees the commitment to education is a constant. In the midst of the Civil War—hardly a moment one would think where any attention would be focused on any matter other than winning the war—President Lincoln forged ahead on land grant colleges because he understood that the war itself was not the only goal he had to keep in mind. He had to be constantly focused on what kind of country he was trying to save, what sort of union we would have. He understood that a citizenry committed to education, just as Thomas Jefferson understood and his successors after President Lincoln understood, was the kind of country he wanted to help create and make sure continued.

If we go into the 20th century, at the turn of the 19th to the 20th century when we had so many immigrants coming to our shores, looking for hope and work and opportunity, we invested in schools. In fact, New York State still has some of those schools. I have been in schools built in 1894 and 1910. I have been to schools that are so old, they can't figure out how to get through that thick brick exterior to wire the schools.

But all the way through the period, whether it was the Progressive period under President Roosevelt, the World War I era under President Wilson, and on to President Roosevelt and others, going forward, investing in schools was always key.

I would make identity with my good friend from Connecticut that certainly, given our, sort of, age at this time in our lives, we know the generation of our parents invested in education. The veterans who went off and saved freedom in World War II came home and made it clear they wanted to build schools for the children they wanted to see grow up in peace. I know the father of the Senator from Connecticut was a great champion of that.

I find it hard to understand how, here we are, a generation later, turning our back on the kind of facilities that are needed to demonstrate the public commitment we should be making to our children.

I thank the Senator from Connecticut for a very timely and historically important inquiry.

Mr. DODD. Mr. President, I thank our colleague for her observations. She is absolutely correct about Senator Morrill from Vermont, for whom it was named. The University of Connecticut is a land grant college established as a result of those efforts. Our colleague from New York is absolutely correct in pointing out, even prior—she mentioned during the Civil War—our predecessor body, in the midst of that conflict, found the resources to commit ourselves to higher education.

At the end of World War II, in the earliest days of 1945, the GI bill was adopted. There were a few weeks to go, months to go, but nonetheless that act was debated and discussed. It was debated because it was a lot of money in its day, to say to GIs coming back, we want to provide you with an educational opportunity.

You hear it over and over and over again, Mr. President, when you hear from our veterans, those who never, ever could have dreamed of getting a higher education but for the GI bill. Yet in the midst of the greatest conflict of the 20th century, the Congress of the United States and an American President said: We are going to be prepared for the tremendous opportunities that will come after this conflict. We have benefited a thousandfold, a millionfold for every dollar we spent, I believe. I think my colleagues would admit that for every dollar we spent, in 1945, investing, in the GI bill, the returns to this country and the world have been phenomenal.

So I am deeply grateful to my colleague from New York for her recollection of history and the importance this issue has been given throughout our Nation's seamless history, more than 200 years, of providing for the educational needs of our people. I thank her immensely for this amendment which she has offered to us. I join her in hoping our colleagues will support it.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the objective of school construction is a very laudable one. I have supported Federal intervention and assistance on school construction. This was a cause championed by former Senator Carol Moseley-Braun.

The grave difficulty with the amendment is that there is no money in the budget resolution to pay for it. In the budget resolution which was voted on in the 105th Congress, there was a resolution relating to public school construction. It was supported by only three Republicans at that time—Senator CAMPBELL, Senator D'Amato, and myself. Regrettably, the resolution did not pass. But at that time I recorded my support for the principle of construction which would be assisted in the Federal budget.

A similar matter arose on April 1, 1998, when the issue in the budget resolution was building schools. On that occasion, Senator D'Amato and I supported the resolution, which regrettably was tabled on a vote of 54 to 46.

So the issue with which we are confronted now, in a very practical sense, much as we want to support education—and this bill has $53.5 billion in education funding—it is at an all-time high. On other amendments, we have analysed the increases which have occurred during the budget requests by President Bush, who has asked the Congress to increase the Education budget from $40 billion to $53 billion, on the three budget requests which he has made, an increase of 33 percent, which compares very favorably with the budget requests made by President Bush's predecessor, President Clinton.

On the statistics I had outlined before, in one 3-year period President Clinton had asked for increases over 26 percent and in another 3-year period had asked for budget increases of 33 percent, moving from $30 billion to $40 billion.

The issue is not really with the broad brush the Senator from Connecticut talks about, the good old days when we supported education, notwithstanding a war being fought, the Civil War. On the issue of education, there has been very considerable funding. Not as much, frankly, as I would like. And I have tried hard to get a larger allocation for education, a larger allocation for health and human services, and a larger allocation for workers' safety. Those are the competing items in the appropriations bill which this subcommittee has brought forward.

Our colleague, Senator HARKIN, has come to the floor. He and I have worked on a cooperative basis on this and on a bipartisan basis. I should add that Senator HARKIN has been a champion for school construction. I mentioned Senator Carol Moseley-Braun was a champion as well as Senator HARKIN in reference to a couple of votes in which I joined.

Mr. President, we need 10 minutes of debate starting at 5:30, I believe.

The PRESIDING OFFICER. That is correct. Under the previous order, at 5:30 there will 10 minutes of debate on the Daschle amendment.

Mr. SPECTER. Mr. President, in the absence of Senator DASCHLE, I ask unanimous consent that we may proceed for up to 4 minutes, or until Senator DASCHLE arrives, whichever occurs first.

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

Mrs. CLINTON. Mr. President, will the Senator from Pennsylvania yield for a question?

Mr. SPECTER. I would.

Mrs. CLINTON. Mr. President, the Senator from Pennsylvania is correct in his statement of his own record and the record with respect to increasing the Federal commitment to education. The Senator from Pennsylvania knows very well because of the complex State he represents the importance of supporting education and also supporting construction for the kind of old school

stock we have in cities in New York and Pennsylvania.

But would the Senator agree that with the No Child Left Behind Act the consequences for students and school districts under federally mandated accountability standards are considerably greater than they have ever been at any point in our history where for the first time the Federal Government has assumed a leadership role and accountability role with respect to public education?

Mr. SPECTER. Mr. President, in response to the question from the Senator from New York, I believe it is true that the Federal Government has assumed a greater responsibility; that the No Child Left Behind Act has targeted program standards and very specific efforts to improve the quality of education in the United States. But I do not believe the Federal Government has taken over the financing responsibilities. I took a look at the statistics as to where we stand now. The Federal Government still only contributes 8.4 percent of the total education budget. We don't have time to go into all of the statistics on construction, but construction is still left largely to the States. Here we have a targeted effort with the President spearheading the way and identifying a goal and using the power of his bully pulpit to focus attention. But I do not believe it has a corollary obligation to provide all the money to do all the things to be sure no child is left behind, much as I would like that. I didn't like voting against the Daschle amendment for rural schools. I come from a rural area originally myself—a small town in Kansas. I didn't like voting against the Murray amendment on workforce. I am not going to like voting against other education amendments. This is a very heavy responsibility. Maybe one day the Senator from New York will be the chairman of this subcommittee, and when she is chairman of the subcommittee and she has a budget resolution and a 302(b) allocation, she is going to have to defend it. She might not like to defend it. I don't care much for defending it. I have cast more bad votes in 2 days than I cast in the balance of the year. I should say ''controversial votes''—not bad votes. There is no such thing as a bad vote, or a bad child. They are controversial votes on both sides.

But I would like to see a bigger pot. If there were a bigger pot, I would like to see it.

Senator HARKIN and I referenced two budget resolutions in 1997 and 1998 when in one year Senator CAMPBELL and Senator D'Amato and I were alone among Republicans voting for school construction, and another year when Senator D'Amato and I were alone. Senator Moseley-Braun and Senator HARKIN fought the good fight. Senator CLINTON is now here to assist in that.

But I am constrained to offer the other considerations as to what the limitations are because of the budget resolution and because of the allocation which this subcommittee has. Much as I would like to see my partner, Senator HARKIN, get $1 billion here, I just have to say no.

Mr. HARKIN. Mr. President, will the Senator yield for a question?

Mrs. CLINTON. Certainly.

Mr. HARKIN. I thank the Senator from New York for her remarks. I just appreciate her eloquence and her strength in supporting this proposal to rebuild and modernize our schools.

I wonder if the Senator from New York is aware of the number of jobs being created. I understand there is an estimate that this $1 billion would create about 24,000 jobs in the entire United States.

There is an article in this morning's paper which said the President is going to come up with a new budget request for Iraq of between $60 billion and $70 billion—twice what we were told about two months ago.

In July, we had a briefing by Mr. Bremer, who is our counsel over there. He gets to write all these checks for money in Iraq. He said something I couldn't believe I heard, so I wrote it down. He said they were putting a lot of money into rebuilding infrastructure in Baghdad—the streets, the sewers, and rebuilding schools because they found they got more bang for the buck when they put it in that.

I can't understand why we can do that in Iraq but we can't do the same here in the United States.

The leveraging of money has been great in the past with what we have done for schools.

I might ask again if the Senator will yield for a question. I am sure the Senator is aware the offset we are using we already used before to get an additional $2.2 billion for the bill. I am told there is about $13 million that could be used as an offset. I am wondering why we can't use this offset to get money to help rebuild and modernize our schools.

I am sort of at a loss. I wonder if maybe the Senator might know why we can't use this money. Since we have already used some of it before in the bill, why we can't use it for this?

Mrs. CLINTON. I share my colleague's bewilderment. It does appear to me that the offsets are certainly adequate for the money we believe should go into school construction. The Senator's reference to Iraq raises an additional question. I, too, am aware of the statement by the administration, by Mr. Bremer and others that we—the American taxpayers—were committed to rebuilding schools, hospitals, health clinics, roads, and powerplants. I don't think one would argue with that. It is our responsibility. Once we make the decision to pursue military action and change the regime, we inherit those responsibilities.

But not only does it seem fair and equitable to do the same for our own citizenry—particularly our students in rural areas and in underserved urban areas which both of us represent in our respective States—I would note a cautionary comment: that if we expect to have the broad population of this country support the long-term commitment we have taken upon ourselves, which is costing at least $1 billion a week—and we know the President is going to come and ask for between $60 billion and $70 billion more to support both the military mission and the reconstruction costs of Iraq—I think if we are serious about sustaining public support for what is a costly endeavor in terms of life and, much more important than money, the soldiers we are losing, the casualties, the injuries that are being incurred, it is important we support things here in our own country.

It will be impossible to go to this Nation and say keep spending money in Iraq when you do not have jobs, when your schools are crumbling, when your bridges, your wastewater treatment centers, and your electricity grid is crumbling. Who are we kidding? How do you sustain the broad American public support for this kind of endeavor that costs us blood and fortune without doing things here at home? This is a tangible way to demonstrate we care about what happens in America as well.

AMENDMENT NO. 1568

The PRESIDING OFFICER. The hour of 5:40 having arrived, the question is now on Daschle amendment No. 1568.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I raise a point of order under section 504 of the concurrent resolution on the budget for fiscal year 2004 that the amendment exceeds discretionary spending limits specified in this section and, therefore, is not in order.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, pursuant to section 504(b)(2) of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, I move to waive section 504 of that concurrent resolution for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

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

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

The yeas and nays resulted—yeas 52, nays 43, as follows:

[Rollcall Vote No. 326 Leg.]

YEAS—52

Akaka	Durbin	Mikulski
Baucus	Feingold	Murkowski
Bayh	Feinstein	Murray
Biden	Grassley	Nelson (FL)
Bingaman	Hagel	Nelson (NE)
Boxer	Harkin	Pryor
Breaux	Hollings	Reed
Byrd	Inouye	Reid
Cantwell	Jeffords	Roberts
Clinton	Johnson	Rockefeller
Coleman	Kennedy	Sarbanes
Collins	Kohl	Schumer
Conrad	Landrieu	Smith
Corzine	Lautenberg	Snowe
Daschle	Leahy	Stabenow
Dayton	Levin	Wyden
Dodd	Lincoln	
Dorgan	McCain	

NAYS—43

Alexander	Crapo	Lugar
Allard	DeWine	McConnell
Allen	Dole	Nickles
Bennett	Domenici	Santorum
Bond	Ensign	Sessions
Brownback	Enzi	Shelby
Bunning	Fitzgerald	Specter
Burns	Frist	Stevens
Campbell	Graham (SC)	Sununu
Carper	Gregg	Talent
Chafee	Hatch	Thomas
Chambliss	Hutchison	Voinovich
Cochran	Inhofe	Warner
Cornyn	Kyl	
Craig	Lott	

NOT VOTING—5

Edwards	Kerry	Miller
Graham (FL)	Lieberman	

The PRESIDING OFFICER (Mrs. DOLE). On this vote, the yeas are 52, the nays are 43. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. SPECTER. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

NOMINATION OF STEVEN M. COLLOTON, OF IOWA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the nomination of Steven Colloton, to be United States Circuit Judge. The clerk will report the nomination.

The legislative clerk read the nomination of Steven M. Colloton, of Iowa, to be United States Circuit Judge for the Eighth Circuit.

The PRESIDING OFFICER. There are now 2 minutes of debate evenly divided. Who yields time? The Senator from Utah.

Mr. HATCH. Madam President, I rise today to express my unqualified support for the nomination of Steven Colloton to the Eighth Circuit Court of Appeals and to urge my colleagues to confirm this fine nominee.

Mr. Colloton has excellent academic and professional qualifications for the Federal bench. A graduate of the prestigious Yale Law School, Mr. Colloton clerked for two distinguished judges, D.C. Circuit Judge Laurence H. Silberman and U.S. Supreme Court Justice William H. Rehnquist. Mr. Colloton then worked as an attorney with the White House's Office of Legal Counsel at the Department of Justice for a year and then, eager to return to his Midwestern roots, accepted a position as an assistant U.S. attorney in the Northern District of Iowa.

Mr. Colloton has impressive courtroom experience. He has argued 18 cases in the Federal courts of appeals, and has briefed several other cases. He has tried approximately 13 criminal cases to verdict. In addition, as an assistant U.S. attorney, Mr. Colloton was in the courtroom regularly to argue motions or evidentiary matters. He oversees an office which includes 25 attorneys.

Twenty-seven past presidents of the Iowa State Bar have written of Mr. Colloton, ''[W]e submit that the exceptional quality of Mr. Colloton's experience, together with its relevance to this position, uniquely qualifies him to represent Iowa on the United States Court of Appeals.''

I could not agree more. Mr. Colloton has demonstrated his capacity to excel on the Federal court bench. He possesses the qualifications, the capacity, and the temperament a judge needs to serve on the Eighth Circuit.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, today, we vote to confirm Steven Colloton to a lifetime appointment on the United States Court of Appeals for the Eighth Circuit. Mr. Colloton comes to us with bipartisan support from both his home-state Senators, for whom I have great respect. Steven Colloton currently serves as the U.S. Attorney for the Southern District of Iowa. While I continue to remain concerned that, at 40 years old, Mr. Colloton received a partial not qualified rating from the ABA, he has a good academic record and has a record of public service in the state of Iowa.

I note that Mr. Colloton is the ninth confirmed circuit court judge who is a member of the Federalist Society and the third former member of Whitewater prosecutor Ken Starr's office to be confirmed to a Federal judgeship. I would like to take this opportunity to express my hope that Mr. Colloton acts as a fair and impartial judge, despite his active role in conservative political causes and groups. It was very troubling that another former Starr prosecutor confirmed to the Federal bench overlooked years of precedent to rule in favor of Vice President CHENEY and against the American people's interest in open access to who was advising the administration on energy policy, a special concern in the aftermath of the blackouts in the Northeast this August.

Mr. Colloton's confirmation process stands in stark contrast to what occurred with judicial nominees during the Clinton administration. His confirmation process has been expeditious and smooth. In contrast, an earlier nominee to the Eighth Circuit from Iowa, Bonnie Campbell, never even received a vote before the Judiciary Committee following the hearing on her nomination. Ms. Campbell was a former attorney general of Iowa, a former head of the Department of Justice's Office on Violence Against Women, and a nominee who also had the support of both of her home-state Senators including a senior Republican Senator. Neither the nominee nor the Judiciary Committee members were ever told why the Republican majority refused to accord her nomination a Committee vote and, when given the chance to do right by her, President Bush instead decided to withdraw her nomination.

Another contrast exemplified by Mr. Colloton's confirmation process is the pace of confirming circuit court judges. Steven Colloton will be the 28th circuit court judge confirmed since President Bush has taken office. Again, this stands in strong contrast to what occurred during President Clinton's second term in office. More than 3 years passed in President Clinton's second term before the 28th circuit court judge was confirmed. And, we have already confirmed more circuit court nominees of this President, since July of 2001, than were confirmed at this time in the third year of President Reagan's first term, President George H.W. Bush's term, or either of President Clinton's terms.

Finally, I point out that with Mr. Colloton's confirmation, there will be as many active George W. Bush appointees on the bench as there are active George Herbert Walker Bush appointees. The President's father served 4 full years. This President has served less than three and already has made as much impact on the Federal courts across the country.

I congratulate Steven Colloton, his family, and the Senators from Iowa on his confirmation.

Madam President, to reiterate this will be the 28th circuit court judge confirmed since President Bush has taken office. For those who are wondering, that is more circuit court nominees confirmed than in the third year of President Reagan's first term or President George H. Bush's term or either of President Clinton's terms. We have done far better, I might say, for President George Bush than we have his three predecessors.

I will also note a contrast. Mr. Colloton's nomination moved very quickly, as contrasted to President Clinton's nominee for the same seat, Bonnie Campbell, who was never given a vote before the Judiciary Committee. Even though she had been a former attorney general of Iowa, she was the former head of the Department of Justice's Office of Violence Against Women, and she had the support of

both of her home State Senators, she was never given a vote.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LEAHY. I will support Steven Colloton.

Mr. GRASSLEY. Madam President, I urge my colleagues to support an excellent judicial nominee for the U.S. Court of Appeals for the Eighth Circuit. Steven Colloton is an outstanding individual with an extensive record of public service and impressive legal career. I am glad that the Senate is finally voting on this nomination.

Steve Colloton is an Iowan, born in Iowa City. He graduated from Princeton University and Yale Law School. He served as a law clerk to Judge Laurence Silberman on U.S. Court of Appeals for the D.C. Circuit, and then as a law clerk to the Honorable William Rehnquist, Chief Justice of the U.S. Supreme Court. Subsequently, Steve Colloton worked as an attorney with the Office of legal Counsel at the Justice Department and than as an assistance U.S. attorney in the Northern District of Iowa for 8 years, with a brief detail as an associate independent counsel in the Office of Independent Counsel. From 1991 to 2001, he was partner at a law firm in Des Moines, IA.

After the 9/11 terrorist attacks, Steve Colloton returned to government service and was unanimously confirmed by the Senate to the position of U.S. Attorney for the Southern District of Iowa. There he has focused his efforts on combating crime and enforcing drug laws, as well as fighting terrorism. He has done a great job serving our country as an Iowa U.S. Attorney.

In addition, Steve Colloton has many strong supporters. Twenty-seven past presidents of the Iowa State Bar wrote that ''the exceptional quality of Mr. Colloton's experience, together with its relevance to this position, uniquely qualifies him to represent Iowa on the United States Court of Appeals.''

Members of the Polk County Chiefs of Police and Sheriff's Association wrote, ''Steve Colloton is the right choice for the Eighth Circuit Court Judge position, and we fully endorse President Bush's nomination.'' Even people who have worked on the other side of Steve Colloton think very highly of him. George Collins, the attorney for Jim Guy Tucker, wrote, ''I am convinced Steve Colloton is an honorable man, and that, when cases come before him, he will call them as he sees them. . . . I believe that his case will be decided on the law, and, to the extent applicable, the facts. . . .'' These quotes show just how much confidence people have that Steve Colloton will make a good Eighth Circuit judge.

Steve Colloton has all the right qualifications to be a Federal judge. He is a bright lawyer with tremendous legal experience and who is well respected by his peers. He is a man who will follow the law and have a healthy respect for case precedent. He understands that the role of a judge is to interpret the law, rather than create it. Steve Colloton will make an excellent judge on the Eighth Circuit, and I urge my colleagues to join me in supporting his nomination.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Steven M. Colloton, of Iowa, to be United States Circuit Judge for the Eighth Circuit? The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

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

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

The result was announced—yeas 94, nays 1, as follows:

[Rollcall Vote No. 327 Ex.]

YEAS—94

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

NAYS—1

Hollings

NOT VOTING—5

Edwards	Kerry	Miller
Graham (FL)	Lieberman	

The nomination was confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the President is notified of the Senate's action and the Senate returns to legislative session.

Mr. DASCHLE. Madam President, I will have a short statement but I ask unanimous consent that, following that, Senator HATCH be recognized for a statement as well.

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

CONGRATULATIONS, SENATOR LAUTENBERG

Mr. DASCHLE. Madam President, I congratulate our friend and colleague, FRANK LAUTENBERG, on reaching a historic milestone: With the last vote, Senator LAUTENBERG became only the fourth New Jersey Senator in history to cast 6,500 votes in the Senate. Not bad for a freshman.

That incredible accomplishment is a reflection of Senator LAUTENBERG's deep commitment to his State, to his Nation, and to this Senate. One of the many reasons we are grateful he decided to end his retirement and return to the Senate is, over one 3-year period, covering the second session of the 101st Congress and both sessions of the 102nd Congress, Senator LAUTENBERG did not miss one vote. Out of 876 cast, he did not miss 1 single vote. The following year, he missed only 1 of 394 votes cast. He is what we all know to be a workhorse.

I am not sure if we should call him New Jersey's senior Senator or New Jersey's junior Senator, but there is no doubt he is a remarkable Senator.

I congratulate him again on this milestone. I look forward to seeing him cast many more votes in this Chamber. Congratulations.

I ask unanimous consent that Senator LAUTENBERG be recognized for a couple of minutes to respond.

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

Mr. LAUTENBERG. I thank our leader, the Democrat leader, for the kind comments, and my colleagues, some of whom are more accustomed to differing with me than applauding for me, but I respect their views when they register a vote and I am sure the feeling would be returned.

I thank all of my colleagues for their many indulgences and their encouragement and willingness to take me back because here I stand in probably another record, maybe the oldest freshman who ever served in the Senate. I feel fresh, and I am glad to be here. I thank all of my colleagues for their friendship.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I compliment my colleague from New Jersey and am very proud of him for having cast those many votes.

I ask that my remarks be as in morning business.

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

WITHDRAWAL OF ESTRADA NOMINATION

Mr. HATCH. Madam President, I rise today to speak on the unfortunate

withdrawal of the nomination of Miguel Estrada for the United States Court of Appeals for the District of Columbia Circuit. It is truly a sad record that the Senate, for the first time ever, has terminated a circuit court nomination by filibuster rather than by an up-or-down vote. It is particularly troubling that political tactics were used to destroy this extremely qualified nominee.

Let me state that a clear majority of this body supported this nomination, as has been demonstrated in the unprecedented seven cloture votes which have taken place. So it is regrettable that a minority of Senators followed their script of extraordinary obstructionism to prevent the Senate from concluding the debate on this nomination and proceeding to a final vote. It goes against all the honorable traditions of this body for Senators to rest behind a veil of procedural votes rather than taking a public stand on the merits of this outstanding nominee.

After all, all he or any of us wanted was an up-or-down vote, something we have always given every nominee who has come to the Senate floor and has been called up on the Senate floor.

While it is shameful that Miguel Estrada was subjugated to political whims, it is not entirely surprising. Opponents from the very outset, for their own ideological purposes, have been determined to defeat this nomination. Last fall, a Democratic staffer on the Judiciary Committee was quoted in the Nation magazine as saying:

> Estrada is 40 and if he makes it to the circuit then he will be Bush's first Supreme Court nominee. He could be on the Supreme Court for 30 years and do a lot of damage. We have to stop him now.

So it appears that the real reason for the filibuster against Miguel Estrada was the concern by opponents of a possible Justice Estrada on the U.S. Supreme Court.

An editorial appearing in the Atlanta Journal-Constitution said it best:

> The fear with Owen and Estrada is that one or both will be nominated to the United States Supreme Court should a vacancy occur. Senate Democrats are determined to keep off the circuit court bench any perceived conservative who has the credentials to serve on the United States Supreme Court.

There is an additional factor not based on any substantive objection to his nomination. I believe some Senate Democrats do not want the current President, a Republican President, to appoint the first Hispanic as the U.S. Circuit Court Judge for the District of Columbia Circuit. Let me read from an editorial published by the Dallas Morning News addressing this point. On February 17, 2003, the News wrote:

> Democrats haven't liked Mr. Estrada from the beginning. Part of that is due to his ideology—which is decidedly not Democratic. But part of it also has to do with the fellow who nominated him. Democrats don't relish giving President Bush one more thing to brag about when he goes into Hispanic neighborhoods when he goes into his reelection campaign next year. They are even less interested in putting a conservative Republican in line to become the first Hispanic Justice on the Supreme Court.

In an effort to prevent Mr. Estrada's confirmation, his opponents resorted to a number of troubling tactics. During his hearing there were frequent attempts to inject political ideology into the judicial nomination process. This was most evident as related to questions about his views on Roe v. Wade, the apparent litmus test for many Senate Democrats.

In response to this concern, he offered cases he had taken on as an attorney to illustrate his commitment to following the law instead of imposing any political agenda. He also testified under oath that he would follow Roe and Casey if he were confirmed. But even his outstanding record and testimony before the committee was apparently not enough to satisfy those determined to destroy his nomination.

Opponents repeatedly raised red herring issues with two additional demands. One was that Mr. Estrada answer their questions, though the record is clear that his responses were complete. Mr. Estrada spent hours during a day-long hearing answering my Democratic colleagues' questions. He answered written questions submitted after the hearing, although only two, only two committee Democrats bothered to ask him written questions.

He gave answers to questions that were substantially similar to answers given by Clinton nominees who were confirmed. Yet my Democratic colleagues continue to complain that he had not answered their questions. Really, their complaint is that in answering their questions, Mr. Estrada did not say anything that gave them a reason to vote against him. Simply put, they were not really interested in his answers to their questions. They were interested only in defeating his nomination.

This is why every effort to make Mr. Estrada available to answer additional questions has gone virtually unacknowledged. Only one Democratic Senator met with Mr. Estrada and only one submitted written questions to Mr. Estrada after the floor debate on his nomination began.

Their second demand was the unreasonable request that the administration release confidential internal memoranda he authored at the Solicitor General's office. This issue has been fully debated. The short response is that never before has a Presidential administration released confidential appeal, certiorari and amicus recommendations on the scale that my Democratic colleagues sought from Mr. Estrada. They attempted a full-scale fishing expedition, pure and simple, and the Justice Department was right to oppose it.

Furthermore, this demand constituted a double standard for Miguel Estrada. The Judiciary Committee confirmed numerous Clinton circuit court nominees who, like Miguel Estrada, had no prior judicial experience. A number of these nominees had worked in the Justice Department or other branches of the Federal Government, but Senate Democrats made no demands for their confidential memoranda or privileged work product. Yet Senate Democrats persisted in this demand, knowing full well that for sound reasons the administration, with the support of all seven living former Solicitors General, both Democrat and Republican—four of them were Democrats—would not and could not accede to that request.

When all other tactics failed, opponents turned to their ultimate weapon, the filibuster. Filibusters of judicial nominees allow a vocal majority to prevent the majority of Senators from voting on the confirmation of a Federal judge, a prospective member of our third, coequal branch of Government. It is tyranny of the minority and it is unfair to the nominee, to the judiciary, and to the majority of the Members of this body, and to the President. The unprecedented filibuster of Mr. Estrada was certainly unfair to a majority of Senators who stood ready to fulfill their constitutional responsibility by voting on Mr. Estrada's nomination.

It has been more than 2 years since Miguel Estrada was nominated by President Bush, on May 9, 2001, and nearly a year since his hearing before the committee. In all of that time, my Democratic colleagues had unlimited opportunities to make their case. Some of them opposed him. Others supported him. But one thing remained clear through this whole debate: There was no good reason to deny Mr. Estrada an up-or-down vote, the dignity of an up-or-down vote.

On the merits, Mr. Estrada was extremely qualified to serve on the court to which he was nominated. The qualifications of Miguel Estrada are well known to the Senate. He represents an American success story. After immigrating to the United States, after overcoming a language barrier and speech impediment, he graduated magna cum laud and Phi Beta Kappa in 1983 from Columbia College. At Harvard Law School he was an editor of the Harvard Law Review and graduated magna cum laude in 1986.

Mr. Estrada's professional career has been marked by one success after another. After graduation, he clerked for Second Circuit Judge Amalya Kearse, a Carter appointee and then Supreme Court Justice Anthony Kennedy. He worked as an associate in the distinguished firm of Wachtell Lipton in New York. He then worked as a Federal prosecutor in Manhattan, rising to become deputy chief of the appellate division. In recognition of his appellate skills, he was hired by the Solicitor General's office during the first Bush administration. He stayed with the Solicitor General's office for most of the Clinton administration. When he left

the Solicitor General's office, he joined the DC office of Gibson, Dunn & Crutcher, one of the great law firms in this country, where he continued to excel as a partner and rose to the top of the ranks of oral advocates nationwide, having argued 15 cases before the U.S. Supreme Court.

The legal bar's wide regard for Mr. Estrada is reflected in his evaluation by the American Bar Association. The ABA evaluates judicial nominees based on their professional qualifications, their integrity, their professional competence, and their judicial temperament. Based on an assessment of all of those factors, the ABA bestowed upon Mr. Estrada its highest rating of ''unanimously well qualified.''

Yet despite the superb record of Miguel Estrada, opponents chose to deny him a simple up-or-down vote, injecting politics into the judicial confirmation process. Opponents have not only treated Miguel Estrada unfairly; they have further damaged this process.

One casualty is enough. I hope all Senators will consider the dangerous ramifications of the actions of the Senate in causing Miguel Estrada to withdraw his nomination through the use of the filibuster. This should never happen again.

Just one other thing on this. He was asked to comply when he couldn't do it, with a fishing expedition into the Solicitor General's most privileged documents, documents that have never been given in toto as requested by the Democrats, never before. Four Democrat former Solicitors General said they would never give these documents. Those Democrat former Solicitors General and three others said they opposed the release of these documents.

If this was a legitimate request, why didn't they ask for similar documents in the case of John Roberts? In other words, Miguel Estrada was treated completely different from other people. Why didn't Senate Democrats ask for these documents in the case of others through the years who worked in the Solicitor General's office? It was just a red herring that some in the media bought off on, to prevent this man from ever having the dignity of an up-or-down vote on the Senate floor.

The reason they prevented that is because they knew he would have won and he would have won a bipartisan vote in the Senate.

Frankly, filibusters should never occur again. Yet more judicial nominees face continuing filibusters on the Senate floor. We will soon once again put to the test the respect the Members of our body have for our constitutional duty to advise and consent on judicial nominations. We will continue to file for cloture to end debate and to give Priscilla Owen, Bill Pryor, and other judicial nominees that the left is intent on blocking the up-or-down votes they deserve.

These are outstanding nominees. Priscilla Owen broke through the glass ceiling, becoming one of the great partners of a major law firm in this country, and broke through the glass ceiling for women, yet she is being treated like dirt on the Senate floor. Also, Bill Pryor, who has more than shown his propensity to always follow the law, even though the law may differ from his own personal, deeply held beliefs.

There are, no doubt, factions of far left interest groups that are delighted to see Miguel Estrada has withdrawn his nomination. These same groups no doubt will declare victory and mount even more vigorous campaigns in an effort to ensure that other judicial nominees suffer the same fate. From what I understand, some of my colleagues in the Senate share those sentiments. But let me tell you right now, this is no occasion for celebration. We should be embarrassed that Miguel Estrada, having had enough of serving as a political football instead of as a Federal judge, decided to end his nomination. And we should be embarrassed of the continued attempts to usurp the nomination function from the President and the consent function from the Senate majority.

We should not stand back and allow a minority of Senators to prevent an up-or-down vote on any judicial nominee and especially those once they have come to the floor.

We should not inflict upon Priscilla Owen, Bill Pryor, or any others the same shabby treatment that led Miguel Estrada to withdraw his nomination. These all deserve better. And nominees in the future deserve better. The majority of the Senate that stands ready to confirm the ones I have mentioned deserve better. Most importantly, the American people expect their Senators to hold up-or-down votes on judicial nominees and deserve the opportunity to hold their Senators accountable for the votes they cast on the President's judicial nominees.

I have been around here a long time. Both sides have committed errors with regard to judicial nominees over the years. But nothing has ever reached the dimensions of what has been done to Miguel Estrada. Nothing has even come close. He has been treated in an especially onerous way that no other nominee I know of in the history of the Senate has been treated. He has been singled out primarily because he was viewed as being on the fast track to the Supreme Court, and because he is a conservative Republican Hispanic who might be pro-life and who is on the fast track to the Supreme Court. I don't think anybody who is honest can refute that statement.

I think it is pitiful what has happened. I just hope we wake up in this body and start treating people with fairness which the advise and consent clause of the Constitution demands. I hope that works on both sides.

There were those who wanted to filibuster on our side during the Clinton years. We stopped it. We were not going to set that precedent, nor were we going to do that type of activity. Frankly, everyone who came to the floor had a vote, and only one, if I recall correctly, was defeated by an up-and-down vote. But at least he had a vote. And Miguel Estrada deserved that just as much as any of the past nominees.

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

Mr. HATCH. Yes, I yield for a question.

Mr. McCONNELL. I ask my friend from Utah, the chairman of the Judiciary Committee, if it is the case that the President's nominee, John Roberts, and the President's nominee, Miguel Estrada, both served in the Solicitor's Office at some point in their careers?

Mr. HATCH. They both did, and both were nominated at the same time, over 2 years ago.

Mr. McCONNELL. I ask my friend from Utah, the chairman of the Judiciary Committee, if it is also true that the internal work product documents that were requested of nominee Miguel Estrada were not requested of nominee John Roberts.

Mr. HATCH. Absolutely right. They were not requested. There was a different standard used with regard to Mr. Estrada—a very unfair standard knowing that the Solicitor General's Office could not allow a fishing expedition into those documents.

Mr. McCONNELL. Is it not the case that every former Solicitor—most of whom are Democrats—had the view that these internal working documents should not be shared?

Mr. HATCH. That is correct. Four of the seven former Solicitors General who are living today are Democrats, and all seven of them came out and said that these documents should not be given to the Senators of the United States because of their sensitivity and their privileged nature.

Mr. McCONNELL. Is it also not true that nominee John Roberts was confirmed unanimously?

Mr. HATCH. It is true that he was confirmed unanimously.

Mr. McCONNELL. We all know that Miguel Estrada was filibustered to the point where he subsequently withdrew today.

Mr. HATCH. The Senator is correct.

Mr. REID. Madam President, will my friend from Utah yield for a question?

Mr. HATCH. If my friend from Kentucky has concluded.

Mr. McCONNELL. I thank the chairman of the committee for yielding so we could point out the differences in treatment between these two nominees with very similar backgrounds and who were nominated for the same court at the same time.

Mr. HATCH. The illustration should not be limited to just John Roberts and Miguel Estrada. There are a number of people who are on the Federal bench and who have served on the Federal bench who also served in the Solicitor's Office who were never asked those questions, and rightly so. They should

never have been asked. It was a red herring that many of my colleagues hid behind to justify this outrageous and, I think, shabby treatment of Miguel Estrada.

I yield to my friend for a question.

Mr. REID. Madam President, I understand the strength and feeling of the Senator from Utah and the Senator from Kentucky. The record has been spread with that for many months now. I would only say if the Senator wants to speak more, we have no problem.

Mr. HATCH. I yield the floor.

Mr. REID. Madam President, I draw the attention of my colleagues to the same statement which I made earlier today in response to the remarks of Senator FRIST about Miguel Estrada.

Madam President, I ask unanimous consent that a CONGRESSIONAL RECORD statement made by Senator FEINSTEIN on February 13, 2003, on the nomination of Miguel Estrada be printed in the RECORD.

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

Mrs. FEINSTEIN. Mr. President, I had an opportunity to come to the floor once before and express my views about the nominee who is before the Senate for confirmation, Miguel Estrada. But I want to make a few additional points at this time, and I hope I don't repeat myself.

I want to say for my part and for the part of many others in the body that this is not a debate we were eager to begin; this is not a debate we are eager to continue; but this is a debate that really goes to the heart of the separation of powers and the checks and balances that the Founders of this Nation so carefully crafted more than 200 years ago.

The President makes nominations to the Federal judiciary. This is true. But it is a judiciary that Congress fashioned, and it is a judiciary that the Senate has been given the constitutional responsibility to help fill, through our advice and consent role.

I am one who has always believed that every nominee should get a full and fair hearing and that every nominee should then get an up-or-down vote. For too long, I watched one after another Clinton nominee languish without any such courtesy, and with no explanation as to why. Many of his nominees were minorities who never even got the chance to speak to the Committee.

Chairman Hatch and I had many conversations during that time about moving more nominees through the committee. And I know he did more than many in his caucus would have liked him to do to move nominees. For that, I thank him. I believe deep in his heart he also believes nominees should move through and get a hearing. But still, too many nominees were stopped from even the most basic of rights during the nomination process—a hearing—a basic right for someone who is nominated to the Judiciary Committee. They should have a right to have a hearing, in my view.

In this case, the Democrat-controlled Senate gave Miguel Estrada a full and fair hearing and every opportunity to show the committee what kind of judge he would be. But he did not use that opportunity well.

Although I believe that every nominee deserves an up-or-down vote, an up-or-down vote on final confirmation should only occur after the Senate has had a full opportunity to learn about the nominee and to properly judge whether or not that nominee can serve impartially in the Federal judiciary. In this case, I don't believe we have enough information to make such a decision, as a direct result of the lack of cooperation by this nominee and by the White House. As a result, we should not be asked to make such an important decision.

I want to clearly state this is not an issue of retaliation, as some have suggested. It is true that the Republican Senate did block a number of very qualified Hispanic nominees—female nominees, and so on—under President Clinton.

And it is true that many on this floor have mentioned those nominees—Enrique Moreno, for instance. But they were mentioned not to begin some tit-for-tat exchange of blocked nominations. Quite the contrary. Under Chairman Leahy, the Judiciary Committee and the Democrat-controlled Senate confirmed 100 nominees in just over a year.

Mr. Estrada has already been given far better treatment than many were given by the other side in the recent past. All we ask for is some basic answers to the most basic of questions. Think about this: Before us now, we have a 41-year-old nominee about whom we know little. He has been nominated to a crucial appellate court, the DC Circuit, which is, at present, evenly split. That raises the question, Do we have a right to know if this judicial nominee can be impartial? I believe we do.

In this case, this nominee, for some reason, has been very controversial from the beginning. We have heard from many who have worked with Mr. Estrada or even supervised him, and many who have watched him work throughout the years.

Without exception, all of these individuals believe Mr. Estrada is bright. And I am confident that every Democrat in this body agrees with that assessment. But that is not the problem. And that is not the question today.

Without exception, all these individuals believe Mr. Estrada to be well educated, as my colleagues on the other side of the aisle have indicated throughout the last few days. But that, too, is an issue that is not in doubt, and it is not the problem.

And essentially, without exception, all of these individuals believe Mr. Estrada is conservative. Some believe him to be very conservative, some less so, but all recognize him to be a conservative. Even Mr. Estrada himself, as I understand it, would likely describe himself in this manner. But make no mistake, this is not about whether or not Miguel Estrada is conservative.

I have already voted for nominees whom I know to be conservative, as have most, if not all, of my Democratic colleagues.

At the present time, I have just given my proxy to the Judiciary Committee that is considering three nominees to appellate courts who are, in fact, conservative. And I will vote yes on those nominees.

So the question is not whether this nominee—or any nominee—is liberal or conservative, White or Hispanic, Jewish or Catholic, or any other group or inclination. The question with this nominee—and with every nominee—is whether the nominee can put aside personal beliefs to rule fairly and impartially on the cases that come before him or her.

In some cases, we can get a clear idea of how a nominee would handle the responsibilities of a Federal judgeship. But in this case, as we tried to get a clear idea of how this nominee would handle these responsibilities, we were really stymied at every turn.

On the one hand, we have letters, phone calls. To my office, we have received almost 8,000 phone calls in opposition to this nominee; and less than 400 in favor. All these phone calls seem to indicate the belief that Mr. Estrada is an ideologue who cannot be trusted with a circuit court judgeship.

We have Professor Paul Bender, Mr. Estrada's direct supervisor at the Department of Justice, who said to the press that he believed Estrada to be so ''ideologically driven that he couldn't be trusted to state the law in a fair, neutral way.'' Mr. Bender recently sent a letter to the chairman of the Judiciary Committee essentially reaffirming this statement.

We have major Hispanic organizations—just those groups one might expect to most strongly support Mr. Estrada—strongly opposing him instead.

On the other hand, as we look for facts to counteract such serious concerns, we have almost nothing.

Miguel Estrada has never been a judge, so we have no record of judicial decisionmaking to examine. This in itself is not dispositive, but it is the first area where we find no record to help us in our decisions.

Mr. Estrada is not a prolific writer, so again, unlike many, we have no real record of writings or speeches to examine. Again, this alone would not be dispositive, but, as I said earlier this week, in a sense, it is strike two in terms of where we can get information about this nominee.

We have not been granted access to the memos he wrote at the Department of Justice, so we can only take the word of the man who supervised him that those memos were ideologically driven and could not be trusted. That is strike three.

Mr. Estrada refused to adequately participate in his own confirmation hearing, so we have no real answers to these questions. And the questions are legitimate.

Even when given time to think about his answers, even when he was given questions in written form, he refused to answer those questions, using precisely the same language he used to refuse to answer at his hearing.

For instance, when Senator Durbin asked this nominee, in writing: ''Do you have an opinion on the merits of Roe v. Wade?'' Mr. Estrada responded, as he did to me in committee, ''it would not be appropriate for me to express such a view without doing the intensive work that a judge hearing the case would have to undertake—not only reading briefs and hearing the arguments of counsel, but also independently investigating the relevant constitutional text, case law, and history.''

In the hearing, I asked him: Do you believe Roe was correctly decided? And he said he could not answer that question.

When Senator Kennedy asked Mr. Estrada, in writing, how he would have resolved a case that came before the DC Circuit and was then decided by the Supreme Court—Hoffman Plastics—Mr. Estrada again answered that because he had not read the briefs and was not present at oral argument, he could not answer.

When Senator Kennedy asked him about the Maryland/DC/Delaware Broadcasters case, again Mr. Estrada said he could not, or would not, answer.

When Senator Durbin asked Mr. Estrada to name any judge, living or dead, whom he would seek to emulate, Mr. Estrada said he could name not one judge he would emulate.

In contrast, let me take a moment to talk about Judge Richard Paez, a well-qualified Hispanic nominee sent to the Senate by President Clinton and eventually confirmed to the Ninth Circuit Court of Appeals.

Judge Paez spent more than 1,500 days before this Senate before he finally got a vote. And this came despite the fact that he answered every question put to him.

For instance, Senator Sessions asked him: ''Which Supreme Court Justice or federal judge has most influenced your judicial philosophy?'' Judge Paez named Judge Harry Hupp, a man he appeared before as a litigator, and a colleague of his on the district court bench.

Senator Sessions asked Richard Paez: ''In your opinion what is the greatest Supreme Court decision in American history?'' Judge Paez did not refuse to answer, or claim that he could not give an answer because he had not been present at oral arguments. Instead, he simply named Brown v. Board of Education.

Senator Sessions then asked: ''What is the worst Supreme Court decision?'' Judge Paez answered: ''Dred Scott.'' This is the decision where the Supreme Court ruled, essentially, ''once a slave, always a slave.''

Miguel Estrada, on the other hand, would not answer these types of questions.

Senator Schumer asked him to name any Supreme Court case he thought was wrongly decided.

He did not simply say he thinks Plessy v. Ferguson was wrongly decided. That is the case that upheld the concept of separate but equal. And even the Supreme Court has since overturned it. I know of few people who would claim Plessy was correctly decided. But Miguel Estrada apparently thinks he could not say so without having heard the oral arguments. He did not say he disagreed with the Dred Scott decision, which upheld slavery. He did not say he believed Korematsu, which upheld the right of the United States to put American citizens of Japanese descent into internment camps. He named none of these cases. He simply said he could not answer the question.

This is in direct contrast to a recent experience with Jeffrey Sutton during his hearing less than 2 weeks ago. Mr. Sutton is also a controversial nominee, but he answered every question put to him. We got a good sense of how he would think and act as a judge. I, myself, who was concerned about him initially, felt he was a strong advocate, but he knew the difference. He could separate himself from the positions of advocacy and become a fair and impartial judge. So I have given my proxy right now to be carried out to vote yes for Judge Sutton. Mr. Estrada, on the other hand, did his best to keep from putting himself on record on any issue of real substance.

Quite frankly, there are options. One, return this nominee to the Judiciary Committee for answers. The Senate deserves the answers. Democratic nominees were asked by distinguished Republican Senators to answer questions such as this, and they did. Even of those, many had judicial records. Many had prolific writings. Many had speeches so that there were tools we could go to to understand what their thinking was. But in this case we have no speeches. We have no writings. We have no record. Therefore, the answers to the questions become extraordinarily dispositive. They also become meaningful to any Senator who wants to cast an informed vote.

It is that simple. That is what this debate is about. We cannot possibly fulfill our constitutional duty to advise and consent to nominees if we are not given the necessary information about the nominee.

In a case where you have a critical circuit such as the DC Circuit, not only the plumbing grounds for the U.S. Supreme Court, but handling environmental appeals, Superfund appeals, wetlands appeals, OSHA appeals, all kinds of administrative case law appeals, how this court is tilted becomes important to us, particularly if we take this job of confirmation of nominees seriously.

There is another option. That option is appoint Miguel Estrada to a district court. Give him an opportunity to gain that record. He is 41 years old. He is younger than my daughter. Give him an opportunity to gain that record. Remember, this is a man who will serve for 30, 40, possibly even 50 years. It is a lifetime appointment. We are entitled to answers to these questions.

In Miguel Estrada's questionnaire, he admitted to having written no books, articles, or reports of any kind, save one Law Review article in law school. That was titled ''The Policies Behind Lending Limits.'' He wrote that in 1985. At Miguel Estrada's hearing, he would not comment on whether any case had ever been wrongly decided, even cases that have been overturned. He would not name any single judge he would want to emulate on the bench in any way. He would not answer written questions put to him that would help us learn more about how he thinks about cases and how he would judge them. He would not even try to convince the Justice Department to turn over some of the memos he wrote for the Solicitor General's Office, nor would he himself turn them over.

If this nominee is confirmed, we believe we would be sending a signal that stonewalling the Judiciary Committee and the full Senate is the way to succeed on the way to a judgeship. That is the wrong signal and the wrong message.

In effect, we would be abdicating our constitutional role, our constitutional duty to advise and consent to nominees, because we would never again be able to learn enough about a nominee to make reasoned decisions.

Nominees could become increasingly young, increasingly ideological, and increasingly silent. The courts would soon be packed with judges of unknown disposition, unknown temperament, and unknown proclivities to judge fairly and impartially.

We should take our constitutional duties more seriously than that. We simply are determined not to let that happen.

I would like to read the concluding sentence from the editorial in today's New York Times: 6

The White House can call this politics or obstruction. But in fact it is Senators doing their jobs.

I yield the floor.

Mr. REID. Madam President, the reason I am not going to give a statement is because we have Members here on the Senate floor today who could give a long statement on the misfortune of Miguel Estrada. But we have been asked by the two leaders to try to get some votes lined up for tomorrow. We have a manager of the bill who has been waiting. We have a Senator from New York who has been waiting.

I just simply say before we go to the Senator from Ohio and the Senator from New York, who have amendments to offer, that we have debated Miguel Estrada a lot. I don't know how many votes we have had—10 or 12—and not a single vote was changed.

We can debate this ad infinitum. The fact is, Miguel Estrada didn't respond to questions that we thought appropriate and didn't divulge information in the form of memos from the Solicitor's Office. The reason he is different than some others who worked in that same office is because we got the full information.

For example, we reviewed Judge Roberts off and on for more than 10 years. So he and Miguel Estrada are totally different.

The real victim in all of this is Miguel Estrada. I acknowledge that by virtue of the fact that the White House had the theory they were not going to allow questions nor submit information from the Solicitor's Office.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004—Continued

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Madam President, my colleague from New York and other Members who are on the Senate floor have several amendments that I ask unanimous consent to have set aside. I anticipate speaking probably for about 10 minutes.

Mr. SPECTER. Madam President, will the Senator from Ohio yield for an announcement?

Mr. DEWINE. I yield.

Mr. FRIST. Madam President, just for the information of our colleagues, we will have no more rollcall votes tonight. The plan at this juncture is that most likely we will have two stacked rollcall votes in the morning. That is subject to change. People should stay in touch with the cloakrooms. But for tonight, there will be no more rollcall votes.

We will continue with amendments, and I ask Members to come to the floor so we can prepare for tomorrow. We will have stacked votes in the morning.

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENT NO. 1561 TO AMENDMENT NO. 1542

Mr. DEWINE. Madam President, I call up my amendment numbered 1561.

The PRESIDING OFFICER. Without objection, the pending amendments will be set aside and the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. DEWINE] proposes an amendment numbered 1561 to amendment No. 1542.

Mr. DEWINE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide funds to support graduate medical education programs in children's hospitals)

On page 61, between lines 14 and 15, insert the following:

SEC. ____. (a) IN GENERAL.—To carry out programs to support graduate medical education programs in children's hospitals under section 340E of the Public Health Service Act (42 U.S.C. 256e et seq.), there are appropriated a total of $305,000,000, including amounts otherwise made available in this Act for such programs.

(b) OFFSET.—Amounts appropriated under title III under the heading ''Program Administration'' shall be reduced by $15,000,000.

Mr. DEWINE. Madam President, this amendment would increase the amount of pediatric graduate medical education funding to $305 million—up from the $290 million currently in the bill.

I remind my colleagues that a sense-of-the-Senate amendment was attached to this year's budget resolution which indicated that children's graduate medical education should be funded at $305 million.

This amendment would mirror the sense-of-the-Senate resolution which we have already adopted. That is all it would do. But I believe it is important that we provide these additional dollars.

This funding for pediatric graduate medical education is truly a vital part of our efforts to protect children's health in this country.

To date, children's hospitals, though they represent only 1 percent of all hospitals in the country, train 30 percent of all pediatricians and 50 percent of all pediatric specialists. They also provide hospital care to almost 50 percent of all seriously ill children in this country.

Furthermore, children's hospitals serve as the health care safety net for low-income children in their respective communities and are often the sole regional providers of many critical pediatric services.

These children's hospitals are often the only source of many pediatric specialty services, and it is their graduate training programs that make these services possible. Funding for pediatric graduate medical education helps provide our Nation with highly qualified pediatricians, pediatricians who can properly treat and care for our children when they are sick.

Clearly, funding for GME in children's hospitals is a sound investment in children's health and provides stability for the future of the pediatric workforce. I urge my colleagues to join me in providing this additional $15 million in funding for graduate medical education in children's hospitals.

Anyone who has had the occasion to take their child to a children's hospital, as I have, and to see the magical work these children's hospitals do, I think can appreciate the need for this amendment. To see the specialists descend on your child when you are concerned about that child's safety, maybe that child's life, is just something you really cannot describe.

The children's hospitals will tell you that this graduate medical education money has been a lifesaver for them. It is essential that we provide this money through the appropriations process, frankly, because of a quirk in the law. It is a quirk in the law that we have to do it through the appropriations process because they do not automatically get the money through the entitlement process because, obviously, they do not serve many Medicare patients. So it does not come to them automatically, as it does all the other hospitals in the country. So every year we have to go through this process.

I am simply asking that the funds be increased to $305 million. It is the right thing to do. It is the proper thing to do. I ask my colleagues to support this very simple amendment.

Madam President, I ask unanimous consent that this amendment be set aside for the time being.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

AMENDMENT NO. 1560 TO AMENDMENT NO. 1542

Mr. DEWINE. Madam President, I now call up amendment No. 1560.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. DEWINE] proposes an amendment numbered 1560 to amendment No. 1542.

Mr. DEWINE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide funds to support poison control centers)

On page 61, between lines 14 and 15, insert the following:

SEC. ____. (a) IN GENERAL.—To provide funding for poison control centers under the Poison Control Enhancement and Awareness Act (42 U.S.C. 14801 et seq.), there are appropriated a total of $27,600,000, including amounts otherwise made available in this Act for such centers.

(b) OFFSET.—Amounts appropriated under title III under the heading ''Program Administration'' for building alterations and related expenses for relocation shall be reduced by $5,300,000.

Mr. DEWINE. Madam President, the amendment I am now offering would fully fund poison control centers at $27.6 million. That is an increase of $5 million from what the bill currently funds at $22.3 million.

Members of the Senate, there are currently over 70 poison control centers nationwide. These centers have fielded over 1 million phone calls since January 2002, answering questions about poisonings, drug abuse, product contents, substance identification interactions, and adverse reactions. They can answer questions and concerns about what would typically be called poison products—things such as cleaners, bleaches, anything you would find in your home, any emergency a family might face. This is the most common poison exposure for children, children who typically ingest household products such as cosmetics and personal care products, cleaning substances, pain relievers, foreign bodies, and plants.

Our Nation's poison control centers handle an average of one poison call every 15 seconds. Clearly, these centers provide a vital service to the parents and family members.

The money we provide in this bill will go toward the continuation of the centers' work, as well as the maintenance of the toll-free nationwide poison control hotline. That number, of course, is 1–800–222–1222. Let me repeat that: 1–800–222–1222. That is a number that anybody in this country now can call. Wherever you are, if you are on vacation, if you are in your own home, if you are visiting someone, you can pick up the phone and call that number, and you will go onto a poison control hotline.

I have used it. My daughter has used it for her children. It is something that is so very valuable for a parent, anyone who has children. And certainly it is not just for somebody with children. It is for anybody who is in a position to be around someone who has ingested something and they don't know what it is.

As anyone who has visited poison control centers can tell you, it is also now particularly important in a day and age when we worry about terrorism. Poison control centers have a particular meaning for us today.

With the funding in the bill, and with the additional funding that would be provided by my amendment, we are not just making an investment in poison control; rather, we are making it easier to keep our children, our friends, and ourselves safe and healthier.

I therefore urge my colleagues to support this very modest investment in our health. And I might say, the Federal Government is only a small partner in the poison control centers. When you go and visit the poison control centers around the country, what you will find is that they are funded many times by the local hospitals that pay for them themselves. They are funded by State and local government units. The money we provide is a small part of the overall money, but it is a very crucial and very important part of that contribution to keep these poison control centers going.

This is a very modest amendment, but it is a very important amendment. I urge my colleagues to support it when we do, in fact, vote on the amendment.

Madam President, I ask unanimous consent that this amendment be set aside.

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

AMENDMENT NO. 1555 TO AMENDMENT NO. 1542

Mr. DEWINE. Madam President, I call up amendment No. 1555.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. DEWINE] proposes an amendment numbered 1555 to amendment No. 1542.

Mr. DEWINE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To express the sense of the Senate concerning the Pediatric Research Initiative)

On page 61, between lines 14 and 15, insert the following:

SEC. ____. To demonstrate the appreciation that the Senate has for, and to further encourage, the efforts of the Director of the National Institutes of Health in implementing the Pediatric Research Initiative under section 409D of the Public Health Service Act, it is the sense of the Senate that—

(1) the Director should continue the Initiative and emphasize the importance of pediatric research, particularly translational research; and

(2) not later than January of 2004, the Director should continue to report to the Committee on Health, Education, Labor, and

Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives on the status of the Pediatric Research Initiative, including—

(A) the extent of the total funds obligated to conduct or support pediatric research across the National Institutes of Health, including the specific support and research awards allocated by the Office of the Director through the Initiative;

(B) the activities of the cross-institute committee on pediatric research in assisting the Director in considering requests for new or expanded pediatric research to be funded through the Initiative;

(C) how the Director plans to budget dollars toward the Initiative for fiscal year 2004;

(D) the amount the Director has expended to implement the Initiative since the enactment of the Initiative;

(E) the status of any research conducted as a result of the Initiative;

(F) whether that research is translational research or clinical research;

(G) how the Initiative interfaces with the Off-Patent research fund of the National Institutes of Health; and

(H) any recommended modifications that Congress should consider in the authority or structure of the Initiative within the National Institutes of Health for the optimal operation and success of the Initiative.

AMENDMENT NO. 1555, AS MODIFIED

Mr. DEWINE. Madam President, further, I ask unanimous consent that the amendment be modified on page 2, line 8, to include the Senate and House Appropriations Committees.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 61, between lines 14 and 15, insert the following:

SEC. ____. To demonstrate the appreciation that the Senate has for, and to further encourage, the efforts of the Director of the National Institutes of Health in implementing the Pediatric Research Initiative under section 409D of the Public Health Service Act, it is the sense of the Senate that—

(1) the Director should continue the Initiative and emphasize the importance of pediatric research, particularly translational research; and

(2) not later than January of 2004, the Director should continue to report to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Energy and Commerce of the House of Representatives, the Senate Committee on Appropriations and the House Committee on Appropriations on the status of the Pediatric Research Initiative, including—

(A) the extent of the total funds obligated to conduct or support pediatric research across the National Institutes of Health, including the specific support and research awards allocated by the Office of the Director through the Initiative;

(B) the activities of the cross-institute committee on pediatric research in assisting the Director in considering requests for new or expanded pediatric research to be funded through the Initiative;

(C) how the Director plans to budget dollars toward the Initiative for fiscal year 2004;

(D) the amount the Director has expended to implement the Initiative since the enactment of the Initiative;

(E) the status of any research conducted as a result of the Initiative;

(F) whether that research is translational research or clinical research;

(G) how the Initiative interfaces with the Off-Patent research fund of the National Institutes of Health; and

(H) any recommended modifications that Congress should consider in the authority or structure of the Initiative within the National Institutes of Health for the optimal operation and success of the Initiative.

Mr. DEWINE. Madam President, this amendment is a sense-of-the-Senate amendment expressing the importance of pediatric research at NIH. Specifically, this amendment says we should continue the work of the Pediatric Research Initiative. This is an effort I worked on with several of my colleagues and was included in the Children's Public Health Act of the year 2000.

This initiative helps ensure that more funds can be dedicated to children's health research within the National Institutes of Health.

Mr. SPECTER. Madam President, will the Senator yield for a question?

Mr. DEWINE. I yield.

Mr. SPECTER. Will the Senator from Ohio be willing to take a voice vote, at this point, accepting this amendment?

Mr. DEWINE. I would be more than happy to do that.

Mr. SPECTER. Madam President, I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment, as modified, is adopted.

The amendment (No. 1555), as modified, was agreed to.

Mr. SPECTER. I thank my distinguished colleague from Ohio and I thank the Chair.

AMENDMENT NO. 1578 TO AMENDMENT NO. 1542

Mr. DEWINE. Madam President, at this point I call up amendment No. 1578.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. DEWINE], for himself, Mr. ALEXANDER, Ms. STABENOW, Mr. GRASSLEY, and Mr. VOINOVICH, proposes an amendment numbered 1578 to amendment No. 1542.

Mr. DEWINE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide funding for the Underground Railroad Education and Cultural Program)

On page 74, line 1, strike ''$409,863,000, of which $13,644,000'' and insert ''$406,863,000, of which $10,644,000''.

On page 76, between lines 11 and 12, insert the following:

SEC. ____. For necessary expenses for the Underground Railroad Education and Cultural Program, there are appropriated $3,000,000.

Mr. DEWINE. Madam President, the amendment I offer now, along with Senators ALEXANDER, STABENOW, GRASSLEY, and VOINOVICH, will provide $3 million in funding for the Underground Railroad Education and Cultural Act, a 1998 law that Senator COLLINS and I wrote together. The Underground Railroad Education and Cultural Act was designed to assist in establishing programs to research, display, interpret, and collect artifacts and other items relating to the history of the underground railroad. The bill before us now has unfortunately zero-funded this program. I believe we must correct that.

Our amendment would provide $3 million for this program. As my colleagues know, the history of the underground railroad is a vital part of the history of our great country. In the 20 years or so prior to the Civil War, it is estimated—of course, no one will ever know what the true figure is—that more than 40,000 slaves used this underground railroad, as we refer to it, as a pathway to their ultimate freedom. It is a great story in the history of our country. It is a great story every schoolchild in America should know about.

More than 150 underground railroad sites have been identified in my State of Ohio alone. But Ohio is not unique. All the States that border along the Ohio River and were actually considered to be border States have sites on the underground railroad. There were people all along on both sides who helped slaves escape. African Americans helped slaves escape. White Americans helped slaves escape. There were so many heroes.

Their stories need to be told. There are many more other sites out there that frankly need to be identified, and their stories need to be told as well. These sites symbolize freedom for thousands and thousands of enslaved Americans. When I visit these sites, as I have with my family—in fact, I had the opportunity this August during our recess to visit several of them—it makes me pause and think about the sacrifice that was made by so many people. It reminds us of the history of this country. It reminds us of the horror of slavery, a part of our history that simply has to be told. But it also reminds us of the good part of that history; that is, the sacrifice made by so many people so others could be free.

This program is very important. I urge my colleagues to join me in support of this funding request. This funding request will enable this story to be told and told in a better way.

Madam President, I ask unanimous consent at this point that the amendment be set aside.

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

INTERNATIONAL HIV INITIATIVE

Mr. DEWINE. Madam President, I will at some point, as I indicated this morning, be coming to the floor and offering an amendment concerning President Bush's International Mother and Child Prevention of HIV initiative. As I indicated this morning, unfortunately the bill before us does fall short by $60 million what the President requested.

The President requested $150 million in regard to the amount of money to be provided for this initiative. I will be talking about this later and will be offering an amendment concerning it. This is the most cost-effective way to save lives.

A number of my colleagues went with Senator BILL FRIST to Africa. We returned just last week. We saw firsthand the good this program is already doing. For as little as $3, a pregnant woman can be given the help, the drugs she needs to ensure that her child will not be born HIV positive.

The statistics are staggering. For a mother who is HIV positive, the odds are approximately 30 percent that she, untreated, will give birth to a child who will be HIV positive. We all know what that means, what horrible tragedy that is. In countries we visited such as Namibia and South Africa, there are now ongoing programs. Many of them, because of the initiative of President Bush and this Congress, are good people working, reaching out to these pregnant mothers who are HIV positive. They have reduced that percentage now down to 5 or 10 percent. If that mother can be given a drug prior to the birth of that child—as I said, it now costs as little as $2, $3, maybe $4—we can reduce the odds from 30 percent to giving birth to a child who is HIV positive down to as little as 10 percent and possibly as low as 5 percent.

That is why it is so very important that we restore the funding in this bill to the $150 million requested by President Bush. I will be coming to the floor later on as we debate this bill and offering an amendment to restore the funding to the level President Bush requested. I will be back on the floor later on to do so.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Madam President, I commend and thank my colleague from Ohio who is always looking out for the children. This has been a mission of his, year in and year out. I thank him for the amendments he has just discussed because every one of them concerns the well-being of our children. I look forward to supporting these amendments. I particularly thank the Senator for amendment 1561 to restore the money for pediatric graduate medical education.

AMENDMENT NO. 1565 TO AMENDMENT NO. 1542

Mrs. CLINTON. Madam President, I ask unanimous consent that amendment 1565 be called up.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mrs. CLINTON] proposes an amendment numbered 1565 to amendment No. 1542.

Mrs. CLINTON. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide additional funding to ensure an adequate bioterrorism preparedness workforce)

On page 36, line 16, strike the period at the end and insert '': *Provided further*, That the amount $6,252,256,000 under the heading 'Health Resources and Services' shall be deemed to be $6,272,256,000 of which the additional $20,000,000 shall be available for carrying out sections 765 and 767 of the Public Health Service Act: *Provided further*, That the amount $4,588,671,000 under the heading 'Disease Control, Research, and Training' shall be deemed to be $4,631,871,000: *Provided further*, That the amount $1,726,846,000 under the heading 'Public Health and Social Services Emergency Fund' shall be deemed to be $1,756,846,000: *Provided further*, That the amount $1,116,156,000 under the heading 'Public Health and Social Services Emergency Fund' shall be deemed to be $1,146,156,000 *Provided further*, That the amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $6,988,399,000: *Provided further*, That the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $6,690,101,000: *Provided further*, That of the funds appropriated in this Act for the National Institutes of Health, $93,200,000 shall not be available for obligation until September 30, 2004.

Mrs. CLINTON. Madam President, this amendment is intended to provide the money that is needed to ensure that at the Federal, State, and local levels, we have an adequate bioterrorism workforce. In order to do that, we have to fund the pipeline.

This summer the Partnership for Public Service issued a report stating that 50 percent of our experts trained to respond to a biological or chemical attack will retire over the next 5 years. That puts our country and our public health at risk.

Obviously, every one of us in this body is committed to making our country safer and providing the bioterrorism funding we have fought for since 9/11. And I appreciate the great support the Senate has given to increasing dollars to combat the threat of bioterrorism. But, unfortunately, our frontline defenders, who are our health professionals, are decreasing in number when we need them more than ever.

According to the Office of Personnel Management, more than 2,600 public health professionals in the Federal Government are eligible to retire in 2008, and that number could soar to more than 8,000 in just the next few years.

Unfortunately, the shortage in personnel is not just Federal. It is already being felt at the State and county levels. In county after county in the public health departments, I have been given reports that so many of the staff members are being stretched thin and they are unable to do the work that is required. If we don't find ways to provide the resources to attract and pay for these professionals, we are going to be in a terrible dilemma not only if a horrible event or some kind of biological or chemical attack were to occur, but even with the outbreak of something like SARS, or something unpredictable that we may have never encountered before.

The Bioterrorism Preparedness and Response Act that we passed in 2002 does help with workforce training, recruitment and development. But with respect to what has occurred since 2002, we already know we have had increased demands on our public health system, and we have insufficient resources to expand personnel or, as these recent reports I have referenced indicate, keep pace at current levels.

The CDC and other agencies need to do strategic planning. My amendment includes $5 million to fund an annual needs assessment, with a report to Congress, of Federal, State, and local bioterrorism personnel, conducted by the Institute of Medicine or another competent and independent authority.

But even while we are looking longer term, we have immediate public health needs right now. I know that, for example, in New York, two Centers for Public Health Preparedness are located at SUNY Albany and Columbia University. They have already trained 10,000 people each year in bioterrorism preparedness. Many regions don't have these centers of excellence, and we have to figure out how we can get the resources and personnel to every part of our country.

According to the Association of Schools of Public Health Preparedness and Prevention, the 19 nationwide Centers of Public Health Preparedness have asked the administration for $50 million—nearly double what the President's budget proposes. I think we should meet those requests, and my amendment would provide the funds to do that.

My amendment also provides funds, in accordance with the recommendation of CDC's own National Advisory Committee on Children and Terrorism, to double the number of outbreak specialists in the Epidemic Intelligence Service. These EIS specialists are dispatched to respond to epidemics and bioterrorism.

The resident expertise that we need in State and local public health departments is also crucial. My amendment would provide $25 million to the Epidemiology Program Office, the National Center for Infectious Diseases, and the Public Health Practice Program Office of the CDC to recruit and train 1,600 epidemiologists, 800 laboratory personnel, 800 public health nurses, and 800 other public health professionals to work in State and local public health departments nationwide.

The Council of State and Territorial Epidemiologists estimates that State and local public health departments need to hire 1,600 epidemiologists over the next 10 years to prevent worsening shortages of State and local epidemiologists. It costs about $60,000 to train a public health professional. This proposal would spread that investment over 10 years.

Finally, the amendment also provides $20 million for carrying out sections 765 through 769 of the Public

Health Service Act to title VII to encourage personnel to enter epidemiology and bioterrorism detection careers.

Title VII has been decimated each of the last 3 years. It has been a struggle to keep it even flat-funded from year to year. Unfortunately, the pipeline for epidemiologists and bioterrorism experts has suffered as a result.

I hope to be able to work this out without the manager of the bill. I understand completely the many competing considerations he has to balance, but it is imperative that we start to meet these needs. If we pass this amendment today and get the money in the pipeline, we can begin to train and hire the doctors, nurses, and other public health professionals who are going to be necessary for us to deal with whatever we face in the future.

Unfortunately, terrorists or epidemics like SARS don't wait while the retirement notices are stacking up. I don't think we should either. This $93 million would be money well spent that would make us better prepared to deal with the incredible challenges that we confront as we try to ensure that our vigilance and our concern is matched by the expertise we need to actually deal with any problem that we may confront.

Madam President, I ask that this amendment be supported, but I ask, too, that we look for a way to deal with this pipeline problem that is so critical to actually putting teeth into the preparedness that we have passed in this body and funded since September 11.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Madam President, there is no doubt of the tremendous need for preparation for bioterrorism. During the recess month, I spent most of it traveling through my State visiting first responders—essentially fire departments, in conjunction with police departments and other county organizations that are being set up for response to potential bioterrorist attacks.

When 9/11 struck, obviously, the U.S. was totally unprepared. I think the ranking member will recall that we had to have the hearing in the bowels of this building because we were kicked out of the other hearing rooms. We brought in the Centers for Disease Control and insisted that they give us an itemization of the various types of biological attack, what resources were currently available, and what additional resources we would need.

We had a very tough time getting information from the Centers for Disease Control by the time they went through the alphabet soup. They had to get permission from HHS, and then Health and Human Services had to get permission from the Office of Management and Budget. Finally, we got the information informally. We could not get it formally. We got it informally.

I have just been handed talking points and information and facts by my staff. The way the Senate functions is that these amendments come without any significant advanced notice. The Senator from New York was halfway through her argument before I got a copy of her amendment. I challenge anybody to read the amendment and follow it.

Well, people can't hear me on C–SPAN because my microphone wasn't on.

The point was that we did get a supplemental appropriations bill for approximately $3 billion. We had quite an extended discussion in the living quarters of the White House—something I probably ought not to talk about. But the President invited a group of us over and we got into a long discussion. There were those in the administration, according to an article published a day after Thanksgiving, that wanted to put it in next year's budget. They wanted to wait until 2002 to put it in 2003.

Talking directly to the President, a number of us prevailed and put $3 billion into the budget at that time.

We now have a very extensive itemization of funding. The CDC has $940 million for State and local preparedness. Upgrading CDC capacity: $143,700,000. Pharmaceutical stockpile: $300 million. Smallpox vaccine—and it goes down to a full page. I ask unanimous consent that list be printed in the RECORD so I need not read it all.

Activity	FY03 Enacted	.65% ATB	Transfers to DHS	FY 2003 Comparable	FY 2004 Request	FY 2004 Senate
CDC						
State and Local Preparedness	$940,000	$6,110		$933,890	$940,000	$940,000
Upgrading CDC Capacity	143,700	934	−584	142,182	143,700	143,700
Pharmaceutical Stockpile	300,000	1,950	−298,050	0		
Smallpox Vaccine	100,000	650	−99,350	0		
Anthrax Vaccine Research	18,040	117		17,923	18,040	18,040
Planning for Preparedness Resp.	10,700	70		10,630	10,416	10,416
Deterrence	4,000	26		3,974	4,000	4,000
Public Health Preparedness Centers	5,000	33		4,968	0	0
Health Alert Network		0		0	0	0
CDC Security PHSSEF	20,000	130		19,870	0	0
CDC Security (B&F non-add)		0		0	0	0
Independent Studies	2,000	13		1,987	0	0
Subtotal, CDC	1,543,440	10,032	−397,984	1,135,424	1,116,156	1,116,156
HRSA						
Hospital Preparedness	518,000	3,367		514,633	518,052	518,052
Education Incentives for Medical School Curriculum	28,000	182		27,818	60,012	60,012
EMS for Children		0		0	18,943	0
Poison Control		0		0	21,166	0
Subtotal, HRSA	546,000	3,549		542,451	618,173	578,064
OFFICE OF THE SECRETARY						
Transfers to DHS	88,420	575	−87,845	0	0	0
Medical Research Corps	10,000	65		9,935	10,000	10,000
Preparedness Planning	6,800	44		6,756	6,800	6,800
Operations	12,720	83		12,637	12,720	12,720
Advanced Research	5,000	33		4,968	5,000	5,000
Command and Control		0		0	0	0
National Security Early Warning	9,500	62		9,438	9,500	9,500
Secretary's Emergency Response Team	3,000	20		2,981	3,000	3,000
Media/Public Information	4,800	31		4,769	4,800	4,800
Commissioned Corps Revitalization	2,000	13		1,987	0	0
CyberSecurity	10,000	65		9,935	10,000	10,000
Subtotal, OS	152,240	990	−87,845	63,405	61,820	61,820
CDC—Supplemental				142,000	0	0
SAMHSA		0		0	0	0
AHRQ	5,000	33		4,968	0	0
Pandemic Flu		0		0	100,000	100,000
Subtotal, Bioterrorism—PHSSEF	2,246,,680	14,603	−485,829	1,888,247	1,896,149	1,856,040

Mr. SPECTER. Madam President, then the Department of Homeland Security bill was passed by this body with some $29 million, which covers a great deal more funding.

I appreciate the initiative taken by the Senator from New York and her diligence in coming up with this

amendment in an area which, beyond any question, is of overwhelming importance, critical importance. I, frankly, do not know how to evaluate her request for $93 million additional in the context of all of the programs which are in existence.

I think it is fair to state, and I think the Senator from New York has an abundance of experience in the executive branch, that the executive branch has better planning capabilities in integrating these items in the overall program. Not that the $93 million might not be well placed, well positioned and critical. It might be, I just cannot say. But I do know there has been extensive consideration by the executive branch, and I also know that the $93 million is not within the 302(b) allocation.

I come back to this again and again on items which I concede are important, but we do not have the funds within the budget resolution and within the allocation.

I know the Senator from New York will not be surprised that there will be opposition to it. We will raise a point of order. But I do think the amendment serves a very useful function in identifying what the Senator from New York thinks are critical points that ought to be funded.

I commit this to the Senator from New York—to have a hearing on the subject and to include the precise items which she has raised so that we will take them into account in our funding stream as we move into the next fiscal year.

Mrs. CLINTON. Madam President, will the Senator from Pennsylvania yield?

Mr. SPECTER. I do.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Madam President, I wish to express my appreciation to the chairman for that offer. Perhaps even before the bill is totally wrapped up we could take a look at some of those categories of funding because what I am concerned about, as the Senator rightly referenced, is in all of the funding categories, these requests I have put in this amendment are coming from constituent agencies, such as CDC, that at least believe at this point in time that the money available for bioterrorism has not been sufficiently targeted to this personnel issue.

I appreciate not only the kind offer of a hearing, because I think this is an issue that is going to go on for quite some time—it is not going to be resolved one way or another even if this amendment were successful—but also perhaps in the next several days if our staffs can look to see if there is a better opportunity to better target some of this funding to deal with this pipeline professional problem that is not only at the Federal Government level, but State and local as well.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I would be delighted to follow the suggestion made by the Senator from New York to take a look at them regardless of the outcome of the vote. It may be that the executive branch can learn from what the Senator from New York has found on her inquiries and can redirect some of the existing funds, or it is possible we could find some accommodation to this in the course of the conference.

We will look very closely at the suggestions which the Senator from New York has made and see if we can find a way to accommodate them.

AMENDMENT NOS. 1561, 1560, AND 1578

Mr. SPECTER. Madam President, I wish to turn for a few moments to the amendments offered by the Senator from Ohio. I did not take time to respond before the Senator from New York offered her amendment. She was very patient in waiting while the Senator from Ohio went through quite a long list of his amendments.

He has offered three amendments which are well directed and I think meritorious when he talks about the historical impact of the underground railroad. That is a matter of importance in education and it comes right into Pennsylvania where currently the development project in Lancaster has found remnants of the underground railroad. The House of Representatives has put in $2.235 million.

When the Senator from Ohio talks about poison control centers for $5 million, again he is on a good point. And when he talks about graduate medical education, he is not bringing it up to last year's level, he is adding money. This is an item which this Senator spent a lot of time on, as did Senator HARKIN. There was no funding for this in 1999, and in the year 2000, to start, it was slightly under $40 million, and then when I chaired the subcommittee, with the concurrence of Senator HARKIN, we made an enormous increase to $234 million for fiscal year 2001.

We then added $50 million in 2002 to $284 million, and it was at $290 million in 2003. The administration made a request for slightly under $200 million, and in a tough way we found $90 million more.

When you take them out of administration, there are going to be a lot of people unemployed, and I do not know that we can direct that unemployment solely to Ohio—I wish the Senator from Ohio were here—if it would be possible to target that unemployment to the Senator's State. But if you take out $22 million from administration—that is a nice fat target to say take it out from administration. But there are very substantial impacts when that money is taken out.

I am going to confer with the Secretary of the Department of Education to see exactly what will happen, how many people will be affected, specifying perhaps how many people from Ohio will be affected.

When the Senator from Ohio wants to add $60 million to the mother-to-child transmission, I think that is a very important item, but the fact is we now have a grand total in the Labor-HHS bill directed toward AIDS in excess of $14 billion. When the statement is made we are just going to bring it back up to the President's request, in fiscal year 2003, this was a $40 million item. The President asked for $150 million for this year, and we found $90 million to accommodate.

Bear in mind that we do this in a context where the administration has come in on many items far under what they were last year. For example, graduate medical education, to which the Senator from Ohio wants to add $15 million, we added $90 million over what the President requested. So perhaps the Senator from Ohio would like us to go back to the President's request on graduate medical education, and we would have ample money to put in $60 million more to bring it up to the President's request on the mother-to-child transmission.

I say that only by way of demonstrating that it is just not so easy to come up to the President's request on a given item when many times the President's request was far under what we are at the present time. The idea of level funding is very important in the appropriations process so you do not make drastic changes. People can live with what they got last year without accounting for inflation, but if you want to drop, as the President's budget did on graduate medical education, from $290 million to $199 million, that is going to be very tough to absorb. We took that into account.

The Constitution places the appropriations process in the Congress. That is something which is frequently overlooked.

The President obviously has an important role because he has to sign the bill, or we have to pass them without his signature, if we can do that.

This bill is very carefully crafted. Perhaps it is easy to see that I have to oppose the amendments by the Senator from Ohio. Perhaps there can be some accommodation to some of the smaller amounts but that, too, is difficult. Although the Senator from Wisconsin said a million dollars was not very much money, quoting Everett Dirksen, a million here and million there—maybe Everett Dirksen said a billion here or a billion there, but if for Dirksen it was a billion here and a billion there, then make it ARLEN SPECTER, a million here and a million there, it all adds up.

I yield to my colleague from Iowa.

Mr. HARKIN. I thank my chairman, friend and able leader on this appropriations bill. I think we all wish we had a little bit more 302(b) allocation but that is for another time and place.

Earlier today I spoke about offering an amendment that would basically prohibit the administration from moving ahead on implementing a proposed rule that would basically undermine and do away with the 40-hour workweek that we have had in the Fair

Labor Standards Act since 1938. Earlier this spring, the administration proposed some rule changes. Not one hearing was held on it.

As we looked through these proposed rules this summer and dug into them, it would drastically undermine the ability of working families, working men and women in America, to get justly compensated for overtime work in the future.

I was talking to one of my colleagues today about this, and he said to me, I have not really had a big clamor in my State for these changes. I got to thinking about it. I got to thinking I really have not had anybody in the past year or 2 years ago, or earlier this year—I have seen no real groundswell or anything about the fact that these rules as they exist now need to be changed. I do not know where this comes from. All of a sudden they are proposing this massive change in the way people's work is defined in this country and whether they are exempted from overtime pay or not.

So I have an amendment that I drafted that basically is just very simple. It says:

None of the funds provided under this Act shall be used to promulgate or implement any regulation that exempts from the requirements of section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) any employee who is not otherwise exempted pursuant to regulations under section 13 of such act (29 U.S.C. 213) that were in effect as of September 3, 2003.

So this is an amendment that I will be laying down sometime tomorrow. I mention again that this proposed rule change could affect up to 8 million workers, but the first wave of people that will be affected by this rule change will be women who are working in salaried positions that today would be paid overtime if they worked more than 40 hours a week. These would be women who work as bookkeepers, accountants, secretaries, nurses, nurse's aides, a whole host of different occupations. I say women because the way that theworkforce is structured, where the salary level is, they will fall in that lower spectrum of salary level where it will be above the minimum but it will be in the range where they will now be exempted from overtime work. That will be the first wave. That is just the first people who would be affected by it.

After that, there would be many other people affected by it—police officers, firefighters, first responders, and others.

There is no carve-out in the proposed rules and regulations for police, firefighters, and emergency personnel. They are thrown in with everybody else. So somehow I keep hearing this kind of a rumor or statement that keeps floating around that, oh, police officers will not be affected.

Well, would someone show me in the proposed rules where it says that police officers will not be affected? It is nowhere in there. So I do not know what they are talking about. They are thrown in with everybody else.

Again, I do not want to take too much more time. I will lay down the amendment tomorrow morning at the appropriate time. For the life of me, though, I cannot understand why the administration is proposing this drastic change when there has been no big groundswell for the change.

I have heard some people in this room say we have to change it because it has not been changed since 1938. That is nonsense. We have changed the Fair Labor Standards Act several times since 1938. In fact, a number of times this has been changed without taking away overtime for people in our country. So to say it has not been changed since 1938 is simply erroneous. A number of times we have addressed ourselves to new types of work, new definitions, new people in the workforce, by changing some of the definitions. In every case in which these definitions were changed they were changed to make it easier, to include more people in the overtime provisions, not to exclude people.

For example, the Department of Labor revised the overtime regulations in 1940, 1949, 1954, 1958, 1959, 1961, 1963, 1967, 1970, 1973, 1975, and 1981. In not one of those instances was the framework narrowed to exclude more people from overtime protections. These changes were made basically to enlarge, enhance, and to better define who was covered, and that is why it never really invoked much debate or consternation because we recognized that we wanted to protect people for overtime pay.

The minimum salary threshold has been raised seven times since 1938. So to say that somehow we have never touched this since 1938 is absolutely wrong. What is correct is that since 1938 we have not circumscribed, we have not narrowed, the definitional framework to exclude more people from overtime pay.

That is what these proposed regulations would do, and that is why the Senate has to speak strongly, I hope next week sometime, in supporting this amendment that would basically prohibit them from moving ahead with this kind of a regulation.

I would point out that the House of Representatives narrowly defeated this 213 to 210, with a number of Republicans supporting not allowing the administration to proceed with these changes in rules. So, again, I hope next week we can have a further debate. I intend either tomorrow or Monday to again point out the people who are going to be affected, what it means for their families and their income. What it basically means is that we are going to have people working longer hours but they are not going to be compensated for it.

As I said, many of them are women who are now paying for childcare. Well, now they have to pay to keep their children in daycare maybe longer but they do not get any extra pay for that.

So that is why this proposed change in rules and regulations is one that we have to say no to. We have to make sure we continue to protect and enhance the 40-hour workweek and make sure people who work over 40 hours, if they want to work over 40 hours or if they are compelled to work over 40 hours, are justly compensated with it for time and a half over 40 hours.

I yield the floor.

Mrs. FEINSTEIN. Madam President, I plan to offer an amendment to the fiscal year 2004 Labor-HHS appropriations bill that seeks to offer States an alternative Medicaid FMAP formula while allowing States to remain in the current formula structure if they choose. This amendment is vital to providing some relief to States who have been shortchanged by hundreds of millions of dollars under the current FMAP formula for the cost of providing Medicaid services. The amendment will not penalize any State who wishes to remain under the current formula. It simply allows States to opt into a new formula that better reflects States' need. This new FMAP is only for Medicaid expenditures in excess of fiscal year 2003 Medicaid expenditure levels.

For States who opt to go with the new formula, per capita income is replaced with a ratio of the most recent 3-year averages of total taxable resources, TTR, as determined by the U.S. Department of the Treasury, and persons below the poverty level. The multiplier is also lowered from 0.45, used in the current FMAP formula, to 0.40. For the period 2004–2013, the new formula has a maximum increase of one percentage point per fiscal year above the current FMAP formula for the prior year. Once a State opts to go with the new formula, they will not be able to switch back to the current FMAP formula. However, they will be held harmless at the FMAP rate they would have gotten under the current formula, prior to the Jobs and Growth Tax Relief Reconciliation Act of 2003, for the current year. States opting for the new formula will have Medicaid expenditures, up to the fiscal 2003 levels, matched at the current FMAP formula and with expenditures above the fiscal 2003 levels matched at the new formula FMAP.

In a study released in July 2003, GAO found that the formula used to calculate the portion of each State's Medicaid expenditures that the Federal Government will pay—the FMAP—often widens the gap between individual States and the national average. Under the current formula, 21 States move farther from the average State's funding ability after the Federal match is added. In fact, 4 of the 21 States—California, Florida, Hawaii, and New York—have below-average funding ability before Federal matching is added and move farther below the average after Federal matching aid is added.

Since Medicaid was enacted in 1965, the Federal match rate has been determined by a State's per capital income. In its study, GAO found that per capita

income is a poor proxy for determining both State resources and the low-income population. The Feinstein amendment will give States the option to choose a formula that is based on a combination of the State's total taxable resources and population below the poverty level.

The PRESIDING OFFICER. The Senator from Alabama.

MIGUEL ESTRADA

Mr. SESSIONS. Madam President, it is a sad day for the Senate today. Miguel Estrada, after having been nominated by the President to the Court of Appeals of the DC Circuit, after having waited 28 months, almost 2½ years, felt it imperative that he get on about his private business, his law practice. He has asked the President to withdraw his name. It is with great sadness that occurred.

For many in this body, Miguel Estrada is one of the finest nominees to come before this Senate. The American Bar Association evaluated him. This is certainly no rightwing group. They evaluated him and unanimously concluded he was well qualified for the Court of Appeals. Indeed, he is.

The sad thing about it was the ground rules of Senate confirmation have been changed. Miguel Estrada was a victim of a sustained filibuster. It was for the first time in history that a sustained filibuster had defeated a circuit or district court judge. He was the first one subjected to a filibuster in this Congress. He is the first one to be forced to withdraw because he has to get on with his life. And he had 55 votes in the Senate for an up-or-down vote and a like number, I am sure, for confirmation.

For the first time, 45 Senators have blocked and defeated a nominee. This is an unprecedented change in our Senate policy. It is something that is not good for this Senate. It has diminished the independence of the judiciary. It has diminished the power of the executive branch to nominate and it has harmed the Senate when we change the historical rule from 50 votes to 60 votes for a confirmation. It is not good public policy.

I ask why it is that this Senate, for all these years since the founding of this Republic, has not had a filibuster for one of these nominees? The reason is pretty clear. The Senators believe the Constitution suggests confirmation should be by majority vote. For example, the Constitution says the Senate shall advise and consent on treaties provided two-thirds agree and shall advise and consent on certain nominees, including judges. From that implication it is clear that two-thirds were required for advice and consent on treaties but only a majority for the judicial nominees. That is what we have done until this year. This plan to block nominees was designed after President Bush was elected and the Democrat Senators had a retreat with a number of liberal law professors, including Lawrence Tribe, Cass Sunstein, Marcia Greenberg. These liberal professors they talked of changing the ground rules for confirmation and Democrat Senators decided to change the historic rules of this Senate and block more nominees.

Of course, President Bush nominated nine judicial candidates when he took office. Two were Democrats. One was a renomination of a Clinton nominee, a Democrat, and the renominated Clinton nominee was promptly confirmed. Nine out of the 11 sat. The Democrats had the majority in the Senate and they refused to bring those candidates up for hearing in the Judiciary Committee.

Finally, when the election occurred and one of the issues in the election was the obstructionism in the Senate by the Democratic majority and a new majority was constituted with the Republicans in the majority, they moved some of these nominees forward. Estrada was moved out of committee, Priscilla Owen and others were moved forward. We then found ourselves facing for the first time in history a filibuster of Miguel Estrada.

Let me mention some things about this extraordinary nominee. He was born in Honduras and came here as a teenager. He struggled with the language. He was able to get himself into Columbia University where he finished and graduated with honors. He then went to Harvard Law School where he was an editor of the Harvard Law Review, one of the highest honors for any graduating law senior. He then clerked for the Court of Appeals, the same level court he was nominated to. He served as a law clerk to a Court of Appeals judge in New York, as I recall, and then clerked for the Supreme Court. Very few lawyers ever get selected to clerk for a Justice of the United States Supreme Court. What a great honor. He was selected by Justice Anthony Kennedy, one of the moderate swing justices in the Supreme Court, as he is viewed.

After that, he took a position with the Department of Justice and he was in the Solicitor General's Office of the Department of Justice. The Solicitor General's Office is where the Department of Justice has the top appellate lawyers arguing the position of the United States of America in circuit courts and in the United States Supreme Court. What a great position. Most lawyers say the Solicitor General of the United States is the greatest lawyer position in the world. Every day you go to court and represent the United States of America in the highest court in the land.

Miguel Estrada was there for 6 years. Every year he was there he got the highest possible rating the Department of Justice evaluators give to an employee. This is particularly important to note. In 5 of the 6 years he was in the Solicitor General's Office, it was in the Clinton Department of Justice. He served by far the great majority of his time in the Clinton Department of Justice and was given each year the highest possible ratings. Since then, he has been highly successful in law practice. He has argued as many as 10 or 15 cases before the Supreme Court. Most lawyers in America will never argue a case before the United States Court of Appeals, much less have 15 cases before the Supreme Court. He was selected for those arguments because he was known to be an extraordinarily skilled appellate lawyer.

I saw his testimony. He was open and candid and brilliant in his answers. I remember one Senator tried to pin him down and said, you are a strict constructionist, aren't you? Mr. Estrada said, I am not sure I would call myself that. And he said, the President wants to nominate strict constructionists and President Bush has nominated you so you must be one. First, he said, the President didn't say anything to me about that, but I would call myself a fair constructionist. I believe we ought to fairly construe the law as it comes before us. I don't use the word strict constructionist. He was open and candid with the people asking questions.

Then there was constructed an event and a circumstance that put Mr. Estrada in a bad light. It was deliberate and premeditated and calculated, in my view. The Democrat said, well, you served on the staff of the Solicitor General and you wrote all kinds of memoranda that were relevant to important issues before America. We demand you produce every memoranda you wrote while you were in the Solicitor General's Office. And he answered this exactly correctly, but I am not sure the American people and the press and those who asked questions paid attention to his answer. His answer was, Senator, those are not my papers. I was a lawyer in a law firm of the Department of Justice. The papers I prepared belong to the Department of Justice. I do not have the power to reveal to the public such private, legal memorandum from my client, the United States of America.

So the question was, then, well, let's have the Department of Justice produce them. And the Department of Justice was absolutely correct in saying unequivocally, no, we are not going to produce those documents. The reason is that those are confidential, internal memoranda of the U.S. Government involving litigation in cases in the United States.

In fact, it outraged former Solicitors General of the United States of both parties. All four former Solicitors General of the United States who had served under Democrat administrations wrote a letter that the Department of Justice should not reveal those memoranda, that it was work product and would chill free debate by young lawyers who were asked to submit written memoranda. And every other Solicitor General I know of, who is alive, Republican and Democrat,

agreed that the Department of Justice should not produce them.

So now we have this viewed as Mr. Estrada wasn't open with the committee because he wouldn't produce all these documents. How bogus can that be? That is really unfortunate, that Members of this Senate would actually suggest that Mr. Estrada somehow has the authority and should, even if he did have the authority, produce and turn over to the public documents that remain part of the work product of the Department of Justice. It would be unethical for him to do so. He should not do so.

So that is how we got into this, I suppose. But surely that is not a basis to turn down a nominee of this extraordinary ability. Why would they pick on him? Why would they construct this idea that he is somehow unqualified? It really baffles me. It is a matter I find difficult to fathom.

But I would just share a few things that strike me. Yes, he was a Hispanic. Does that mean Democratic Members of this body are prejudiced against Hispanics? I hope not. I would never accuse them of that and don't believe that is so. What I do believe is that President Bush had made clear that he would like to give Hispanics an opportunity to be judges and he would like to see a Hispanic on the Supreme Court of the United States. He made that clear. Everybody knows he would like to see that occur, if possible.

Here we were, 2½ years ago, nominating one of the most brilliant Hispanic lawyers, one of the most brilliant lawyers in America of any background, Miguel Estrada. He was nominated, and had he been confirmed back then as he should have been according to the American Bar Association, rating him unanimously well qualified, their highest qualifications, well qualified; he would had already had 2½ years of experience writing opinions, proving his skill and ability. At that point, I submit, he would clearly be one of the preeminent nominees under consideration for appointment to the U.S. Supreme Court. This is the quality of this man.

So, he has been denied an opportunity to achieve a prestigious appointment to the court of appeals, and that has in fact denied him the opportunity to again prove his excellent integrity, legal skill, and ability on that bench. And, who knows, maybe that is why some of those thought he would be a perfect nominee for the bench and they would just block him now. If that is so, that is wrong and should not have occurred. I am very frustrated about it.

I would also, just one more time, note that he had a majority of the Members of this Senate prepared to vote to confirm him—55 votes he had. Prior to this year, throughout the history of this country, that would have confirmed him easily to this position. So it was by a filibuster. We voted cloture I think six, seven, eight times to try to get him up for an up-or-down vote, blocked each time by the procedural technique of a filibuster that was never before used on a circuit judge in the history of this country. It is just really sad that that has occurred.

Let me just say this finally. President Bush wants judges on the bench who follow the law. He wants judges on the bench who care about the law, who believe they are not postmodernist relativists. He believes we have judges who can read words and give those words plain meaning and follow those words. That is what a judge should do. A judge is not empowered to make law. A judge is not empowered to impose their political views or to set public policy. That is not what a judge does. A judge rules on the law.

Make no mistake, a Federal judge is a lifetime appointment. They are not able to be voted out of office, as we can if we pass a bad law. We can be voted out of office. We are subject to the will of the public. But a judge is not. So what we want in a judge is one who follows the law and has the history and the discipline to show that he or she will follow the law. Miguel Estrada has that. In fact, that is his guiding legal philosophy, that a judge should show restraint, should follow the law and do the right thing, whether they agree with it or not. That is what we need.

Now we have judges who have declared the California three strikes law unconstitutional. They have been in effect for 20 years and no doubt are a major factor in the plummeting of crime rates in California and other States that had those laws. They are helping to reduce crime there. So we have Federal judges saying that is unconstitutional.

We have a Federal judge in the Ninth Circuit saying the Pledge of Allegiance is unconstitutional.

We have Federal judges just recently overturning 170 death penalty matters after juries and judges and appellate courts have ruled on them. They just blithely come in and say: We don't like the way you do this now, and we are just going to wipe out those death penalty decisions.

We have bizarre verdicts on litigation. Everybody knows about the coffee case and other things.

We are having hearings now on asbestos. The litigation over asbestos has gotten completely out of hand. What is occurring there is one of the saddest eras in legal history, in my view. Only 40 percent of the money paid out by the asbestos companies is getting to the victims. What a horrible stain on the legal system in America. We cannot defend that. These kinds of things impact the American economy. They drive up the cost of insurance. They drive up the cost of doing business. No nation in the world has the legal costs on their economy that this country has.

So we need judges with common sense. We need judges who will follow the law. We need judges who show fidelity to the rule of law. That is what President Bush wants. That is what Miguel Estrada is. That is what he has committed his life to. And that is why they don't like him. It will mess up the game where people want the courts to do for them what they cannot win at the ballot box with elected representatives.

Now we have Priscilla Owen, also under filibuster. She made the highest possible score on the Texas bar exam, was one of the greatest lawyers in Texas, was elected this last time to the Texas Supreme Court with 87 percent of the vote, and is serving her second term, endorsed by every major newspaper in the State of Texas. She was rated unanimously well qualified by the American Bar Association. And they are filibustering her?

I will tell you something else. Priscilla Owen is quite capable of serving on the U.S. Supreme Court. Is that why they are picking on her? And Bill Pryor, the attorney general of Alabama, whom I know and have seen operate, one of the finest, most brilliant people I have known. I have never met a person who has more commitment to the rule of law, doing the right thing, evaluating matters on a legal basis, and doing what the law says regardless of politics, which is why he has, for example, the support of most of the Democrats in leadership in the State.

He has the support of four of the very top African-American leaders in the State, including Joe Reed, a member of the Democratic National Committee and vice president of the Teachers Union, Alvin Holmes, one of the most outspoken African Americans in the State legislature, Congressman ARTUR DAVIS, and Chris McNair, former county commissioner in the State's largest county and whose daughter was killed in that tragic church bombing event many years ago.

Those are the kinds of people who support Bill Pryor. He was editor in chief of the Tulane Law Review—a brilliant lawyer of the highest possible ethics and integrity, a man of deep religious faith, a man who has proven that he will follow the law regardless of what his personal beliefs are and has handled himself again in recent days in a very difficult situation involving the chief justice of the State of Alabama and the Ten Commandants. He has agonized over it. I know.

He has studied the law and he simply has done what Bill Pryor has always done. He has followed the law regardless of what people may say about it. That is his life. That is what he believes in. And that is what he will do if he is put on the bench. You can't find a person in America better qualified.

These filibusters unprecedented in the history of this Senate.

It is a very sad day that we are here today to see the success of the first filibuster of a circuit judge in history—to be successful with the withdrawal of Miguel Estrada. What a sad, sad day.

This Senate needs to think through what we have done. This knife can cut both ways. We do not need to establish this as a policy of this Senate.

I urge my colleagues to reevaluate what they have been doing and not to continue down this road because it is not going to go away lightly. Those on this side will use that same knife and use those same tactics in the future. We are not going to go away quietly on this when we see nominees of this ability and of this character and integrity—with sound judicial philosophies that believe in following the law and not using the bench as a forum for a personal agenda.

I conclude by expressing my appreciation to Miguel Estrada for offering himself in service. I hope he will have an opportunity in the future to serve this country which he has adopted in some other capacity—maybe even in this capacity in the future. He certainly is qualified. He would make a great judge at any number of levels. My respect for him after watching him testify and after seeing how he handled this difficult time has only increased.

I thank the President. I yield the floor.

The PRESIDING OFFICER. The Democratic whip.

Mr. REID. Madam President, I echo the statement I made earlier today following the statement by Senator ALLEN with simply this caveat: I would say that statement is totally accurate with the exception of the fact that we now have approved an additional judge.

Now the record stands at 146 judges approved during President Bush's Presidency, and 3 have been rejected. One-hundred and forty-six to three is not a bad record.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I would add that during the 8 years President Clinton was President, 377 judges were confirmed. This Senate voted down only one. Most of the time the Republicans were in the majority and we did not vote down his nominees. Forty-one were left pending when President Clinton left office. There were 54 left pending when former President Bush left office.

But anyway, I know we can talk about that off and on. But I did want to make that point.

MORNING BUSINESS

Mr. SESSIONS. Madam President, I ask unanimous consent that there now be a period of morning business.

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

APPOINTMENT OF CONFEREES—H.R. 6

The PRESIDING OFFICER. Under the order of 5–31–03, the Chair appoints conferees on H.R. 6.

The Presiding Officer appointed Mr. DOMENICI, Mr. NICKLES, Mr. CRAIG, Mr. CAMPBELL, Mr. THOMAS, Mr. GRASSLEY, Mr. LOTT, Mr. BINGAMAN, Mr. DORGAN, Mr. GRAHAM of Florida, Mr. WYDEN, Mr. JOHNSON, and Mr. BAUCUS conferees on the part of the Senate.

HONORING GENERAL RAYMOND G. DAVIS

Mr. MILLER. Madam President, I rise today to reflect on the life of a great American, a legendary marine, and a native Georgian. I refer to GEN Raymond G. Davis, who passed away yesterday in Georgia at the age of 88.

General Davis was one of this country's greatest military heroes. He courageously served his country as a marine in World War II, in Korea, and in Vietnam during his 33 years of military service. General Davis was a noble veteran, tireless advocate, and distinguished recipient of the Medal of Honor.

I know we have a lot of very important things going on in this Chamber today, but I don't think it is too much to take 3 or 4 minutes to remember one of the great battles in military history and the role this man played in it. I refer to the Chosin Reservoir in Korea, known as the Frozen Chosin. In the biggest shock of the war, 300,000 Chinese Communist soldiers crossed the Yalu River from China into North Korea and trapped 8,000 members of the first marine division at the Chosin Reservoir. There was only one way out, an icy road that twisted around steep mountains. If the Chinese gained control of it, all of the marines would be annihilated.

Then LTC Raymond Davis was a 35-year-old Georgia Tech graduate with already two Silver Stars for heroism in Korea, and the Navy Cross, our second highest award, for gallantry at Peleiu.

He commanded a battalion of marines faced with an impossible task: to get the marines on Fox Hill linked up with them or the thousands would be trapped at the reservoir and would be doomed.

That afternoon, at 24-below-zero weather, the battalion began struggling up the side of a steep ridge. Davis's men climbed 1,000 yards before the Chinese opened up. The marines kept clawing their way, inch by inch, up the icy slopes. They battled enemy soldiers who seemed tucked into every crevice. Atop the first ridge, the men's sweat froze on their eyebrows and beards. They put their wounded on stretchers and pushed on. The men rose and trudged toward still another ridge. All along, snipers picked at the slow exposed line, but there was no time for the marines to stop and fire back. They went downhill by sliding on the ice. Davis was so numb that three times he forgot a compass reading taken only moments before.

At 4 a.m. this great Georgian halted his unit. The battalion was close to Fox Company, but it lost radio contact. Trying to reach that unit in the darkness without communication might get them caught in a crossfire. They would rest until daybreak. As Davis started to nap, a sniper's bullet pierced his sleeping bag and grazed his head. He tried again to sleep.

By first light there was still no radio contact with Fox Company and Davis feared the unit had been overrun. Then came word from his radio operator: Colonel, he announced, we have Captain Barber on the radio.

As the two officers talked, still hundreds of yards apart, both fought back tears. Late in the morning, Davis's battalion arrived atop Fox Hill. The Chinese had lost the battle for Toktong Pass.

Within hours, two marine battalions were moving through the pass away from the Frozen Chosin. Many icy miles and more bitter fighting lay ahead before the marines reached the port, but the stand at Toktong Pass had opened the way.

In 5 days, Fox Company had killed 1,000 of the enemy. Only 82 of the 220 marines were able to walk off that hill. In 2 weeks, the first marine division moved over icy roads and ridges through eight Chinese divisions. The Americans brought out all their wounded, their dead, and the equipment. On the way, they killed 25,000 of the enemy. The marines lost 730 of their numbers.

Such is the legacy of GEN Raymond Davis and those brave marines. General Davis received the Medal of Honor, a symbol of unusual human courage above and beyond the call of duty for his valiant efforts during the war. Over 1 million Americans served in Korea, and 131 of those were named recipients of the Medal of Honor. After the general's passing, only 36 of them live to wear it today. That medal is a tribute to perhaps the only thing truly noble in the horror of war.

Although General Davis earned this Nation's highest military honor for valor while on active duty, his service to the country was far from over. Over the last 30 years, in a civilian capacity, General Davis has continued to lead in ways that few other Americans could match. Since his retirement, General Davis became a pillar of the community, working diligently on behalf of all of our Nation's veterans.

Beginning in 1987, first as vice chairman and then later as chairman, General Davis was the one who directed the efforts of the Korean War Veterans Memorial Advisory Board, and it was his determination and personal initiative that led to the approval of the Korean War Veterans Memorial design and its construction and finally its dedication in July of 1995.

The Nation's citizens, and in particular all Korean war veterans and marines and their families, are indebted to Raymond G. Davis for his inspired leadership and service. In war and in peace, as an active duty marine and as a private citizen, GEN Raymond Davis' outstanding courage, unswerving devotion to duty, inspiring leadership, and sound judgment have represented the highest traditions of military service and citizenship. This man was a true American hero.

NOTICE OF PROPOSED PROCEDURAL RULEMAKING REGULATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the attached document from the Office of Compliance be printed in the RECORD.

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

OFFICE OF COMPLIANCE,
Washington, DC, September 4, 2003.

Hon. TED STEVENS,
President Pro Tempore, U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT: Pursuant to Section 303(b) of the Congressional Accountability Act of 1995 (2 U.S.C. 1384(b)), I am transmitting on behalf of the Board of Directors the enclosed notice of proposed procedural rulemaking regulations under Section 303 of the Act for publication in the Congressional Record.

The Congressional Accountability Act specifies that the enclosed notice be published on the first day on which both Houses are in session following this transmittal.

Sincerely,

SUSAN S. ROBFOGEL,
Chair.

OFFICE OF COMPLIANCE

THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995—PROPOSED AMENDMENTS TO THE RULES OF PROCEDURE

INTRODUCTORY STATEMENT

Shortly after the creation of the Office of Compliance in 1995, Procedural Rules were adopted to govern the processing of cases and controversies under the administrative procedures established in Title IV of the Congressional Accountability Act of 1995 (''CAA,'' 2 U.S.C. 1401–1407). Those Rules of Procedure were slightly amended in 1998. The existing Rules of Procedure are available in their entirety on the Office of Compliance's web site: www.compliance.gov. The web site is fully compliant with section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d).

Pursuant to section 303(a) of the CAA (2 U.S.C. 1383(a), the Executive Director of the Office has obtained approval of the Board of Directors of the Office of Compliance regarding certain amendments to the Rules of Procedure. Having obtained the Board's approval, the Executive Director must then ''publish a general notice of proposed rulemaking . . . for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal.'' (Section 303(b) of the CAA, 2 U.S.C. 1383(b).)

NOTICE

Comments regarding the proposed amendments to the Rules of Procedure of the Office of Compliance set forth in this Notice are invited for a period of thirty (30) days following the date of the appearance of this Notice in the Congressional Record. In addition to being posted on The Office of Compliance's section 508 compliant web site (www.compliance.gov). This Notice is also available in the following alternative formats: Large Print, Braille. Requests for this Notice in an alternative format should be made to Bill Thompson, Executive Director or Alma Candelaria, Deputy Executive Director, Office of Compliance, at 202/724–9250 (voice) or 202/426–1912 (TDD).

Submission of comments must be made in writing to the Executive Director, Office of Compliance, 110 Second Street, SE., Room LA–200, Washington, DC 20540–1999. It is requested, but not required, that an electronic version of any comments be provided on an accompanying computer disk. Comments may also be submitted by facsimile to the Executive Director at 202–426–1913 (a non-toll-free number.) Those wishing to receive confirmation of the receipt of their comments are requested to provide a self-addressed, stamped postcard with their submission.

Copies of submitted comments will be available for review at the Office of Compliance, 110 Second Street, SE., Washington, DC 20540–1999, on Monday through Friday (non-Federal holidays) between the hours of 9:30 a.m. and 4:30 p.m.

Supplementary Information: The Congressional Accountability Act of 1995 (CAA), PL 104–1, was enacted into law on January 23, 1995. The CAA applies the rights and protections of 11 federal labor and employment statutes to covered employees and employing offices within the Legislative Branch of Government. Section 301 of the CAA (2 U.S.C. 1383) establishes the Office of Compliance as an independent office within that Branch. Section 303 (2 U.S.C. 1383) directs that the Executive Director, as the Chief Operating Officer of the agency, adopt rules of procedure governing the Office of Compliance, subject to approval by the Board of Directors of the Office of Compliance. The rules of procedure establish the process by which alleged violations of the 11 laws made applicable to the Legislative Branch under the CAA will be considered and resolved. The rules include procedures for counseling, mediation, and election between filing an administrative complaint with the Office of Compliance or filing a civil action in U.S. District Court. The rules also include the process for the conduct of administrative hearings held as the result of the filing of an administrative complaint, and for appeals of a decision by a hearing officer to the Board of Directors of the Office of Compliance, and for an appeal of a decision by the Board of Directors to the United States Court of Appeals for the Federal Circuit. The rules also contain other matters of general applicability to the dispute resolution process and to the operation of the Office of Compliance.

These proposed amendments to the Rules of Procedure are the result of the experience of the Office in processing disputes under the CAA during the period since the original adoption of these rules in 1995.

Explanation regarding the text of the proposed amendments: The text of the proposed amendments shows deletions within italicized brackets, and added text in italicized bold. Only subsections of the rules which include proposed amendments are reproduced in this Notice. The insertion of a series of small dots (. . . . .) indicates additional, unamended text within a section has not been reproduced in this document. The insertion of a series of asterisk (* * * * *) indicates that the unamended text of entire sections of the Rules have not been reproduced in this document. For the text of other portions of the Rules which are not proposed to be amended, please access the Office of Compliance Web site at www.compliance.gov.

PROPOSED AMENDMENTS

PART I—OFFICE OF COMPLIANCE

Office of Compliance Rules of Procedure

As Amended—February 12, 1998 (Subpart A, section 1.02, ''Definitions''), and as proposed to be amended in 2003.

Table of Contents

Subpart A—General Provisions

§ 1.01 Scope and Policy
§ 1.02 Definitions
§ 1.03 Filing and Computation of Time
§ 1.04 Availability of Official Information
§ 1.05 Designation of Representative
§ 1.06 Maintenance of Confidentiality
§ 1.07 Breach of Confidentiality Provisions

Subpart B—Pre-Complaint Procedures Applicable to Consideration of Alleged Violations of Part A of Title II of the Congressional Accountability Act of 1995

§ 2.01 Matters Covered by Subpart B
§ 2.02 Requests for Advice and Information
§ 2.03 Counseling
§ 2.04 Mediation
§ 2.05 Election of Proceedings
§ 2.06 Filing of Civil Action

Subpart C—[Reserved (Section 210—ADA Public Services)]

Subpart D—Compliance, Investigation, Enforcement and Variance Procedures under Section 215 of the CAA (Occupational Safety and Health Act of 1970) Inspections, Citations, and Complaints

§ 4.01 Purpose and Scope
§ 4.02 Authority for Inspection
§ 4.03 Request for Inspections by Employees and Employing Offices
§ 4.04 Objection to Inspection
§ 4.05 Entry Not a Waiver
§ 4.06 Advance Notice of Inspection
§ 4.07 Conduct of Inspections
§ 4.08 Representatives of Employing Offices and Employees
§ 4.09 Consultation with Employees
§ 4.10 Inspection Not Warranted; Informal Review
§ 4.11 Citations
§ 4.12 Imminent Danger
§ 4.13 Posting of Citations
§ 4.14 Failure to Correct a Violation for Which a Citation Has Been Issued; Notice of Failure to Correct Violation; Complaint
§ 4.15 Informal Conferences
§ 4.16 Comments on Occupational Safety and Health Reports

Rules of Practice for Variances, Limitations, Variations, Tolerances, and Exemptions

§ 4.20 Purpose and Scope
§ 4.21 Definitions
§ 4.22 Effect of Variances
§ 4.23 Public Notice of a Granted Variance, Limitation, Variation, Tolerance, or Exemption
§ 4.24 Form of Documents
§ 4.25 Applications for Temporary Variances and other Relief
§ 4.26 Applications for Permanent Variances and other Relief
§ 4.27 Modification or Revocation of Orders
§ 4.28 Action on Applications
§ 4.29 Consolidation of Proceedings
§ 4.30 Consent Findings and Rules or Orders
§ 4.31 Order of Proceedings and Burden of Proof

Subpart E—Complaints

§ 5.01 Complaints
§ 5.02 Appointment of the Hearing Officer
§ 5.03 Dismissal, Summary Judgment, and Withdrawal of Complaint
§ 5.04 Confidentiality

Subpart F—Discovery and Subpoenas

§ 6.01 Discovery
§ 6.02 Requests for Subpoenas
§ 6.03 Service
§ 6.04 Proof of Service
§ 6.05 Motion to Quash
§ 6.06 Enforcement

Subpart G—Hearings

§ 7.01 The Hearing Officer
§ 7.02 Sanctions
§ 7.03 Disqualification of the Hearing Officer
§ 7.04 Motions and Prehearing Conference
§ 7.05 Scheduling the Hearing
§ 7.06 Consolidation and Joinder of Cases
§ 7.07 Conduct of Hearing; Disqualification of Representatives
§ 7.08 Transcript

§ 7.09 Admissibility of Evidence
§ 7.10 Stipulations
§ 7.11 Official Notice
§ 7.12 Confidentiality
§ 7.13 Immediate Board Review of a Ruling by a Hearing Officer
§ 7.14 Briefs
§ 7.15 Closing the record
§ 7.16 Hearing Officer Decisions; Entry in Records of the Office

Subpart H—Proceedings Before the Board

§ 8.01 Appeal to the Board
§ 8.02 Reconsideration
§ 8.03 Compliance with Final Decisions, Requests for Enforcement
§ 8.04 Judicial Review

Subpart I—Other Matters of General Applicability

§ 9.01 Filing, Service and Size Limitations of Motions, Briefs, Responses and other Documents
§ 9.02 Signing of Pleadings, Motions and Other Filings; Violations of Rules; Sanctions
§ 9.03 Attorney's Fees and Costs
§ 9.04 Ex parte Communications
§ 9.05 Settlement Agreements
§ 9.06 Destruction of Closed Files
§ 9.07 Payment of Decisions or Awards under Section 415(a) of the Act
§ 9.0[6]8 Revocation, Amendment or Waiver of Rules

* * * * *

§ 1.03 Filing and Computation of Time.

(a) *Method of Filing*. Documents may be filed in person or by mail, including express, overnight and other expedited delivery. ***When specifically authorized by the Executive Director, any document may also be filed by electronic transmittal in a designated format.*** Requests for counseling under section 2.03, requests for mediation under section 2.04 and complaints under section 5.01 of these rules may also be filed by facsimile (FAX) transmission. . . . .

. . . . .

(d) Service or filing of documents by certified mail, return receipt requested. Whenever these rules permit or require service or filing of documents by certified mail, return receipt requested, such documents may also be served or filed by express mail or other forms of expedited delivery in which proof of delivery to the addressee is provided.

* * * * *

1.05 Designation of Representative.

(a) An employee, other charging individual or party, a witness, a labor organization, an employing office, an entity alleged to be responsible for correcting a violation wishing to be represented by another individual must file with the Office a written notice of designation of representative. The representative may be, but is not required to be, an attorney. ***During the period of counseling and mediation, upon the request of a party, if the Executive Director concludes that a representative of an employee, of a charging party, of a labor organization, of an employing office, or of an entity alleged to be responsible for correcting a violation has a conflict of interest, the Executive Director may, after giving the representative an opportunity to respond, disqualify the representative. In that event, the period for counseling or mediation may be extended by the Executive Director for a reasonable time to afford the party an opportunity to obtain another representative.***

* * * * *

2.03 Counseling.

(a) *Initiating a Proceeding; Formal Request for Counseling*. In order to initiate a proceeding under these rules, an employee shall ***[***formally***]*** ***file a written*** request ***for*** counseling ***[***from***]*** ***with*** the Office regarding an alleged violation of the Act, as referred to in section 2.01(a) above. All ***[***formal***]*** requests for counseling shall be confidential, unless the employee agrees to waive his or her right to confidentiality under section 2.03(e)(2), below.

. . . . .

(c) When, How, and Where to Request Counseling. A ***[***formal***]*** request for counseling ***must be in writing, and [***: (1)***]*** shall be ***[***made***]*** filed with the Office of Compliance at Room LA–200, 110 Second Street, SE., Washington, DC 20540–1999; telephone 202–724–9250; FAX 202–426–1913; TDD 202–426–1912, not later than 180 days after the alleged violation of the Act***.[;] [***(2) may be made to the Office in person, by telephone, or by written request; (3) shall be directed to: Office of Compliance, Adams Building, Room LA–200, 110 Second Street, SE., Washington, DC. 20540–1999; telephone 202–724–9250; FAX 202–426–1913; TDD 202–426–1912.***]***

. . . . .

(l) *Conclusion of the Counseling Period and Notice*. The Executive Director shall notify the employee in writing of the end of the counseling period, by certified mail, return receipt requested, ***or by personal delivery.*** The Executive Director, as part of the notification of the end of the counseling period, shall inform the employee of the right and obligation, should the employee choose to pursue his or her claim, to file with the Office a request for mediation within 15 days after receipt by the employee of the notice of the end of the counseling period.

. . . . .

(m) *Employees of the Office of the Architect of the Capitol and the Capitol Police*.

(1) Where an employee of the Office of the Architect of the Capitol or of the Capitol Police requests counseling under the Act and these rules, the Executive Director may recommend that the employee use the grievance procedures of the Architect of the Capitol or the Capitol Police. The term 'grievance procedures' refers to internal procedures of the Architect of the Capitol and the Capitol Police that can provide a resolution of the matter(s) about which counseling was requested. Pursuant to section 401 of the Act and by agreement with the Architect of the Capitol and the Capitol Police Board, when the Executive Director makes such a recommendation, the following procedures shall apply:

. . . . .

(ii) After having contacted the Office and having utilized the grievance procedures of the Architect of the Capitol or of the Capitol Police Board, the employee may notify the Office that he or she wishes to return to the procedures under these rules:

(A) within ***[***10***] 60*** days after the expiration of the period recommended by the Executive Director, if the matter has not been resolved; or

(B) within 20 days after service of a final decision resulting from the grievance procedures of the Architect of the Capitol or the Capitol Police Board.

* * * * *

2.04 Mediation.

. . . . .

(e) *Duration and Extension*.

(1) The mediation period shall be 30 days beginning on the date the request for mediation is received, unless the Office grants an extension.

(2) The Office may extend the mediation period upon the joint ***written*** request of the parties ***to the attention of the Executive Director.*** The request ***[***may be oral or***]*** ***shall be*** written and ***[***shall be noted and***]*** filed with the Office no later than the last day of the mediation period. The request shall set forth the joint nature of the request and the reasons therefor, and specify when the parties expect to conclude their discussions. Request for additional extensions may be made in the same manner. Approval of any extensions shall be within the sole discretion of the Office.

. . . . .

(i) *Conclusion of the Mediation Period and Notice*. If, at the end of the mediation period, the parties have not resolved the matter that forms the basis of the request for mediation, the Office shall provide the employee, and the employing office, and their representatives, with written notice that the mediation period has concluded. The written notice to the employee will be sent by certified mail, return receipt requested, ***or will be hand delivered,*** and it will also notify the employee of his or her right to elect to file a complaint with the Office in accordance with section 5.01 of these rules or to file a civil action pursuant to section 408 of the Act and section 2.06 of these rules.

* * * * *

2.06 Filing of Civil Action.

. . . . .

(c) Communication Regarding Civil Actions Filed with District Court.

(1) The party filing any civil action with the United States District Court pursuant to sections 404(2) and 408 of the Act should simultaneously provide a copy of the complaint to the Office.

(2) No party to any civil action referenced in paragraph (1) shall request information from the Office regarding the proceedings which took place pursuant to sections 402 or 403 related to said civil action, unless said party notifies the other party(ies) to the civil action of the request to the Office. The Office will determine whether the release of such information is appropriate under the Act and the Rules of Procedure.

* * * * *

§ 4.16 Comments on Occupational Safety and Health Reports. The General Counsel will provide to responsible employing office(s) a copy of any report issued for general distribution not less than seven days prior to the date scheduled for its issuance. If a responsible employing office wishes to have its written comments appended to the report, it shall submit such comments to the General Counsel no later than 48 hours prior to the scheduled issuance date. The General Counsel shall either include the written comments without alteration as an appendix to the report, or immediately decline the request for their inclusion. If the General Counsel declines to include the submitted comments, the employing office(s) may submit said denial to the Board of Directors which, in its sole discretion, shall review the matter and issue a final and nonappealable decision solely regarding inclusion of the employing office(s) comments prior to the issuance of the report. Submissions to the Board of Directors in this regard shall be made expeditiously and without regard to the requirements of subpart H of these rules. In no event shall the General Counsel be required by the Board to postpone the issuance of a report for more than five days.

* * * * *

§ 5.03 Dismissal, ***Summary Judgment,*** and Withdrawal of Complaints.

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(d) Summary Judgment. A Hearing Officer may, after notice and an opportunity to respond, issue summary judgment on some or all of the complaint.

(***[***d***]e***) *Appeal*. A ***[***dismissal***]*** ***final decision*** by the Hearing Officer made under section

5.03(a)-(c) or 7.16 of these rules may be subject to appeal before the Board if the aggrieved party files a timely petition for review under section 8.01.

([e]***f***) . . . . .

([f]***g***) . . . . .

* * * * *

§7.02 Sanctions

(a) The Hearing Officer may impose sanctions on a party's representative for inappropriate or unprofessional conduct.

(b) The Hearing Officer may impose sanctions upon the parties under, but not limited to, the circumstances set forth in this section.

([a]***1***) *Failure to Comply with an Order*. When a party fails to comply with an order (including an order for the taking of a deposition, for the production of evidence within the party's control, or for production of witnesses), the Hearing Officer may:

([1]***a***) . . . . .

([2]***b***) . . . . .

([3]***c***) . . . . .

([4]***d***) . . . . .

* * * * *

§8.01 Appeal to the Board.

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(b)(1) Unless otherwise ordered by the Board, within 21 days following the filing of a petition for review to the Board, the appellant shall file and serve a supporting brief in accordance with section 9.01 of these rules. That brief shall identify with particularity those findings or conclusions in the decision and order that are challenged and shall refer specifically to the portions of the record and the provisions of statutes or rules that are alleged to support each assertion made on appeal.

(2) Unless otherwise ordered by the Board, within 21 days following the service of the appellant's brief, the opposing party may file and serve a reply brief.

(3) Upon delegation by the Board, the Executive Director is authorized to determine any request for extensions of time to file any document or submission with the Board. Such delegation shall continue until revoked by the Board.

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* * * * *

§9.01 Filing, Service and Size Limitations of Motions, Briefs, Responses and other Documents.

(a) *Filing with the Office; Number*. One original and three copies of all motions, briefs, responses, and other documents must be filed, whenever required, with the Office or Hearing Officer. However, when a party aggrieved by the decision of a Hearing Officer ***or other determination reviewable by the Board*** files an appeal with the Board, one original and seven copies of both any appeal brief and any responses must be filed with the Office. ***The Officer, Hearing Officer, or Board may also require a party to submit an electronic version of any submission on a disk in a designated format.***

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§9.03 Attorney's fees and costs.

(a) *Request*. No later than 20 days after the entry of a Hearing Officer's decision under section 7.16 or after service of a Board decision by the Office, the complainant, if he or she is a prevailing party, may submit to the Hearing Officer who heard the case initially a motion for the award of reasonable attorney's fees and costs, following the form specified in paragraph (b) below. ***All motions for attorney's fees and costs shall be submitted to the Hearing Officer. [***The Board or t***]*** ***T***he Hearing Officer, after giving the respondent an opportunity to reply, shall rule on the motion.

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§9.05 Informal Resolutions and Settlement Agreements

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(b) *Formal Settlement Agreement*. The parties may agree formally to settle all or part of a disputed matter in accordance with section 414 of the Act. In that event, the agreement shall be in writing and submitted to the Executive Director for review and approval. ***If the Executive Director does not approve the settlement, such disapproval shall be in writing, shall set forth the grounds therefor, and shall render the settlement ineffective.***

(c) Requirements for a Formal Settlement Agreement. A formal settlement agreement requires the signature of all parties on the agreement document before the agreement can be submitted to the Executive Director. A formal settlement agreement cannot be rescinded after the signatures of all parties have been affixed to the agreement, unless by written revocation of the agreement voluntarily signed by all parties, or as otherwise required by law.

(d) Violation of a Formal Settlement Agreement. If a party should allege that a formal settlement agreement has been violated, the issue shall be determined by reference to the formal dispute resolution procedures of the agreement. If the particular formal settlement agreement does not have a stipulated method for dispute resolution of an alleged violation of the agreement, the following dispute resolution procedure shall be deemed to be a part of each formal settlement agreement approved by the Executive Director pursuant to section 414 of the Act: Any complaint regarding a violation of a formal settlement agreement may be filed with the Executive Director no later than 60 days after the party to the agreement becomes aware of the alleged violation. Such complaints may be referred by the Executive Director to a Hearing Officer for a final and binding decision. The procedures for hearing and determining such complaints shall be governed by subparts F, G, and H of these rules.

§9.06 Destruction of Closed Files.

Closed case files regarding counseling, mediation, hearing, and/or appeal may be destroyed during the calendar year in which the fifth anniversary of the closure date occurs, or during the calendar year in which the fifth anniversary of the conclusion of all adversarial proceedings in relation thereto occurs, whichever period ends later.

§9.07 Payment of Decisions, Awards, or Settlements under section 415(a) of the Act.

Whenever a decision or award pursuant to sections 405(g), 406(e), 407, or 408 of the Act, or an approved settlement pursuant to section 414 of the Act, require the payment of funds pursuant to section 415(a) of the Act, the decision, award, or settlement shall be submitted to the Executive Director to be processed by the Office for requisition from the account of the Office of Compliance in the Department of the Treasury, and payment.

§9.0[6]8 Revocation, Amendment or Waiver of Rules.

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50TH WEDDING ANNIVERSARY OF CAROLYN AND BLACKIE EVANS

Mr. REID. Madam President, I rise today to tell a happy story. In fact, it almost sounds like a Hollywood love story.

I first met Claude ''Blackie'' Evans in Henderson, NV, when I was the city attorney. Our first meeting involved a traffic issue that Blackie had before the municipal judge.

Blackie had come to Henderson from his hometown of Galena, KS. In fact, he hitchhiked to Nevada the day after he graduated from high school.

Blackie used to spend time at the Henderson Boys Club. He was a Golden Gloves boxer, and he fought in the ring there.

He also was a fighter out of the ring—he fought for his union brothers, and for all the working men and women of Nevada.

A few months after Blackie came to Henderson, his high school sweetheart followed him. Blackie had played football in high school and Carolyn was a cheerleader, and they made a great couple. On September 7, 1953, they were married in Las Vegas.

Blackie went to work at Titanium Metal Corp., and he and Carolyn started to raise a family. Over the next few years they would have four wonderful children: Steve, Sheree, Seanna, and Lisa.

They raised their kids and worked hard. After Blackie had been at the Timet factory for about 5 years, he was elected vice president of United Steelworkers Local 4856. Three weeks later, at age 23, he became the local's youngest president ever. He held that position for 12 years while also working in the plant.

In 1971, my former high school teacher Mike O'Callaghan, who had become Governor of Nevada, appointed Blackie as the Commissioner representing labor on the old Nevada Industrial Commission. The Evans family moved to Carson City, where Carolyn narrated tours through the Governor's Mansion in her spare time from raising four children.

In 1978, Blackie was elected secretary treasurer of the Nevada AFL–CIO, a position he held until his retirement in July 1999. He also served as a national vice president of the AFL–CIO. During this time, I often crossed paths with Blackie. Together, we worked to help the working families of Nevada.

Today, Blackie and Carolyn still live in Henderson, NV, the town he hitchhiked to some 50 years ago. Carolyn's mother Nadine Qualls, who turns 91 in November, lives with them.

They are blessed to have two grandchildren living in Henderson—Alex Bacon, 12, and Geena German, 7—and two grandchildren in Reno—Brittany Cassingham, 20, a student at UNR, and Cierra Cassingham, 16, a junior in high school.

On September 7, 2003, Blackie and Carolyn will celebrate 50 years of marriage. The celebration will be a tribute to their love of each other, and to the rich, productive life they have enjoyed together.

I congratulate Carolyn and Blackie on their wonderful marriage and family, and I wish them many more years of happiness together.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Madam President, I speak today about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in Newark, CA. On October 3, 2002, several men became enraged after learning that a young woman was actually a 17-year-old boy at their party. The men punched Eddie ''Gwen'' Araujo, dragged him into the garage and strangled him with a piece of rope. Eddie's body was then wrapped in a sheet and buried in a shallow grave near Placerville, about 150 miles from his family's home in Newark.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

AUNG SAN SUU KYI'S HUNGER STRIKE

Mr. FEINGOLD. Madam President, this weekend we heard extremely troubling news from the State Department. Aung San Suu Kyi, leader of the democratically elected National League for Democracy and Nobel Peace Prize laureate, is on a hunger strike to protest her detention by the military government in Burma.

Aung San Suu Kyi has been held in an unknown location without the ability to communicate with the outside world since May 30, 2003. Many of us in Congress have demanded her release. Sadly, her detention is simply the latest installment in the country's 40-year history of suffering and oppression. I have consistently criticized the government for its political repression and human rights violations. Reports of rape, forced labor, human trafficking, suppression of civil liberties, and torture of political dissidents have caused me and my constituents great concern. I supported the Burmese Freedom and Democracy Act of 2003, which imposes sanctions on the Burmese military junta, strengthens Burma's democratic forces and supports and recognizes the National League for Democracy as the legitimate representative of the Burmese people. I encourage other countries to join the United States in adopting similar measures toward Burma.

The Burmese Government must release Aung San Suu Kyi and all political prisoners from detention. I also urge our administration, the United Nations, the Association of Southeast Asian Nations, ASEAN, and the international community to continue to exert pressure on the Burmese junta to respect human rights and political freedoms. I ask President Bush to make Burma a high priority as he travels to the Asia Pacific Economic Cooperation Summit in Bangkok in early October. As recommended by the Council on Foreign Relations, we should press for a United Nations Security Council resolution condemning Aung San Suu Kyi's detention, the junta's human rights violations and their refusal to engage in dialogue with the democratic opposition. We should also encourage the Security Council to hold an emergency session on Burma to discuss implementing targeted sanctions on the regime.

Aung San Suu Kyi's hunger strike adds urgency to the dire predicament of the Burmese people. The Burmese military junta must realize that their egregious offences against their own population can no longer stand.

ORGANIC AGRICULTURE

Ms. SNOWE. Mr. President, I rise today to talk briefly about organic agriculture and to recognize the many thousands of organic farmers from around the Nation who have helped transform this once nascent industry into a thriving and innovative sector of our economy. Today, in particular, I extend my greetings to the many organic producers and retailers who have gathered in Washington, D.C. this week to participate in the annual organic conference.

Organic agriculture has come a long way over the past 20 years largely because of the determination and hard work of our Nation's many organic producers. To put this issue in perspective, the amount of organic cropland in the United States has more than doubled in the 1990s, and the annual growth rate of the organic industry in the United States has been greater than 20 percent for the past decade. Sales of organic food and beverages accounted for over $9 billion in 2002 and are expected to exceed $20 billion by 2005. The increase in organic production and sales is a reflection of the profitability and high consumer demand for organic food.

While the organic industry would not be where it is today without the efforts of its growers and retailers, Congress has an integral role in ensuring that consumers have confidence in the products they are buying. Many of my colleagues remember that the U.S. Department of Agriculture helped to usher in a new era for the organic industry with the implementation last November of the first ever national organic standards. With these new standards, farmers in my home State of Maine were able to sell their organic products to retailers in other States with confidence that the organic label will be recognized by consumers in those States. Consumers now know that when they buy an organically labeled product, it was produced in a healthy and environmentally friendly manner.

From what I heard from farmers in my State over the August recess, I can say that the organic rule has been a tremendous benefit to growers both small and large. In Maine, organic agriculture accounts for an important part of the State's $673 million agriculture-related sales. Several blueberry growers in Downeast Maine have recognized the profitability of organic agriculture and have begun to add organic production. Consumer interest in organic milk has led many dairy farmers to switch to organic milk. Six years ago, only one dairy farmer in Maine produced organic milk—now, such milk accounts for over 10 percent of the State's entire dairy production. These are but a few examples of the success of organic agriculture from my State, demonstrating the enormous potential for growth in the organic sector.

Here in Congress, we must continue to help the organic agriculture sector grow. The organic community celebrated the implementation of the national organic rule; however, the continuing success of this rule will depend on Congress' commitment to fund the USDA's National Organic Program. The modest increase for the National Organic Program in the Senate Fiscal Year 2004 Agriculture appropriations bill is a step in the right direction. Likewise, investments in organic research and development through the Organic Production and Marketing Data Collection will help the organic industry move forward by leaps and bounds.

With organic producers visiting from nearly all 50 States, I hope many of my colleagues will have an opportunity to hear from an organic farmer, rancher, or retailer in their home State. Again, I extend my welcome to all those involved in the national organic conference.

ADDITIONAL STATEMENTS

65TH ANNIVERSARY OF INTERIOR'S INDIAN CRAFT SHOP

• Mr. CAMPBELL. Madam President, as a Native American, artist and craftsman, it is an honor for me to speak today in recognition of the 65th anniversary of the Indian Arts and Crafts Shop at the U.S. Department of the Interior.

Established with the help of the Indian Arts and Crafts Board, the Crafts Room first opened its doors in 1938 and has served as an outlet for Native American artists to market their excellent products to the world.

With the help of the Indian Crafts Shop, today's market for Indian-made goods is roughly $1 billion, with thousands of Native American artists creating authentic arts and crafts conveying the beauty of the Native culture to the peoples of the world.

Native art and crafts not only employs thousands of Indian country's best and most prolific artists, but educates non-Native people about the ways and culture of the Native American population.

Throughout its history, the Indian Crafts Shop has showcased Native art that represents generations of Native people, their culture and heritage from every region of the United States. The shop assists in efforts to protect Indian cultural heritage and strives to ensure that Native-made goods are recognized for their artistic tradition and fine craftsmanship.

The Indian Craft Shop has 65 successful years behind it, and I look forward to its continuing success in supporting Native artists and people nationwide.●

IN REMEMBRANCE OF JOE GARTON

● Mr. FEINGOLD. Madam President, I rise today to pay tribute to Joe Garton, a champion of the arts in the State of Wisconsin, and a dear friend who passed away August 2.

Joseph Walter Garton was born August 17, 1946, in Sheboygan, WI. After attending Amherst College in Massachusetts, serving as a VISTA volunteer in the Harlem section of New York City, receiving his doctorate from NYU in film studies, and marrying his beloved wife, Dierdre, Joe returned to Wisconsin to teach film history.

In 1996, Joe demonstrated his love for the arts by rescuing and restoring Ten Chimneys, the one-time summer home of Broadway legends Alfred Lunt and Lynn Fontanne. Thanks to Joe's efforts, Ten Chimneys is now a national center for theater studies and a tourist destination for fans and artists from all over the world.

A husband, father, son, and brother—and soon to be grandfather—Joe Garton was an extraordinary man and I am lucky to have called him a good friend. In addition to restoring Ten Chimneys, Joe also transformed an 1856 farmhouse into Quigley Grove, a popular restaurant in Fitchburg, WI. Our community and our State have been greatly enriched by his work.

His love for the arts and architecture was only surpassed by his love for and dedication to his family. Their kindness to me over the past 20 years means a great deal to me personally. Both through his work and through his family, Joe leaves behind a tremendous legacy.

Joe was my friend and someone who was always there for me over the years. I am forever indebted to him. Mary and I will always remember Joe and have a particularly fond recollection of an incredible evening at Ten Chimneys several years ago. At a very challenging time in my career, Joe and Dierdre welcomed us with tremendous hospitality and Mary and I remain extremely grateful.

He was taken from us too soon, and we will always treasure his memory and his dedication to his family and friends. Joe, Dierdre and their entire family are in our thoughts and prayers.●

RECOGNIZING THE LIFELONG SERVICE OF MARTIN BEGIEN

● Mr. BOND. Madam President, I join with friends and family in recognizing the efforts and dedication of Mr. Martin Begien, an outstanding American, and a true patriot to American democracy on what will be his 75th birthday, November 15. Martin, since joining the Republican Party, has helped bring quality candidates to run for political office and in turn continues to participate in the American political process. Martin's successful political participation is indicative of his career as a whole.

Martin Begien's impressive educational career began at the exclusive Andover Academy in Andover, MA, and Yale University in New Haven, CT, and continued with his service in the U.S. Army. Martin went on to maintain an illustrious professional career that ultimately lead to his serving as senior partner at David L. Babson and Company, Inc., one of the oldest investment counseling firms in the United States.

Martin has always combined exceptional professional and organizational skills, untiring initiative, and unlimited compassion to accomplish both major, and simply thoughtful, tasks for the Republican Party. Martin has always generously given of himself a genuine love and concern of others without hesitation or expectation of reward. Martin's endearing attitude and hard work earned him the respect and admiration of Mitt Romney, Governor of the State of Massachusetts.

I stand with Martin's wife Kate, his friends and family, and all those whose lives are richer for having known Martin Begien to commemorate and recognize his 75th birthday on the 15th day of November, 2003.●

HONORING THE IDAHO MINING ASSOCIATION ON ITS 100TH ANNIVERSARY

● Mr. CRAPO. Madam President, I offer congratulations to the Idaho Mining Association on its 100th anniversary. The mining industry has long been an economic force in Idaho, which is nicknamed the Gem State, and the association has been a strong advocate for that industry.

The association held its first meeting in the summer of 1903, and was first known as the Idaho Prospectors and Operators. The occasion of the meeting was an urgent invitation from the Governor of Missouri to Idaho Governor Frank R. Gooding that Idaho furnish a display of mineral products for the 1904 International Exposition in St. Louis. Ten years later, this group changed its name to the Idaho Mining Association and has operated continuously since.

Early records of the group clearly state its original purpose:

> It is imperative that there be a better understanding on the part of the people generally, and of those who enact and administer our laws particularly; that the economy of our nation, the happiness and welfare of our people, the safety of the Republic itself depend upon a healthy mineral industry.

The importance of minerals in our lives and to our economy has not diminished over the past century. The price and availability of raw materials are critically important to our manufacturing industries. The computer, telecommunication and electronic industries that represent an ever-growing share of our economic output, and dominate our daily lives, wouldn't be possible without the vast array of minerals produced in this country. We even rely on minerals to produce the new equipment that enhances the productivity of the nation's workers. It remains essential that we, as ''those who enact and administer our laws,'' continue to recognize the importance of our domestic mining industry.

Once again, my congratulations to the Idaho Mining Association and its members as they mark this important milestone. I send my very best wishes for its continued success in serving the best interests of the State of Idaho and the nation.●

NATIONAL ASSISTED LIVING WEEK

●Mr. WYDEN. Madam President, this year, National Assisted Living Week begins September 7 and continues through September 13. Since 1995, the National Center for Assisted Living has sponsored National Assisted Living Week to emphasize the importance of the options assisted living provides seniors and persons with disabilities.

Assisted living is a long-term care alternative for seniors who need more assistance than is available in general retirement communities but do not require the heavy medical and nursing care provided by nursing homes.

This year's theme for National Assisted Living Week is ''Sharing Life's Treasures'' which highlights the need for all of us, no matter what our age, to take time to appreciate the treasures we find along life's pathway.

My State, Oregon, helped to pioneer the assisted-living concept because it could help promote security, dignity, and independence for seniors. While assisted living varies from State to State, it remains a consumer-oriented option for long-term care needs, and highlights the need to support options for long-term care as our population ages.●

TRIBUTE TO PAUL WALLACE-BRODEUR

● Mr. JEFFORDS. Madam President, I rise today to pay tribute to Paul Wallace-Brodeur, an outstanding Vermonter and a national leader in the area of health care reform. As he prepares to retire from his position as Director of the Office of Vermont Health

Access in Waterbury, VT, it is important to reflect on how much one person can accomplish in serving others.

Paul has been on the forefront of significant and timely health care concerns. As Medicaid director, which is Vermont's second largest insurance program, Paul has ensured service for 130,000 people and helped Vermont obtain the distinction of having one of the lowest uninsured rates in the country. Under Paul's leadership, Vermont broadened its eligibility standards and was one of the first States in the country to expand Medicaid services to children under the Dr. Dynasaur program.

Paul began his career in Vermont as a social worker at the Brandon Training School. He quickly rose to leadership positions as a direct provider and then consultant in the field of mental health, followed by his position as the Chief Social Worker for the Vermont State Hospital. It came as no surprise to those of us who know Paul that he was selected in the mid-'80s to lead the State of Vermont's efforts in creating universal access to health care as the Executive Director of the Vermont Health Policy Council and through his work for the Vermont Health Care Authority. Also during the mid-'80s he spearheaded the creation of the Vermont Ethics Network, an organization dedicated to increasing the understanding of ethical issues, values and choices in health and health care.

Over the course of 40 years, Paul has been involved with virtually every health policy initiative in Vermont, particularly the State's efforts to expand health coverage. He is personally responsible for authoring Vermont's 1115 waiver, which over the years, and with many amendments, has provided more expansive and flexible Medicaid services to Vermonters. In his quiet unassuming way, Paul is an integral part of the health care delivery system in Vermont and has gained recognition for being a national health policy leader and mentor. He has always brought a steadfast commitment and institutional knowledge to solving the problem at hand while maintaining a vision for improving Vermont's health care system.

Paul's unwavering commitment toward improving the health status of Vermont and its citizens serves as a testament to us all. Vermont is truly indebted to him. His deep commitment to the citizens of the Green Mountain State has endeared him to us. He has our best wishes for the future.●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations and two withdrawals which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 1:18 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1533. An act to amend the securities laws to permit church pension plans to be invested in collective trusts.

H.R. 1572. An act to designate the United States courthouse located at 100 North Palafox Street in Pensacola, Florida, as the ''Winston E. Arnow United States Courthouse''.

H.R. 1668. An act to designate the United States courthouse located at 101 North Fifth Street in Muskogee, Oklahoma, as the ''Ed Edmondson United States Courthouse''.

H.R. 2309. An act to designate the facility of the United States Postal Service located at 2300 Redondo Avenue in Long Beach, California, as the ''Stephen Horn Post Office Building''.

The message also announced that the House has agreed to the amendment of the Senate to the resolution (H. Con. Res. 259) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The message further announced that pursuant to 22 U.S.C. 6913, and the order of the House of January 8, 2003, the Speaker appoints the following Member of the House of Representatives to the Congressional-Executive Commission on the People's Republic of China: Mr. Wu of Oregon.

MEASURES REFERRED

H.R. 1533. An act to amend the securities laws to permit church pension plans to be invested in collective trusts.

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EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–3740. A communication from the Members of the Independent Commission on Reform of the United States Olympic Committee, transferring, the Commission's report; to the Committee on Commerce, Science, and Transportation.

EC–3751. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Motor Vehicle Inspection and Maintenance Program—Revised Final Standards for the Acceleration Simulation Mode Exhaust Emissions Test'' (FRL#7544-7) received on August 22, 2003; to the Committee on Environment and Public Works.

EC–3752. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Air Quality Plans for Designated Facilities and Control of Emissions from Existing Commercial/Industrial Solid Waste Incinerator Units; Arizona; Nevada'' (FRL#7534-8) received on August 22, 2003; to the Committee on Environment and Public Works.

EC–3753. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''New Mexico: Incorporation by Reference of Approved State Hazardous Waste Management Program'' (FRL#7479-5) received on August 22, 2003; to the Committee on Environment and Public Works.

EC–3754. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Oklahoma: Incorporation by Reference of Approved State Hazardous Waste Management Program'' (FRL#7479-3) received on August 22, 2003; to the Committee on Environment and Public Works.

EC–3755. A communication from the Executive Vice President, River System Operations and Environment, Tennessee Valley Authority, transmitting, pursuant to law, the report of a rule entitled ''Approval of Construction in the Tennessee River System; Regulations of Structures; Residential Use on TVA-controlled Residential Access Shoreland and TVA Flowage Easement Shoreland'' (RIN3316-AA19) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3756. A communication from the Chairman, Nuclear Regulatory Commission, transferring, a report of an organizational change in the Commission's safeguards and security programs; to the Committee on Environment and Public Works.

EC–3757. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans and Operating Permits Program'' (FRL#7552-9) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3758. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants for Lime Products Manufacturing Plants'' (FRL#7551-7) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3759. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Kern County Air Pollution Control District and San Joaquin Valley Unified Air Pollution Control District'' (FRL#7548) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3760. A communication from the Deputy Associate Administrator, Environmental

Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, South Coast Air Quality Management District'' (FRL#7546-5) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3761. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants for Primary Magnesium Refining'' (FRL#7551-4) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3762. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline)'' (FRL#7551-6) received on September 2 , 2003; to the Committee on Environment and Public Works.

EC–3763. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''South Carolina: Final Authorization of State Hazardous Waste Management Program Revision'' (FRL#7550-3) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3764. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing'' (FRL#7551-3) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3765. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing'' (FRL#7551-2) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3766. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Redesignation of the Follansbee PM10 Nonattainment Area to Attainment and Approval of the Associate Maintenance Plan'' (FRL#7549–1) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3767. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Section 112(1) Authority for Hazardous Air Pollutants; Equivalency by Permit Provisions; National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry; State of North Carolina'' (FRL#7549–6) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3768. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants Surface Coating of Miscellaneous Metal Parts and Products'' (FRL#7549–7) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3769. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants: Site Remediation'' (FRL#7549–3) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3770. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Forsyth County, North Carolina; Update to Materials Incorporated by Reference'' (FRL#7524–4) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3771. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Ohiol Oxides of Nitrogen Regulations'' (FRL#7539–4) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3772. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; Revisions to Visible Emissions and Sulfur Dioxide Regulations'' (FRL#7523–7) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3773. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revision to Pittsburgh-Beaver Valley Area Ozone Maintenance Plan'' (FRL#7524–9) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3774. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Operating Permits Program; State of Kansas'' (FRL#7540–7) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3775. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Award of Grants and Cooperative Agreement for the Special Projects and Programs Authorized by the Agency's FY 2003 Appropriations Act'' received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3776. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Part 71 Federal Operating Permits Program for California Agricultural Sources, Announcement of a New Deadline For Application Submittal'' (FRL#7537–1) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3777. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Prevention of Significant Deterioration (PSD) and Non-attainment New Source Review (NSR): Reconsideration'' received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3778. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Regulation to Prevent and Control Particulate Air Pollution from Combustion of Fuel in Indirect Heat Exchangers'' (FRL#7525–2) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3779. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans Revisions to Florida State Implementation Plan: Transportation Conformity Rule'' (FRL#7541–9) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3780. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Missouri'' (FRL#7542–3) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3781. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plan for Designated Facilities and Pollutants; Commonwealth of Kentucky and Jefferson County, Kentucky'' (FRL#7542–6) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3782. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Waste Management System; Exclusion for Identifying and Listing Hazardous Waste and a Determination Equivalent Treatment; Final Exclusion'' (FRL#7541–7) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3783. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List'' (FRL#7542–7) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3784. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Great Basin Unified Air Pollution Control District'' (FRL#3784) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–3785. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''List of Approved Spent Fuel Storage Casks: Standardized NUHOMS –24P, –52B, and –61BT Revisions'' (RIN3150–AH26) received on August 26, 2003; to the Committee on Environment and Public Works .

EC–3786. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Adjustment of the Maximum Retrospective Deferred Premium'' (RIN3150–AH23) received on August 26, 2003; to the Committee on Environment and Public Works.

EC–3787. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Report to Congress on the Fiscal Year 2001 Low Income Home Energy Assistance Program; to the Committee on Health, Education, Labor, and Pensions.

EC–3788. A communication from the Human Resources Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary

for Public Affairs, received on August 11, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–3789. A communication from the Assistant Secretary of Labor for Mine Safety and Health, transmitting, pursuant to law, the report of a rule entitled ''Testing and Evaluation by Independent Laboratories and Non-MSHA Product Safety Standards'' (RIN1219–AA87) received on September 2, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–3790. A communication from the Assistant Secretary for Administration and Management, Department of Labor, transferring, pursuant to law, the Department's revised Commercial Activities Inventory for the Year 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–3791. A communication from the Assistant General Counsel, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Indian Education Discretionary Grant Program'' (RIN1810–AA93) received on September 2, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–3792. A communication from the Assistant General Counsel, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Community Technology Centers Program'' received on September 2, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–3793. A communication from the Assistant General Counsel, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Community Technology Centers'' received on September 2, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–3794. A communication from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Commission's revised draft Strategic Plan for Fiscal Years 2004–2009; to the Committee on Health, Education, Labor, and Pensions.

EC–3795. A communication from the Director, Regulations, Policy, and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices; Obstetrical and Gynecological Devices; Classification of the Breast Lesion Documentation'' (Doc. no. 2003P–0301) received on September 2, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–3796. A communication from the Director, Regulations, Policy, and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''New Drug and Biological Drug Products; Evidence Needed to Demonstrate Effectiveness of New Drugs When Human Efficacy Studies Are Not Ethical or Feasible'' (RIN0910–AC05) received on September 2, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–3797. A communication from the Director, Regulations, Policy, and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Food Labeling: Health Claims; Soluble Dietary Fiber From Certain Foods and Coronary Heart Disease'' (Doc. no. 2001Q–0313) received on September 2, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–3798. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to Mild Traumatic Brain Injury in the United States; to the Committee on Health, Education, Labor, and Pensions.

EC–3799. A communication from the Assistant Secretary for Civil Rights, Department of Education, transmitting, pursuant to law, the Office of Civil Rights' Annual Report for Fiscal Years 2001 and 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–3800. A communication from the White House Liaison, Office of Civil Rights, Department of Education, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary, received on September 2, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–3801. A communication from the Secretary of Health and Human Services, transmitting, a letter containing the Secretary's recommendation for the applicable percentage increase in Medicare's hospital inpatient prospective payment system rates for fiscal year 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–3802. A communication from the White House Liaison, Office of Management, Department of Education, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary, received on September 2, 2003 ; to the Committee on Health, Education, Labor, and Pensions.

EC–3803. A communication from the Human Resources Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy in the position of Deputy Secretary of Labor, received on September 2, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–3804. A communication from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, the Commission's Annual Report on the Federal Work Force for fiscal year 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–3805. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' received on August 22, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–3806. A communication from the Acting Chairman, Merit Systems Protection Board, transmitting, a report of proposed legislation relative to reauthorization of the Board; to the Committee on Governmental Affairs.

EC–3807. A communication from the Chairman and General Counsel, National Labor Relations Board, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 2001 through March 31, 2002; to the Committee on Governmental Affairs.

EC–3808. A communication from the Chairman, National Endowment for the Arts, transmitting, pursuant to law, the 2003 inventories of commercial activities and inherently governmental activities performed by employees of the Endowment; to the Committee on Governmental Affairs.

EC–3809. A communication from the Trade Representative, Executive Office of the President, transmitting, pursuant to law, the Representative's FY 2004 Performance Plan and FY 2002 Annual Performance Report; to the Committee on Governmental Affairs.

EC–3810. A communication from the Secretary of Transportation , transmitting, pursuant to law, the Department of Transportation's Report on Management Decisions and Final Actions on Office of Inspector General Audit Recommendations for the period ending March 31, 2003; to the Committee on Governmental Affairs.

EC–3811. A communication from the Administrator, General Services Administration, transmitting, a copy of lease prospectuses in support of the General Services Administration's Fiscal Year 2004 Capital Investment and Leasing Program; to the Committee on Governmental Affairs.

EC–3812. A communication from the Chair, Equal Employment Opportunity Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period ending March 31 , 2003; to the Committee on Governmental Affairs.

EC–3813. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, the Board's Performance Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–3814. A communication from the Vice President of the United States, transmitting, an alternative plan for across-the-board and locality pay increases payable to civilian Federal employees; to the Committee on Governmental Affairs.

EC–3815. A communication from the Auditor of the District of Columbia, transmitting, a report relative to the Advisory Neighborhood Commission; to the Committee on Governmental Affairs .

EC–3816. A communication from the Director, Office of Personnel Management, transmitting, a report relative to the Federal student loan payment program; to the Committee on Governmental Affairs.

EC–3817. A communication from the Chairman, National Labor Relations Board, transmitting, pursuant to law, the Board's Office of Inspector General's inventory of inherently governmental and commercial activities; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DEWINE, from the Committee on Appropriations, without amendment:

S. 1583. An original bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes (Rept. No. 108–142).

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S.J. Res. 1. A joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH for the Committee on the Judiciary.

Glen E. Conrad, of Virginia, to be United States District Judge for the Western District of Virginia.

Kim R. Gibson, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.

Larry Alan Burns, of California, to be United States District Judge for the Southern District of California.

Dana Makoto Sabraw, of California, to be United States District Judge for the Southern District of California.

Michael W. Mosman, of Oregon, to be United States District Judge for the District of Oregon.

Henry F. Floyd, of South Carolina, to be United States District Judge for the District of South Carolina.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1582. A bill to amend the Valles Preservation Act to improve the preservation of the Valles Caldera, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DEWINE:

S. 1583. An original bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes; from the Committee on Appropriations; placed on the calendar.

ADDITIONAL COSPONSORS

S. 171

At the request of Mr. DAYTON, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 171, a bill to amend the title XVIII of the Social Security Act to provide payment to medicare ambulance suppliers of the full costs of providing such services, and for other purposes.

S. 300

At the request of Mr. MCCAIN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 300, a bill to award a congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of Congress that there should be a national day in recognition of Jackie Robinson.

S. 386

At the request of Mr. CORZINE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 386, a bill to establish a grant program to enhance the financial and retirement literacy of mid-life and older Americans and to reduce financial abuse and fraud among such Americans, and for other purposes.

S. 451

At the request of Ms. SNOWE, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 451, a bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, to provide for a one-year open season under that plan, and for other purposes.

S. 460

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 460, a bill to amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2004 through 2010 to carry out the State Criminal Alien Assistance Program.

S. 473

At the request of Mr. FEINGOLD, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 473, a bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States.

S. 491

At the request of Mr. REID, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 491, a bill to expand research regarding inflammatory bowel disease, and for other purposes.

S. 514

At the request of Mr. BUNNING, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 514, a bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits.

S. 629

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 629, a bill to amend the Internal Revenue Code of 1986 to assist individuals who have lost their 401(k) savings to make additional retirement savings through individual retirement account contributions, and for other purposes.

S. 664

At the request of Mr. HATCH, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 664, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, to increase the rates of the alternative incremental credit, and to provide an alternative simplified credit for qualified research expenses.

S. 893

At the request of Mr. SANTORUM, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 893, a bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

S. 1023

At the request of Mr. HATCH, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1023, a bill to increase the annual salaries of justices and judges of the United States.

S. 1172

At the request of Mr. FRIST, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 1172, a bill to establish grants to provide health services for improved nutrition, increased physical activity, obesity prevention, and for other purposes.

S. 1222

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

S. 1245

At the request of Ms. COLLINS, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1245, a bill to provide for homeland security grant coordination and simplification, and for other purposes.

S. 1252

At the request of Mr. DAYTON, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1252, a bill to provide benefits to domestic partners of Federal employees.

S. 1344

At the request of Mr. CORZINE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1344, a bill to amend the Electronic Fund Transfer Act to require additional disclosures relating to exchange rates in transfers involving international transactions, and for other purposes.

S. 1390

At the request of Mr. ENSIGN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1390, a bill to protect children and their parents from being coerced into administering a controlled substance in order to attend school, and for other purposes.

S. 1431

At the request of Mr. LAUTENBERG, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1431, a bill to reauthorize the assault weapons ban, and for other purposes.

S. 1485

At the request of Mr. KENNEDY, the names of the Senator from South Dakota (Mr. DASCHLE), the Senator from Massachusetts (Mr. KERRY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 1485, a bill to amend the Fair Labor Standards Act of 1938 to protect the rights of employees to receive overtime compensation.

S. 1497

At the request of Mr. MCCAIN, the name of the Senator from New Jersey

(Mr. CORZINE) was added as a cosponsor of S. 1497, a bill to amend the Communications Act of 1934 to revise and expand the lowest unit cost provision applicable to political campaign broadcasts, to establish commercial broadcasting station minimum airtime requirements for candidate-centered and issue-centered programming before primary and general elections, to establish a voucher system for the purchase of commercial broadcast airtime for political advertisements, and for other purposes.

S. 1531

At the request of Mr. LEAHY, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 1531, a bill to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall.

S. 1545

At the request of Mr. HATCH, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from New Jersey (Mr. CORZINE), the Senator from California (Mrs. FEINSTEIN), the Senator from Delaware (Mr. CARPER), the Senator from Indiana (Mr. BAYH), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New York (Mrs. CLINTON) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 1545, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents.

S. RES. 170

At the request of Mr. DODD, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 170, a resolution designating the years 2004 and 2005 as ''Years of Foreign Language Study''.

S. RES. 210

At the request of Mr. HATCH, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. Res. 210, a resolution expressing the sense of the Senate that supporting a balance between work and personal life is in the best interest of national worker productivity, and that the President should issue a proclamation designating October as ''National Work and Family Month''.

S. RES. 212

At the request of Mrs. FEINSTEIN, the names of the Senator from South Dakota (Mr. DASCHLE), the Senator from Minnesota (Mr. COLEMAN) and the Senator from Tennessee (Mr. FRIST) were added as cosponsors of S. Res. 212, a resolution welcoming His Holiness the Fourteenth Dalai Lama and recognizing his commitment to non-violence, human rights, freedom, and democracy.

AMENDMENT NO. 1552

At the request of Ms. MIKULSKI, the names of the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Nebraska (Mr. NELSON), the Senator from Indiana (Mr. BAYH), the Senator from Arkansas (Mr. PRYOR) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of amendment No. 1552 proposed to H.R. 2660, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1556. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

SA 1557. Mr. NELSON of Florida proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra.

SA 1558. Mr. KOHL proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra.

SA 1559. Mrs. MURRAY (for herself, Mr. KENNEDY, Mr. DODD, Mr. LEAHY, Mr. JEFFORDS, Mr. BINGAMAN, and Mr. JOHNSON) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra.

SA 1560. Mr. DEWINE (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra.

SA 1561. Mr. DEWINE (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra.

SA 1562. Mr. DODD (for himself, Mr. DEWINE, Mr. KENNEDY, Mrs. LINCOLN, and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra; which was ordered to lie on the table.

SA 1563. Mr. BINGAMAN (for himself, Mr. REID, and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra; which was ordered to lie on the table.

SA 1564. Mr. COLEMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra; which was ordered to lie on the table.

SA 1565. Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra.

SA 1566. Mr. KENNEDY (for himself, Ms. COLLINS, Mr. DODD, Mr. REED, Mr. BINGAMAN, Mrs. MURRAY, Mr. KERRY, Mr. LIEBERMAN, Mr. EDWARDS, Mr. PRYOR, Mr. CORZINE, Ms. STABENOW, Mr. AKAKA, Mr. LAUTENBERG, Mr. SCHUMER, Mr. JEFFORDS, and Mr. HARKIN) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra.

SA 1567. Mr. CONRAD (for himself, Mr. ROBERTS, and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra; which was ordered to lie on the table.

SA 1568. Mr. DASCHLE (for himself, Ms. COLLINS, Mr. CONRAD, Mr. DORGAN, Mr. DODD, Mr. BAUCUS, Mr. PRYOR, Mr. BINGAMAN, Mrs. LINCOLN, Mr. JOHNSON, Mr. KERRY, and Mr. NELSON of Nebraska) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra.

SA 1569. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra; which was ordered to lie on the table.

SA 1570. Mr. DEWINE submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra; which was ordered to lie on the table.

SA 1571. Mr. DEWINE submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra; which was ordered to lie on the table.

SA 1572. Mr. DODD (for himself, Mr. HAGEL, Mr. JEFFORDS, Ms. COLLINS, Mrs. MURRAY, Mr. DORGAN, Mr. BINGAMAN, Mr. KERRY, Ms. MIKULSKI, Mr. PRYOR, Mr. COLEMAN, and Ms. STABENOW) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra.

SA 1573. Ms. MIKULSKI submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra; which was ordered to lie on the table.

SA 1574. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra; which was ordered to lie on the table.

SA 1575. Mr. HARKIN (for himself, Mrs. CLINTON, Mr. CORZINE, Mr. KERRY, Mr. BINGAMAN, Mrs. MURRAY, and Ms. STABENOW) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra.

SA 1576. Mr. EDWARDS submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra; which was ordered to lie on the table.

SA 1577. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra; which was ordered to lie on the table.

SA 1578. Mr. DEWINE (for himself, Mr. ALEXANDER, Ms. STABENOW, Mr. GRASSLEY, and Mr. VOINOVICH) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra.

SA 1579. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1556. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 19, line 16, strike ''$351,295,000'' and insert ''$301,197,000''.

On page 63, line 2, strike ''$1,188,226,000, of which $1,025,292,000'' and insert ''$1,238,324,000, of which $1,073,000,000''.

On page 63, line 7, strike ''$59,610,000'' and insert ''$62,000,000''.

SA 1557. Mr. NELSON of Florida proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 61, between lines 14 and 15, insert the following:

SEC. ___. GAO STUDY AND REPORT ON THE PROPAGATION OF CONCIERGE CARE.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study on concierge care (as defined in paragraph (2)) to determine the extent to which such care—

(A) is used by medicare beneficiaries (as defined in section 1802(b)(5)(A) of the Social Security Act (42 U.S.C. 1395a(b)(5)(A))); and

(B) has impacted upon the access of medicare beneficiaries (as so defined) to items and services for which reimbursement is provided under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(2) CONCIERGE CARE.—In this section, the term ''concierge care'' means an arrangement under which, as a prerequisite for the provision of a health care item or service to an individual, a physician, practitioner (as described in section 1842(b)(18)(C) of the Social Security Act (42 U.S.C. 1395u(b)(18)(C))), or other individual—

(A) charges a membership fee or another incidental fee to an individual desiring to receive the health care item or service from such physician, practitioner, or other individual; or

(B) requires the individual desiring to receive the health care item or service from such physician, practitioner, or other individual to purchase an item or service.

(b) REPORT.—Not later than the date that is 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the study conducted under subsection (a)(1) together with such recommendations for legislative or administrative action as the Comptroller General determines to be appropriate.

SA 1558. Mr. KOHL proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place insert the following:

SEC. ___. In addition to any amounts otherwise appropriated under this Act under the heading of ADMINISTRATION ON AGING, there are appropriated an additional $1,000,000: *Provided,* That in addition to the amounts already made available to carry out the ombudsman program under chapter 2 of title VII of the Older Americans Act of 1965 (42 U.S.C. 3058 et seq.), there are made available an additional $1,000,000.

SA 1559. Mrs. MURRAY (for herself, Mr. KENNEDY, Mr. DODD, Mr. LEAHY, Mr. JEFFORDS, Mr. BINGAMAN, and Mr. JOHNSON) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

In the matter under the heading ''TRAINING AND EMPLOYMENT SERVICES'' under the heading ''EMPLOYMENT AND TRAINING ADMINISTRATION'' in title I, add at the end the following:

Subject to the following sentence, for necessary expenses of the Workforce Investment Act of 1998, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act of 1998, $801,000,000, of which—

(1) $100,000,000 is available to carry out activities described in section 132(a)(1) of that Act (relating to adult employment and training activities);

(2) $159,000,000 is available to carry out activities described in subparagraphs (A) and (B) of section 132(a)(2) of that Act (relating to dislocated worker employment and training activities and other activities for dislocated workers);

(3) $99,000,000 is available to carry out chapter 4 of subtitle B of title I of that Act (relating to youth activities);

(4) $250,000,000 is available to carry out section 169 of that Act (relating to youth opportunity grants);

(5) $23,000,000 is available to carry out section 167 of that Act (relating to migrant and seasonal farmworker programs);

(6) $20,000,000 is available to carry out section 166 of that Act (relating to Native American programs); and

(7) $150,000,000 is available for the acquisition and improvement of one-stop center infrastructure, including acquisition of real estate, payment of rent or utilities, improvement of technology, and staff development.

The amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $7,696,199,000 and the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $5,982,301,000: *Provided,* That of the funds appropriated in this Act for the National Institutes of Health, $370,000,000 shall not be available for obligation until September 30, 2004.

SA 1560. Mr. DEWINE (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 61, between lines 14 and 15, insert the following:

SEC. ___. (a) IN GENERAL.—To provide funding for poison control centers under the Poison Control Enhancement and Awareness Act (42 U.S.C. 14801 et seq.), there are appropriated a total of $27,600,000, including amounts otherwise made available in this Act for such centers.

(b) OFFSET.—Amounts appropriated under title III under the heading ''Program Administration'' for building alterations and related expenses for relocation shall be reduced by $5,300,000.

SA 1561. Mr. DEWINE (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 61, between lines 14 and 15, insert the following:

SEC. ___. (a) IN GENERAL.—To carry out programs to support graduate medical education programs in children's hospitals under section 340E of the Public Health Service Act (42 U.S.C. 256e et seq.), there are appropriated a total of $305,000,000, including amounts otherwise made available in this Act for such programs.

(b) OFFSET.—Amounts appropriated under title III under the heading ''Program Administration'' shall be reduced by $15,000,000.

SA 1562. Mr. DODD (for himself, Mr. DEWINE, Mr. KENNEDY, Mrs. LINCOLN, and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 61, between lines 14 and 15, insert the following:

SEC. ___. In addition to any amounts otherwise appropriated under this Act for the support of the improved newborn and child screening for heritable disorders program authorized under section 1109 of the Public Health Service Act (42 U.S.C. 300b–8), there are appropriated an additional $10,000,000 to carry out such program: *Provided,* That of the funds appropriated under this Act for the National Institutes of Health, $19,000,000 shall not be available for obligation until September 30, 2004: *Provided further,* That the amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $6,905,199,000: *Provided further,* That the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $6,773,301,000.

SA 1563. Mr. BINGAMAN (for himself, Mr. REID, and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC. 306. (a) In addition to any amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, an additional $20,000,000 to carry out part H of title I of the Elementary and Secondary Education Act of 1965 (school dropout prevention).

(b) Of the funds appropriated in this Act for the National Institutes of Health, $4,000,000 shall not be available for obligation until September 30, 2004.

(c) The amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $6,915,199,000 and the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $6,763,301,000.

SA 1564. Mr. COLEMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to

amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, line 12, strike ''$14,174,115,000'' and insert ''$14,712,115,000''.

SA 1565. Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 36, line 16, strike the period at the end and insert '': *Provided further*, That the amount $6,252,256,000 under the heading 'Health Resources and Services' shall be deemed to be $6,272,256,000 of which the additional $20,000,000 shall be available for carrying out sections 765 and 767 of the Public Health Service Act: *Provided further*, That the amount $4,588,671,000 under the heading 'Disease Control, Research, and Training' shall be deemed to be $4,631,871,000: *Provided further*, That the amount $1,726,846,000 under the heading 'Public Health and Social Services Emergency Fund' shall be deemed to be $1,756,846,000: *Provided further*, That the amount $1,116,156,000 under the heading 'Public Health and Social Services Emergency Fund' shall be deemed to be $1,146,156,000 *Provided further*, That the amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $6,988,399,000: *Provided further*, That the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $6,690,101,000: *Provided further*, That of the funds appropriated in this Act for the National Institutes of Health, $93,200,000 shall not be available for obligation until September 30, 2004.

SA 1566. Mr. KENNEDY (for himself, Ms. COLLINS, Mr. DODD, Mr. REED, Mr. BINGAMAN, Mrs. MURRAY, Mr. KERRY, Mr. LIEBERMAN, Mr. EDWARDS, Mr. PRYOR, Mr. CORZINE, Ms. STABENOW, Mr. AKAKA, Mr. LAUTENBERG, Mr. SCHUMER, Mr. JEFFORDS, and Mr. HARKIN) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On the appropriate page and line, insert before the period the following: '': *Provided further*, That of the funds appropriate in this Act for the National Institutes of Health, $1,470,000,000 shall not be available for obligation until September 30, 1994''.

On page 76, between lines 4 and 5, insert the following:

SEC. ____. (a) INCREASE IN FUNDING.—In addition to any amounts otherwise appropriated under this Act for Federal Pell Grants under subpart 1 of part A of title IV of the Higher Education Act of 1965, there are appropriated an additional $1,688,000,000 for such grants. In addition to any amounts otherwise appropriated under this Act for Federal Supplemental Education Opportunity Grants under subpart 3 of part A of title IV of the Higher Education Act of 1965, there are appropriated an additional $115,000,000 for such grants. In addition to any amounts otherwise appropriated under this Act for Federal Work-Study Programs under part C of title IV of the Higher Education Act of 1965, there are appropriated an additional $157,000,000 for such programs. In addition to any amounts otherwise appropriated under this Act for the Leveraging Educational Assistance Partnership Program under subpart 4 of part A of title IV of the Higher Education Act of 1965, there are appropriated an additional $33,445,000 for such program. In addition to any amounts otherwise appropriated under this Act for Federal Trio programs under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965, there are appropriated an additional $160,000,000 for such programs. In addition to any amounts otherwise appropriated under this Act for Gear Up programs under chapter 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965, there are appropriated an additional $57,000,000 for such programs. In addition to any amounts otherwise appropriated under this Act for loan cancellations under the Federal Perkins Loans program under part E of title IV of the Higher Education Act of 1965, there are appropriated an additional $33,000,000 for such loan cancellations. In addition to any amounts otherwise appropriated under this Act for the Graduate Assistance in Areas of National Need program under subpart 2 of part A of title VII of the Higher Education Act of 1965, there are appropriated an additional $13,200,000 for such program. In addition to any amounts otherwise appropriated under this Act for the Thurgood Marshall Legal Educational Opportunity Program under subpart 3 of part A of title VII of the Higher Education Act of 1965, there are appropriated an additional $7,000,000 for such program. The amount $4,050 under the heading 'Student Financial Assistance' in this title shall be deemed to be $4,500. The amount $9,935,000 under the heading 'Higher Education' in this title shall be deemed to be $15,000,000.

(b) BUDGETARY AUTHORITY.—The amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $9,151,909,000. The amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $4,526,591,000.

SA 1567. Mr. CONRAD (for himself, Mr. ROBERTS, and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 27, line 2, insert before the period the following: '': *Provided further*, That $5,000,000 shall be made available to carry out the rural emergency medical service training and equipment assistance program under section 330J of the Public Health Service Act (42 U.S.C. 254c-15)''.

SA 1568. Mr. DASCHLE (for himself, Ms. COLLINS, Mr. CONRAD, Mr. DORGAN, Mr. DODD, Mr. BAUCUS, Mr. PRYOR, Mr. BINGAMAN, Mrs. LINCOLN, Mr. JOHNSON, Mr. KERRY, and Mr. NELSON of Nebraska) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 76, between lines 10 and 11, insert the following:

SEC.____. In addition to any amounts otherwise appropriated under this Act to carry out part B of title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7341 et seq.), there are appropriated an additional $132,347,000 to carry out such part: *Provided*, That of the funds appropriated in this Act for the National Institutes of Health, $25,000,000 shall not be available for obligation until September 30, 2004: *Provided further*, That the amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $7,027,546,000: *Provided further*, That the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $6,650,954,000.

SA 1569. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . Not later than May 1, 2004, the Secretary of Health and Human Services shall submit to the appropriate committees of Congress a report concerning the manner in which the Department of Health and Human Services expends Federal funds for research, patient care, and other activities relating to Hansen's Disease. The report shall include—

(1) the amounts provided for each research project;

(2) the amounts provided to each of the 12 treatment centers for each of research, patient care, and other activities;

(3) the per patient expenditure of patient care funds at each of the 12 treatment centers; and

(4) the mortality rates at each of the 12 treatment centers.

SA 1570. Mr. DEWINE submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 61, between lines 14 and 15, insert the following:

SEC. ____. In addition to any amounts otherwise appropriated under this Act to carry out mother-to-child HIV transmission prevention activities, there are appropriated an additional $60,000,000 to carry out such activities.

SA 1571. Mr. DEWINE submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 61, between lines 14 and 15, insert the following:

SEC. ____. In addition to any amounts otherwise appropriated under this Act to carry out mother-to-child HIV transmission prevention activities, there are appropriated an additional $60,000,000 to carry out such activities. Amounts appropriated under this section shall be designated as emergency spending pursuant to section 502(c) of House Concurrent Resolution 95 (108th Congress).

SA 1572. Mr. DODD (for himself, Mr. HAGEL, Mr. JEFFORDS, Ms. COLLINS, Mrs. MURRAY, Mr. DORGAN, Mr. BINGAMAN, Mr. KERRY, Ms. MIKULSKI, Mr. PRYOR, Mr. COLEMAN, and Ms. STABENOW) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 76, between lines 10 and 11, insert the following:

SEC.____. In addition to any amounts otherwise appropriated under this Act for grants to States under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), there are appropriated an additional $1,200,000,000 for such grants: *Provided,* That of the funds appropriated in this Act for the National Institutes of Health, $84,000,000 shall not be available for obligation until September 30, 2004: *Provided further,* That the amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $8,095,199,000: *Provided further,* That the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $5,583,301,000.

SA 1573. Ms. MIKULSKI submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 61, between lines 14 and 15, insert the following:

SEC. ____. STUDIES CONCERNING MAMMOGRAPHY STANDARDS.

(a) STUDY BY GAO.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the program established under the Mammography Quality Standards Act of 1992 (section 354 of the Public Health Service Act (42 U.S.C. 263b)) (referred to in this section as the ''MQSA'') to—

(A) evaluate the demonstration program regarding frequency of inspections authorized under section 354(g) of the Public Health Service Act (42 U.S.C. 263b(g)), including the effect of the program on compliance with the MQSA;

(B) evaluate the factors that contributed to the closing of the approximately 700 mammography facilities nationwide since 2001, whether those closings were due to consolidation or were a true reduction in mammography availability, explore the relationship between certified units and facility capacity, and evaluate capacity issues, and determine the effect these and other closings have had on the accessibility of mammography services, including for underserved populations, since the April 2002 General Accounting Office report on access to mammography; and

(C) evaluate the role of States in acting as accreditation bodies or certification bodies, or both, in addition to inspection agents under the MQSA, and in acting as accreditation bodies for facilities in other States and determine whether and how these roles affect the system of checks and balances within the MQSA.

(2) REPORT.—Not later than 16 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives a report on the study described in paragraph (1).

(b) STUDY BY THE INSTITUTE OF MEDICINE.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of Health and Human Services shall enter into an agreement with the Institute of Medicine of the National Academy of Sciences for the conduct of a study and the making of recommendations regarding the following:

(A) Ways to improve physicians' interpretations of mammograms, including approaches that could be taken under the MQSA without negatively impacting access to quality mammography.

(B) What changes could be made in the MQSA to improve mammography quality, including additional regulatory requirements that would improve quality, as well as the reduction or modification of regulatory requirements that do not contribute to quality mammography, or are no longer necessary to ensure quality mammography. Such reduction or modification of regulatory requirements and improvements in the efficiency of the program are important to help eliminate disincentives to enter or remain in the field of mammography.

(C) Ways, including incentives, to ensure that sufficient numbers of adequately trained personnel at all levels are recruited and retained to provide quality mammography services.

(D)(i) How data currently collected under the MQSA could be used to improve the quality, interpretation of, and access to mammography.

(ii) Identification of new data points that could be collected to aid in the monitoring and assessment of mammography quality and access.

(E) Other approaches that would improve the quality of and access to mammography services, including approaches to improving provisions under the MQSA.

(F) Steps that should be taken to help make available safe and effective new screening and diagnostic devices and tests for breast cancer.

(2) REPORT.—Not later than 15 months after the date on which the agreement is entered into under paragraph (1), the Institute of Medicine shall complete the study described under such subsection and submit a report to the Secretary of Health and Human Services, the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate, and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives.

(3) FUNDING.—Of the amounts appropriated under this title to the Office of the Secretary of Health and Human Services for general departmental management, $500,000 shall be made available to carry out the study under this subsection.

SA 1574. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

In the matter under the heading ''TRAINING AND EMPLOYMENT SERVICES'' under the heading ''EMPLOYMENT AND TRAINING ADMINISTRATION'' in title I, add at the end the following:

For necessary expenses of the Workforce Investment Act of 1998, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act of 1998, $50,000,000 to carry out activities described in section 132(a)(2)(B) of that Act (relating to dislocated worker employment and training activities and other activities for dislocated workers). There shall be transferred from the account relating to the Department of Labor's Working Capital Fund, $5,000,000 to the account relating to carrying out activities described in section 132(a)(2)(B) of the Workforce Investment Act of 1998 (relating to dislocated worker employment and training activities and other activities for dislocated workers). There shall be transferred from the account relating to the Department of Labor's management cross cut activities, $5,000,000 to the account relating to carrying out activities described in section 132(a)(2)(B) of the Workforce Investment Act of 1998 (relating to dislocated worker employment and training activities and other activities for dislocated workers).

On page 2, line 23, strike ''$276,608,000 shall be for activities'' and insert ''$226,608,000 shall be used with priority given to carry out the amendments made by section 203 of the Trade Adjustment Assistance Reform Act of 2002 and shall be for activities''.

SA 1575. Mr. HARKIN (for himself, Mrs. CLINTON, Mr. CORZINE, Mr. KERRY, Mr. BINGAMAN, Mrs. MURRAY, and Ms. STABENOW) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 76, between lines 10 and 11, insert the following:

SEC.____. (a) ADDITIONAL FUNDS.—

(1) IN GENERAL.—In addition to any amounts otherwise appropriated under this Act for the Fund for the Improvement of Education under part D of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7241 et seq.), there are appropriated an additional $1,000,000,000 for such fund that shall be used by the Secretary of Education to award formula grants to State educational agencies to enable such State educational agencies—

(A) to expand existing structures to alleviate overcrowding in public schools;

(B) to make renovations or modifications to existing structures necessary to support alignment of curriculum with State standards in mathematics, reading or language arts, or science in public schools served by such agencies;

(C) to make emergency repairs or renovations necessary to ensure the safety of students and staff and to bring public schools into compliance with fire and safety codes;

(D) to make modifications necessary to render public schools in compliance with the

Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794);

(E) to abate or remove asbestos, lead, mold, and other environmental factors in public schools that are associated with poor cognitive outcomes in children; and

(F) to renovate, repair, and acquire needs related to infrastructure of charter schools.

(2) AMOUNT OF GRANTS.—The Secretary shall allocate amounts available for grants under this subsection to States in proportion to the funds received by the States, respectively, for the previous fiscal year under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq).

(b) OFFSET.—Of the funds appropriated in this Act for the National Institutes of Health, $352,000,000 shall not be available for obligation until September 30, 2004: *Provided*, That the amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $7,895,199,000, and the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $5,783,301,000.

SA 1576. Mr. EDWARDS submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 61, between lines 14 and 15, insert the following:

SEC. ____. In addition to any amounts otherwise appropriated in this Act for programs and activities under the Health Care Safety Net Amendments (Public Law 107-251) and the amendments made by such Act, and for other telehealth programs under section 330 of the Public Health Service Act (42 U.S.C. 254b et seq), there are appropriated an additional $10,000,000 for such programs and activities, including $2,500,000 for a minimum of 10 telehealth resource centers which provide assistance with respect to technical, legal and regulatory, service delivery or other related barriers to the deployment of telehealth technologies, $5,000,000 for network grants, and $2,500,000 for grants to State professional licensing boards to carry out programs under which such licensing boards of various States cooperate to develop and implement State policies that will reduce statutory and regulatory barriers to telemedicine: *Provided*, That $30,000,000 of the amount appropriated under this Act for the National Institutes of Health shall not be available for obligation until September 30, 2004: *Provided further*, That the amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $6,905,199,000: *Provided further*, That the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $6,773,301,000.

SA 1577. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 76, between lines 10 and 11, insert the following:

SEC. ____. In addition to any amounts otherwise appropriated under this Act for the Federal Trio programs under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq.), there are appropriated not more than $16,000,000 that shall be used by the Secretary of Education to award grants to Upward Bound, Upbound Math/Science, and McNair grant applicants that submitted applications for grants under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq.) for fiscal year 2003 that were eligible to receive grants but did not receive grants because the applications were received after the closing date or exceeded the 100 page limit. If the amount appropriated under this section is insufficient to pay the full amounts that all applicants are eligible to receive under this section, the Secretary shall ratably reduce such amounts: *Provided*, That of the funds appropriated in this Act for the National Institutes of Health, $1,500,000,000 shall not be available for obligation until September 30, 2004: *Provided further*, That the amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $6,911,199,000: *Provided further*, That the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $6,767,301,000.

SA 1578. Mr. DEWINE (for himself, Mr. ALEXANDER, Ms. STABENOW, Mr. GRASSLEY, and Mr. VOINOVICH) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 74, line 1, strike ''$409,863,000, of which $13,644,000'' and insert ''$406,863,000, of which $10,644,000''.

On page 76, between lines 11 and 12, insert the following:

SEC. ____. For necessary expenses for the Underground Railroad Education and Cultural Program, there are appropriated $3,000,000.

SA 1579. Mrs. FEINSTEIN submitted an amendment intended to be proposed to SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, insert the following:

SEC. ____. (a) STATE ELECTION.—

(1) IN GENERAL.—In lieu of the Federal medical assistance percentage otherwise determined for the State under section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) (without regard to the application of section 401 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 (42 U.S.C. 1396d note)), a State may elect to have the alternative Federal medical assistance percentage determined under subsection (b) apply to the State for purposes of expenditures under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) for fiscal years beginning on or after the date of such an election, but only with respect to expenditures under title XIX of such Act that exceed the total amount of expenditures incurred under that title with respect to the State for fiscal year 2003.

(2) IRREVERSIBLE ELECTION.—A State election under paragraph (1) shall be irreversible.

(3) LIMITATION.—A State may not make an election under paragraph (1) before October 1, 2003.

(b) ALTERNATIVE FEDERAL MEDICAL ASSISTANCE PERCENTAGE.—

(1) IN GENERAL.—Subject to paragraph (4), the alternative Federal medical assistance percentage determined under this subsection is, with respect to a State and a fiscal year, 100 percent reduced by the product of 0.40 and the ratio of—

(A) the State's economic resources per person in poverty, as defined in paragraph (2); to

(B) the economic resources per person in poverty for all States, as defined in paragraph (3).

(2) STATE'S ECONOMIC RESOURCES PER PERSON IN POVERTY.—For purposes of paragraph (1)(A), except as provided in paragraph (4)(C)(i), with respect to a State, the State's economic resources per person in poverty is the ratio of—

(A) the most recent 3-year average of the total taxable resources of the State, as determined by the Secretary of the Treasury; to

(B) the most recent 3-year average of the number of individuals residing in the State whose income is below the official poverty income threshold (as determined by the Secretary of Commerce).

(3) ECONOMIC RESOURCES PER PERSON IN POVERTY FOR ALL STATES.—For purposes of paragraph (1)(B), the economic resources per person in poverty for all States is the ratio of—

(A) the sum of the most recent 3-year averages determined under paragraph (2)(A) for all States; to

(B) the sum of the most recent 3-year averages determined under paragraph (2)(B) for the 50 States and the District of Columbia.

(4) SPECIAL RULES.—

(A) HOLD HARMLESS; CAP ON INCREASES.—Subject to subparagraph (B), with respect to a State making an election under this section, the alternative Federal medical assistance percentage determined for the State for a fiscal year under this subsection—

(i) shall not be less than the Federal medical assistance percentage determined for the State under section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) for the fiscal year; and

(ii) only with respect to each of fiscal years 2004 through 2013, shall not exceed—

(I) the Federal medical assistance percentage determined for the State under section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) for the preceding fiscal year by more than 1 percent; and

(II) the alternative Federal medical assistance percentage determined for the State under this subsection for the preceding fiscal year by more than 1 percent.

(B) OVERALL CAP.—In no event may the alternative Federal medical assistance percentage determined for a State for a fiscal year exceed 83 percent.

(C) ALASKA; DISTRICT OF COLUMBIA.—

(i) ALASKA.—In the case of Alaska, the State's economic resources per person in poverty is the ratio of—

(I) the most recent 3-year average of the total taxable resources of the State, as determined by the Secretary of the Treasury; to

(II) the most recent 3-year average of the number of individuals residing in the State whose income is below the official poverty income threshold (as determined by the Secretary of Commerce), multiplied by 1.05.

(ii) DISTRICT OF COLUMBIA.—The alternative Federal medical assistance percentage for the District of Columbia for any fiscal year is 70 percent.

(c) SCOPE OF APPLICATION.—An election under this section shall apply only for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) and shall not apply with respect to—

(1) disproportionate share hospital payments described in section 1923 of such Act (42 U.S.C. 1396r–4);

(2) payments under title IV or XXI of such Act (42 U.S.C. 601 et seq., 1397aa et seq.); or

(3) any payments under XIX of such Act that are based on the enhanced FMAP described in section 2105(b) of such Act (42 U.S.C. 1397ee(b)).

(d) DEFINITION OF STATE.—In this section, the term ''State'' has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Madam President, I would like to announce for the information of the Senate and the public that the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources will hold a hearing on September 11, 2003 at 2:30 p.m.

The hearing was originally scheduled to consider S. 432, S. 849, and S. 511. In addition to these bills, the Committee will now consider S. 1582, which would amend the Valles Caldera Preservation Trust Act.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364, Washington, D.C. 20510–6150 prior to the hearing date.

For further information, please contact Frank Gladics, Dick Bouts, or Meghan Beal (202–224–7556).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DEWINE. Madam President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on September 4, 2003 at 9:30 a.m., in open and closed session to receive testimony on the proposed lease of 100 KC–767 aerial refueling tanker aircraft by the U.S. Air Force.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DEWINE. Madam President, I ask unanimous consent that the Committee on energy and natural resources be authorized to meet during the session of the Senate on Thursday, September 4th at 10:00 a.m. The purpose of this hearing is to receive testimony on the Department on Energy Polygraph Program.

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

COMMITTEE ON FINANCE

Mr. DEWINE. Madam President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, September 4, 2003, at 10:00 a.m., to hear testimony regarding U.S.-Cuba Economic Relations.

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

COMMITTEE ON THE JUDICIARY

Mr. DEWINE. Madam President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, September 4, 2003, at 9:30 a.m. in Dirksen Room 226.

Agenda

I. Nominations: Henry W. Saad to be United States Circuit Judge for the Sixth Circuit; Larry Alan Burns to be United States District Judge for the Southern District of California; Glen E. Conrad to be United States District Judge for the Western District of Virginia; Henry F. Floyd to be United States District Judge for the District of South Carolina; Kim R. Gibson to be United States District Judge for the Western District of Pennsylvania; Michael W. Mosman to be United States District Judge for the District of Oregon; Dana Makoto Sabraw to be United States District Judge for the Southern District of California; Mauricio J. Tamargo to be Chairman of the Foreign Claims Settlement Commission of the United States.

II. Bills: S.J. Res. 1, A joint resolution proposing an amendment to the constitution of the United States to protect the rights of crime victims [KYL, CHAMBLISS, CORNYN, CRAIG, DEWINE, FEINSTEIN, GRAHAM, GRASSLEY]; S. 1451, Runaway, Homeless, and Missing Children Protection Act [HATCH, LEAHY].

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. DEWINE. Madam President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, September 4 at 2:30 p.m. to hold a closed hearing.

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

SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS AND PROPERTY RIGHTS

Mr. DEWINE. Madam President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on the Constitution, Civil Rights and Property Rights be authorized to meet to conduct a hearing on ''What is Needed to Defend the Bipartisan Defense of Marriage Act of 1996,'' on Thursday, September 4, 2003, at 2:00 p.m. in SD226.

Witness List

Panel I: Rev. Dr. Ray Alexander Hammond II, Pastor, Bethel AME Church, Boston, MA; Mrs. Maggie Gallagher, President, Institute for Marriage and Public Policy, New York, NY; Mr. Gregory S. Coleman, Esq., Weil Gotshal & Manges LLP, Former Solicitor General, State of Texas, Austin, TX; Mr. Michael P. Farris, Esq., Chairman & General Counsel, Home School Legal Defense Association, President and Professor of Government, Patrick Henry College, Purcellville, VA; Prof. Dale Carpenter, Associate Professor of Law, University of Minnesota Law School, Minneapolis, MN; Mr. Keith Bradkowski, San Francisco, CA.

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

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. DEWINE. Madam President, I ask unanimous consent that the Subcommittee on Science, Technology and Space be authorized to meet on September 4, 2003, at 3:30 pm on a new kind of science.

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

PRIVILEGE OF THE FLOOR

Mr. JEFFORDS. Madam President, I ask unanimous consent that Dan Crimmins, a fellow on my staff, be granted floor privileges during our consideration of the fiscal year 2004 Labor-HHS-Education appropriations bill.

ORDERS FOR FRIDAY, SEPTEMBER 5, 2003

Mr. SESSIONS. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:15 a.m., Friday, September 5. I further ask unanimous consent that following the prayer and pledge the morning hour be deemed expired.

I assume we will still be able to have a prayer and pledge in this body and that the courts will not have struck it down sometime in the interim.

I ask unanimous consent that the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H.R. 2660, the Labor-HHS-Education appropriations bill, with the time until 9:30 a.m. equally divided between the two bill managers or their designees; provided that at 9:30 a.m. the Senate proceed to a vote in relation to the Clinton amendment No. 1565, to be immediately followed by a vote in relation to the Harkin amendment No. 1575; provided further that no amendments be in order to either amendment prior to the vote, and there be 5 minutes for debate equally divided in the usual form prior to the second vote.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Madam President, reserving the right to object, I say through the Chair to the distinguished acting leader that as of this evening we have worked now for 2 days to come up with a finite list of amendments on our side. My friend, the manager of the bill, the Senator from Pennsylvania, Mr. SPECTER, has asked me about this. If he has asked me once, he has asked me 15 times. We came up with a list. And now

tonight we can't get approval from the majority that this is a finite list. I really do not understand that. I hope it is just some clerical problem or some Senator who maybe couldn't be contacted. But I hope after all we have been through that we would have an agreement tomorrow on a finite list of amendments on this most important bill.

I say that we are trying to help. We understand. I spoke to the two leaders today. As soon as we complete this bill, we will go to the energy and water appropriations bill, which is an extremely important bill. It is a $25 billion bill which is all nondiscretionary money. It is money to fund the nuclear weapons program in addition to many other very important programs that are important around our country, including the Bureau of Reclamation, the Corps of Engineers, and other multibillion-dollar programs.

I hope we can move forward and conclude this legislation. It seems rather strange, as far as I am concerned, that the minority is talking about moving an appropriations bill, but that is the way it is.

We have said all week that we have one issue that we had to vote on next week for obvious reasons. We have to have four Democratic Senators who are running for President. We want to make sure they are all here. That has been recognized by Senator SPECTER and by the majority leader. We had a tentative time set up to do that.

I hope before we adjourn tomorrow that we can get the agreement that has been prepared by both staffs. I think it would move toward concluding this legislation. But also I think it sets the proper tone for what is going to be a most difficult remaining legislative session this year.

I have no objection to the request by the Senator from Alabama.

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

Mr. SESSIONS. Madam President, I note that Senator SPECTER certainly has been working our side to get that agreement. Without dispute, there will certainly be far fewer amendments pursued to vote on from the Democratic side. But that is all right. I know the Senator is close to having that done. I thank the Senator for working his side.

PROGRAM

Mr. SESSIONS. Madam President, for the information of all Senators, tomorrow the Senate will resume debate on the Labor-HHS-Education appropriations bill. At approximately 9:30 a.m., the Senate will begin two back-to-back rollcall votes. The first vote will be in relation to the Clinton amendment on bioterrorism workforce, which will be immediately followed by a vote in relation to the Harkin amendment on school renovation. Following those votes, Members are encouraged to remain in the Chamber to offer and debate their amendments. The chairman and ranking member will be here to accommodate those Members who are available to offer amendments tomorrow.

ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. SESSIONS. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:20 p.m., adjourned until Friday, September 5, 2003, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate September 4, 2003:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

STEPHEN W. HUMPHREY, 0000
DAVID B. ROYAL, 0000
RANDY J. YOVANOVICH, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

NELSON * ARROYO, 0000
KENNETH R. * BEALE, 0000
DONNETTE A. * BOYD, 0000
BILL * BURRELL, 0000
HENRY E. * CLOSE III, 0000
MARK A. * CRUMPTON, 0000
MICHAEL L. * DANIEL, 0000
SHANE C. * GASTER, 0000
GLENN A. * HAWKINS, 0000
KENNETH M. * JENKINS, 0000
GASTON L. * JONES JR., 0000
DAVID L. * MANSBERGER, 0000
SHON * NEYLAND, 0000
MICHAEL S. * RASH, 0000
WARREN K. * ROBINSON, 0000
SCOTT L. * RUMMAGE, 0000
PAUL D. * SUTTER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

JAMES J. * BALDOCK IV, 0000
WENDY L. BARNES, 0000
DAVID M. * BERTHE, 0000
JOHN R. * BROOKS, 0000
KENNETH S. * BROWN, 0000
RICHARD T. * BROYER, 0000
SHELLI R. * CANNONDEKREEK, 0000
MELANIE C. * CARINO, 0000
MELISSA L. * CHECOTAH, 0000
JASON D. * EITUTIS, 0000
PATRICIA D. * FOWLER, 0000
SABINA C. * GARRETT, 0000
DOUGLAS A. * GIMLICH, 0000
JOHN F. * GINNITY JR., 0000
JERRY A. * HARVEY, 0000
RICHARD T. * HAWK, 0000
JEFFREY G. HENDERSON, 0000
KEITH A. * HIGLEY, 0000
JOSEPH G. D. * IBANEZ, 0000
RANDALL C. LAMBERT, 0000
GENE A. * LONG, 0000
CAMILLE R. * LOONEY, 0000
PATRICK A. * MARTINEZ, 0000
RICHARD L. * MAY II, 0000
MARK R. * MEERSMAN, 0000
JOSELITO C. * MENESES, 0000
SEAN P. * MURPHY, 0000
MICHAEL A. * NIELSEN, 0000
MICHAEL C. * ORR, 0000
ROBERT M. * PAZ, 0000
KATHY * PFLANZ, 0000
KEVIN S. * SMITH, 0000
RICHARD K. * SMITH, 0000
SCOT S. SPANN, 0000
MARVIN W. * TODD, 0000
KEVIN J. WATSON, 0000
THOMAS E. * WILLIFORD, 0000
BRIAN K. * WYRICK, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

KIMBERLY L. * ARNAO, 0000
BRIAN L. * BENGS, 0000
SCOTT D. * BOEHNE, 0000
JANE E. * BOOMER, 0000
THERESA A. * BRUNO, 0000
JOSHUA T. * BURGESS, 0000
THOMAS E. * BYRON, 0000
JOHN A. CARR, 0000
OLGA M. * CORNELL, 0000
DOUGLAS F. * CRABTREE, 0000
RICHARD L. * DASHIELL, 0000
JOSEPH F. * DENE, 0000
CHAD L. * DIEDERICH, 0000
PATRICK D. * DYSON, 0000
GINA M. * EAKER, 0000
JAMES S. * FLANDERS, 0000
MICHAEL J. * FREYERMUTH, 0000
GLEN L. * FUNKHOUSER JR., 0000
STEPHEN P. * GANTER, 0000
ROBERT M. * GERLEMAN, 0000
JOHN E. * GILLILAND, 0000
EDWARD D. * GRAY, 0000
MOISETTE INTONYA * GREEN, 0000
TOMMY E. GREGORY, 0000
STEVEN J. * GROCKI, 0000
JAMES J. * GROSS, 0000
ROBERT S. * HALL, 0000
KATHLEEN J. HARTMAN, 0000
MARTIN A. * HOFFMAN, 0000
JULIE J. R. * HUYGEN, 0000
JOSEPH S. IMBURGIA, 0000
KIMBERLY M. * JOHNSON, 0000
STEVEN M. * KELSO, 0000
RICHARD H. LADUE JR., 0000
LUCAS J. * LANDRENEAU, 0000
BRADFORD U. * LARSON, 0000
MICHELLE M. * LINDO, 0000
TERESA G. * LOVE, 0000
DEBRA A. LUKER, 0000
ROBERT E. * LUTTRELL III, 0000
JENNIFER KLEIN * MARTWICK, 0000
RICHARD J. V. * MARTWICK, 0000
CHRISTOPHER * MCMAHON, 0000
CAREY A. * MERRILL, 0000
MARK A. * MICCHIO, 0000
SERGIO C. MUNIZ JR., 0000
THANH LAN BICH * NGUYEN, 0000
CHRISTOPHER J. * NOWICKI, 0000
MYNDA L. G. * OHMAN, 0000
BRUCE D. * PAGE JR., 0000
JOSEPH P. * PIAZZA, 0000
LYNDELL M. * POWELL, 0000
SLOAN M. P. * PYE, 0000
KATHLEEN V. E. * REDER, 0000
ERICA L. * RICHARDSON, 0000
LACHANDRA C. * RICHARDSON, 0000
RICHARD W. * ROCKENBACH II, 0000
ANGELA P. * ROSE, 0000
KENNETH W. * SACHS, 0000
SHELLY W. * SCHOOLS, 0000
STEPHEN E. * SEE, 0000
SHANNON L. * SHERWIN, 0000
KATHRYN E. * STENGELL, 0000
KEVIN P. * STIENS, 0000
BRIAN J. * SUCKMAN, 0000
JOHN G. * TERRA, 0000
JILL M. * THOMAS, 0000
MARK DANIEL * TRUJILLO, 0000
MATTHEW D. * VANDALEN, 0000
SHAWN E. * VANDENBERG, 0000
DANIEL L. * WARNOCK, 0000
DAVID J. * WESTERN, 0000
SANDRA K. * WHITTINGTON, 0000
KEVIN J. * WILKINSON, 0000
JAMES M. WINNER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

DAVID H. * ADAMS JR., 0000
TIMOTHY P. * ALLMANN, 0000
MICHELLE D. * AMBROSE, 0000
STEVEN M. ANDERSON, 0000
BARBARA J. * AUSTEN, 0000
VERONA * BOUCHER, 0000
DARRYN N. * BRYANT, 0000
DANE V. * CAMPBELL, 0000
BRETT R. * CARNER, 0000
LISA L. * CAULDER, 0000
CARLOS M. * CEBOLLERO, 0000
JOHN D. CHILDS, 0000
CHRISTOPHER D. * CLINE, 0000
JAMES R. * COKER, 0000
BRIAN L. * COSTELLO, 0000
ANTHONY S. * CUNNINGHAM, 0000
JAMES P. * CZARZASTY, 0000
LORA * DARBOPIETSZAK, 0000
AMIE W. * DARYANANI, 0000
JAMES A. * DAUBER, 0000
BRYAN TERRI * DAVIS, 0000
DONALD P. * DORENKAMP, 0000
TAM T. * DUONG, 0000
DAVID O. * EDDINGTON, 0000
DAVID R. * ENGLERT, 0000
FRANK M. * FISCHER, 0000
GABRIEL P. * FLORIT, 0000
KRISTINE F. * FUMIA, 0000

CLARENCE D. A. * GAGNI, 0000
OSCAR K. * GIBBS, 0000
ANITA M. * GLENNRELLER, 0000
REVONDA L. * GRAYSON, 0000
DANIEL K. * GULLEKSON, 0000
STEPHEN P. * HAMM, 0000
AMY E. * HAYNES, 0000
GARRETT L. * HEITMANN, 0000
BARRIE J. * HIGHBY, 0000
NEIL A. * HOLDER, 0000
FREEMAN HOLIFIELD JR., 0000
NEIL MICHAEL * HORNER, 0000
TIMOTHY J. * HORNYAK, 0000
TIMOTHY D. * HOWERTON, 0000
RICHARD * HUTCHISON, 0000
ALISA * IRIYE, 0000
MARK W. * ISAJIW, 0000
JAMES R. * KAHLER, 0000
SHELBI J. * KANESHIRO, 0000
PHILIP A. * KEMP, 0000
CLIFFORD P. * LAPP, 0000
DEREK J. * LARBIE, 0000
HUEY * LATHAM III, 0000
DEBRA A. * LEE, 0000
DARIN R. LEREW, 0000
LAURA M. * LOCHNER, 0000
DENISE ANN * LOCKHART, 0000
PAULINE M. * LUCAS, 0000
MARYBETH E. * LUNA, 0000
EILEEN K. * LUTERZO, 0000
GUY R. MAJKOWSKI, 0000
JUDY A. * MANNO, 0000
JUDITH NMI * MARTELL, 0000
DAMIAN G. * MCCABE, 0000
CHARLES S. * MCCALEB, 0000
CRAIG A. * MCCLUER, 0000
SHARISSE D. * MCCOY, 0000
JEFFREY E. * MCLEAN, 0000
LILLIE M. * MELLS, 0000
TRACY L. * MIDDLETON, 0000
TIFFANY J. MORGAN, 0000
ERIN K. * MORRIS, 0000
BRIAN T. MUSSELMAN, 0000
MARIO G. * NICOLAS, 0000
WANDA L. * NORRIS, 0000
KARL S. * OGILVIE, 0000
ERIC V. * OLSEN, 0000
KAREN A. * ORTS, 0000
EDMUND * OSEIWUSU, 0000
DENNIS * OSULLIVAN, 0000
LYNN A. * PADILLA, 0000
BERLINDA A. * PADILLAOTTO, 0000
DANIEL N. * PARK, 0000
VIRGINIA ANNE * PARKER, 0000
SHANNON L. * PHARES, 0000
ROBERT T. * POHLER, 0000
PHILLIP T. * POTTER, 0000
JESSE W. * RICHARDSON, 0000
TODD M. * ROCK, 0000
JAMES P. * RONYAK JR., 0000
JAVIER * RUIZ, 0000
JEFFREY G. * RUTTER, 0000
DAVID A. * SANCHEZ, 0000
DEBORAH K. * SCHUEREN, 0000
JON M. * SEELEY, 0000
THOMAS L. * SHAAK, 0000
JAMES E. * SHIELDS, 0000
JOANNA L. * SHOWEN, 0000
JOSEPH W. SILVERS, 0000
KARI K. * SMITH, 0000
JULIA N. * SUNDSTROM, 0000
SCOTT E. * SWINGLE, 0000
JAMES C. * TANNER, 0000
DAVID A. * TORRES, 0000
BRUCE K. * TOWERS, 0000
BARBARA E. * TUCKER, 0000
JOSEPH A. * VANCE, 0000
DAVID C. * WALMSLEY, 0000
JAMES E. * WARE, 0000
JEFFREY S. * WEST, 0000
MATTHEW C. * WEST, 0000
ROSS K. * WHITMORE, 0000
JACKIE E. * WILKS, 0000
THOMAS L. * WILLIAMS, 0000
RICHARD L. WOODRUFF JR., 0000
WENDYANN R. * WYATT, 0000
CHRISTOPHER P. * WYNENS, 0000
ELIZABETH M. * YOGERST, 0000
BRIAN A. * YOUNG, 0000
JAMES A. * YOUNG, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

LAURIE A. ABNEY, 0000
REGINA D. * AGEE, 0000
DARRELL T. * AINSWORTH, 0000
KEITH R. * ANDERSON, 0000
NICOLE H. * ARMITAGE, 0000
TONEY L. * BANKS, 0000
LESLIE C. * BARKER, 0000
KEVIN L. * BIZER, 0000
SINETTA A. * BLUNT, 0000
DAWN B. * BROOKS, 0000
SAHVER * BURNHAM, 0000
PERRY A. * CARLSON, 0000
WILLIAM A. * CHANCE, 0000
CATHERINE C. * CLARK, 0000
JONI M. * CLEMENS, 0000
ELIZABETH * COLON, 0000
MICHELIN Y. * CONERLY, 0000
ELIZABETH A. * COOLEY, 0000
ZINA M. * CRUMP, 0000
KAREN E. * DEATON, 0000
SUSAN F. * DUKES, 0000
APRIL L. * ECKERMAN, 0000
STEVEN W. * FLEMING, 0000
KATHLEEN T. * FOULK, 0000
EDMOND V. * GERNER JR., 0000
JERRY R. * GINGRICH, 0000
MICHELLE L. * GONZALES, 0000
ANGELA R. * GONZALEZ, 0000
NEIL J. * GOTHIER, 0000
KIMBERLY A. * GRAHAM, 0000
CHRISTINE R. * GUNDEL, 0000
GERALD W. * HALL JR., 0000
MELODY L. * HEUSDENS, 0000
OVELLA J. * HILLERY, 0000
JOACHIM M. * JERNANDER, 0000
PATRICIA I. * JOHN, 0000
KELLIE A. * JOHNSON, 0000
MICHAEL J. * JOHNSON, 0000
MARINA L. * JOHNSTON, 0000
PHYLLIS F. JONES, 0000
NANCY A. * KEITHLEY, 0000
CYNTHIA * LOCKE, 0000
KATHERINE A. * LONDON, 0000
DAISY * LOPEZ, 0000
LESTER P. * LORETO, 0000
KATHERINE M. * LOWRY, 0000
KIMBERLY L. * MANNING, 0000
KATHLEEN MARTIN, 0000
MARIA DE RIVERA * MELENDEZ, 0000
KIMBERLY B. * MERRITT, 0000
MARY F. * MULLINS, 0000
BRENT D. * MUMPOWER, 0000
GERALDINE G. * NELSON, 0000
BRADLEY D. * NIELSEN, 0000
NICOLE R. * OGBURN, 0000
JULIE R. * OSTRAND, 0000
NANCY L. * PAPPAS, 0000
JOEY P. * PASKEVICIUS, 0000
THOMAS A. * PAXTON, 0000
DEEANN M. * PERKUCHIN, 0000
ANN M. * PERRY, 0000
DONNA M. * QUIST, 0000
DONNA L. * RAU, 0000
RHONDA L. * RICHTER, 0000
JERRY D. * RUMBACH, 0000
TAMARA * RYAN, 0000
MICHELE Y. * SHELTON, 0000
DEBRA A. * SHELWOOD, 0000
WARD J. * SIERT, 0000
RANDALL L. * SIRMANS, 0000
DEBRA A. * SMITH, 0000
JAMES S. * SPEIGHT, 0000
MELISSA M. * STECKLER, 0000
JENNIFER A. * STEILS, 0000
JAMES A. * STRYD, 0000
BARBARA A. * SUSEN, 0000
PATRICIA A. B. * TATE, 0000
BART A. * THOMAS, 0000
LINDA J. * THOMAS, 0000
BEVERLY A. * THORNBERG, 0000
JAMES J. * TORBETT, 0000
TONI L. * TURNIPSEED, 0000
KARIN P. * VANDOREN, 0000
CYNTHIA A. * WARATUKE, 0000
PAUL S. * WARD, 0000
JULIANA * WEEKS, 0000
CANDY S. * WILSON, 0000
KEITH A. * WILSON, 0000
PAULA M. * WINTERS, 0000
KATHERINE S. * WOFFORD, 0000
PAMELA J. * YOUNG, 0000
DEEDRA L. * ZABOKRTSKY, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

JOHN T. AALBORG JR., 0000
PAUL H. ABAIR, 0000
JEFFREY M. ABRAHAM, 0000
ARIEL O. * ACEBAL, 0000
TERRENCE A. * ADAMS, 0000
LISA D. ADAMSMCNEME, 0000
THOMAS L. * ADKINS II, 0000
SCOTT A. * AEBI, 0000
CHRISTOPHER M. * AFFUL, 0000
FRANCIS B. * AFINIDAD, 0000
ALLISON L. * AGAR, 0000
INES M. AGOSTO, 0000
MINNA A. AHLMANN, 0000
DAVID KARL * AHRENS, 0000
ROLAND * AKINS III, 0000
HOBART R. ALFORD, 0000
BRENT B. * ALLEN, 0000
CRAIG D. ALLEN, 0000
JACK E. * ALLEN, 0000
JAYSON L. * ALLEN, 0000
RONALD GENE * ALLEN JR., 0000
THOMAS W. ALLEN, 0000
CHRISTOPHER J. * ALLEY, 0000
MATTHEW L. * ALLEY, 0000
AARON T. ALLGEYER, 0000
DONALD S. ALLISON, 0000
EDUARDO E. * ALONSO, 0000
JOSEPH R. * ALTHOFF III, 0000
RYAN C. * AMEELE, 0000
RICHARD P. AMISANO JR., 0000
ANTHONY P. * AMOROSO, 0000
KOREY E. AMUNDSON, 0000
MARK C. ANARUMO, 0000
ALEXANDER B. ANASTASIOU, 0000
VICTOR A. * ANAYA, 0000
BRET D. ANDERSON, 0000
CHRISTOPHER B. * ANDERSON, 0000
HEATHER J. * ANDERSON, 0000
JAMES G. ANDERSON, 0000
JOHN M. * ANDERSON, 0000
RANDALL H. * ANDERSON, 0000
WILLIAM S. * ANDERSON, 0000
JEREMY A. * ANFINSON, 0000
JOHN J. ANTEDOMENICO, 0000
REBECCA LYNN * ANTONAK, 0000
STANLEY B. * ARANT, 0000
GEOFFREY B. * ARING, 0000
MICHAEL M. * ARMIJO, 0000
BRIAN S. ARMSTRONG, 0000
JOSHUA D. * ARMSTRONG, 0000
TIMOTHY J. * ARNOLD, 0000
CHARLES D. * ASHMORE JR., 0000
MICA L. * ASHMORE, 0000
ISREAL L. * ASKEW JR., 0000
BRIAN J. * AULT, 0000
RICHARD M. * AUSEMS, 0000
KEITH D. * AYOTTE, 0000
MARK E. AZUA, 0000
RICHARD A. * BABCOCK, 0000
JEFFREY L. BABINSKI, 0000
BRIAN K. * BAILEY, 0000
JAMES R. * BAILEY JR., 0000
RICHARD W. * BAILEY, 0000
WILLIAM C. BAILEY, 0000
ELAINE S. * BAIN, 0000
CHRISTOPHER H. * BAIRD, 0000
JOY O. * BAITY, 0000
STEVEN L. * BAKER, 0000
GREGORY T. * BALDWIN, 0000
RICHARD J. * BALDWIN, 0000
JEFFREY A. * BALTES, 0000
ROBERT J. * BANDSTRA, 0000
DERRICK M. * BANKS, 0000
RAYMOND M. * BARBEN, 0000
RICHARD T. * BARBER, 0000
DAVID C. BARES, 0000
CODY W. * BARKER, 0000
MARTIN W. BARKER, 0000
PATRICK A. * BARNETT, 0000
STEVEN J. * BAROSKO, 0000
SHANE A. * BARRETT, 0000
ALLAN D. BARTOLOME, 0000
LOYD E. BARTON, 0000
AARON C. * BASS, 0000
GLENN * BASSO, 0000
PATRICK E. * BAUGHAN, 0000
MICHAEL V. BAUTISTA, 0000
DAVID J. * BAWCOM, 0000
LYNNE M. * BAYLEY, 0000
BAKER B. BEARD, 0000
JOHN T. BEATTIE, 0000
BRAD L. * BEATTY, 0000
ELISSA C. BEDDOW, 0000
JOHN D. * BEDINGFIELD, 0000
ROBERT L. * BEHNKEN, 0000
BRADY C. BEIGH, 0000
LAUNA J. BELLUCCI, 0000
JON C. * BENDER, 0000
MICHAEL D. * BENNES, 0000
DANIEL W. * BENNETT, 0000
MARCEL L. BENOIT, 0000
JAMES L. * BENSLAY JR., 0000
J. D. * BENSON JR., 0000
STEVEN A. BENTON JR., 0000
DAVID W. BERG, 0000
LYNN A. * BERG, 0000
BRIAN K. BERGERON, 0000
CHARLES WILSON * BERGERON, 0000
TREVIS D. * BERGERT, 0000
STEPHEN E. * BERGEY, 0000
TODD D. BERGMAN, 0000
ARTHUR J. BERMEL JR., 0000
REBECCA B. BERNARDINI, 0000
RAYMOND BERNIER, 0000
DARREN W. * BERRY, 0000
STANLEY M. * BERRY, 0000
PETER A. BERUBE, 0000
BRIAN J. * BEVERIDGE, 0000
DAVID L. BIBIGHAUS, 0000
JOHN V. * BIELECKI, 0000
RODNEY D. * BIENFANG, 0000
JAMES J. BIERYLA, 0000
ROBERT L. * BILLINGS, 0000
JONATHAN A. * BISHOP, 0000
MICHAEL W. * BISHOP, 0000
MARK W. BJORGEN, 0000
MICHAEL B. BLACK, 0000
CATHY B. * BLACKLOCK, 0000
JEFFREY L. * BLACKMON, 0000
JOHN C. * BLACKWELL, 0000
CONNOR S. BLACKWOOD, 0000
TONI L. * BLAIR, 0000
STEPHEN K. * BLAKE, 0000
JONATHAN N. BLAND, 0000
JAMES F. * BLANKENSHIP, 0000
ROCCO A. * BLASI II, 0000
DANIEL D. * BLEVINS, 0000
STEVE L. BLEVINS, 0000
EDWARD A. * BLITT, 0000
MARK E. BLOMME, 0000
MARGARET I. * BLOOM, 0000
GRAHAM K. BLOXOM, 0000
PAUL A. * BLUE, 0000
SAMUEL N. * BLUNT, 0000
JOSEPH A. * BOBROWSKI, 0000
BRIAN K. * BOGUE, 0000
LELAND B. BOHANNON, 0000
DAVID A. * BOLES, 0000
MICHAEL S. * BOLLING, 0000
CHARLES D. BOLTON, 0000
DARRELL J. * BOLTON, 0000
JOSEPH C. * BONITA, 0000
JAMES A. * BOOKER, 0000

RICHARD E. * BOONE, 0000
LEONARD * BOOTHE, 0000
CHRISTOPHER L. * BORING, 0000
MATTHEW A. * BOSCHERT, 0000
MICHAEL J. BOSILJEVAC, 0000
JOHN W. BOSONE, 0000
RAYMOND A. * BOULTER, 0000
LEE A. * BOUVIER, 0000
ERIK T. * BOVASSO, 0000
ANDREW P. * BOWDER, 0000
JAMES R. BOWEN, 0000
ANISSA M. * BOWERS, 0000
MATTHEW T. * BOWERS, 0000
DANNY K. * BOYD, 0000
MICHELE A. * BOYKO, 0000
PHILIP J. * BOZEMAN, 0000
LORENZO C. BRADLEY, 0000
MARK A. * BRAMMER, 0000
JASON D. * BRANCH, 0000
JOHN M. * BRANDT JR., 0000
RYAN P. * BRANDT, 0000
KRISTOPHER A. * BREAUX, 0000
BRIAN A. BRECH, 0000
MATTHEW J. BRECHWALD, 0000
JACQUELINE D. BREEDEN, 0000
MATTHEW C. * BRENNAN, 0000
LISA M. * BRENNEMAN, 0000
PAUL D. * BRENNER, 0000
JOHN D. BREUKER, 0000
AUGUSTIN P. * BRIGUET, 0000
JOHN R. BRIMMER, 0000
BERNARD C. * BRINING, 0000
MICHAEL L. BRINK II, 0000
ANDREW D. * BRINKMAN, 0000
CHRISTIAN C. * BROCK, 0000
BRENT G. BROCKINTON, 0000
SCOTT W. * BROKAW, 0000
DANIEL T. * BROOKS, 0000
KAREEM C. BROOKS, 0000
KENT W. * BROOME, 0000
CYNTHIA JS * BROTHERS, 0000
MICHAEL D. BROTHERS, 0000
CHARLES E. * BROWN JR., 0000
DARREN J. BROWN, 0000
DIANE L. BROWN, 0000
ELI V. * BROWN, 0000
JASON A. * BROWN, 0000
JASON M. * BROWN, 0000
SCOTT A. * BROWN, 0000
SCOTT C. * BROWN, 0000
JOSEPH W. * BROWNING, 0000
JAMES A. * BROYLES JR., 0000
DANIEL E. * BRUCE, 0000
JAMES A. BRUNER II, 0000
PAUL J. * BRUNER, 0000
COREY A. * BRUNSON, 0000
LOUIS D. BRYAN, 0000
DAVID W. BRYNTESON, 0000
JOHN D. * BUCHANAN, 0000
JOHN E. BUCHANAN, 0000
RICHARD T. * BUCKLEY, 0000
GREG D. BUCKNER, 0000
TRAVIS P. BUFORD, 0000
BRADLEY M. * BUGG, 0000
ERIC S. BULGER, 0000
SUSAN M. * BULLETT, 0000
SCOTT R. * BULLIS, 0000
STEPHEN H. BUNTING, 0000
DANIEL K. BUNTS, 0000
TRAVIS A. BURDINE, 0000
STEPHEN G. * BURGH, 0000
TIMOTHY J. BURKE, 0000
MICHAEL G. * BURKOTT, 0000
JAMES R. * BURLEIGH, 0000
JEFFREY M. * BURNSIDE, 0000
DERREN P. * BURRELL, 0000
WILLIAM C. BUSCHUR, 0000
EDWIN D. * BUTLER, 0000
JOHN D. * BUTLER, 0000
ROBERT B. * BUTLER, 0000
STEVEN BUTTIE, 0000
ROBERT L. BUZZELL JR., 0000
JOBERT F. * CALIMLIM, 0000
DONALD C. CALLAGHAN, 0000
STEVEN M. * CALLIS, 0000
ROD A. * CAMERON, 0000
JASON M. * CAMPBELL, 0000
WINSTON M. * CAMPBELL, 0000
BRYAN H. * CANNADY, 0000
KELLY A. CANTRELL, 0000
MARK L. * CANTRELL, 0000
THOMAS L. * CANTRELL, 0000
HOUSTON R. * CANTWELL, 0000
PAUL S. CAPES, 0000
KELLEY J. * CARDINALE, 0000
MICHAEL K. CARNEY, 0000
SEBASTIAN J. * CARRADO, 0000
CHRISTOPHER M. * CARROLL, 0000
GREGORY T. * CARTER, 0000
JENNINE S. * CARTER, 0000
CHARLES F. CARVER, 0000
JANET E. * CASEY, 0000
TRUDY M. CASSEN, 0000
EDUARDO CASTANEDA JR., 0000
ANTONIO * CASTILLO, 0000
CHARLES F. * CELNIK, 0000
YUN J. * CERANA, 0000
DAVID S. CHACE, 0000
RYAN C. * CHANDLER, 0000
CHRISTOPHER W. * CHANG, 0000
JENNIFER L. CHANGERY, 0000
JAMES W. * CHAPPELEAR, 0000
KATHERINE H. CHARECKY, 0000
ROBERT L. CHARLESWORTH, 0000
JOHN W. CHASTAIN III, 0000
NICHOLAS H. * CHAVASSE III, 0000
JULIAN C. CHEATER, 0000
COREY C. * CHEERS, 0000
CHRISTIAN J. * CHEETHAM, 0000
JERMONT CHEN, 0000
RONALD A. * CHERNAK, 0000
WESLEY R. * CHIDESTER, 0000
TIMOTHY W. * CHILDRESS, 0000
ERIK K. * CHINN, 0000
DAI H. * CHO, 0000
CHRISTOPHER A. CHOCOLAAD, 0000
BRYAN J. * CHOI, 0000
JOHN C. CHONG, 0000
JAMES C. CHRISLEY, 0000
SARAH J. CHRIST, 0000
JENNIFER S. * CHRISTOVICH, 0000
PHILLIP A. * CHRONISTER, 0000
KRISTI K. CHURCH, 0000
RICHARD D. CIMINO, 0000
RAYMOND S. CIRASA, 0000
JEFFERY M. * CLAPP, 0000
JEFFREY D. * CLARK, 0000
JEFFREY M. CLARK, 0000
GEORGE M. * CLARKE, 0000
MICHAEL L. * CLAVENNA, 0000
GLEN A. * CLINCH, 0000
IRA C. * CLINE, 0000
MATTHEW J. * CLIVER, 0000
DAVID N. * CLOUGH JR., 0000
PATRICK CLOWNEY, 0000
KENNETH P. * CLOYS, 0000
JOHN G. * COCHRAN, 0000
MICHELLE G. COGHILL, 0000
WARREN O. * COHN, 0000
CHRISTOPHER L. COLCORD, 0000
BARRY A. * COLE, 0000
JAMES E. COLE, 0000
JENNIFER J. * COLE, 0000
SCOTT S. * COLE, 0000
TIMOTHY C. * COLE, 0000
LISA K. * COLEMAN, 0000
MICHAEL L. * COLEMAN, 0000
MYRNA L. * COLEMAN, 0000
TODD L. * COLEMAN, 0000
BRADFORD D. * COLEY, 0000
ARLENE COLLAZO, 0000
KEITH E. * COLLIER, 0000
BRIAN R. * COLLINS, 0000
RICHARD I. * COLLINS, 0000
STEPHEN P. * COLVIN, 0000
JASON R. COMBS, 0000
TODD E. COMBS, 0000
JOHN E. COMMINS, 0000
ALLAN J. * CONKEY, 0000
DAVID S. * CONLEY, 0000
BRIAN D. * COOK, 0000
CHAD W. COOK, 0000
MICHAEL J. * COOK, 0000
EVAN E. * COOPER, 0000
JAMES D. * CORDEIRO JR., 0000
DUSTIN P. CORDIER, 0000
THOMAS A. * COREJ, 0000
NOLAN R. * CORPUZ, 0000
PEDRO A. * COTTOPEREZ, 0000
CHRISTOPHER P. * COULURIS, 0000
DONALD A. * COURNOYER, 0000
STEPHEN B. COWART, 0000
YANCEY S. * COWEN, 0000
MARK C. * COX, 0000
SAMUEL D. COX, 0000
THOMAS C. * COX, 0000
DANIEL R. COZZI, 0000
JOSEPH G. * CRANCE, 0000
MICHAEL S. CRANSTON, 0000
RYAN B. CRAYCRAFT, 0000
DAVID A. * CRENSHAW, 0000
JAMES L. * CREVER, 0000
FAE M. CRISSMAN, 0000
ADRIAN M. CROWLEY, 0000
KEVIN S. * CRUIKSHANK, 0000
BRIAN A. CRUM, 0000
CARY N. CULBERTSON, 0000
TIMOTHY M. CULLEN, 0000
JON A. CULP, 0000
CASE A. CUNNINGHAM, 0000
FRED R. CUNNINGHAM, 0000
JOHN A. * CUPP III, 0000
MICHELLE M. DALE, 0000
JEFFREY D. DALRYMPLE, 0000
MATTHEW J. * DALY, 0000
RYAN J. * DANDREA, 0000
CHRISTOPHER A. * DANFORD, 0000
WALTER B. * DANIELS, 0000
BILLY D. * DARNELL, 0000
NATHANIEL * DASH JR., 0000
ROBERT A. * DAVIDSON II, 0000
CURTIS G. DAVIS, 0000
DANNY E. * DAVIS, 0000
DONALD L. * DAVIS JR., 0000
ERIC O. * DAVIS, 0000
ETHAN J. * DAVIS, 0000
JAMES E. DAVIS, 0000
JUDY B. * DAVIS, 0000
TIMOTHY J. * DAVIS, 0000
LYLE M. * DAWLEY, 0000
DAVID P. DAY, 0000
JOHN R. * DEA, 0000
MICHAEL S. * DEAL, 0000
KENNETH W. * DEAN, 0000
KARL R. DEERMAN, 0000
JEFFREY P. DEJOANNIS, 0000
CATHLEEN E. * DELAGARZA, 0000
MICHAEL T. DELLERT, 0000
MARK E. * DELORY, 0000
JOHN B. * DEMIZIO, 0000
WILLIAM F. * DENEHAN JR., 0000
JOHN R. * DENIZ III, 0000
BRIAN R. * DENMAN, 0000
CHARLES W. * DENNISON, 0000
CHRISTOPHER P. * DENNISON, 0000
JAMES A. DEREUS, 0000
DARREN R. * DEROOS, 0000
SCOTT D. * DERSHEM, 0000
BRIDGET A. * DESROSIERS, 0000
DENNIS P. * DICKERSON, 0000
JASON D. DICKINSON, 0000
JOHN E. * DIERLING, 0000
BRYAN C. DILLARD, 0000
KAREN E. M. * DILLARD, 0000
MATTHEW E. * DILLOW, 0000
ANDREW S. DIPPOLITO, 0000
JEFFERY T. * DITLEVSON, 0000
DONALD B. * DIXON, 0000
ANDREW J. * DOANE, 0000
WILLIAM F. DOBBS, 0000
MICHAEL P. * DOMBROWSKI, 0000
MICHAEL D. * DONAHUE, 0000
GARY J. * DORMAN, 0000
JEFFREY G. * DORMAN, 0000
SHANE A. DOUGHERTY, 0000
ROBERT A. * DOUGLASS, 0000
WILLIAM M. DOUGLASS, 0000
LANCE N. * DOVER, 0000
GEORGE S. * DOWDY, 0000
CHRISTIAN J. * DOWNS, 0000
BERNADETTE J. * DOZIER, 0000
CHRISTOPHER A. * DRAP, 0000
XAVIAN L. DRAPER, 0000
EDWARD H. * DROLLETTE, 0000
MICHAEL A. DUCHARME, 0000
PAUL J. DUDLEY, 0000
KATHY J. * DUKE, 0000
EVANGELINA F. DUMAN, 0000
ROBERT E. DUMAN, 0000
MICHAEL S. * DUNKEL, 0000
DAVID R. * DUNKLEE, 0000
JOHN A. DUNLAP, 0000
DANIEL I. * DUNN, 0000
TIMOTHY C. DUNN, 0000
KEVIN M. DYDYK, 0000
DAVID S. EAGLIN, 0000
EDWARD L. * EARHART, 0000
KEVIN M. * EASTLAND, 0000
BRYAN N. EBERHARDT, 0000
CHRISTOPHER R. EDEN, 0000
ANTHONY N. * EDENS, 0000
ALAN W. EDWARDS, 0000
ALBERT M. EDWARDS III, 0000
DOUGLAS C. EDWARDS, 0000
MARVIN T. EE, 0000
LAMAR A. * EIKMAN, 0000
WALTER H. * EILERS, 0000
GARY L. * ELLIOTT, 0000
JONATHAN P. ELLIOTT, 0000
RYAN M. * ELLIOTT, 0000
THUTAM V. ELLIOTT, 0000
CHRISTOPHER L. ELLIS, 0000
PETER V. * ELLUM, 0000
JOHN A. * ELOLF, 0000
JOEL J. * ELSBURY, 0000
MICHAEL E. * EMERSON, 0000
DEREK G. EMMONS, 0000
TROY L. * ENDICOTT, 0000
MATTHEW L. * ENFIELD, 0000
WILLIAM D. ENGBERG, 0000
JOSEPH A. * ENGELBRECHT III, 0000
WILLIAM T. * ENGLAND, 0000
BLAIR F. * ENGLISH, 0000
MICHAEL W. * ERHARDT, 0000
MICHAEL S. ERICKSON, 0000
CHAD J. ERSPAMER, 0000
REBECCA J. ERWIN, 0000
JUPE A. ETHERIDGE, 0000
JOHN S. * EUBANKS, 0000
CHARLES F. * EVANS, 0000
CHRIS M. EVANS, 0000
MATTHEW A. * EVANS, 0000
JOSEPH M. * EVERT, 0000
LARA L. * FALARDEAU, 0000
TRENT C. * FALON, 0000
THOMAS G. FALZARANO, 0000
BRIAN M. * FARRAR, 0000
DAVID B. * FAULK, 0000
ROCKY A. FAVORITO, 0000
WALTER M. * FEE, 0000
SANDRA G. * FELTON, 0000
MICHAEL C. * FENIMORE, 0000
THOMAS E. * FERENCZHALMY, 0000
JEFFREY C. * FERRER, 0000
PETER M. FESLER, 0000
OPPERMAN ANITA A. * FEUGATE, 0000
GREGORY S. * FIELDS, 0000
ANTHONY W. * FIFE, 0000
BRUCE A. * FIKE, 0000
ROBERT K. * FILBEY, 0000
PATRICK J. * FINAN, 0000
ROBERT C. FINCH, 0000
STEPHEN T. * FINN, 0000
JOSEPH E. * FINNEGAN, 0000
KARL C. * FISCHBACH, 0000
SHILOH D. FISCHER, 0000
ANTHONY FISICHELLA JR., 0000
RUSSELL L. * FLAMING, 0000
CHARLES C. * FLANDERS, 0000
DEREK L. * FLETCHER, 0000
MARC A. * FLORES, 0000
WAYNE E. FLOYD, 0000
DAVID C. * FLYNN, 0000
CHRISTOPHER J. FOGLE, 0000
STEPHEN M. * FOLENA, 0000
CHRISTOPHER M. FOLLIN, 0000
JOHN W. FONCANNON, 0000
ARTHUR P. * FORD IV, 0000
CHRISTOPHER T. FORD, 0000
THOMAS C. * FORD, 0000
JASON D. FOREST, 0000

LORIANN * FORINGER, 0000
CAROLYN S. FORNER, 0000
FELICIA A. * FOSTER, 0000
JOSEPH R. * FOSTER, 0000
ROBERT T. * FOSTER, 0000
JAMES G. FRANCIS, 0000
TIMOTHY P. * FRANZ, 0000
ANDREW J. * FRASCH, 0000
KAYLIN * FREEDMAN, 0000
CHARLES K. * FREEMAN, 0000
BRIAN J. FREIBURGER, 0000
RICHARD J. * FREY, 0000
ABRAHAM F. FRIEDMAN, 0000
RICHARD E. * FRIENDLICH, 0000
MARK T. FRITZINGER, 0000
YVONNE M. * FROMM, 0000
ALLEN W. * FRY, 0000
CURTIS L. * FRYMAN, 0000
MARK S. * FUHRMANN, 0000
DANE F. * FULLER, 0000
JACK D. * FULMER II, 0000
STEVEN A. * FUNANICH, 0000
RYAN O. * FUNKHOUSER JR., 0000
DANIEL C. * FURLEIGH, 0000
JUDSON M. * FUSSELL, 0000
JOHN T. * GABRIEL, 0000
LEO L. GAGE JR., 0000
GREGORY J. * GAGNON, 0000
ROGER P. * GAGNON, 0000
JOHN S. * GAILLIARD, 0000
SCOTT J. GALAYDICK, 0000
JEFFREY S. * GALLAGHER, 0000
SEAN P. GALLAGHER, 0000
MICHAEL P. * GALLANT, 0000
ROBIN GALLANT, 0000
FRANCISCO M. GALLEI, 0000
BRIAN D. GALLO, 0000
MATTHEW C. GAMBLIN, 0000
ANTHONY S. GAMBOA, 0000
SHAWN M. * GANDER, 0000
ALEJANDRO R. * GANSTER, 0000
CHARLES M. * GAONA, 0000
JOSEPH E. * GARDENHOUR, 0000
DEREK C. * GARDNER, 0000
DWYNE L. * GARDNER, 0000
TED R. GATLIN, 0000
CHRISTOFF T. * GAUB, 0000
MARTIN P. GAUPP, 0000
OMAR * GAUTHIER, 0000
GREGORY A. * GAUTREAUX, 0000
TONYA M. * GENEWICK, 0000
ROBERT J. GIANNONI, 0000
LEONARD J. * GIAQUINTO, 0000
KIMBERLY M. * GIBELING, 0000
JANE E. GIBSON, 0000
ANGELA P. GIDDINGS, 0000
JOHN K. * GILBERT JR., 0000
BRYAN M. GILLESPIE, 0000
JOHN F. GILLESPIE JR., 0000
CHRISTOPHER W. GILMORE, 0000
JASON A. GIRARD, 0000
NICOLA P. GISMONDI, 0000
DAWN M. * GITHENS, 0000
CARINA R. * GIVENS, 0000
DAVID W. * GLASS, 0000
ROY G. GLASSCO, 0000
ERIC V. * GLASZ, 0000
DAVID R. * GLAUNER, 0000
JEFFRY W. GLENN, 0000
MARK D. GLISSMAN, 0000
JOHN C. * GLOVER, 0000
MATTHEW R. GLOVER, 0000
GREGORY J. * GOAR, 0000
BRIAN M. * GODFREY, 0000
MICHAEL D. * GODSEY, 0000
MICHAEL K. * GODWIN, 0000
ROBERT J. GOMEZ, 0000
KELLEY C. * GONZALES, 0000
LEONEL GONZALEZ, 0000
RICHARD D. * GONZALEZ, 0000
AENEAS R. * GOODING, 0000
STEPHEN A. GOODMAN, 0000
TIMOTHY A. * GOODROE, 0000
GARY E. GOOSEN, 0000
DUANE L. * GORDIN, 0000
KEVIN J. * GORDON, 0000
LANE B. * GOSS, 0000
ERIC C. GRACE, 0000
ALEX GRACIA, 0000
SCOTT E. GRAHAM, 0000
SCOTT R. * GRAHAM, 0000
ROBERT S. * GRAINGER, 0000
DONALD R. * GRANNAN, 0000
CARL H. * GRANT JR., 0000
DARREN P. GRAY, 0000
JEFFREY B. * GRAY, 0000
STEPHEN D. * GRAY, 0000
JAMES W. * GREATHOUSE JR., 0000
CRAIG A. * GREEN, 0000
MARCUS D. GREEN, 0000
MICHAEL R. * GREEN, 0000
NATHAN C. GREEN, 0000
STEVEN A. * GREEN, 0000
VINCENT A. * GREENER, 0000
RICHARD L. * GREENSLIT, 0000
MICHAEL P. * GREGORITSCH, 0000
ERICA STONE GREGORY, 0000
DAVID A. GREIN, 0000
JENNIFER S. GRESHAM, 0000
JON H. * GREUEL, 0000
ETHAN C. GRIFFIN, 0000
KEVIN S. * GROFF, 0000
STEPHEN C. GROTJOHN, 0000
SCOTT A. GROVER, 0000
MICHAEL GRUNWALD JR., 0000
NICOLE F. GUDIKUNST, 0000
ROBERT C. GUDIKUNST, 0000
MONICA P. GUERRA, 0000
DANIEL A. * GUINAN, 0000
SHAWN M. GUNTER, 0000
MARK T. * GUSTAFSON, 0000
MARTIN J. * GUTHRIE, 0000
CHARLES A. * GUTIERREZ, 0000
DIANA L. * GUYTON, 0000
LUCAS L. HAAK, 0000
GARRY A. HAASE, 0000
CHAD S. * HALE, 0000
DAVID S. * HALES, 0000
MICHELLE L. * HALL, 0000
WID D. * HALL III, 0000
DAVID L. HAMBY, 0000
STEWART A. HAMMONS, 0000
DIETER U. * HANEY, 0000
MICHAEL J. * HANLON, 0000
LOUIS W. HANSEN, 0000
DAVID G. * HANSON, 0000
KENT E. HARBAUGH JR., 0000
DANIEL P. * HARBOWY, 0000
CHARLES M. * HARDING JR., 0000
RICHARD J. HARGRAVE, 0000
DAVID F. * HARGY, 0000
CRAIG M. HARMON, 0000
RICHARD M. * HARMON, 0000
THOMAS D. * HARMON, 0000
MICHAEL J. * HARNER, 0000
SHAUN D. * HARRADEN, 0000
SEAN P. * HARRINGTON, 0000
CHRISTOPHER HARRIS, 0000
LARRY R. * HARRIS, 0000
LAWRENCE * HARRIS III, 0000
MARLENE A. * HARRIS, 0000
ROBERT J. * HARRIS JR., 0000
JASON J. HARRISON, 0000
RICHARD A. * HARRISON, 0000
STEVEN E. * HARROLD, 0000
CHAD JAMES * HARTMAN, 0000
MARY E. HARTMAN, 0000
ROBERT E. * HARTMANN, 0000
HOLLY M. * HARVEY, 0000
BRYAN K. * HASTY, 0000
BRIAN J. * HAUG, 0000
SHANE C. HAUGHIAN, 0000
JEFFREY D. * HAVLICEK, 0000
DANIELLE L. * HAWKINS, 0000
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RICHARD B. * HAYES JR., 0000
GARY T. * HAYWARD, 0000
BRIAN E. HAZEL, 0000
CHAD C. HAZEN, 0000
TREVOR D. HAZEN, 0000
BRIAN J. * HEAPS, 0000
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KEVIN D. * HECKLE, 0000
MICHAEL O. HEDENSKOOG, 0000
WADE S. * HEGELE, 0000
TIMOTHY J. * HEINTZELMAN, 0000
DWAYNE A. * HELTON, 0000
CHRISTOPHER M. * HEMING, 0000
BRIAN E. * HEMINGWAY, 0000
SHANE M. * HENDERSON, 0000
TAMARA J. * HENDERSON, 0000
TROY C. HENDERSON, 0000
REBECCA A. * HENDRIX, 0000
JOHN A. HENNINGS, 0000
DANIEL L. * HENSLEY, 0000
BRIAN A. * HENSON, 0000
KELLY A. HERD, 0000
KARLA J. * HEREN, 0000
DOUGLAS J. * HERMES, 0000
ERNESTO P. HERNANDEZ, 0000
JESSE D. HERNANDEZ, 0000
ERICH D. HERNANDEZBAQUERO, 0000
KERN S. * HERSCHELMAN, 0000
MARK D. * HESSE, 0000
DALE E. HETKE, 0000
WILLIAM D. HEUCK JR., 0000
VAUGHN R. HEYER, 0000
SCOTT G. HEYLER, 0000
TARAN S. * HICKIE, 0000
GEOFFREY P. HICKMAN, 0000
JUAN M. HIDALGO, 0000
MICHAEL R. HIDDESSEN, 0000
SAMUEL B. * HIGHLEY, 0000
ELDRICK L. HILL, 0000
SHARON M. * HILL, 0000
TRAVIS J. * HILL, 0000
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LESLIE F. HIMEBROOK, 0000
BRIAN A. HINSVARK, 0000
DAEMON E. * HOBBS, 0000
LANCE A. HOBSON, 0000
NATHAN E. * HODGE, 0000
BRADLEY K. HODGES, 0000
JAMES B. * HODGES, 0000
DEAN L. HOEKSTRA, 0000
KENNETH L. * HOFFMAN, 0000
LOUIS R. * HOFFMAN, 0000
TODD A. * HOHN, 0000
JOHN K. * HOLANI JR., 0000
GEORGE A. HOLLAND III, 0000
WILLIAM A. * HOLLAND, 0000
THROY D. * HOLLIS, 0000
RYAN D. * HOLLMAN, 0000
ANGELA P. * HOLMAN, 0000
ANDREW W. HOLMBERG, 0000
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BRETT L. * HOOVER, 0000
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DEBBIE L. * HORNE, 0000
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RICHARD D. HOYT JR., 0000
LANCE M. * HRIVNAK, 0000
DARRELL L. HUBBARD, 0000
STANTON Y. * HUBBARD, 0000
TODD A. HUDGINS, 0000
RICHARD E. * HUFFMAN JR., 0000
ROBERT C. * HUME, 0000
ROBERT S. * HUME, 0000
FREDERICK A. * HUNT JR., 0000
DEVIN E. * HUNTER, 0000
SCOTT W. * HURRELBRINK, 0000
BRITT K. HURST, 0000
JOSEPH R. HUSCROFT JR., 0000
GEORGE A. HUTCHINSON, 0000
DALE E. HYBL, 0000
ANGELA L. * HYRNE, 0000
SUSAN E. IDZIAK, 0000
BRIAN A. IGNOTOWICZ, 0000
ELIZABETH A. * IIJIMA, 0000
THOMAS S. * IMRICH, 0000
MICHAEL D. INGERSOLL, 0000
W. K. INNES, 0000
JONATHAN B. * IRELAND, 0000
GRANT L. IZZI, 0000
HAROLD L. * JACKMAN JR., 0000
BRIAN A. JACKSON, 0000
GARY L. * JACKSON, 0000
KI L. JACKSON, 0000
PETER E. * JACKSON, 0000
ROBERT D. JACKSON, 0000
ERIC J. * JACOBS, 0000
TIMOTHY E. * JACOBS, 0000
STEVEN D. * JACQUE, 0000
JAMES J. JAGODZINSKI JR., 0000
NICHOLAS L. JAHN, 0000
SHASHI S. * JAIRAM, 0000
KARLO M. * JAJLIARDO, 0000
JEROME M. * JAMES, 0000
BRIAN T. JANNEY, 0000
PETER G. * JANYSKA, 0000
NATHANIEL S. * JAROS, 0000
RICHARD L. JARRELL, 0000
CORY S. * JEFFERS, 0000
BLAKE W. * JEFFRIES, 0000
MATTHEW P. JEFSON, 0000
JEFFREY R. * JENKINS, 0000
BRIAN J. * JENRETTE, 0000
JONATHAN A. JENSEN, 0000
MERIELLEN C. * JOGA, 0000
BENJAMIN E. * JOHNSON, 0000
CURTIS W. JOHNSON, 0000
GARY S. * JOHNSON, 0000
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NIKKI G. JOHNSON, 0000
TRENT L. * JOHNSON, 0000
TROY D. * JOHNSON, 0000
JODIE L. * JOHNSONMICKS, 0000
MATTHEW L. JOHNSTON, 0000
PAUL A. * JOHNSTON, 0000
CURTIS D. * JONES, 0000
GREGG D. * JONES, 0000
JAMES C. JONES, 0000
JASON A. * JONES, 0000
JULIA J. * JONES, 0000
KENNETH M. * JONES, 0000
MICHAEL C. * JONES, 0000
MICHAEL K. * JONES, 0000
PAUL * JONES, 0000
SEAN S. * JONES, 0000
MARVIN R. * JORDAN, 0000
STEPHEN K. * JORDAN, 0000
TIMOTHY R. * JORRIS, 0000
STEPHEN F. JOST, 0000
KEVIN G. * JUDD, 0000
CRAIG E. * JUNEAU, 0000
LAURIE D. JURASZEK, 0000
JOHN W. JURGENSEN JR., 0000
KEITH A. * JUSTICE, 0000
LORI E. * KABEL, 0000
KIMBERLY A. KADRYNA, 0000
JAMES R. KAFER, 0000
SONG K. * KAGAN, 0000
HAROLD M. * KAHLER, 0000
STEVAN C. * KAIGHEN, 0000
KELLY P. * KANAPAUX, 0000
KERRY A. KANE, 0000
EDWARD A. KAPLAN, 0000
GREGORY G. * KARAHALIS, 0000
MICHAEL J. KARDOES, 0000
LISA M. KARY, 0000
STEPHEN J. * KASSEBAUM, 0000
NEIL W. * KASSEL, 0000
ALAN D. * KASTNER, 0000
MITCHELL A. KATOSIC, 0000
MICHAEL A. * KATZ, 0000
JAMES R. * KEEN, 0000
SEAN T. * KEENE, 0000
GREGORY S. KEETON, 0000
BRIAN T. * KEHL, 0000
MATTHEW C. KEIPER, 0000
RAYMOND C. * KELLERMANN, 0000
DAVID D. KELLEY, 0000
CHRISTOPHER L. * KELSOE, 0000
SCOTT D. KELTER, 0000

JOSEPH P. KENDALL, 0000
JAMES F. * KENNEDY, 0000
MICHAEL E. KENSICK, 0000
DAVID C. KENT, 0000
DAVID J. KENT, 0000
LANCE E. KENT, 0000
BRANNON E. KERR, 0000
DARRELL G. * KERR, 0000
SARAH A. KERWIN, 0000
BAHRAM * KHALIGHI, 0000
SCOTT M. KIEFFER, 0000
DAVID T. * KIES, 0000
DAVID A. * KIESELHORST, 0000
JAMES N. * KILLGORE, 0000
MARK R. * KILLIAN, 0000
VANETTA M. * KILPATRICK, 0000
SUZANNE M. KIM, 0000
TROY C. * KIMBALL, 0000
JAMES L. * KING JR., 0000
LAWRENCE D. * KING, 0000
MARCUS D. * KING, 0000
PAUL F. * KING, 0000
STEVEN R. * KING II, 0000
JOHN E. KIPP JR., 0000
CHRISTOPHER A. KIRBY, 0000
DAVID B. KIRBY, 0000
KEITH R. * KIRK, 0000
MICHAEL L. * KIRKMAN, 0000
PAUL D. KIRMIS, 0000
RICHARD S. * KLARICH, 0000
WILLIAM K. * KLAUSE, 0000
JOHN M. KLEIN JR., 0000
LEE E. KLOOS, 0000
JOHN T. KNACK, 0000
ERIC W. KNAPP, 0000
DANIEL J. KNIGHT, 0000
JASON L. * KNIGHT, 0000
SHANE A. KNIGHTON, 0000
MONTI L. * KNODE, 0000
BONITA A. * KNUCKLES, 0000
BRIAN K. KOBASHIGAWA, 0000
TROY D. * KOEPNICK, 0000
JEREMY D. * KOKENES, 0000
JASON T. * KOLER, 0000
RICHARD R. * KOLTAS, 0000
JASON E. KOLTES, 0000
MICHAEL D. * KONGOS, 0000
PAUL * KOPECKI, 0000
CHRISTOPHER J. KORNMESSER, 0000
WILLIAM C. KOSSICK, 0000
MICHAEL P. * KOSSOW, 0000
NICHOLAS T. KOZDRAS, 0000
CHRISTINA P. KRAG, 0000
JENNIFER R. * KRAMME, 0000
KENNETH R. * KRANZ, 0000
SCOTT A. KRAUSE, 0000
TIMOTHY A. KRAUSS, 0000
STEPHEN M. * KRAVITSKY, 0000
DAVID D. KRETZ, 0000
KEVIN C. * KRUEGER, 0000
BENJAMIN G. * KRUGGEL, 0000
JEFFREY R. KRUSINSKI, 0000
ERIC A. * KRYSTKOWIAK, 0000
THOMAS J. KULAS, 0000
SCOTT E. * KULKA, 0000
JOSEPH D. KUNKEL, 0000
THOMAS E. * KUNKEL, 0000
DAVID M. * KURLE, 0000
JEFFREY R. KUZMA, 0000
JEFFREY A. * KWOKA, 0000
CHRISTOPHER J. LACHANCE, 0000
JOHN A. * LACY, 0000
BOBBY R. * LADD JR., 0000
MICHAEL G. * LAFEVE, 0000
GABRIEL C. * LAJEUNESSE, 0000
JAMES P. * LAKE, 0000
JAMES A. * LAMB, 0000
JAMES W. * LAMB, 0000
KINGSTON * LAMPLEY, 0000
BRIAN J. * LANCASTER, 0000
RICHARD L. * LAND III, 0000
JONATHAN D. LANDIS, 0000
PATRICIA ANN * LANG, 0000
TROY D. * LANICH, 0000
JAMES D. * LAPIERRE, 0000
VINCENT G. LAPPANO, 0000
SHAWN D. LARCHER, 0000
MARC A. * LARUE, 0000
DANIEL T. LASICA, 0000
PENNY L. * LAUCKDUNLOP, 0000
STEVEN D. * LAUGHERY, 0000
KENNETH R. * LAVOIE, 0000
STAN D. LAWRIE, 0000
DOUGLAS W. * LEAMON, 0000
ANDREW W. * LEARN, 0000
ROBERT L. * LEARY, 0000
JASON W. * LEBLEU, 0000
JOHN W. LECLAIR JR., 0000
CLARENCE I. LEE, 0000
JAMES E. LEE JR., 0000
JIM H. LEE, 0000
MICHAEL J. LEE, 0000
GUINEVERE R. LEEDER, 0000
OLIVER K. LEEDS, 0000
ROBERT N. * LEEJOICE, 0000
CHRISTOPHER J. LEEMAN, 0000
JOHN E. LEIF, 0000
GREGG A. LEISMAN, 0000
KATHLEEN L. LEISMAN, 0000
CHRISTOPHER D. * LEMANSKI, 0000
TIMOTHY J. * LEMLEY JR., 0000
MARK D. * LEMONS, 0000
THOMAS A. * LENZ, 0000
DARRYL N. LEON, 0000
CONSTANDINOS LEONIDOU, 0000
LORI K. * LEVENSON, 0000
ROBERT J. * LEW, 0000
BRIAN D. LEWIS, 0000
JOHN T. * LEWIS IV, 0000
MELANIE M. LEWIS, 0000
REX S. LEWIS II, 0000
STEPHEN E. LEWIS, 0000
SUSIE G. * LEWIS, 0000
RODNEY D. LIBERATO, 0000
JOHN C. * LIEBL, 0000
RANDY D. * LIEBL, 0000
JOHN V. LILLER, 0000
LUIS F. LINARES, 0000
STEVEN N. LINDEMUTH, 0000
JEFFREY P. LINGENS, 0000
ROBERT M. LISCH, 0000
DON K. * LITTLE JR., 0000
GARRY M. * LITTLE, 0000
LOUIS C. LITTLETON III, 0000
CHERILYN * LOBASH, 0000
DOUGLAS R. * LOMSDALEN, 0000
MARC N. LONDON, 0000
DAVID B. * LONG, 0000
DAVID F. * LONG, 0000
FRANK J. * LONG, 0000
MICHAEL A. * LONG, 0000
SEAN A. LONG, 0000
TIMOTHY A. * LONG, 0000
WALTER J. * LOOMIS, 0000
MICHAEL E. * LOVE, 0000
DEBRA A. LOVETTE, 0000
JONATHAN E. * LOWE, 0000
FANG LU, 0000
RICHARD D. LUBEY, 0000
ROBERT T. * LUDEMAN, 0000
JOEL J. * LUKER, 0000
JEFFREY M. * LUTSKO, 0000
MICHAEL D. * LUZIUS, 0000
XUYEN QUOC LYHUYNH, 0000
CHAD M. * LYNCH, 0000
CHARLES E. * LYNCH III, 0000
TIMOTHY P. * LYON, 0000
JAMES G. * MACEACHERN JR., 0000
ROBERT B. A. * MACGREGOR, 0000
BRETT J. MACHOVINA, 0000
KENNETH R. MACIE, 0000
MORGAN D. MACKEY, 0000
CHRISTOPHER B. * MADDEN, 0000
MONICA G. * MADEROCRAVEN, 0000
MICHAEL K. * MADRON, 0000
TERRANCE * MAHON, 0000
AARON P. * MAINSTONE, 0000
ALEXANDER W. * MAJOR, 0000
DARREN R. * MAKELA, 0000
JAMIE A. * MAKI, 0000
ANTHONY J. * MALDONADO, 0000
DANIEL R. * MALIN, 0000
JONATHAN D. * MALONE, 0000
LLOYD A. MALONE, 0000
MICHAEL J. MALONE, 0000
JOHN C. * MANERI, 0000
WILLIAM M. G. * MANLEY, 0000
STEPHEN C. MANN, 0000
MICHAEL T. MANOR, 0000
RANDY B. * MARAJ, 0000
KENNETH A. * MARENTETTE, 0000
SEAN C. * MARLER, 0000
AUGUST J. MARQUARDT, 0000
BRIAN M. MARQUETTE, 0000
IAN P. * MARR, 0000
JOSEPH A. * MARROQUIN, 0000
JEFFREY W. MARSHALL, 0000
MATTEO G. * MARTEMUCCI, 0000
ALLEN K. * MARTIN, 0000
JEFFREY S. * MARTIN, 0000
JOHN R. * MARTIN, 0000
MATTHEW J. * MARTIN, 0000
STEVEN V. MARTIN, 0000
WILLIAM P. * MARTIN, 0000
FERNANDO * MARTINEZ, 0000
JOHN W. MARUSA, 0000
MICHAEL M. MARVICH, 0000
CC M. MASOTTI, 0000
ANTHONY J. MASTALIR, 0000
JOHN C. * MATCHETT, 0000
GUY W. * MATHEWSON, 0000
LEONARD A. * MATHIEU, 0000
JESSICA A. MATTHEWS, 0000
WAYNE E. * MATTINGLY, 0000
BRIAN E. MAUE, 0000
BRIAN A. * MAY, 0000
BRADLEY M. * MCALPINE, 0000
TIMOTHY J. * MCARTHUR, 0000
SHAWN B. * MCCAMISH, 0000
CRAIG A. * MCCARTY, 0000
DENISE * MCCASKILL, 0000
DOUGLAS E. MCCLAIN, 0000
CHRISTOPHER J. MCCLEARY, 0000
GREGORY A. MCCLEARY, 0000
KEVIN R. * MCCLUNEY, 0000
MATTHEW S. * MCCONNELL, 0000
DANA C. * MCCOWN, 0000
DWAYNE T. MCCULLION, 0000
JOHN D. * MCCULLOUGH, 0000
JOHN C. MCDANIEL, 0000
BRADLEY W. MCDONALD, 0000
THOMAS A. MCGEE, 0000
WILLIAM B. * MCGRAW, 0000
WILLIAM L. * MCGRAW, 0000
STEPHEN P. MCILVAINE, 0000
TIMOTHY S. * MCISAAC, 0000
KEVIN M. * MCLAUGHLIN, 0000
SEAN C. MCLAY, 0000
JEFFREY S. * MCLEMORE, 0000
DAVID S. * MCMILLAN, 0000
ROBERT J. * MCMURRY, 0000
MATTHEW E. MCQUINN, 0000
TIMOTHY T. * MCWILLIAMS, 0000
HERBERT P. * MEADOWS, 0000
THOMAS E. * MEANS, 0000
WAYNE A. * MEEKMA, 0000
WOODROW A. * MEEKS, 0000
DAVID C. MEGGETT, 0000
STEPHEN W. * MEGINNISS, 0000
JOHN S. MEITER, 0000
ROBERT A. MELZER II, 0000
ANDRE R. * MENARD JR., 0000
JEFFREY T. * MENASCO, 0000
KURT A. * MENCKE, 0000
DAMON L. * MENENDEZ, 0000
DONALD B. MENTCH, 0000
JEFFREY A. * MERCHANT, 0000
JEFFREY C. MERRELL, 0000
BRETT L. MERS, 0000
CARLOS R. MESSER JR., 0000
GREGORY J. * MEYER, 0000
AARON J. MEYERS, 0000
JOSEPH K. MICHALEK, 0000
CHRISTOPHER R. MICHALS, 0000
JONPAUL * MICKLE, 0000
ROBERT J. * MIDDLETON, 0000
MITCHELL D. MIGLIORI, 0000
KORWIN K. MIIKE, 0000
BRIAN D. MIKUS, 0000
MICHAEL T. * MILES, 0000
BRIAN M. * MILLER, 0000
BRYAN D. * MILLER, 0000
CAROL J. * MILLER, 0000
CAROLINE M. * MILLER, 0000
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THOMAS L. * MILLER JR., 0000
CHAD A. * MILLETTE, 0000
DAVID A. MINEAU, 0000
JACK L. * MINER, 0000
BYRON L. MIRANDA, 0000
ALEXANDER * MIRAVITE JR., 0000
DOUGLAS W. * MITCHELL, 0000
LAWRENCE W. MITCHELL, 0000
MARK S. MITCHELL, 0000
MARTIN R. * MITCHELL, 0000
MARK L. * MITCHEM, 0000
DONALD S. * MOCK, 0000
JAMES C. MOCK, 0000
DAVID K. MOELLER, 0000
FERNANDO MOLINA, 0000
THOMAS E. MOLOKIE, 0000
KELLI A. * MOLTER, 0000
VICTOR W. MONCRIEFFE II, 0000
MARK P. MONGILLO, 0000
FELIX MONTERO, 0000
ERIC M. * MOODY, 0000
JEFFREY G. * MOODY, 0000
KYLE T. MOORE, 0000
THOMAS P. MOORE, 0000
ROBERT G. * MOOSE, 0000
ROBERT C. * MOREA, 0000
III DEWITT * MORGAN, 0000
MICHAEL T. MORGAN, 0000
OWEN B. * MORGAN JR., 0000
SIMON R. * MORGAN, 0000
CHAD K. MORRIS, 0000
RANDALL S. * MORRIS, 0000
BRIAN J. MORRISON, 0000
ROBERT J. MORRISON, 0000
MICHAEL J. * MORTON, 0000
PEGGY MOSKALUK, 0000
DARIAN J. * MOTIVALA, 0000
JAMES V. MOTT, 0000
MICHAEL W. * MOYLES, 0000
PAUL J. * MOZZETTA, 0000
KEVIN M. MULLIGAN, 0000
KEVIN P. * MULLINS, 0000
MICHAEL W. * MULLINS, 0000
VERNON L. MULLIS, 0000
JOE D. * MUNGER, 0000
BRIAN S. * MUNOZ, 0000
MICHAEL E. * MURPHY, 0000
SEAN D. MURPHY, 0000
KEVIN D. MURRAY, 0000
PAUL J. MURRAY, 0000
ANDREW J. MUSER, 0000
JODIE MARIE MUSTIN, 0000
CHRISTINA K. * MUTH, 0000
LINDA M. * MUZQUIZ, 0000
ROBERT F. * MYERS JR., 0000
DAVID J. * NADEAU, 0000
JASON D. * NAHRGANG, 0000
KEVIN P. * NAMAN, 0000
JOSEPH E. NANCE, 0000
RONOJIT J. * NATHANIEL, 0000
VINCENZO N. P. * NAZZARO, 0000
ROBERT JAMES * NEAL JR., 0000
MICHAEL T. * NEEDHAM, 0000
LISA J. * NEIDINGER, 0000
GREGORY A. * NELMS, 0000
JOHN S. * NELSON, 0000
TYLER D. NELSON, 0000
GILBERT D. NESS, 0000
CRAIG W. * NEUZIL, 0000
LEO A. * NEVELL, 0000
STEVE E. * NEVILLE, 0000
JOHN P. NEWBERRY, 0000
RAYMOND R. * NEWBILL III, 0000
KENNETH L. * NEWBROUGH, 0000
KENNETH A. NGUYEN, 0000
JESSICA D. * NICHOL, 0000
NEIL G. NICHOLS, 0000
RODNEY H. NICHOLS, 0000
DAWN A. * NICKELL, 0000
MATTHEW J. NICOLETTA, 0000
BRIAN C. NICOLOSI, 0000
NATHAN L. NIEDERHAUSER, 0000

DANE R. NIELSEN, 0000
PETER M. * NIGRO JR., 0000
SCOTT A. * NIPPER, 0000
BARRY N. * NIXON, 0000
BRIAN J. NOE, 0000
JEREMY B. NOEL, 0000
BRIAN R. NOLA, 0000
TARA E. NOLAN, 0000
RIC K. * NORDGREN, 0000
ROGER M. NOREIGA, 0000
WILLIAM J. * NORTON, 0000
KRISTOPHER T. NORWOOD, 0000
PAUL C. * NOSEK, 0000
ROSS C. * NOVACK, 0000
KYLE A. * NOVAK, 0000
GREGORY E. NOWAK, 0000
JOHN P. * NOWAK, 0000
GREGORY S. * NOWLIN, 0000
SHAN B. * NUCKOLS, 0000
CHRISTOPHER P. * NUTTING, 0000
BRENDAN D. OBRIEN, 0000
WILLIAM M. * OCHOA, 0000
THOMAS J. OCONNELL JR., 0000
KEVIN E. * OCONNOR, 0000
WILLIAM N. * OCONNOR, 0000
RICHARD J. * OFCARCIK, 0000
MARTIN J. OGRADY, 0000
DONALD R. OHLEMACHER, 0000
JOHN A. OHM, 0000
STEVEN C. OIMOEN, 0000
ROMAN M. * OKRASINSKI, 0000
DAVID W. * OLANDER, 0000
JAMES A. OLDENBURG, 0000
NATHAN A. * OLIVER, 0000
NICHOLE E. P. * OLIVER, 0000
FELIPE * OLIVERA, 0000
SCOTT R. OLSEN, 0000
KRISTINE L. * OLSON, 0000
DENNIS * OM, 0000
THOMAS C. OMALLEY JR., 0000
KEVIN T. * OMEARA, 0000
MARK T. * ONEAL, 0000
BRYAN C. * OPPERMAN, 0000
MARK D. OREILLY, 0000
AARON G. * ORLUCK, 0000
PAUL H. * ORTH, 0000
REID N. * ORTH, 0000
ELIZABETH A. * ORTIZ, 0000
RYAN K. OSTEROOS, 0000
GUSTAV A. * OTTO, 0000
DAVID E. OUE, 0000
CHRISTOPHER J. OUELLETTE, 0000
CHRISTOPHER T. OWENS, 0000
LEE S. OWENS IV, 0000
ROBB E. * OWENS, 0000
NATHAN B. PADDOCK, 0000
MICHAEL D. PAKIZ, 0000
MARK S. * PALERMO, 0000
JAMES F. * PALUMBO, 0000
JOHN P. PANTLEO, 0000
DAVID R. PARKER, 0000
FRED C. * PARKER JR., 0000
MATTHEW A. PARKER, 0000
JEFFREY J. PARKS, 0000
PENNY E. PARMER, 0000
CHRISTOPHER R. * PARRISH, 0000
MICHAEL R. * PARRISH, 0000
MARK A. PARROTT, 0000
CHRISTOPHER W. PARRY, 0000
TIFFANY L. PASANEN, 0000
MATTHEW A. PASCO, 0000
ROBBIE J. PASSINAULT, 0000
ROBERT L. * PATA, 0000
JASON * PATLA, 0000
SAMUEL E. * PATRICK, 0000
WILLIAM T. PATRICK, 0000
JEFFERY S. PATTON, 0000
ROBERT L. PATTON, 0000
DANIEL C. * PAUL, 0000
JOHN G. * PAUL, 0000
DANIEL T. * PAWLAK, 0000
JEFFREY L. PAYNE, 0000
SCOTT L. * PAYNE, 0000
TODD A. * PEACHEY, 0000
TIMOTHY J. * PEARSON, 0000
PATRICK J. PELKINGTON, 0000
CRAIG D. * PELTZ, 0000
CORNELL A. * PENN, 0000
KEVIN M. * PENROD, 0000
PAUL F. PERKINS, 0000
LEON J. * PERKOWSKI, 0000
NESTOR L. PERONE JR., 0000
TERRI LYNN R. * PERONE, 0000
CRAIG M. PERRY, 0000
AMY G. * PETERSON, 0000
CHARLES H. PETERSON, 0000
JOHN C. PETERSON, 0000
PAUL L. * PETHEL, 0000
EVAN L. PETTUS, 0000
BENJAMIN D. * PHILLIPS, 0000
DANIEL R. * PHILLIPS, 0000
GRADY T. * PHILLIPS, 0000
IAN D. PHILLIPS, 0000
JEREMY C. PHILLIPS, 0000
WILLIAM M. C. * PHILLIPS, 0000
STEPHEN M. PIEPER, 0000
DAVID A. PIFFARERIO, 0000
CHRISTIANE J. PINDAT, 0000
WILLIAM F. * PING III, 0000
KELLY S. * PIRTLE, 0000
RYAN G. * PLUNKETT, 0000
CALLEY J. POARCH, 0000
ROBERT T. * POCHERT, 0000
RANDALL D. POLLAK, 0000
STEVEN A. * POLLIARD, 0000
PATRICK D. POPE, 0000
ANDREW C. POPIEL, 0000
MARK A. * POSTEMA, 0000
SHANE T. * PRATER, 0000
DOUGLAS G. PRATT, 0000
SHARON E. PRESLEY, 0000
HEIDI P. * PRIGGE, 0000
DAVID E. * PRITCHARD, 0000
BRIAN T. * PROULX, 0000
KERRY J. * PROULX, 0000
MICHAEL W. PRUCE, 0000
JEFFREY A. * PRUSS, 0000
MICHELS D. * PRYOR, 0000
JASON M. * PRYSTASH, 0000
MICHAEL J. * PUGSLEY, 0000
STEPHEN G. * PURDY JR., 0000
CHRISTOPHER D. * PURVIS, 0000
MARK B. PYE, 0000
RILEY F. * PYLES, 0000
CHRISTOPHER N. * QUAID, 0000
JASON A. QUEEN, 0000
CHRISTOPHER M. * QUIMBY, 0000
JAMIE J. * QUOLAS, 0000
CHRISTOPHER S. RACHAEL, 0000
ROBERT N. * RADABAUGH, 0000
CHAD D. * RADUEGE, 0000
DANIEL P. RADULSKI, 0000
HUGH M. * RAGLAND III, 0000
SOLEIMAN * RAHEL, 0000
BRIAN E. RALSTON, 0000
MICHAEL J. * RAMIREZ, 0000
ROBERT G. * RAMIREZ, 0000
COREY M. * RAMSBY, 0000
GERALD J. * RAMSEY, 0000
JACQUELINE G. * RANDOLPH, 0000
JOHN E. RANDOLPH, 0000
TOM M. * RANKIN JR., 0000
ANDREW G. RATLIFF, 0000
DANIEL E. * RAUCH, 0000
STEVEN L. * RAUDMAN, 0000
CHAD A. RAULS, 0000
WADE J. RAWLINS, 0000
MICHAEL J. * RAY, 0000
MICHAEL J. RAYNOHA, 0000
RENE C. * REBULANAN, 0000
JAMES D. * RECORD, 0000
CLIFTON D. * REED, 0000
MICHAEL G. REED, 0000
TYRONE A. * REED II, 0000
MARK J. * REENTS, 0000
THERESA A. REESE, 0000
BOB A. * REEVES, 0000
JAY B. REEVES, 0000
LAURA A. REGAN, 0000
ROMERO H. * REID, 0000
MARK D. REIMANN, 0000
JOHN J. * REIMER, 0000
ANDREW S. * REISENWEBER, 0000
JACK M. * REMBISZ, 0000
ROBERT A. REMEY JR., 0000
ROBERT S. RENFRO II, 0000
STEVE L. * RENNER, 0000
BRADLEY D. * RENNICH, 0000
JOHN E. * RENSEL, 0000
KEVIN H. * RESNICK, 0000
ANTHONY G. RETKA, 0000
DEBORAH L. REUTHER, 0000
RAUL * REYES JR., 0000
LEROY P. * REYNOLDS, 0000
ROBERT E. * REYNOLDS, 0000
JESSICA N. RHYNE, 0000
WILLIAM A. * RHYNE, 0000
DOUGLAS P. * RICE, 0000
JONATHAN C. RICE IV, 0000
GLEN S. RICHARDS, 0000
BRYAN D. * RICHARDSON, 0000
VINCENT T. RICHE, 0000
DAVID J. RICHIE, 0000
MICHAEL J. RICHMAN, 0000
LAURIE K. * RICHTER, 0000
CHAD A. RIDEN, 0000
MICHAEL G. RIDER, 0000
JODI M. * RILEY, 0000
WILLIAM J. * RILEY, 0000
CHRISTINE Y. RILOVICK, 0000
DANIEL J. * RISBERG, 0000
TILGHMAN L. RITTENHOUSE, 0000
NICHOLAS C. ROACH, 0000
STEVEN M. ROARK, 0000
CHARLES P. ROBERTS, 0000
CYNTHIA M. * ROBERTS, 0000
GLEN F. * ROBERTS, 0000
SEAN W. ROBERTSON, 0000
SEAN P. * ROBINSON, 0000
WILLIAM C. ROBINSON, 0000
BRETT M. * ROBISON, 0000
BLAINE L. ROCHLITZ, 0000
QUENTON L. * RODGERS, 0000
ROBYNN C. * RODMAN, 0000
ANTONIO E. RODRIGUEZ, 0000
ARNOLD * RODRIGUEZ, 0000
CHRISTINA M. RODRIGUEZ, 0000
DAVID * RODRIGUEZ, 0000
JOSEPH I. * RODRIGUEZ, 0000
VERONICA A. * RODRIGUEZ, 0000
PATRICIA RODRIGUEZREY, 0000
OSCAR RODSON, 0000
JAMES S. * ROE II, 0000
GARY L. ROEDIGER, 0000
STEVEN A. ROEHRICK, 0000
RYAN C. * ROGERS, 0000
JOSEPH A. ROLENC, 0000
SCOTT A. ROMBERGER, 0000
MARTIN D. * ROMIG, 0000
MICHAEL J. * ROONEY, 0000
TREVOR * ROSENBERG, 0000
SCOTT A. * ROTH, 0000
ERROL W. * ROTTMAN JR., 0000
PAUL C. * ROUNSAVALL, 0000
JOEL M. B. * ROUSEY, 0000
SEAN C. ROUTIER, 0000
JEFFREY B. ROWLAND, 0000
RUSSELL W. * ROWLAND, 0000
SCOTT J. * ROXBURGH, 0000
ROBERT D. ROY, 0000
TRICIA A. * RUHMANN, 0000
JAMES E. * RUMBLEY, 0000
MARK C. RUSK, 0000
TIMOTHY R. * RYAN, 0000
VINCENT M. RYDER, 0000
ALLAN C. * SACDALAN, 0000
CHRISTOPHER S. SAGE, 0000
RICHARD M. * SALASOVICH, 0000
BRYAN E. SALMON, 0000
ELLIOT J. SALMON, 0000
BENJAMIN REYES * SALVADOR JR., 0000
WILLIAM C. * SALVIA, 0000
GEORGE R. * SALYER III, 0000
CLAYTON W. * SAMMONS, 0000
SUSAN B. * SAMPLE, 0000
MICHAEL L. * SAMPSON, 0000
RYAN R. * SAMUELSON, 0000
JOSEPH M. * SANCHEZ, 0000
ALAN B. SANDERS, 0000
JAMES K. SANDERS, 0000
ROBERT D. SANDOVAL, 0000
JEFFREY H. SANDROCK, 0000
MARC J. SANDS, 0000
JOHN S. * SANFORD, 0000
NEIL T. * SANGER, 0000
ANTHONY J. SANSANO, 0000
GARY B. * SANTORO, 0000
JOSEPH C. SANTUCCI, 0000
MARK A. * SARAGOSA, 0000
THOMAS I. * SAVOIE, 0000
CHRISTOPHER G. * SAWYER, 0000
MICHAEL G. * SAWYER, 0000
JEFFREY A. * SCHAEFER, 0000
MICHAEL LANE * SCHAFFER, 0000
PAUL H. * SCHAUM, 0000
ERIKA A. SCHENAVAR, 0000
PRESTON S. SCHLACHTER, 0000
WILLIAM F. * SCHLICHTIG, 0000
TIMOTHY J. * SCHMAL, 0000
DONALD A. SCHMIDT, 0000
LANCE E. * SCHMIDT, 0000
JOAN M. * SCHMITZDAVIS, 0000
MICHAEL K. SCHNABEL, 0000
MARK A. * SCHRAMEK, 0000
MICHAEL D. * SCHRIPSEMA, 0000
JOHN P. SCHROEDER, 0000
LES A. * SCHROEDER, 0000
SCOTT A. * SCHROER, 0000
BRIAN A. * SCHUBERT, 0000
LAWRENCE J. SCHUH, 0000
MARTIN E. * SCHULTING, 0000
KIRK M. SCHULTZ, 0000
WILLIAM A. SCHUM, 0000
JOHN H. * SCHUTTE, 0000
GREGORY J. * SCHWABACHER, 0000
PAUL H. * SCHWARTZ, 0000
ANNA L. * SCHWING, 0000
RICHARD T. SCOTT, 0000
ROGER ALAN SCOTT, 0000
SEAN H. * SCOTT, 0000
GREGORY J. * SCOUGALL, 0000
CHRISTOPHER R. * SCRUTON, 0000
RANDALL A. * SECHLER, 0000
ROLAND E. SECODY, 0000
EDWARD C. * SEGURA, 0000
LONES B. SEIBER III, 0000
HARRY L. * SEIBERT JR., 0000
BRETT S. SEILING, 0000
SCOTT C. * SELCHERT, 0000
ATHIE L. * SELF, 0000
KEVIN C. * SELLERS, 0000
MARK A. SENG, 0000
JOHN D. SEUELL, 0000
SUZETTE D. SEUELL, 0000
JON M. * SHAFFER, 0000
BRYAN K. * SHARBER, 0000
RAMSEY F. SHARIF, 0000
ROBERT M. SHARPLES JR., 0000
ANTHONY G. * SHEA JR., 0000
DONALD G. SHEESLEY, 0000
RICHARD C. SHEFFE, 0000
MICHAEL L. * SHETLER, 0000
GLEN R. * SHILLAND, 0000
MARCUS J. * SHIPMAN, 0000
DAVID G. SHOEMAKER, 0000
DOUGLAS L. * SHORT, 0000
JASON E. SHROYER, 0000
THOMAS C. * SHRUM, 0000
SHAWN M. * SHUGARS, 0000
DEANNA M. * SICARD, 0000
MICHAEL J. SIERCO, 0000
JAMES W. SIKRA, 0000
JOHN D. * SILVERMAN, 0000
JEFFREY D. * SIMONS, 0000
DAVID G. * SIMPSON, 0000
STEVEN M. SIMS, 0000
DAVID S. * SINGER, 0000
KERI L. SINGLETON, 0000
MATTHEW A. SINNING, 0000
CHRISTOPHER W. * SIPE, 0000
DAVID M. SIRESS, 0000
TIMOTHY A. * SITES, 0000
KURT D. * SKINNER, 0000
MARK T. SKOSICH, 0000
GORDON K. * SLATON, 0000
STEPHEN M. SLOOP, 0000
ALISON E. SLUCAS, 0000
KENNETH G. * SMEENK, 0000
BRADLEY K. SMITH, 0000
CHAD A. * SMITH, 0000
CRISTIAN S. SMITH, 0000

DOUGLAS D. SMITH, 0000
GARY T. SMITH, 0000
JAMES E. C. * SMITH, 0000
JOHN P. * SMITH, 0000
JOHN T. W. * SMITH, 0000
KATHRYN E. SMITH, 0000
MARCIA C. SMITH, 0000
MATTHEW P. * SMITH, 0000
MICHAEL S. * SMITH, 0000
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NICHOLAS A. SMITH, 0000
PAUL P. SMITH JR., 0000
SHANE A. * SMITH, 0000
STEPHEN F. SMITH, 0000
SUSAN R. * SMITH, 0000
TREVOR W. SMITH, 0000
WESLEY P. SMITH, 0000
MARK K. * SNOW, 0000
MARK A. SNOWDEN, 0000
CHRISTOPHER J. * SOLO, 0000
REBECCA J. SONKISS, 0000
TITI SOO, 0000
NATHANIEL A. * SOUTHWORTH, 0000
CHRISTOPHER J. SOVADA, 0000
JENNIFER P. SOVADA, 0000
ANTHONY W. * SPADUZZI, 0000
ADRIAN L. * SPAIN, 0000
MICHAEL J. SPANICH III, 0000
BRADLEY L. SPEARS, 0000
DAVID B. * SPENCER, 0000
YVONNE S. SPENCER, 0000
SCOTT A. SPIERS, 0000
JEFFREY P. SPINNANGER, 0000
RICHARD A. * SPOSATO, 0000
DENNIS R. * SPRENKLE, 0000
STANLEY A. * SPRINGER, 0000
RONALD S. * SPROWLS, 0000
RICHARD G. * STACEY, 0000
KIRK N. * STAHLBAUM, 0000
JEFFREY D. * STANDS, 0000
DAVID L. * STANFIELD, 0000
GEORGE A. STANLEY, 0000
MARK L. STANLEY, 0000
WESTLEY D. STARK, 0000
DEVIN * STATHAM, 0000
GREGORY A. * STAVEN, 0000
JONATHAN A. * STECKBECK, 0000
STEVEN G. * STEEL, 0000
RICHARD V. STEELE, 0000
CRAIG S. STEFAN, 0000
TIMOTHY J. STEFFEN, 0000
WILLIAM F. * STEGEMERTEN, 0000
ROBERT W. STEINDL, 0000
MICHAEL J. STEPANIAK, 0000
JESSE S. * STEVENS, 0000
KENDAL A. * STEVENSON, 0000
ANGELA G. * STICKELS, 0000
WILLIAM J. * STOCKEL, 0000
JOHN D. STOCKWELL, 0000
KENNETH G. STOLTMAN, 0000
DAVID E. * STONE, 0000
LAURA M. * STONE, 0000
JERRY C. * STONECIPHER, 0000
CHARMAINE L. * STOREY, 0000
PATRICK D. * STOVALL, 0000
STEVEN T. STRAH, 0000
ERNESTA J. * STRAIT, 0000
TODD R. STRATTON, 0000
DOUGLAS J. * STRAUSS, 0000
CHRISTOPHER R. STRICKLIN, 0000
ANTHONY C. * STROUP, 0000
JON A. * STRUCK, 0000
ERIC H. STUBBS, 0000
MICHAEL C. SUERMANN, 0000
TERESA L. * SUH, 0000
WILLIAM D. SULLIVAN, 0000
TIMOTHY G. SUMJA, 0000
NORMAN C. SUMMERS, 0000
DONALD A. SUPON JR., 0000
RICHARD E. * SUTTER, 0000
CURTIS B. SUTTON, 0000
PHILLIP A. SUYDAM, 0000
SCOTT A. * SVEINSSON, 0000
JOHN F. * SWANAY, 0000
DONALD M. SWEENEY III, 0000
PHILLIP C. SWENSON, 0000
MARK S. * SWIATEK, 0000
ROBERT A. * SYLVESTER, 0000
PAUL G. * SZWEDA, 0000
JOSEPH L. * TAFFE, 0000
ANDREW J. * TALIERCIO, 0000
JAMES M. TAMURA, 0000
BRYAN C. * TAYLOR, 0000
DANIELLE L. * TAYLOR, 0000
DREW R. * TAYLOR, 0000
JASON W. TAYLOR, 0000
KIM N. * TAYLOR, 0000
PAUL R. TAYLOR JR., 0000
SCOTT T. TAYLOR, 0000
THOMAS A. * TAYLOR, 0000
JOHN D. * TAYMAN, 0000
LAURA L. TEAL, 0000
KENNETH J. * TEBBE, 0000
ARTURO J. * TECSON, 0000
MARY R. * TEETER, 0000
ERNEST J. * TEICHERT III, 0000
MICHAEL P. TERNUS, 0000
DARRYL L. TERRELL JR., 0000
JOSEPH C. TERRONES, 0000
JONATHAN L. * TERRY, 0000
HANS T. THATCHER, 0000
ALLEN L. * THIBEAUX, 0000
KELLEY A. * THIBODEAU, 0000
JEREMY L. * THIEL, 0000
DOUGLAS G. THIES, 0000
JOSEPH A. THILL, 0000
JOSEPH Y. * THOMAS, 0000
RICKY A. * THOMAS, 0000
CHARLES I. THOMPSON, 0000
JAMES E. THOMPSON, 0000
JONATHAN S. * THOMPSON, 0000
KEVIN V. THOMPSON, 0000
ROBERT S. * THOMPSON, 0000
SHAWN C. * THOMPSON, 0000
KERRY L. * TIDMORE, 0000
DAYMEN L. TIFFANY, 0000
JR. VASAGA * TILO, 0000
GREG E. * TITUS, 0000
GREG E. * TOBIN, 0000
STEVEN S. TODD, 0000
TONNEE M. TONNESEN, 0000
DAVID G. TOOGOOD, 0000
ROBERT J. * TOREN, 0000
JOHN M. * TORRES, 0000
JOSEPH P. TORRES, 0000
KYLE E. * TORSTER, 0000
BRIAN E. TOTH, 0000
GARY A. * TOWN, 0000
MICHAEL J. TOWNS, 0000
PHUONG T. * TRAN, 0000
THUAN H. * TRAN, 0000
WILLIAM D. TRAUTMANN, 0000
KEITH L. * TRAVIS, 0000
TIMOTHY J. * TREAT, 0000
JAMES P. * TRESEMER, 0000
DAVID A. * TREYBAL, 0000
JENNIFER R. * TRIEFLER, 0000
JACOB TRIGLER, 0000
RONALD P. * TROSCLAIR JR., 0000
CHRISTOPHER * TROTTER, 0000
RAYMOND T. T. TRUONG, 0000
JOHN E. * TRYON, 0000
RICHARD J. * TRZASKOMA, 0000
ERIC J. TUCKER, 0000
KELLY C. * TUCKER, 0000
STEVEN L. TUGGLE, 0000
TODD W. TUMIDANSKI, 0000
TEERA TONY * TUNYAVONGS, 0000
CHARLES W. * TURNER, 0000
JAMES A. * TURNER, 0000
UDUAK I. * UDOAKA, 0000
KENNETH R. * UHLER, 0000
KERRI L. * UHLMEYER, 0000
DANIEL S. ULMER, 0000
RYAN J. * UMSTATTD, 0000
GEORGE T. * UNSINGER, 0000
MICHAEL J. * VACCARO, 0000
DAVID M. * VACLAVIK, 0000
MACEDONIO * VALDOVINOS, 0000
JEFFERY D. * VALENZIA, 0000
WEEZENDONK JENNIFER H. * VAN, 0000
CHRISTOPHER J. VANDERSYS, 0000
BRIAN C. VANMATRE, 0000
MARK W. * VANMETER, 0000
TAD D. VANNAMAN, 0000
JASON A. VANVALIN, 0000
JAMES D. * VARDEN, 0000
SCOTT A. * VAUGHAN, 0000
MICHAEL S. * VAUGHN, 0000
DANIEL J. VEAL III, 0000
DENNIS R. * VEENEMAN, 0000
JOSEPH L. * VEIT, 0000
EDWARD S. * VEITCH, 0000
MICHELLE A. VESTAL, 0000
DONALD D. * VIEIRA, 0000
KRISTINE N. * VIER, 0000
DAVID C. * VILLAUME, 0000
MATTHEW C. VILLELLA, 0000
JOHN C. VINCENT, 0000
TRAVIS S. VIRES, 0000
FRANK S. * VIRGADAMO, 0000
DIANE E. VITAS, 0000
JASON A. VITAS, 0000
JODI M. VITTORI, 0000
CHRISTOPHER C. VOGEL, 0000
JOACHIM F. C. * VOGT, 0000
ERIC M. VOLD, 0000
DAVID M. VONDRAK, 0000
JOHN J. * VONOSTERHELDT, 0000
TIMOTHY D. * VOSS, 0000
KEVIN P. WADE, 0000
PATRICK C. * WADE, 0000
RICHARD J. WAGEMAN JR., 0000
SANDRA S. * WAGGLE, 0000
JAY P. * WAHLEITHNER, 0000
DONALD S. * WALKER, 0000
PAUL G. * WALKER, 0000
KARILYNNE * WALLACE, 0000
SR. DAVID J. WALLER, 0000
WILLIAM B. WALPERT, 0000
THOMAS B. * WALSH II, 0000
JENNIFER G. * WALSTON, 0000
JAMES W. WAMHOFF, 0000
DANIEL B. * WARD, 0000
DOUGLAS M. * WARE, 0000
CLINTON F. WARNER, 0000
SHAWN R. * WARNER, 0000
JASON A. * WARNICK, 0000
JENIFER B. E. * WARREN, 0000
WILLIAM B. * WARREN, 0000
JESSE M. * WASHBURN, 0000
BRADLEY DAVID * WATERS, 0000
DARRELL T. * WATKINS, 0000
TRACY R. * WATKINS, 0000
STEVEN G. WATSON, 0000
DANIEL E. WEAK, 0000
CHARLES H. * WEAVER, 0000
MICHAEL T. * WEAVER, 0000
WILLIAM T. * WEBB, 0000
MATTHEW J. * WEHNER, 0000
PETER J. * WEIDNER, 0000
GEOFFREY F. WEISS, 0000
HEWETT S. * WELLS, 0000
DUSTIN C. WELSH, 0000
CHRISTIAN A. WENDLER, 0000
KURT A. WENDT, 0000
TREVOR A. * WENTLANDT, 0000
SHELDON S. * WERNER, 0000
ALAN J. WESENBERG, 0000
TRACY L. WEST, 0000
DEANNA L. * WESTENHAVER, 0000
SCOTT A. WESTON, 0000
MICHAEL R. * WHALEN, 0000
PATRICK J. * WHELAN, 0000
ANTHONY D. * WHITE, 0000
PATRICK J. * WHITE, 0000
ROBERT T. * WHITE, 0000
WILLIAM P. * WHITE III, 0000
RANDY C. A. WHITECOTTON, 0000
MICHAEL F. * WHITEHEAD, 0000
TREVOR J. * WHITEHILL, 0000
JILL L. * WHITESELL, 0000
LANCE D. WHITFILL, 0000
PAUL H. * WHITMORE, 0000
MICHAEL G. WHYTE, 0000
CURTIS J. WICHERS, 0000
JEFFREY C. * WIEMERI, 0000
RICHARD T. * WIGLE, 0000
JOHN B. WILBOURNE, 0000
ROBERT D. * WILFONG, 0000
LANCE A. WILKINS, 0000
CHRISTOPHER J. * WILL, 0000
BRENT D. * WILLIAMS, 0000
CHRISTOPHER S. * WILLIAMS, 0000
DARIN L. WILLIAMS, 0000
DAVID B. WILLIAMS, 0000
SHON P. WILLIAMS, 0000
TIMOTHY P. * WILLIAMS, 0000
BRETT A. WILMORE, 0000
DONALD S. * WILSON, 0000
JAMES S. * WILSON, 0000
REGINA S. * WINCHESTER, 0000
BRIAN K. WINKLEPLECK, 0000
JOHN W. * WINKLER, 0000
WILLIAM R. * WINSTEAD, 0000
JOSEPH R. WIRTHLIN, 0000
WAYNE L. * WISNESKI, 0000
MICHAEL F. WITTROCK, 0000
THOMAS Q. * WOFFORD, 0000
AMY * WOLF, 0000
JASON Z. WOLLARD, 0000
GREGORY R. WOOD, 0000
MARK F. WOOD, 0000
ZACHARY A. WOOD, 0000
WILLIAM A. * WOODALL JR., 0000
KENNETH P. WOODCOCK, 0000
WILLIAM A. * WOOLF, 0000
MARK D. * WORKMAN, 0000
BLAINE J. * WORTHINGTON, 0000
ERIC W. WRIGHT, 0000
JONATHAN L. WRIGHT, 0000
JOSEPH B. WURMSTEIN, 0000
ALBERT J. * WYKOFF III, 0000
ALEXANDER M. WYLIE, 0000
SAXON T. YANDELL, 0000
SARAH H. YANG, 0000
HEATHER H. * YATES, 0000
JEFFREY L. * YEATMAN, 0000
KENNETH E. YEE, 0000
KYON R. * YI, 0000
JOHN A. * YOCUM, 0000
SANG H. YOO, 0000
BANTA M. * YORK III, 0000
BRIAN J. * YOUNG, 0000
MICHAEL B. * YOUNG, 0000
RICARDO D. * YOUNG, 0000
RANDY JOSEPH * YOVANOVICH, 0000
HELEN H. * YU, 0000
YOUNGKUN S. * YU, 0000
JAMES * YURACK, 0000
ROEL ZAMORA, 0000
SCOTTIE L. ZAMZOW, 0000
JOHN P. * ZAPATA, 0000
ZACHARY B. ZEINER, 0000
DEAN E. * ZEZEUS, 0000
JAMES J. ZIRKEL, 0000
STEVEN M. ZUBOWICZ, 0000
WILLIAM A. ZUTT, 0000

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JOHN B. MUNOZATKINSON, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

COLIN D. SMITH, 0000

CONFIRMATION

Executive nomination confirmed by the Senate September 4, 2003:

THE JUDICIARY

STEVEN M. COLLOTON, OF IOWA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT.

WITHDRAWALS

Executive message transmitted by the President to the Senate on September 04, 2003, withdrawing from further Senate consideration the following nominations:

MIGUEL A. ESTRADA, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT, WHICH WAS SENT TO THE SENATE ON JANUARY 7, 2003.

KERRY N. WEEMS, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, WHICH WAS SENT TO THE SENATE ON JULY 22, 2003.