

place at this time. We will proceed with the debate later in the afternoon.

Mr. DEWINE. Mr. President, I take back my time. I look forward to working with Senator LANDRIEU to try to accommodate the concerns she has. I know she is well intentioned, certainly dedicated to the children of the District of Columbia, as I talked about earlier today.

I believe the bill before us is a good bill. I believe the scholarship program before us is a good scholarship program. I believe it is clearly constitutional. I believe it is a good program in the sense, as I discussed earlier this morning, that it is value-added. It is a balanced program. It is a program that provides a third of the money for scholarships for the children, \$13 million. This is all new money, \$13 million new money for the District of Columbia schools, and \$13 million additional money for charter schools. It is a three-pronged approach, a very balanced program. I think the language is good language. The bill before us is a good bill.

In deference to my colleague, with whom I have worked so very closely on this bill over the last few years, certainly we can take some more time to see if it is possible to reach any kind of compromise or accommodation with regard to any additional language that would satisfy her. I am more than happy to take some time to try to do that. I do believe we have a good bill right now. It is a bill that I think is good for the children of the District of Columbia.

Mr. WARNER. Mr. President, I rise today in support of the limited private school choice provisions in the District of Columbia Appropriations bill.

As you know, private school choice, also commonly known as a voucher, refers to the use of public money to allow a limited number of students to attend a K-12 private school.

As a strong supporter of our Nation's public schools, I certainly appreciate the views of those who believe that public money should be used to improve only public schools.

However, as a member of the Senate's Education Committee, I also strongly believe that if our educational system is to improve, as needed, we cannot remain stuck in the status-quo. We must look for innovative ways to improve our schools. While providing additional money into an educational system can help—money alone is never enough.

I commend the Mayor of Washington, DC—Mayor Anthony Williams—who along with others have all come together in support of an innovative idea to improve the educational system in the District of Columbia: an infusion of money into the public school system along with a limited private school choice option for the District of Columbia.

How fortunate we are to have the leadership of Mayor Williams in the District of Columbia.

The legislation before us does just what Mayor Williams has requested. It adds an additional \$40 million in education spending in the District. \$27 million of that \$40 million will go to the District's public schools and charter schools. The remaining \$13 million will be used for the limited private school choice option provided in this bill.

And while some may be critical of spending \$13 million on private school choice, I believe it is important to view this money in the context of other education spending.

In comparison to the \$13 million we will spend in this bill on private school choice, the Federal Government currently spends about \$12.5 billion on the Pell Grant program. And as we all know, the Pell Grant Program provides grants to students to help them afford the cost of tuition at an institution of higher learning, regardless of whether the institution is a public or private one.

Similarly, the proposal before us today will allow certain low-income students in the District to attend private K-12 school.

More specifically, the school choice provisions in this legislation will provide scholarships of up to \$7,500 to allow 2,000 low-income students the opportunity to attend private school.

These scholarships will be sufficient in dollar amount to cover the cost of tuition at approximately two-thirds of the private schools in the District. It is my hope that the remaining one-third of private schools in the District, whose tuition is more expensive than \$7,500 a year, will consider making special exceptions to also open their doors to the low-income students in the District who are scholarship recipients.

In my view, the proposal supported by Mayor Williams and put forth in this legislation is a win-win situation. The school system gets more money and low-income students are given a unique educational opportunity.

Over 50 years ago, I was given a similarly unique opportunity to obtain a quality education as I was a recipient of the GI bill. The education that I was fortunate enough to receive as a result of the GI bill has allowed me to achieve most of the dreams to which I have aspired. Without the GI bill, I certainly would not be standing here today.

Similarly, the private school choice proposal before the Senate today will provide certain students in the District with an opportunity to receive a strong education. And, along with that education, these scholarships will provide these students the same opportunity I had to achieve my goals in life.

I commend the work and leadership of the chairman, Senator DEWINE, my colleague in the Virginia congressional delegation, TOM DAVIS, Mayor Anthony Williams, the local media, and other philanthropists and community leaders who have worked closely together in support of this private school choice initiative.

It is my intention to support this limited private school choice initia-

tive, and I urge my colleagues to do the same.

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

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

MORNING BUSINESS

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate be in a period for morning business until 2 p.m.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. DOLE). Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. DEWINE. Madam President, I ask unanimous consent that the Senate remain in morning business until 3 o'clock.

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

Mr. DEWINE. 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.

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

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

Mrs. FEINSTEIN. Madam President, I ask unanimous consent to speak for up to 10 minutes.

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

Mrs. FEINSTEIN. Thank you very much, Madam President.

DO NOT CALL REGISTRY

Mrs. FEINSTEIN. Madam President, I come to the floor because I have just learned of a decision made by an Oklahoma district judge that the National Do-Not-Call registry is invalid. This is amazing to me.

This is the result, apparently, of a lawsuit filed by the Direct Marketing Association, U.S. Security, Chartered Benefit Services, Global Contact Services, and in InfoCision Management Corporation challenging the Federal Trade Commission's authority to implement the wishes of millions of

Americans who have gone on the Federal Trade Commission's web site and signed up to say to telemarketers they don't want to be called.

I would like to read into the RECORD a statement of FTC Chairman Timothy Muris. He said:

Late last year, the Federal Commission issued rules creating the National Do Not Call Registry under the Telemarketing and Consumer Fraud and Abuse Prevention Act. On February 13, 2003 the Congress passed the Do Not Call Implementation Act, which authorized the FTC to collect fees from sellers and telemarketers to "implement and enforce the provisions relating to the 'do-not-call' registry." The President signed this bill on March 11, 2003. Moreover, on February 20, 2003, the President signed the Omnibus Appropriations Act, which authorizes the FTC to "implement and enforce the do-not-call provisions of the Telemarketing Sales Rule."

Despite this clear legislative direction, the U.S. District Court for the Western District of Oklahoma has ruled that the FTC exceeded its authority in creating the National Do Not Call Registry.

This decision is clearly incorrect. We will seek every recourse to give American consumers a choice to stop unwanted telemarketing calls.

This registry is due to go into effect in a week. A Federal judge has essentially prevented it from going into effect. In a week, tens of millions of Americans who have registered their names not to be called by telemarketers are going to find out that it is all a myth. They are going to get called in any event. I think they are going to be very angry.

I also believe this decision strikes a blow against the basic privacy interests of millions of Americans. Presently, these people are subjected to unwanted marketing calls to their homes at all times of the day, including the dinner hour. The FTC's Registry will give Americans who want to avoid these unsolicited sales pitches an option to stop their telephone from ringing.

As I mentioned, tens of millions of Americans have registered more than 50 million phone numbers for this program. Ultimately, the Federal Trade Commission expects 60 percent of the Nation's households with approximately 60 million home phone lines to sign on to the registry. This registry is crucial because it puts consumers in charge of the number of telemarketing calls they receive. Telemarketers who disregard the Registry could be fined up to \$11,000 per call.

The district court today ruled that the Do Not Call Registry is "invalid"—that is the word the judge used in his decision—because it was created without congressional authority.

This conclusion I find surprising since Congress passed H.R. 395, the Do-Not-Call Implementation Act on February 13th of this year. The legislation clearly authorizes the Federal Trade Commission and the Federal Communications Commission to collect fees sufficient to implement the Registry. And the Appropriations Committee granted \$18 million for the program.

I also note that the FTC's rule came after the most extensive deliberations. The FTC announced its plan to proceed with the Registry on December 18, 2002, after receiving 64,000 comments. The overwhelming majority of these comments favored the creation of the Registry. Millions of Americans were promised protection from annoying, unwanted telemarketing calls starting October 1. They are truly going to be outraged by this.

There are two ways of going about this. The first is to let the FTC appeal the case, which they have just said they are going to be in the process of doing. The other is to perhaps unanimously adopt and pass legislation which clearly authorizes, specifically authorizes—and in bold letters authorizes so that no Federal judge can misunderstand it—and get this done as quickly as we can. I have asked my Judiciary counsel to prepare this legislation. We will be submitting it before the end of the day.

I would like to invite all of my colleagues to join as cosponsors. Then, hopefully, we will be able to move this through very quickly, particularly in view of the fact that we believed we did authorize it earlier, the President did sign it earlier this year, and we believed it was a concluded issue.

I ask unanimous consent to have printed in the RECORD the judgment of the Western District Court of Oklahoma which finds that the portion of the final amended rule that pertains to the National Do Not Call Registry is invalid.

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

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA
U.S. SECURITY, ET AL., PLAINTIFFS, VS.
FEDERAL TRADE COMMISSION, DEFENDANT
NO. CIV-03-122-W—JUDGMENT

Pursuant to the Order filed this date, the Court finds that judgment should be and is hereby entered as a matter of law in favor of the plaintiffs, U.S. Security, Chartered Benefit Services, Inc., Global Contact Services, Inc., InfoCision Management Corporation and Direct Marketing Association, Incorporated, on the plaintiffs' claims that that portion of the Final Amended Rule that pertains to the national do-not-call registry is invalid. The Court further finds that judgment should be and is hereby entered as a matter of law in favor of the defendant, Federal Trade Commission, on all remaining claims asserted by the plaintiffs.

Dated at Oklahoma City, Oklahoma, this 23rd, day of September, 2003.

Lee R. West, *United States District Judge.*

Mrs. FEINSTEIN. Madam President, I have concluded within the 10 minutes. I thank the Chair. I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2004—CONFERENCE REPORT

Mr. COCHRAN. Madam President, I ask unanimous consent that the Senate now proceed to the consideration of the conference report to accompany H.R. 2555.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Madam President, reserving the right to object, we have been in touch with Senator BYRD, who is co-manager of this bill, and he has no objection to proceeding to this conference report. He simply wants to be able to be heard prior to our scheduling a vote on adoption of the conference report.

I have no objection.

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

The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2555), making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same, with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 23, 2003.)

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, it is my honor and pleasure to present for the Senate's approval today the conference report on H.R. 2555, the fiscal year 2004 Homeland Security Appropriations Act. As all Senators know, this is an historic occasion. Not only is this the first appropriations bill for the new Department of Homeland Security, but it is also the first of the 13 fiscal year 2004 appropriations bill conference reports to be presented to the Senate.

The conference agreement provides total new budget authority for the new Department of \$34.9 billion, including \$4.7 billion in advance appropriations for future fiscal years. Of the amount provided for fiscal year 2004, \$29.4 billion is for discretionary programs. This is approximately \$1 billion more than the level requested by the President. It is also \$890 million more than the Senate-passed bill level, due to inclusion in the conference report of \$890 million in fiscal year 2004 funding for bio-defense countermeasures, so-called BioShield, as recommended in the House bill and the President's recently submitted revised budget request.

To further strengthen the capacity of the Nation's first responders to prepare for and respond to possible terrorist