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## Senate

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. STEVENS].

### PRAYER

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

Let us pray.

Eternal Spirit, Your righteousness is like the mighty mountains, Your justice like the ocean depths. You clothe the meadows and provide carpet for the valleys.

Lord, You have given us the new chapter of another week with opportunities and challenges. We have opportunities to build bridges and to mend the defective. But we face the challenges of a world filled with divisive forces that desecrate and destroy. May the things

that unite us overcome the powers that divide us.

Today, bless Your servants in this place with patience. Remind them that laudable goals usually take time. Slow us down, Lord, that we may take time to appreciate Your many blessings. Keep us from feelings of futility and may we feel the uplift of Your everlasting arms. We pray in Your holy Name. Amen.

### PLEDGE OF ALLEGIANCE

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

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

### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

### SCHEDULE

Mr. MCCONNELL. Mr. President, today the Senate will resume consideration of the VA-HUD appropriations measure. We were unable to reach an agreement for finishing the bill, and it is unclear how much further progress we can make on this bill. At this time, we will continue with the bill this afternoon and make a determination later today as to whether the Senate can complete action on this important measure.

### NOTICE

If the 108th Congress, 1st Session, adjourns sine die on or before November 21, 2003, a final issue of the Congressional Record for the 108th Congress, 1st Session, will be published on Monday, December 15, 2003, in order to permit Members to revise and extend their remarks.

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By order of the Joint Committee on Printing.

ROBERT W. NEY, *Chairman.*

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



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Under a previous order, beginning at 4:30 p.m. today, the Senate will begin 1 hour of debate prior to the vote on invoking cloture on the FAA reauthorization bill. It is hoped that cloture will be invoked and that the Senate can complete its work on the conference report today. Again, that vote is expected around 5:30 this afternoon.

Also later today, the Senate will conduct a 1-hour debate on the issue of jobs and the economy. There will be two Members from each side of the aisle engaged in that debate, and all Senators are encouraged to be present for the discussion.

As a reminder, two cloture motions were filed with respect to the nomination of Thomas Dorr to be Under Secretary of Agriculture for Rural Development. Those cloture votes will occur tomorrow morning, and Senators will be notified of the exact timing of those votes.

Finally, on behalf of the majority leader, I remind everyone this is expected to be a busy workweek in the Senate. There are a number of important conferences that have been completed and others that will be finished shortly. These legislative matters will be scheduled as soon as they are available so the Senate may adjourn at the earliest possible time. All Senators should adjust their schedules for a busy session as we approach what will very likely be the final week of this session.

#### RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The acting minority leader is recognized.

Mr. REID. Mr. President, through the Chair to the distinguished majority whip, is there some estimate as to when we would get to the conference reports on Energy and Medicare?

Mr. MCCONNELL. Mr. President, I say to my friend from Nevada, it is a little bit difficult to ascertain exactly when, but we hope the Energy bill might be ready by Wednesday. We are going to work as hard as we can to get those measures ready for consideration in the Senate certainly this week. Hopefully, we can get to Energy by Wednesday.

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

Mr. REID. Mr. President, I hate to broach the subject because last time it didn't work out as well as I had contemplated, but I hope if something comes up that we can't finish our work on Friday, we will go over into the weekend because everyone believes they would rather work—I don't know about everyone—most people believe they would rather work this weekend knowing we don't have to come back until after the first of the year. I hope the leadership on the other side will keep that in mind and alert Senators that we may have to work Saturday and maybe even Sunday to get out of here for the Thanksgiving holiday and the year generally.

Mr. MCCONNELL. Mr. President, I say to my friend from Nevada, I think that is a widely held sentiment on this side of the aisle as well. It will be vastly more desirable to wrap it up this week, even if this week means a longer week than normal, than to carry it over to next week or certainly December. We are going to be pushing to complete the business of the Senate this week. This week ideally would be Friday, but it could end up being Saturday or later. It is our goal to wrap up this session of the 108th Congress this week.

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

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

#### MORNING BUSINESS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business until 1:30 p.m. with Senators permitted to speak therein.

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

Mr. JEFFORDS. Mr. President, like every loyal Red Sox fan, I believe that next season my team will be victorious. I bring this same level of optimism to my efforts to reduce the amount of wasted resources and litter caused by discarded beverage containers.

I rise today to speak again to the National Beverage Producer Responsibility Act of 2003, the bottle bill, convinced that this is our year.

I have long been an advocate for increased recycling. Vermont passed its bottle bill in 1972 when I was state attorney general. In 1975, during my first session as a Representative in the U.S. House, I introduced a national bottle bill, closely resembling Vermont's very successful example. Last Congress, as chairman of the Environment and Public Works Committee, I convened the first Congressional hearing in many years on recycling, in which the committee heard expert testimony on the merits of a national program to recycle beverage containers.

The reason that I continue to push this issue is simple—it makes sense. Beverage container recycling is one of the simplest ways to see a dramatic improvement in our environment. As this chart shows, 120 billion—let me repeat, 120 billion with a “b”—beverage containers were wasted by not being recycled in 2001.

If we could raise the Nation's recycling rate to 80 percent, we would save the equivalent of 300 million barrels of oil over the next 10 years and eliminate 4 million tons of greenhouse gas emissions annually. States that have en-

acted bottle bills also have benefited by reducing road side litter by up to 84 percent.

These savings may sound unrealistic. But in Vermont alone, recycling efforts in 2001 reduced greenhouse gas emissions by 94,000 metric tons of carbon equivalent. That's equal to approximately two-thirds of all industrial carbon dioxide emissions from fossil fuel combustion in Vermont and 4.5 percent of greenhouse gas emissions. To me, those savings sound remarkable.

Why a refundable deposit program? Thirty years of experience demonstrates that refundable deposit bottle bills are dramatically more effective than voluntary efforts. As this chart illustrates, the ten States that have implemented deposit laws recycle more containers than all of the other 40 States combined.

While I applaud curbside and other voluntary recycling efforts, the 71 percent of Americans who live in non-bottle bill States account for only 28 percent of recycled beverage containers. My bill, the National Beverage Producer Responsibility Act of 2003, strikes a balance between the wishes of industry, the authority of individual States, and the needs of a healthy environment.

Unlike traditional bottle bills, this legislation would fully harness market incentives by setting an 80 percent recovery performance standard and allowing industry the freedom to design the most efficient deposit-return program to reach the standard. States that already have bottle bills will retain their authority to continue their programs in their own individual ways as long as they meet the national performance standard.

This past Saturday, November 15, 2003, was America Recycles Day in Vermont and across the country. Two years ago, to help commemorate the 2001 America Recycles Day, I participated in a public service announcement to raise awareness regarding the need to buy recycled goods.

The importance of recycling deserves, however, more than a 30-second public service announcement and more than its own day on the calendar. For it to work, recycling must be a commitment of all of ours each and every day of the year.

Vermont's commitment to recycling has provided some impressive statistics. For example, in 2001, 31 percent of Vermont's municipal waste was diverted from landfills. That year, 13,260 tons of containers were recycled through soft drink and beer distributors and materials recovery facilities.

The benefit of these programs is, of course, that they help keep our Green Mountains green.

I commend and thank Governor Jim Douglas for his many recent initiatives to encourage and improve the efficiency of recycling across Vermont. For example, under Governor Douglas' leadership, Vermont has implemented beverage container recycling programs at 20 State information centers.

In the first phase, in less than 2 months, over 200 pounds of aluminum, glass, and plastic were recovered from 51,000 visitors passing through one such information center in Williston, VT. And today, the U.S. Senate's other Vermonter, PATRICK LEAHY, joins me and Senators JOSEPH LIEBERMAN, DANIEL AKAKA, and JOHN KERRY as original cosponsors as I introduce the National Beverage Producer Responsibility Act of 2003.

I recommend that all take advantage of this wonderful system we have in Vermont and in other States. I ask everyone to take a close look and see if we wouldn't be much better off if the rest of the country follows suit.

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

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

Mr. JEFFORDS. I ask unanimous consent to speak in morning business for up to 10 minutes.

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

#### ENVIRONMENTAL PROVISIONS IN THE CONFERENCE REPORT ON H.R. 6

Mr. JEFFORDS. Mr. President, the conference report on H.R. 6, the comprehensive energy legislation, was released over the weekend. As the ranking member of the Environment and Public Works Committee, I have come to the floor today to share my deep concern that this bill will endanger our environment and unfairly benefit special interests.

The final conference report contains provisions that significantly change environmental law and undermine long-standing environmental protections. It is my sincere hope that the conference will remove many of these provisions during their meeting today.

The Environment and Public Works Committee, on which I serve, has jurisdiction over environmental matters, and we were not consulted in the development of any of these provisions.

This bill drastically rewrites existing clean air law. It postpones ozone attainment standards across the country. This is a matter never considered in either House or Senate bill that has been inserted into the conference report. By inserting this language, the conference will expose the public to dangerous air pollution emissions for far more time than under existing law. Several Federal courts have already struck down regulatory proposals similar to the provisions in the conference report as violations of the Clean Air Act.

The gasoline additive MTBE, which is known to contaminate groundwater, would have been phased out in 4 years

in the Senate bill. This conference report extends the phaseout for a decade and includes provisions that would allow the President to decide to continue the MTBE use.

This bill provides legal immunity to large petrochemical companies from "defective product" liability arising from the contamination of groundwater supplies by the gasoline additive MTBE.

It also terminates a lawsuit filed by the State of New Hampshire by reaching back to provide immunity as of September 5, 2003. This language allows a contaminating product to be used, possibly indefinitely, and provides communities with no fiscal remedies to clean it up.

As a further subsidy to the industry, the bill exempts all construction activities at oil and gas drilling sites from coverage under the runoff requirements of the Clean Water Act.

This means that contaminants, such as toxic chemicals, grease, and other pollutants from oil and gas drilling, will end up in our waterways.

Conferees have also removed hydraulic fracturing, an underground oil and gas recovery technique, from coverage under the Safe Drinking Water Act. This is a process in which water, sand, and toxic chemicals are injected under high pressure into oil- and gas-bearing rocks, potentially polluting drinking water supplies.

This bill suspends these existing drinking water protections, even though courts have found that hydraulic fracturing should be regulated to protect the public health.

Also, the conferees have included language to speed up energy exploration and development at the expense of environmental review and public participation on both Federal and non-Federal lands. The public will have less time to review and consider the impact of these projects.

When these reviews occur, oil, gas and geothermal energy companies can be reimbursed through credits against future royalties payable to the taxpayer for the costs of undertaking environmental assessments. These provisions subsidize energy development on our public lands.

The conferees have also included provisions that mandate specific timeframes and deadlines for agency decisions on Federal oil and gas leases. This would establish oil and gas development as the dominant use of our Federal public lands.

Our other Federal lands are at risk of becoming electric transmission corridors with this bill as well. The Department of Energy can open new areas for transmission line construction, harming the wildlife, water quality, recreational and other values we have sought to protect for years.

My colleagues should know that this is not an exhaustive list of the environmental provisions of concern in this bill.

In almost every title, there are significant changes to long standing envi-

ronmental law and policy. In addition, important issues which received majority support in the Senate, such as a Renewable Portfolio Standard for electricity, requirements to reduce our dependency on foreign oil, and adoption of sensible climate change policy, have been dropped.

While I support the establishment of a comprehensive energy policy for the United States, we should not use the final energy bill as a means to roll back important environmental protections.

This bill will not promote energy self-sufficiency, will not promote it, and will cause environmental damage. It is my sincere hope that these unwise provisions will be removed, and I urge my colleagues to consider seriously the environmental effects of this legislation in making their final decisions regarding whether or not to support this measure when it come before the Senate.

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

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

Mr. KENNEDY. Mr. President, I ask unanimous consent to speak as if in morning business.

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

#### MEDICARE PRESCRIPTION DRUG BENEFIT

Mr. KENNEDY. Mr. President, I wanted to take a short time this afternoon to talk about some of the concerns that I have on the recently agreed to proposition on the Medicare prescription drug agreement that was reached over the course of the weekend.

As we are anticipating this measure which is now being examined in terms of the Congressional Budget Office estimates and the legislative language that is being prepared, I expect that we will be addressing it at the end of this week or sometime in the very near future. I want to at least bring some focus and attention to some of the provisions in the legislation that haven't gotten the focus and attention they deserve, which they should have, and which I hope our Members will give study.

There is no truer indication of a nation's priorities than the investment it makes, and the legislation the Senate considers today I believe squanders a historic opportunity with a disregard for the Nation's health, particularly for our seniors. There is a provision in this bill dealing with a \$12 billion slush fund to lure HMOs into Medicare.

Let's see if I have the reasoning behind this fund right. The supporters of

the legislation are so concerned that HMOs can provide health care to seniors more efficiently than Medicare that they give HMOs a \$12 billion pay-off so they can compete. If they are so efficient, why do they need the hand-out? I guess the sponsors of the legislation believe a 9 percent reimbursement bonus for HMOs is not enough. In this legislation there is the assurance the HMOs will get a 9 percent increase over Medicare in reimbursement rates.

In addition, there is what they call a stabilization fund which is effectively a \$12 billion slush fund which will also be available to subsidize the HMOs.

That package adds up to a rather extraordinary benefit to the HMOs. The bill calls for competition between Medicare and the HMOs. Yet in this agreement private plans are going to get paid 109 percent of traditional Medicare reimbursements. And, those enrolled in HMOs are 16 percent healthier. That cumulatively is a 25 percent bonus to the private sector to compete with Medicare, without even considering the \$12 billion slush fund. Our friends on the other side say we want competition in this system. Yet they are giving them the 25 percent advantage in order to compete with Medicare.

The bill that passed the Senate was a prescription drug bill that had bipartisan support, with 76 Members for it. I was proud to stand here and support it. But now we basically have the restructuring of our Medicare system. We do it in a way that provides a fundamental risk to the Medicare system. That is why I am opposed to this agreement and the proposal.

I have given one illustration of why this proposal that is strongly supported by our friends in the House is going to weight this agreement so heavily for the HMOs and the PPOs. They talk about a fair playing field between the private sector and the Medicare. That is hogwash. In the Senate bill we passed a prescription bill. It had real competition for all parts of the country with a backup system of Medicare, but not in the proposal that comes out of the conference.

I remind our seniors the 25 percent bonus that is going to the HMOs is effectively being paid by our seniors today in the Medicare premiums. They are the ones, on the one hand, who are paying into this fund; on the other hand, it is the conference report that is effectively taking the 25 percent and giving it over to the private sector.

And we wonder why seniors might be somewhat concerned about that arrangement. Do Members think the seniors at home will not ask: Why aren't we using all that money to either make sure the benefit package is a stronger benefit package to help me, to help my family, or to help my grandparents? The decision made in the conference was no, we insist on "competition." But they are going to take the 25 percent, which has been paid in dollar by dollar by hard-working Amer-

icans over a lifetime that they thought was going to be put into the Medicare system, and we are going to use that to subsidize the private sector. I hope we will have a chance for explanations.

Second, there is a provision included in this conference that was not included in the Senate proposal, premium support. I never heard the President indicate strong support for it, or those who speak for the President. I don't think a great many of our colleagues are able to define what premium support is, but they will learn about it soon enough if they vote for this legislation. Premium support is a proposal that is primarily sponsored by those who are opposed to the Medicare system.

Let's make no bones about it. There are a number of other colleagues who are still strongly opposed to Medicare. That is no mystery, no secret. This proposal puts forward one of their strongest beliefs—that we need to change the Medicare system—I say undermine the Medicare system—with premium support. What that means is the averaging of various premium bids to determine the Medicare system reimbursement rate. The difference between what the Medicare system reimburses and what real cost is going to be paid by the individual. The premium support proposal does what the insurance companies do best, and that is cherry pick the healthiest senior citizens for their plans so they are able to make money, and leave those who are sicker and older in the Medicare system where the premiums will rise.

I will demonstrate with this chart. This is the Medicare actuarial estimates of the disparity of the premium support, what the premium would be under the proposed legislation. The national average of the current law is \$1,200. Several years ago, the estimate under the premium support was \$1,771. The new average this year is \$1,501. How do we know what the true estimates will be? Premium support is untested, untried, unworkable. We are playing roulette with premium costs for our senior citizens. This is a social experiment that uses our seniors as guinea pigs. That is what premium support is.

Look at the difference, say, if you are in Florida. The agreement reached said by the year 2010 the Secretary will be able to designate six metropolitan statistical areas that qualify. Currently, half the States have those areas. With the kind of subsidies we are providing in this legislation, by the year 2010, I doubt whether there is any State that will not have the opportunity to qualify. I hope our colleagues listen carefully to that because this diversity in premiums is going to come to your State and you are going to have to explain why a senior in one county, who pays same taxes, worked just as hard all his life, and who deserves Medicare, has to pay twice as much as his neighbor in the next county over in premiums for Medicare.

Medicare is a universal system that guarantees everyone will be treated equally, according to their medical needs. This legislation turns that proposition on its head and makes your Medicare benefits dependent on where you live and what will help private insurance companies the most.

This is the House Budget Committee, the Medicare actuarial data. The difference if we have premium support in Florida, what the premiums would be 1 year in Dade County and another year in Osceola, FL: Double the premium for the Medicare patients living in Dade; half that for those in Osceola. Now that is in Florida.

Take premium support in California. If you live in Los Angeles, \$1,700; in Yolo, CA, \$775.

It is just based on where you live. You have lived there all your life. You have your home. You have paid your taxes. You have brought up your children, and you have retired, and you find you are going to pay \$1,700 for your premium; and someone in Yolo County, CA, is going to pay \$775. Why? Because of this new concept of premium support.

It will happen in every State. For New York City, the Medicare actuaries' estimate that in Queens, seniors would pay \$2,000, but only \$975 in Erie, NY, because that is the estimate of what the premiums will be with competition in New York.

Try to explain that to your seniors who have lived their life, who have served this country, brought the Nation out of the Depression, fought in the wars, are living back home, and find out their premiums have increased 100 percent or 200 percent or 300 percent.

This is not just what I am saying about premium support, these are the Medicare actuaries. This information comes to us from testimony given before the Finance Committee.

Here we have figures from my home State of Massachusetts: \$1,450 in Barnstable, \$1,000 in Hampden, MA. So, \$400 more if you live down in Barnstable County, in Cape Cod, than the center part of the State.

So if you support this proposal, and you support the premium support, then you are going to have to explain to your constituents and to your elderly people that if they live in one community, they may be paying double what their neighbors are paying in another community.

What this proposal puts forward has never been tried. It has never been tested. And it is mandated—mandated—in this compromise from the House of Representatives. It is mandated in this bill.

You will hear the other side saying: Senator KENNEDY has not got it quite right. You will hear them say: We put a restriction in there, they can only go up 5 percent this year. Five percent this year, 10 percent the next year, 50 percent the year after.

Let's get real. Look at the direction in which we are going. This proposal

has heavy subsidies for the HMOs and a roll of the dice on the premiums for our senior citizens. And that is not even the beginning.

Currently, of our 40 million seniors, there are 6 million who have Medicare but also who have what they call Medicaid to those who are very poor, we are talking about 100 percent of poverty or below. Those beneficiaries have to pay copayments for medical care. Most of the States pick up those copayments. That is what is existing today.

Do you think that is going to continue under this bill? No. No, no. No, no, that does not continue under this proposal. That is actually prohibited under this legislation.

There will be 6 million of our seniors who are getting help and assistance from their States today who will be prohibited from getting it under this proposal. Why? This all saves the money—probably \$9 to \$12 billion—to use for other purposes.

If you come from a State with large numbers of very poor, and where the State is paying that \$1, \$3, \$5, in terms of the prescription drugs, it does not sound like a lot of money. But if seniors need that drug two or three times a week, it piles up every week, it piles up every month, and it piles up every year.

Why does the conference bill do that? Why in the world did they do that? It was not in the Senate bill. It was in the House bill, and it was accepted in the conference.

Now we come back to those who are the very needy and the very poor, and we see many of our elderly who are excluded from this program with what we call an asset test.

The asset test is basically the following: If you own a car that is worth more than \$4,500, you have a wedding ring worth \$2,300, you have \$6,200 in savings, and you have a burial plot that is worth more than \$1,500, all that is considered in terms of your assets to exclude you from being eligible for benefits targeted to the poorest of the poor.

The Senate bill said that low-income people could get the assistance they needed without going through a cruel and demeaning assets test.

Senators from New Mexico, Mr. BINGAMAN and Mr. DOMENICI offered an amendment, which passed by 67 votes, to reaffirmed the Senate's desire not to penalize people because they managed to save a small amount of money during their working lives. I was proud of the Senate, of Republicans and Democrats alike, for recognizing that if we were going to pass a prescription drug bill, it ought to be targeted on the neediest of the needy. But the bill put forward by this conference went in the opposite direction and restored that cruel and demeaning assets test.

We had a good bill. We did not provide these large subsidies to the PPOs and the HMOs. We did not have premium support program that so threatens, undermines and endangers Medi-

care. No, no, we did not have those. Ours was basically a prescription drug program focused on the neediest seniors built on private sector delivery with a backup in terms of the Medicare system. That was the compromise.

But not here. The conference needed more money to pay for what they call health savings account, the medical savings account, which they have put in this particular conference report, at the cost of anywhere from \$6 to \$7 billion, draining our national deficit even more and adds to the total cost of the legislation.

Health savings accounts are designed for the healthiest and wealthiest people in our society leaving the sickest and poorest of the workers in this country in the private sector where their premiums could be increased by 20 to 30 to 40 percent. As the debate unfolds, we will be presenting further estimates on this. It was best estimated, from the Urban Institute, at 60 percent increases.

This conference report gives us a whole new kind of a system. We have the heavy subsidizing of private plans with 25 percent more being paid for by seniors. We have the experimental system where you are going to have those enormous swings in premiums all over the country without any predictability, and it is untested and untried. We have the cutting back of 3 million of the neediest people because of the reimposition of the asset test. We have the introduction of the health savings account which is going to skew the health delivery system for millions of workers and the young people in this country.

Many people are going to bail out of their traditional system, and leave their coworkers, who may have greater kinds of health threats, to pay a very enhanced premium and also enhance the premium of the companies themselves.

What are we talking about with this legislation? Let's add it up. Of the about 10 to 12 million American workers who now have retiree accounts, under this proposal, the best estimate is that 2 to 3 million of those who are covered today will lose that, according to CBO.

We heard the estimate—this was a real good one—that up to 30 percent of those who were getting coverage were going to lose it. And then some of our Republican friends said that is too much, that is too many, so let's expand the base, which they did. Let's include all the Federal employees. Let's include other groups in there to lower the percentage. Now they come out and say: I know it was 33 percent before; now it is only 12 or 14 percent.

The total numbers are the same. You are going to lose the 3 million.

This is what we have: 6 million Medicaid beneficiaries who now have wrap-around coverage; they are going to be paying more. You have 2 to 3 million retirees who lose their coverage. They are going to be hurt by this legislation.

We have 6 million people in the untested, untried premium support demonstration. Add that up, 15 million of the elderly and disabled are going to be impacted or affected by this program. At the same time we are talking about billions of dollars in the slush fund for the PPOs. We are talking about the health savings accounts, which are billions of dollars, that the taxpayers are going to end up paying. Then we have the asset test which is going to exclude many of our seniors.

This legislation has been altered and changed. It was a prescription drug program when it passed the Senate with strong bipartisan support. Now it is a Medicare Program. At the heart of this program are the kinds of instruments that can undermine Medicare and threaten our seniors now and in the years to come. It doesn't deserve to pass.

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. BOND. 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. BOND. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business with Members permitted to speak up to 10 minutes.

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

#### MEASURES PLACED ON THE CALENDAR—S. 1862, S. 1863, S. 1864, S. 1865, S. 1877

Mr. BOND. Mr. President, I understand there are five bills at the desk, and they are due for a second reading. I ask unanimous consent that the clerk read the titles of the bills en bloc for a second time.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will read the bills by title.

The assistant legislative clerk read as follows:

A bill (S. 1862) to provide certain exceptions from requirements for bilateral agreements with Australia and the United Kingdom for exemptions from the International Traffic in Arms Regulations.

A bill (S. 1863) to authorize the transfer of certain Naval vessels.

A bill (S. 1864) to enhance the security of the United States and United States allies.

A bill (S. 1865) to enhance the security of the United States and United States allies.

A bill (S. 1866) to enhance the security of the United States and United States allies.

Mr. BOND. I would object to further proceedings en bloc.

The PRESIDING OFFICER. The objection is heard. The bills will be placed on the calendar.

Mr. BOND. 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. Mr. 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. Mr. President, is the Senate in morning business?

The PRESIDING OFFICER. The Senate is in morning business.

#### SMALL ENGINE POLLUTION

Mrs. FEINSTEIN. Mr. President, I will make my remarks as if in morning business, but my remarks pertain to the HUD-VA bill, and in particular to the small engine provision of that bill.

If Members will remember, the Senator from Missouri, in the Appropriations Committee, placed an environmental rider into the HUD-VA bill which would prevent California from moving forward with its regulation to regulate off-road engines under 175 horsepower. The State has developed a regulatory scheme to do so because these engines were a substantial part—17 percent—of the mobile source pollution in the State, and it was believed by the California Air Resources Board that regulation of these engines could be achieved and, in fact, could reduce pollutants considerably.

On the floor of the Senate, the Senator from Missouri offered an amendment to his amendment from committee. The new language which changed the amendment, in my view, making it better, by only affecting engines under 50 horsepower. I spoke against his amendment in the Appropriations Committee. I did not press for a vote on the small engine amendment which he offered on the floor largely because I thought we would lose it and that we had a better chance of trying to remove the language from the bill in conference.

The bill has been pre-conferenced. Sadly, we have not been able to remove that language from the bill. I am told today that if I were to submit the amendment we had prepared which would eliminate the Bond amendment in its entirety, I would not be allowed a vote on that amendment. I believe the rationale is because I agreed to go to conference. I had only because I didn't want to lose on the floor and I thought I didn't have the votes.

Since that time, a number of States have realized that their regulatory schemes would also be impacted by this provision. Other States would be affected because the 1990 amendments to the Clean Air Act essentially said that California has the ability to regulate these engines, and other States may then take various components of that regulation and enact them as their own State law if they so choose. Since last week, a number of States have weighed in indicating they have regulatory regimes underway that would be affected

and that they are opposed to the Bond amendment. Nonetheless, we are where we are.

I have come to the floor today simply to speak about why I think this is so egregious—and I do think it is egregious. I believe it is the first major setback from the clean air amendments of 1990, and specifically from the amendments allowing States to regulate air quality for the protection of their own people. By eliminating this, we are taking important rights away from the States certain rights and diminishing the States' ability to take care of their own people.

As the fire chiefs have said to me in a letter, if they waited for the Federal Government to regulate bedding and upholstery, they would be still be waiting for that regulation. Instead, the States have taken it on their own to make those regulations. The people of California are much safer because of it.

Let there be no doubt. I believe very strongly that this small engine provision should be removed from the bill and that we should restore the States' rights to protect public health under the Clean Air Act.

On the surface, the amendment that was adopted on Wednesday looked like a substantial improvement. At the time I thought it was an improvement simply because it dropped from 175 horsepower to 50 horsepower. However, the amendment still blocks all States from regulating some of the dirtiest engines out there.

The States will lose the ability to reduce pollution from all spark-ignition engines smaller than 50 horsepower. This includes lawn and garden equipment, some forklifts, recreational boats, off-road motorcycles, and all-terrain vehicles. The original small engine provision would not have affected boats or off-road motorcycles. But the amendment adopted on Wednesday is broad enough to affect a whole new group of engines.

This provision will take four California regulations off the books. My State will lose regulations on lawn and garden equipment, recreational boats, and off-road motorcycles.

I don't know whether the effects on additional engines were intentional or not. We told the Senator from Missouri about them and the language did not change.

But I want to point out another important fact about the amendment adopted on Wednesday. The language requires the U.S. Environmental Protection Agency to propose a new national regulation by December 1, 2004. It does not require the EPA to finalize that regulation, ever. They could propose a regulation and never finalize it. The one promising part of this amendment guarantees nothing. The States need to reduce these emissions now.

I want to remind my colleagues just how dirty these engines are. You will see here that mowing the lawn produces as much pollution as driving a car for 13 hours. I didn't know that be-

fore. I didn't know that if you mow your lawn for 1 hour it is like driving the automobile for 13 hours.

This chart shows how long you would have to drive a car to produce as much pollution as when you operate various types of equipment for one hour.

In other words, using a weed trimmer for 1 hour produces as much pollution as driving a car for 8 hours, mowing a lawn for 1 hour produces as much pollution as driving a car for 13 hours, and operating a forklift for 1 hour produces as much pollution as driving a car for a full 17 hours.

Clearly, this is a problem. In 8 hours a person can drive from Washington to Charleston, SC. Or he can mow the lawn for an hour and produce just as much pollution. The States need to be able to clean up these engines.

The small engine provision is bad for the States and for public health. The compromise from last week did not change the substantive issues.

The small engine provision is still using an appropriations bill to make fundamental changes to the Clean Air Act. It is an environmental rider on the HUD-VA bill. It has had no authorization. It has had no hearing. It does not belong in this bill.

The amendment from Wednesday still takes a longstanding right away from the States. States with serious air pollution need to be able to reduce emissions from these engines. The 1990 amendments to the Clean Air Act guarantee the States the right to do so. This provision overturns that right without even going through the proper channels.

Under the compromise, my State alone will lose the right to regulate over 4 million cars' worth of pollution. That is what is being taken away—access to 4 million cars' worth of pollution. That means the State is most likely going to have to tighten regulations on stationary sources, which is going to mean more expense to major industries in the State of California. That means job loss in other industries.

I cannot see how building cleaner engines should cost jobs to individuals at one company when every other company has said they will be able to build the engines without job loss. Because Briggs & Stratton does not like one California regulation, every State in the Union is going to permanently lose the right to reduce pollution from these engines. States with serious pollution problems need to be able to reduce these emissions or risk harming public health and losing transportation funds.

This provision affects every single State, not just California. For example, I understand that New York has already adopted the California regulation affecting recreational boat motors. New York will lose that regulation because of this provision.

Eight southeastern States—Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee—have all written a

letter opposing this provision. The letter clearly states that any compromise that does not fully restore the State's rights is unacceptable to those States.

Mr. President, I ask unanimous consent that the November 10 letter from the Southeastern States Air Resources Managers be printed in the RECORD following my remarks.

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

(See exhibit No. 1.)

Mrs. FEINSTEIN. Thirdly, States still need flexibility to improve air quality. One size-fits-all solutions just do not work. We should not force every State to rely on national regulations. National regulations move too slowly and are often just not strong enough for States with a lot of pollution.

We have heard a lot about unfunded mandates lately in the Senate. We have given the States a duty to protect public health. The small engine provision does not change the States' responsibility but it takes away a mechanism by which they might comply with this mandate. This provision, in a sense, creates another unfunded mandate.

The amended provision still creates a very bad precedent. I don't think one company should be allowed to overturn States' rights under the Clean Air Act, especially when that company said on their annual report to the Securities and Exchange Commission on September 11, 2003, that the disputed regulation would not "have a material effect on their financial condition or results of operations, given that California represents a relatively small percentage of Briggs & Stratton's engine sales and increased costs will be passed on to California consumers."

This is their 10-K, their report to the Securities and Exchange Commission, from just 2 months ago. Where does the truth really lie? If California is just a small part of the company's market and the company will just pass on the costs, why does Briggs & Stratton object to the California regulation and insist on changing the Clean Air Act? It makes no sense.

I believe people will pay the necessary costs for cleaner engines. I believe that people will pay for cleaner lawnmowers when they learn that you have to drive your car for 13 hours to produce as much pollution as your lawn mower does in 1 hour.

Every company and every industry needs to do their part to protect public health. Briggs & Stratton should be no different. We should not allow them to pass the buck to other industries.

Once again I will quote from a letter from Allen Lloyd, the Chairman of the California Air Resources Board, about this provision. According to Mr. Lloyd, . . . the aggregate impact of the 50 hp [horsepower] exemption will be 70 tons per day of smog by 2010, the date by which California's various offroad regulations would have been fully effective. This tonnage impact is over

and above Federal regulations for the same emission sources and reflects California's more health-protective rules. For context, 70 tons per day is equivalent to adding 2.4 million cars to California roadways . . .

So when the conference committee includes this provision in their conference report, they are effectively adding 70 tons of pollutants to California's air each day. The California Air Resources Board has also said that this provision could well result in the death of more than 300 people per year in California alone.

California already has seven non-attainment areas, more than any other State. My State has the worst air quality in the country, and now this provision is taking away the State's right to regulate some of the dirtiest engines available. It is a strike at the core of States' rights under the Clean Air Act.

The small engine provision also threatens our economy. California has to reduce emissions from these engines to comply with air quality requirements under the Clean Air Act. Taking away the State's right to reduce emissions threatens our State Implementation Plan, with serious economic consequences.

Violating the State's plan will jeopardize \$1 billion in transportation funds per year in Southern California alone. The South Coast could lose those funds next summer. The South Coast has the worst air quality in the nation and cannot afford to lose \$1 billion per year in transportation funds.

Statewide, this provision threatens \$2.4 billion in transportation funds. And this is just in California.

So this has huge ramifications for my State and every other State facing serious pollution. They will all be in a serious situation in the future when the time comes and they find their hands are tied because one company did not want to build cleaner engines.

It has become clear that the supporters of the small engine provision have confused two very different ideas. Just because a group is concerned about the California regulation on lawn and garden equipment does not mean they support the small engine provision.

The California Association of Fire Chiefs has expressed important safety concerns about a specific regulation. But the chiefs have also clearly said they oppose the small engine provision because of its affect on States' rights. The Fire Chiefs understand the importance of state leadership on these issues. To quote the chiefs' November 11 letter in reference to the small engine provision:

We were never asked to comment on this matter, but for the record, we do not support legislation that would interfere with a state's ability to protect its own citizens.

Mr. President, I ask unanimous consent that the Fire Chiefs' letter from November 11 be printed in the RECORD following my remarks.

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

(See exhibit 2.)

Mrs. FEINSTEIN. Mr. President, I do not quite know what to do. I would very much like to have a vote on this matter. I have tried to importune the conferees. I am told the Governor of California, Mr. Schwarzenegger, now inducted as Governor, has indicated his support for the removal of this amendment. It is my understanding that a whole panoply of States oppose this provision.

It is clear to me this is a bad thing. It is clear to me this is going to set back the cause of clean air. It is clear to me this is going to impact youngsters and the elderly with asthma and other lung diseases. It is clear to me that it is going to impact our transportation dollars. It is clear to me that by 2010, because of one company, California is going to have deal with 70 additional tons of smog per day. None of this needs to happen.

I regret that I cannot send an amendment to the desk. I regret I am not being allowed a vote on the amendment. But this is the wrong thing to do.

I yield the floor, Mr. President.

EXHIBIT 1

SOUTHEASTERN STATES AIR  
RESOURCE MANAGERS, INC.,

November 10, 2003.

Hon. ZELL MILLER,  
Dirksen Senate Office Bldg.,  
Washington, DC.

DEAR SEN. MILLER: Southeastern States Air Resource Managers, Inc. (SESARM), representing the directors of the southeastern state air pollution control agencies in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee, is writing this letter to encourage your support of the removal of a position introduced by Senator Bond in S. 1584, the Fiscal Year 2004 VA, HUD and Independent Agencies Appropriations Bill. The provision would amend Section 209(e)(1)(A) of the Clean Air Act to curtail a state's authority to reduce emissions from diesel and gasoline off-road equipment and engines.

While Senator Bond's proposed provision regarding the off-road engines apparently was intended to address rules adopted only in California, it will limit the ability of all states to solve serious public health-related air quality problems. Senator Bond's proposal revises a very important provision of the Clean Air Act which allows states to adopt engine emission standards more stringent than the federal standards as long as appropriate federal review processes are followed. Congress wisely put this provision into the Act to give states the ability to deal with serious air quality problems across the country. SESARM opposes the impact of the Bond proposal on this important provision.

Please note that other compromise amendments which fall short of fully restoring Section 209(e)(1)(A) are, in our opinion, unacceptable and will constrain states as discussed above. SESARM and your state air pollution control agency would appreciate your support of removal of the Bond Amendment from S. 1584.

Sincerely,

JOHN E. HORNBACK,  
Executive Director.

## EXHIBIT 2

CALIFORNIA FIRE CHIEFS ASSOCIATION,  
November 11, 2003.

Sen. DIANNE FEINSTEIN,  
Hart Senate Office Building,  
Washington, DC.

DEAR SEN. FEINSTEIN: The California Fire Chiefs Association (CFCA) has been expressing concerns about the potential fire hazard posed by catalytic converters that may be required for certain lawnmowers and other outdoor power equipment. In just the past few days, our concerns seem to be receiving significant attention.

After further investigation we have determined that there were some misunderstandings between CFCA representatives and the California Air Resources Board (CARB) as it relates to the regulations.

The fire safety issues we raised need more attention and require independent assessment before engineering and production decisions are made. In our most recent discussions with CARB, they support the idea of an independent study, and have proposed moving forward with a study, much the same as what is now underway with catalytic converters being used in marine applications. We enthusiastically support this idea, and will be working closely with CARB, the State Fire Marshal, and the US Environmental Protection Agency to ensure that all fire safety concerns are addressed. We wish to make clear that we regard fire safety and environmental quality as being equally important, and wish to make it clear that we support without reservation the air quality goals of the proposed requirements. We support the regulation moving forward as we have received assurances from CARB that our safety concerns will be addressed through the independent study.

Finally, we understand that as a separate matter, the Senate is debating the question of whether states are free to develop safety and environmental standards. We were never asked to comment on this matter, but for the record, we do not support legislation that would interfere with a state's ability to protect its own citizens. To the contrary, we have had to count on the State of California to develop fire safety standards for upholstered furniture, mattresses and bedding because the federal government has failed to do so. The issues of fire safety and air quality as they relate to outdoor power equipment can be addressed, and I believe that working closely with CARB we will find a solution that will provide a high degree of fire safety while maintaining CARB's goals for air quality.

In closing, allow me to express my personal apologies to you. We were not aware that you had an interest in this matter or that we were engaged in anything beyond fire safety. As you know, we have had our hands full in the past month. Even so, if we had been aware of your interest, we would have asked for your help in sorting through these issues. You have always been there when we've needed your help. We look forward to moving beyond the current issues and working with you on higher levels of air quality and fire safety for the communities of California.

Sincerely,

WILLIAM J. MCCAMMON,  
President,  
California Fire Chiefs Association.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I have had numerous discussions with the Senator from California. Obviously, we see these issues very differently.

Let me point out to my colleagues, this is not something that has just

come up. When we had the committee markup of this bill, the Senator and I had an opportunity to debate it at that point. An amendment, not modified, such as the one I presented on the floor last week, was kept in the bill. Her motion to strike failed 17 to 12.

After that time, we met with the Senator from California and other concerned Senators to make sure we did not do the things that the current California Air Resources Board regulation would do; that is, cost 22,000 American jobs and put at risk of fire, burn, and explosion people using small engines, whether they be in a lawnmower, a leaf blower, a weed eater, or a chain saw. These were the real problems in the California Air Regulation Board proposal.

Now, when I listened to the Senators, they wanted to make sure, No. 1, they did not affect diesels. I said good point; make sure we cut diesels. They wanted to make sure it only applied to smaller engines, and that is why we put the 50 horsepower and smaller engine limitation in it. They wanted to make sure you could require retrofitting, and we made it clear it was only for new engines.

Most of all, almost every State wanted to get some form of reduction of pollution from these small engines, so we crafted an amendment that made all those changes and specifically directed the EPA to move forward with a rule. The fastest they can do that rule is that it is to be proposed by December 1, 2004; and then the EPA is required to move forward on it. That would be a quicker reduction in emissions than under CARB, the California Air Resources Board, proposal.

Now, when this measure came to the floor, I had a number of cosponsors, people who felt very strongly, as do I, about this amendment, and we debated it on the floor. The Democratic leadership came to us and said: We do not want to vote on this. We want to accept it by voice vote. We said: All right, we will cut off the debate, accept it by voice vote, if that is the last we are going to deal with it.

Now, today, my colleague from California says she was not a party to that agreement and she wants a vote on it. Well, I view it as a failure to live up to that agreement.

Nevertheless, there are a very significant number of Senators on my side, and I assume on the other side, who would want to weigh in on it, and some of those Senators are not back. As I said, we have a deadline this afternoon when we are going to try to take other amendments on this bill. I said we would not be debating this amendment today because other Senators have amendments that must come up.

But there is so much misunderstanding about what the Clean Air Act provides, what CARB has done, and what my amendment would do.

First, the Senator has said, on a number of instances, that every State loses the right to fight pollution.

States can take bits and pieces of the California ruling and use it in their State.

Well, No. 1, California is the only State that has a narrow exemption for engines under 175 horsepower that do not affect agriculture and construction. Obviously, many of these engines that are affected would affect agriculture and construction. No State can pick and choose and develop its own regulations from part of the California regulation or take bits and pieces of the California regulation. No State, on its own, can go out and regulate these small engines. There was a presumption in the Clean Air Act that we would have a national standard.

Now, the EPA has moved forward on regulations on a wide variety of engines. We are directing them specifically to go after these small engines and get the proposed rule out within 1 year, to consider job loss, and to consider the fire hazard of these catalytic converters.

I understand the CARB regulation would not go into effect until 2007. My colleague from California said we cannot force all States to rely on national standards. Well, that is what the Clean Air Act does. We want to make sure the national standards are imposed to give every State the reduction in air pollution which comes about from implementing the kinds of changes that were made for ATVs and snowmobiles that do not require catalytic converters.

At the end of the day, if they cannot get the reductions, then EPA, which has a national responsibility, can listen to all of these arguments. Frankly, many of the arguments made by the Senator from California reflect a completely different understanding than I have on the science and on the technology involved.

Under these circumstances, I do not think we ought to be exporting 22,000 jobs to the Far East, perhaps China, and posing a significant fire risk to anybody using small engines.

As I have said before, I use those small engines. When I am using a chainsaw, I am very aware of the danger of that saw blade. If it had a catalytic converter-heated engine, at 1,100 degrees, I do not know how I would do it. I would probably, if I cut down a tree, set the tree on fire with the catalytic converter.

When we are talking about fire hazards, as I would think anybody in California would be very much concerned about, a catalytic converter is a tremendous fire hazard. I will go into that in a moment.

But my colleague said one company, referring to Briggs and Stratton, should not be allowed to change our air quality rules. Frankly, California wrote a rule that favors one company, Honda, which manufactures small engines and has very significant production in the Far East already.

They could start up just like that because the American companies would

not be able to retool immediately. Honda would capture the market. I am arguing for the jobs of 5,000 workers in Missouri, 5,101 workers for Briggs & Stratton, and about 2,000 of them work for Briggs & Stratton; 3,000 of them work for other companies that have part of this: In Wisconsin, 5,158 jobs; Georgia, 2,542 jobs; Kentucky, 2,198 jobs; Illinois, 2,116 jobs; Alabama, 1,288 jobs.

I am worried about the workers. I have visited those workers. I did not know the Senator from California was coming to the floor today. Otherwise, I would have brought out a scroll signed by the workers who would lose their jobs if this amendment were adopted.

The Senator points out that Briggs & Stratton said it wouldn't cause them much trouble. Well, they are a multi-billion-dollar company. They can move their production to China as well. I fully expect that they would. It wouldn't make much of a difference to the shareholders. They said it wouldn't affect the shareholders, no. But it will affect 22,000 jobs in the United States. That is why this amendment is important.

These arguments and the totally differing view of how this problem can be addressed should rightly be debated at the national level. The EPA is directed to move forward, take all the technological information, take the arguments, listen to the safety concerns, listen to the cost benefit arguments, and figure out how the Nation can get cleaner air by further limiting the pollution from these small engines. If they come down with a modified catalytic converter proposal at the end of the day, so be it.

But the California fire chiefs were excluded from the negotiations. The negotiation went on between CARB and Honda. The California fire chiefs were stunned because they had been assured that there would not be a problem with the regulation causing fire.

After they saw the CARB rule, the California State fire marshals wrote a letter saying:

We categorically do not support the CARB proposed regulation because we believe it will lead to a substantial increase in residential and wildland fires.

The Senator and the chief of staff from California have had very direct conversations with representatives of the California fire chiefs. They must have been very persuasive because now their letter says:

We are sure that the safety concerns can be addressed.

I think that suggests that there was a great deal of effective persuasion applied. But they were not the only ones who believed there was a problem, when you look at the other people who have raised questions about it. The National Association of State Fire Marshals remains very concerned that the CARB rule cannot be safely met. The U.S. Consumer Product Safety Commission expressed concerns over the potential for burn, fire, or material

hazards that remain unaddressed. The Missouri State fire marshals remain concerned that the CARB rule creates a significant threat to the safety of the people, property, and the environment. The National Marine Manufacturing Association is concerned that California's activities create marine safety issues that must be evaluated further before they are imposed on industry.

There is one place where they can evaluate those concerns and evaluate the technology and make sure we clean up the air without an undue cost, a cost in risk of fire and explosion. I was talking with a fellow in Missouri this weekend at a football game. His neighbor drove a car with a catalytic converter out into the field, caught the field on fire. A lot of people are very much concerned, in addition to these groups, as to the dangerousness of catalytic converters, which can get up to 1,151 degrees.

In the November 6 letter I received before there was this very persuasive meeting with the eloquent Senator from California, the California fire chiefs said:

Earlier this year, in oral and written communications to the California Air Resources Board, our association expressed serious concerns about the CARB's plan to require catalytic converters on lawn mowers and other lawn and garden power equipment. Firefighters have far too much experience suppressing fires caused by catalytic converters on automobiles carelessly parked on combustible grass and leaves. After this past month of fighting wildland fires, we are almost too tired to think about catalytic converters on lawn mowers which, after all, are intended for use on grass. California does not need yet another way of igniting fires.

That was the November 6 letter sent to me.

Grass ignites at about 500 degrees. Grass clippings ignite at 518 degrees. High efficiency catalytic converters from CARB's own testing reach temperatures of 1,126 degrees Fahrenheit. We wrote to CARB. I asked them if they had any safety data, if they had done any studies, had they looked at alternative methods, had they tried out any of these small engines with catalytic converters, had they done any tests. We asked them a whole list of questions that any responsible agency would be expected to answer. I fully expect the Environmental Protection Agency to make sure we have a rule that cleans up the environment but doesn't cost jobs and doesn't increase significantly the risk of fire.

There are many issues we are not going to be able to resolve here today. I want to see these technology issues debated, worked out on a prompt schedule, and produced in a resolution by the EPA.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

Mr. BOND. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue the call of the roll.

The legislative clerk continued with the call of the roll.

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

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

Mr. REID. Mr. President, I have been working with the distinguished Senator from California for more than a day. I am trying to work out this very sensitive issue dealing with small engines, which has been talked about at some length.

I am very disappointed that the majority is not going to allow the Senator from California to have a vote on this amendment. It is too bad. It happens. It happens too much around here. When there is some decision made that they may not be able to win the vote, they just don't give us a vote. I think that is unfortunate.

I have spoken to the Senator from California and, of course, everybody needs to hear it from her. We are going to take our chances in conference on this matter. The House has said this should not be in the bill. The Senator from California, if she wanted to be like too many people are around here and say if she doesn't get what she wants, nobody will get anything, could hold up action on this important legislation that Senator MIKULSKI has worked on for many months with the majority.

The only thing I can say is I applaud the Senator from California for what she has indicated she reasonably might do, and that is not go forward on this amendment. I think it is too bad.

I have said it before, and I will say it again. I personally think she is on the right side of this issue. If this matter were brought to a vote, I think she would win it on the Senate floor. Obviously, we have been here now for 3½ hours, and the majority has indicated they are not going to allow a vote. When this amendment goes down, it will allow us to move forward with other pieces of this legislation.

I say to my friend from California, it is my understanding that she has heard the statements that I have made. And as I have indicated through the Chair to the Senator from California, this happens far too often here. When it appears there is a chance that we can win a vote, they don't give us a vote. As a result of that, we are not going to be able to have a vote. But for the Senator from California, being the team player she is, we would not be able to go forward on the bill. I still think the Senator from California and the Senator from Nevada are members of the conference, and we will do our best in full conference to see that justice prevails. I will do what I can.

I express my appreciation to the Senator from California for her not moving

forward with the amendment at this time.

Mrs. FEINSTEIN. Mr. President, I thank the Democratic whip for his concern and his words.

I want to correct a couple of things. The Senator from Missouri pointed out that catalytic converters are fire hazards. That may be true with some. But virtually every automobile, every pickup truck, every sport utility vehicle driving on the roads and highways of California today is equipped with a catalytic converter. It has been that way for a substantial period of time. Catalytic converters are nothing new.

Secondly, I want you to know that Honda has said that they would increase their U.S. production of these engines even with the California regulation. So, in other words, there are other companies manufacturing these engines in the United States that have said they would adhere to these new regulations and produce cleaner engines.

Thirdly, I want you to know that Briggs & Stratton has already moved some of its operations to China. I very much doubt that this California regulation has much to do with it. I am told they have been manufacturing in China since 1986, and in April of this year they increased their ownership share of two factories in China from 52 percent to a controlling 90 percent. I am also told that California regulators have incorporated Briggs & Stratton's own recommendations into its final rule issued in September. The Air Resources Board relaxed the regulation's exhaust emissions standard, relying instead on controlling evaporative emissions, as recommended by Briggs & Stratton.

So I don't know why this is being done. But I will tell you one thing: everybody who votes to sustain this will be also voting to put 70 more tons of smog into California's skies in 2010. That is how important this issue is to our State.

I yield the floor.

Mr. REID. Mr. President, it is my understanding that the Senator is going to withdraw the amendment.

Mrs. FEINSTEIN. I did not send it to the desk.

The PRESIDING OFFICER. The Senate is in morning business at this time.

Mr. REID. Could the bill be reported?

Mr. BOND. Mr. President, I ask that we go to the bill.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004—Resumed

The PRESIDING OFFICER. The clerk will state the bill.

The legislative clerk read as follows:

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

Pending:

Bond/Mikulski amendment No. 2150, in the nature of a substitute.

Clinton amendment No. 2152 (to amendment No. 2150), to permit the use of funds for the Capital Asset Realignment for Enhanced Services (CARES) initiative of the Department of Veterans Affairs for purposes of enhanced services while limiting the use of funds for the initiative for purposes of the closure or reduction of services pending a modification of the initiative to take into account long-term care, domiciliary care, and mental health services and other matters.

Mr. REID. Mr. President, I ask unanimous consent that the only amendments in order on this bill be the Dayton amendment on the Wellstone Center; Durbin amendment on senior discount; Jeffords amendment on new source review study; Bingaman sense-of-the-Senate amendment on DOD smallpox vaccine; Schumer, EPA clean air amendment; Feingold, VA health care fairs/outreach; Reid-Graham, Iraq prisoners; Daschle, Agent Orange; and the managers' amendments that are approved by Senators MIKULSKI and BOND.

Mr. BOND. Mr. President, I have no objection on this side.

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

Mr. BOND. Mr. President, I appreciate the actions taken by the distinguished minority whip, the Senator from Nevada, and also the agreement by the Senator from California to withdraw her amendment.

All I can say about it is, No. 1, we had an agreement, we thought, with the floor staff when we debated this last week—requested by the minority floor staff—that there not be a vote because they did not want a vote. Our condition was we needed to move on to other things. We would have a brief time schedule. As you can see, there is no way that we can restart, in the 45 minutes we have left, this entire debate.

I will state that I categorically disagree with the views reached by the Senator from California. If we are successful in including the measure in the final VA-HUD amendment, all these issues will be resolved by the EPA.

Mr. President, we had an oversight. Senator MCCAIN has an amendment that he was promised the other day. I ask the minority leader if he would agree to adding that since we told Senator MCCAIN he could bring his amendment up.

Mr. REID. Yes, I agree that he should be able to do so.

I ask unanimous consent that the McCain amendment be added to the list.

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

Mr. BOND. Mr. President, we are open for business. 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. BOND. 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. 2194 TO AMENDMENT NO. 2150

Mr. BOND. Mr. President, I send an amendment to the desk on behalf of Senator REID of Nevada and Senator GRAHAM of Florida, and I ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to laying aside the pending amendment?

Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for Mr. REID, for himself, and Mr. GRAHAM of Florida, proposes an amendment numbered 2194 to amendment No. 2150.

Mr. BOND. 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 express the sense of Congress on damages caused by the regime of Saddam Hussein during the First Gulf War)

On page 125, between lines 7 and 8, insert the following new section:

SEC. 418. (a) Congress makes the following findings:

(1) During Operation Desert Shield and Operation Desert Storm (in this section, collectively referred to as the "First Gulf War"), the regime of Saddam Hussein committed grave human rights abuses and acts of terrorism against the people of Iraq and citizens of the United States.

(2) United States citizens who were taken prisoner by the regime of Saddam Hussein during the First Gulf War were brutally tortured and forced to endure severe physical trauma and emotional abuse.

(3) The regime of Saddam Hussein used civilian citizens of the United States who were working in the Persian Gulf region before and during the First Gulf War as so-called human shields, threatening the personal safety and emotional well-being of such civilians.

(4) Congress has recognized and authorized the right of United States citizens, including prisoners of war, to hold terrorist states, such as Iraq during the regime of Saddam Hussein, liable for injuries caused by such states.

(5) The United States district courts are authorized to adjudicate cases brought by individuals injured by terrorist states.

(b) It is the sense of Congress that—

(1) notwithstanding section 1503 of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108-11; 117 Stat. 579) and any other provision of law, a citizen of the United States who was a prisoner of war or who was used by the regime of Saddam Hussein and by Iraq as a so-called human shield during the First Gulf War should have the opportunity to have any claim for damages caused by the regime of Saddam Hussein and by Iraq incurred by such citizen fully adjudicated in the appropriate United States district court;

(2) any judgment for such damages awarded to such citizen, or the family of such citizen, should be fully enforced; and

(3) the Attorney General should enter into negotiations with each such citizen, or the family of each such citizen, to develop a fair and reasonable method of providing compensation for the damages each such citizen

incurred, including using assets of the regime of Saddam Hussein held by the Government of the United States or any other appropriate sources to provide such compensation.

Mr. REID. Mr. President, I rise on behalf of myself and Senator GRAHAM of Florida, and on behalf of 17 brave Americans who were taken hostage and tortured by Saddam Hussein during the first Gulf War.

I have already spoken in this Chamber about the horrible treatment these Americans endured. Saddam's evil henchmen violated international law in the treatment of these war prisoners, and they violated every law of human decency.

After the war, these prisoners sought justice against Saddam. They did it not only because he had tortured them in violation of the law, but also to send a message that would protect other Americans in the future. And Congress supported their effort. In 1996, Congress amended the Foreign Sovereign Immunities Act so their case would be able to proceed.

They won their case in court on its merits because they had the truth and the law on their side. But now they are in danger of losing the judgment they legally obtained because they do not have the United States Government on their side.

The Justice Department intervened to prevent them from collecting their judgment from seized Iraqi assets. And when this Senate responded by passing this very same amendment a few weeks ago, the State Department intervened by seeking to strike the amendment from the special Iraq-Afghanistan appropriations bill.

In a letter dated October 27, Deputy Secretary of State Armitage wrote these words:

Under the President's May 7, 2003 Determination . . . any provision of law that applies to countries that have supported terrorism was made inapplicable to Iraq.

This is the country we invaded as part of our war on terrorism . . . yet the President has said that Iraq will not be treated as a nation that supported terrorists.

I think that is wrong, and my amendment, which is exactly the same as the one the Senate earlier approved, makes perfectly clear the longstanding intent of Congress that terrorists who torture U.S. citizens must be held accountable.

Saddam Hussein was a tyrant who committed horrible atrocities against his own people and against Americans. In fact, many believe that he is behind the continuing attacks on our American soldiers. It is beyond my comprehension why these Federal bureaucrats are now siding with Saddam Hussein and against these former prisoners of war who suffered at his hands.

These brave heroes are merely seeking to hold Iraq accountable for its crimes, and deter the torture of any American citizen by a terrorist state in the future. A civilized world cannot let such crimes go unpunished. The perpetrators must be held to account.

I urge adoption of this amendment.

Mr. GRAHAM of Florida. Mr. President, I join Senator REID today in offering an amendment that would allow a group of 17 prisoners of war from the first war in Iraq and their families, to collect the damages that have been awarded to them in a court of law, that are being blocked by the Bush administration.

Historically, foreign nations and their diplomats have been protected from lawsuits in the United States, for their actions. However, that historical protection has been limited in certain instances. In 1996, Congress amended the Foreign Sovereign Immunities Act to allow American citizens and families of American citizens to sue nations that have been found to be "terrorist states," for acts of terrorism such as torture or taking of hostages. Congress went on to enact the Terrorism Risk Insurance Act of 2002, which included a provision to allow frozen assets of terrorist states in U.S. banks to be used to pay court-awarded damages.

Relying upon this legal framework, 17 of 21 prisoners of war of the 1991 Persian Gulf War and 37 members of their immediate families filed suit against Iraq. I won't describe the horrific experiences of every one of these brave men or the unimaginable distress of their families. But I do want to tell you about the experience of three of these POWs: LTC Michael Robert; LTC Russell Sanborn; and LTC Craig Berryman, three service members from Florida. It is important for the Senate and the American people to understand what they suffered while they were held in captivity.

These soldiers endured horrendous treatment and are fortunate just to have survived. LTC H. Michael Roberts was shot down while flying over Iraq on January 19, 1991. He was able to eject but was immediately captured when he landed. In captivity, he suffered repeated beatings—his captors cut his head from repeated blows from their rifle butts and he was shocked with an electronic prod.

LTC Russell Sanborn's plane was shot down on February 9, 1991, and he was taken prisoner by a group of Iraqi soldiers. He was brutally beaten and suffered severe malnutrition. He lost 14 pounds in 26 days. Upon his release, Russell was diagnosed with parasitic anomalies and hearing loss.

LTC Craig Berryman's aircraft was shot down on January 28, 1991. In captivity he survived numerous beatings and torture. As a result of his abuse in Iraq, Craig has continued to experience health problems.

After having to relive these horrors in court, on July 7, 2003, a judgment was rendered in their favor and they were awarded compensatory and punitive damages. The problem is that when they went to collect their damages against the frozen Iraqi assets held in U.S. banks, the money was no longer there. That is because on March 20, 2003, immediately after start of

military action against Iraq, President Bush issued an executive order confiscating Iraq's frozen assets in the United States and placing them in the Iraq Development Fund for use in its reconstruction.

The Bush administration has done every thing in its power to undermine the integrity of this judicial process and to protect the interests of Iraq over the interests of American former prisoners of war. On May 22, 2003, the President issued another executive order which prohibits any judicial action that would seek funds from the Development Fund for Iraq, or other Iraqi national assets. The Bush administration went on to interpret the language in the 2003 emergency war supplemental intended to remove restrictions to providing foreign assistance to Iraq as a bar attachment of Iraqi foreign asset.

When repeatedly asked about why the administration is standing in the way of these veterans being paid their court-awarded damages, the White House spokesman, never answered the question, but reiterated, three times, that "there is no amount of money that can truly compensate these brave men and women for the suffering they went through at the hands of Saddam Hussein." If the Bush White House has their way, there will, in fact be no amount of money to compensate these brave men and women despite having proven their case in a court of law.

Earlier this month, Congress approved President Bush's \$87 billion supplemental appropriation request for the occupation and rebuilding of Iraq. At that time, I raised some significant questions as to our national priorities. We are facing mounting national debt. While our roads, bridges, schools, water and sewer lines, and electric grids are deteriorating, we will be sending billions of dollars to rebuild Iraq.

This is another one of those questions. We are sending money to rebuild Iraq, but we are turning our back on a judicial decision that was achieved under laws this body created. We are turning our backs on the torture inflicted upon these 17 veterans who were taken as prisoners of war while serving our country.

Mr. President, the costs of war do not end at the borders of Iraq; veterans will continue to pay them for years to come. I urge my colleagues to join us in this effort to see this injustice is rectified. I thank Senator REID for his leadership on this issue.

Mr. BOND. Mr. President, we are willing to accept the amendment on this side.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, again this is an amendment that was offered and adopted earlier. It deals with Americans who were held prisoner of war in the first gulf war. This is legislation that is directly in keeping with the sense of the last amendment that was

adopted. Senator GRAHAM feels strongly about this issue, as do I. I ask that the Senate approve the amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to amendment No. 2194.

The amendment (No. 2194) was agreed to.

Mr. REID. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. McCONNELL. I ask unanimous consent that I be permitted to speak as in morning business for 10 minutes.

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

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

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

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

Mr. DURBIN. Mr. President, are we on the VA-HUD appropriations bill?

The PRESIDING OFFICER. We are.

Mr. DURBIN. It is my understanding that at 4:30 we are going to move to the FAA reauthorization bill. Understanding that deadline faces us, with the approval of the chairman of the subcommittee—I hope to have his attention before I make this request—if I might ask the Senator from Missouri, would it be acceptable for me to divide the time between now and 4:30 so that I would use 15 minutes and then yield to Senator DAYTON for 15 minutes, who also has an amendment to offer? That way, we would reach the 4:30 deadline by dividing the time equally. If that meets with the approval of the chairman of the subcommittee, I would like to make a unanimous consent request along those lines.

Mr. BOND. Mr. President, to respond to my good friend, No. 1, we are ready to accept his amendment. If we could have some more time to handle other business, I would like to. If, perhaps, the Senator—each Senator could take 5 minutes or 10 minutes?

Mr. DURBIN. Let me thank the chairman for accepting my amendment. I will take 5 minutes and that is all. I would like to give 15 minutes, if

it is acceptable, to Senator DAYTON to offer his amendment, and then I think that leaves you a balance of 10 minutes before 4:30.

Let me say I accept the offer of the Senator from Missouri. I will speak for 5 minutes.

Mr. BOND. I thank the Chair.

AMENDMENT NO. 2195

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

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself Ms. SNOWE, Mr. JEFFORDS, Mrs. BOXER, Mr. LAUTENBERG, Ms. CANTWELL, and Mr. LIEBERMAN, proposes an amendment numbered 2195.

Mr. DURBIN. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place insert the following:

None of the funds provided in this Act may be expended to apply, in a numerical estimate of the benefits of an agency action prepared pursuant to Executive Order 12866 or section 812 of the Clean Air Act, monetary values for adult premature mortality that differ based on the age of the adult.

Mr. DURBIN. Mr. President, I ask the following Senators be added as cosponsors of this amendment: Senators SNOWE, JEFFORDS, BOXER, LAUTENBERG, CANTWELL, and LIEBERMAN.

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

Mr. DURBIN. In 5 minutes, I will try to describe very briefly what this amendment does.

This amendment will stop the Environmental Protection Agency and other agencies funded in this bill from using the discriminatory method known as the senior death discount. Right now, heart disease, cancer, and strokes are the leading causes of death of people over 65. According to CDC, air pollution can be particularly devastating to the health of seniors.

The EPA should be creating regulations to protect everybody. However, now we are in the cost-benefit era, and that means each regulation has to be costed out. In other words, we must determine the burden regulations have on the private sector of our economy, including what will it cost them. We must also determine the benefit regulations have for all Americans.

In order to reach the proper evaluation of any regulation, you have to determine the cost of the harm that is being done. That is why this amendment is being offered.

Right now, the EPA is discounting the lives of senior citizens. You may have seen this ad in magazines and newspapers showing this forlorn senior. This lady has been told that since she is over the age of 70, she is only worth 63 percent of any other person, say someone age 69. You can understand

her sadness, and a sadness that might be shared, incidentally, by some 19 Senators who are 70 years old or older. Try to tell these Senators they are worth only two-thirds of those younger, and you are in for a fight—and rightly so. Their lives are as important to them and to our Nation as anyone else's life.

We need to try to establish the cost to America in honest terms, to determine, for example, the real cost of the regulation relating to heavy diesel equipment, and not say senior citizens are worth less today than others.

I ask unanimous consent that a letter in support of my amendment from the AARP be printed in the RECORD.

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

AARP,

Washington, DC, November 14, 2003.

Hon. RICHARD J. DURBIN,  
Senate Dirksen Office Building,  
U.S. Senate, Washington, DC.

DEAR SENATOR DURBIN: AARP commends you for your efforts to amend H.R. 2861, the Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations bill for Fiscal Year 2004, to prohibit the use of funds to "apply numerical values for adult premature mortality that differ based on the age of the adult in a numerical estimate of the costs and benefits of an agency action. . . ." We urge that you continue your efforts as the bill is folded into an omnibus appropriations measure.

AARP submitted comments in May to the Office of Management and Budget in response to its Draft 2003 Report to Congress on the Costs and Benefits of Federal Regulations. In them, we expressed our deep concerns regarding the arbitrary 37 percent discount to the life value of adults aged 70 and over incorporated by the Environmental Protection Agency in its cost-benefit analysis of the Administration's Clear Skies Initiative. We noted that the discount lacked a sound scientific basis, and we voiced concerns regarding its ultimate impact not only on older persons, but on the rest of the population as well.

OMB's Office of Information and Regulatory Affairs subsequently called upon EPA to discontinue use of the age adjustment factor cited above, and advised other federal agency analysts that they should not use it either. At the same time, the agency appeared to encourage other methodologies that might assign monetary values for adult premature mortality that differ based on the age of the adult. Application of age-related analytical methodologies or others involving population subgroupings—particularly when monetary assessments are assigned to life value—hold great risks. We are concerned that there may be insufficient science to justify such action.

Again, AARP strongly supports your efforts as well as those of Representative Thomas Allen, to ensure that the lives of older people not be devalued, and that needed protections not be shortchanged by the application of biased analytical approaches. We urge your colleagues in conference to do the same.

Should you have any questions, please contact me or have your staff contact Jo Reed or Tim Gearan in our Federal Affairs office at 202-434-3800.

Sincerely,

MICHAEL NAYLOR,  
Director of Advocacy.

Mr. DURBIN. What we see, and I will summarize, is an effort by some to discount the lives of senior citizens in America when judging the impact of public health regulations. That has to come to an end. We have to make certain the policy we follow in this country, the policy that is being articulated by John Graham, the head of the OMB regulatory office, is one that counts senior citizens the same as any other citizen.

Some of the statements made by Mr. Graham are troubling. But with this statement, and the amendment we have offered today, which is identical to the one offered by the House of Representatives, this bill will say once and for all that senior death discounting has to come to an end.

I ask unanimous consent that a list of supporting groups be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. DURBIN. To reiterate, this amendment would stop the EPA and other agencies funded in this bill from using a discriminatory method of regulatory analysis known as the senior death discount.

Heart disease, cancer, and strokes are the leading causes of death for people age 65 and older. According to the CDC, air pollution can be devastating to the healthiest Americans, but can be deadly for senior citizens and other vulnerable populations with these diseases. The EPA should be creating regulations that maximize health protections for everyone, especially older Americans.

However, instead of maximizing the benefits for everyone, the regulatory analysis is being manipulated in a way that makes seniors' lives, and the lives of other vulnerable populations, worth less than the lives of other Americans. This practice, commonly known as the senior death discount, devalues the lives of almost 30 million Americans who are over the age of 70.

To give you a sense of how this works, when the EPA develops environmental regulations, it must evaluate the costs and benefits of multiple regulatory alternatives. As part of the calculation of benefits, the EPA places a dollar amount on each life that can be saved by implementing each alternative. The EPA often makes a determination about which regulatory alternative to adopt based on the comparison of the benefits and costs.

Historically, the EPA valued all lives equally by using the same dollar amount for every potential life saved. But now the OMB is encouraging agencies to base the value of a life on the age of a person. In many cases, when discounting was applied, the life of each person over the age of 70 was valued at 37 percent less than the life of a younger person. In other cases, each year people aged, their lives were considered to be worth less—leading to

some lives being worth a de minimus amount. In still other cases, the lives of people with illnesses or other health conditions were further devalued.

The use of the senior death discount has played a significant role in some very important environmental policies. In a rule to cut emissions from heavy diesel equipment, the EPA not only lowered the value of saving the lives of seniors, but also for children and the disabled. In the end, discounting calculations shrank the benefits from over \$81 billion to just over \$12 billion.

In a regulatory proposal to control air pollution from snowmobiles, the benefits were originally calculated to be approximately \$77 billion by 2030. However, the health benefits dropped to only \$8.8 billion—half of this decrease was due to the senior death discount and half was due to selective use of scientific studies limiting the amount of people who were affected. Applying the senior death discount in this instance made certain regulatory alternatives less appealing, and the rule was ultimately weakened as a result.

Some of my colleagues may wonder whether this amendment is still necessary, given that former EPA administrator Christine Todd Whitman said the agency would no longer discount the lives of seniors by 37 percent when calculating the benefits of regulatory policies. However, there is no guarantee that the new administrator or other agencies will follow this policy.

In addition, Whitman's remarks did not apply to other forms of discounting, which continue to be used. These other forms of discounting also reduce the benefits of important regulatory policies. Besides seniors, vulnerable populations, such as children and those with chronic illnesses and disabilities, are affected when these forms of discounting are used.

John Graham, the head of the OMB regulatory office, has backed away from his support of the 37 percent discount rate for seniors. However, as recently as June 16, he is still insisting that the value of saving lives should depend on a person's age, and he is still pushing agencies to use forms of discounting.

It seems that the end goal is to whittle down the benefits, until they are so close to the costs that regulations will be difficult to justify. So unless we take action today, it appears that the lives of vulnerable Americans will continue to be devalued.

The House already passed Congressman ALLEN's amendment to the House VA-HUD bill, which is similar to my amendment. Members from both sides of the aisle spoke in favor of the amendment and it was accepted unanimously. It's now time for the Senate to act.

Twenty-two national organizations, including AARP and a host of environmental and faith-based organizations, support this amendment.

Our Nation's regulatory system must use methods of analysis that produce

regulations that will fairly protect all Americans from the effects of air pollution, toxic waste and other dangerous substances in our environment. We cannot afford to back away from decades of environmental laws that have improved the quality of life for all of us.

#### EXHIBIT 1

The following organizations support stopping the Senior Death Discount: 20/20 Vision; American Association of Retired Persons; American Baptist Churches USA; American Lung Association; Breakthrough Technologies Institute; Christian Church Disciples of Christ; Church Women United; Clean Air Task Force; Clear The Air; Coalition on the Environment and Jewish Life (COEJL); League of Conservation Voters; Natural Resources Defense Council; National Environmental Trust; OMB Watch; Physicians for Social Responsibility; Presbyterian Church (USA), Washington Office; Sierra Club; Sisters of Mercy of the Americas, Institute Leadership Team; United Church of Christ Justice and Witness Ministries; United Methodist Church General Board of Church and Society; United States Public Interest Research Group; Unitarian Universalist Association of Congregations.

Mr. DURBIN. I thank the chairman for accepting the amendment. I ask the chairman if at this point we could move the adoption, but I defer to him first.

Mr. BOND. As I indicated, we are ready to accept the amendment by the Senator from Illinois by voice vote.

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

● Mr. LIEBERMAN. Mr. President, I support this important amendment, to put a halt to the Bush administration's disrespectful and disturbing treatment of the lives of America's seniors in setting environmental policy. It is unconscionable that the administration continues to push agencies to evaluate pollution-control proposals on the basis of the age of the individuals who are protected. Judging people as less worth protecting based on their age—and to do so for the benefit of polluters—is preposterous and wrong.

Despite statements by administration officials aimed to quiet protest over the "senior death discount" factor—a factor used by the Environmental Protection Agency in recent regulatory cost-benefit analyses that literally devalues the lives of Americans 70 and older—the administration continues to push agencies to apply economic techniques for evaluating pollution-control proposals on the basis of the life expectancies of the individuals protected, slanting the analysis against the elderly who, of course, have fewer years left.

This effort by the administration reinforces the broader bias against the environment inherent in economic cost-benefit analysis, which can give short shrift to unquantifiable values of human health and a strong ecology, while overestimating the economic costs to polluters. By lowering the calculated economic benefit of protecting

the elderly, these techniques will understate the apparent benefits of environmental protection, because the old are among the most vulnerable to respiratory and other diseases caused by pollution. The intended result is to block tougher environmental protections.

Selling out America's grandparents at a discount for the benefit of polluters is discriminatory and wrong. I am pleased to support this amendment to put a halt to this repugnant practice.●

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2195) was agreed to.

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

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

The motion to lay on the table was agreed.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. What is the pending business, Mr. President?

The PRESIDING OFFICER. The pending business is the Clinton amendment.

AMENDMENT NO. 2193

Mr. DAYTON. I ask unanimous consent the amendment be set aside and that I be allowed to offer amendment No. 2193.

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

The legislative clerk read as follows:

The Senator from Minnesota [Mr. DAYTON] proposes an amendment numbered 2193.

Mr. DAYTON. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To fully fund the Paul and Sheila Wellstone Center for Community Building)

On page 58, line 21, strike "\$1,112,130,000" and insert "\$1,111,030,000".

On page 125, between lines 7 and 8, insert the following:

SEC. 418. There shall be made available \$1,100,000 to the Secretary of Housing and Urban Development for the purposes of making the grant authorized under section 3 of the Paul and Sheila Wellstone Center for Community Building Act.

Mr. DAYTON. Mr. President, this amendment will provide \$1.1 million in funding for the Paul and Sheila Wellstone Center for Community Building at the Neighborhood House in St. Paul, MN. It is funding for the completion of a commitment which Congress made last year as a memorial for the late Senator Paul Wellstone, my colleague and my friend, who lost his life in an airplane crash last October along with his wife Sheila, his daughter Marcia, and three staff members and two pilots.

This is a very emotional subject for me at an emotional time, so I ask my colleagues for their forbearance. We

just passed the first anniversary of that terrible day Paul and Sheila and the others were lost forever. One of Minnesota's greatest Senators and most passionately loved and admired political leaders—not unanimous, but the most widely shared and deeply felt connection that I have ever seen in my lifetime between a political figure and the people of Minnesota.

He lost his life while flying to northern Minnesota for the funeral of the father of a State legislator, up on the Iron Range of Minnesota where a funeral is community. He knew, even though he had other commitments elsewhere, and even though Senator TED KENNEDY had graciously come to Minnesota to the metropolitan area on his behalf before the elections, which were just a few days away—those events were important, but Paul knew the family of the deceased would be helped in their grief by his presence. The community up there would be honored by his presence as a United States Senator, so he left his campaign schedule and the media market to go worship and pray and mourn with those others, friends and family and relatives, fellow citizens, as their U.S. Senator and as their friend.

That is what all of us do all the time in our jobs—Republicans, Democrats, liberals, conservatives, Senators here, Congressmen and Congresswomen, across the country—we drive, and if there is not time we charter small planes into small airports in our States. That day Paul's plane didn't land on the runway. It crashed perpendicular to it 2 miles away into a Minnesota forest and peat bog and caught on fire and burned eight people.

Tomorrow—another reason this is an emotional topic for all of Minnesota—we are told in the news reports today, the National Transportation Safety Board will hold a hearing to pass final judgment on the causes of that crash. Whatever they were, they will not bring Paul and Sheila and Marcia and the others back. The circumstances, as they are reported, are unofficial, so I will not comment on them here, but as they report them in the press, it will make it, if anything, more difficult, more painful, more awful an accident that didn't have to happen.

Paul Wellstone lost his life as a U.S. Senator in service of his country.

As the late Senator John Heinz, Republican from Pennsylvania, lost his life several years ago in a small plane crash in the service of his country; as other Senators, Members of the House, Governors, Cabinet Secretaries, and public officials have lost their lives in airplane crashes or other accidents in the performance of their official duties in the service of their country; and when brave men and women lose their lives in the service of their country, I call that man or woman a true American hero. If they are wearing the service uniform of our Armed Forces in Iraq, Afghanistan, or elsewhere around the world, they are true American he-

ros. If they are wounded or maimed when serving in those awful conditions, they are American heroes.

I have been to funerals for Minnesotans who lost their lives in training exercises in this country and overseas. They gave their lives and paid the ultimate price in the service of their country. They are true American heroes.

Paul Wellstone is a true American hero. He would have been under any circumstances losing his life, but he is even more so, and forever, in my judgment. That is why it is so fitting and appropriate—and I was glad that I thought it only appropriate—that the Senate last year did what I would want to do for any colleague of this body or of the House who lost his or her life under similar—or any—circumstances in the performance of his or her official duties—to find a suitable memorial, a fitting tribute to that American hero.

The surviving members of the Wellstone family—two sons, David and Mark Wellstone—through their own deliberations, identified this project and St. Paul, MN, where especially people from other countries—recent immigrants to the United States—in need of all sorts of assistance but who want to become part of this country, who want to have a chance to participate and raise their kids as American citizens and become the next Paul and Sheila Wellstone, so they can get the help they need and give a helping hand as Paul and Sheila would have given themselves.

We authorized \$10 million. The House didn't have anything in there on that matter. But we went to the President of the United States. He was gracious enough to assist, and we got the funding provided in that bill—the authorization of \$10 million. President Bush invited the Minnesota congressional delegation and members of the Wellstone family to the Oval Office last December for the signing ceremony. He just couldn't have been more extraordinary in his graciousness to the surviving members of Paul and Sheila's families. He took the time and extended his schedule to be with us, to share his condolences and make it a truly memorable occasion for the members of that family. I know they were enormously grateful, as I was to the President for his compassion and for his humanity.

When we got to the appropriations for this fiscal year, it was delayed. The bill that finally came forward provided \$8.9 million for the \$10 million project that was authorized. I am hopeful the balance of that commitment as a memorial to our former colleague will be part of the committee bill that is coming before us today.

I was disappointed there was nothing provided in it, and there is nothing provided in the House bill. I pursued this matter and indicated my intention to offer this amendment for \$1.1 million—that is an "m" for million, not "b" for billion—\$1.1 million to complete the commitment that was made—the authorization to commit the money the

President authorized by his own signature into law. I was told via my staff and in talking with committee staff that if this amendment were agreed to by the Senate, then it would be taken out of some other project for the people of Minnesota—from the people in Roseville, MN, in the northwestern part of the State who were victims of flooding last spring, who need help in relocating, who are still rebuilding and trying to reconfigure the locks and dams in that river so they don't flood again—and from all sorts of other projects around the State in counties that need sewer systems so people can have safe drinking water, so the kids don't get sick.

I have to share with the people of Minnesota a confession. They think when they send us out here, we each have a vote; since we are all taxpayers, and since Minnesotans' taxes as a relatively high income State are proportionate to others that send tax money to this great Federal Government, we get back at least our fair proportionate share. But it doesn't work that way in this legislation. It doesn't work that way. We get the appropriations and those who have more seniority, who have been here longer, have more influence, connections, whatever—it doesn't come out the same. If you were to rank Minnesota with other States, you would find that we give more than our share in contributions to this great center of our Nation and we get in return relatively less than most other States.

I find it deeply offending that I am essentially being told, forewarned, threatened, that if I bring this amendment forward and it passes the Senate, it is going to come out of some other Minnesota project. I appreciate at least being told that so I know what I am getting into here.

So much happens in these conference committees. It is just a sneak attack behind closed doors. In Minnesota, we have an open meeting law where you can't go behind closed doors with three or four members of the elected body and conduct public business in private somewhere. That law is a foreign concept here on Capitol Hill; it happens all the time. People go behind closed doors and members of conference committees can't even get into the conference room to find out what is going on.

They have a bill coming up next for reauthorizing the FAA. Somebody in that conference committee stuck something in the bill that hurts the people of Minnesota—thousands of people in and around airports in my State—no hearings, no deliberation, no vote in the Senate, no vote in the House, just put in by Senators who don't represent the people of Minnesota.

The conference committees are great places where you can put something in there and you can vote on it. I had an amendment to the Medicare bill which is coming up, and it is going to come out of committee, I am told and I am

quite sure. I have an amendment that would require Members of Congress to receive prescription drug coverage that is the same and is no better than seniors of America and other Medicare beneficiaries receive. Boy, it passed the Senate by a vote of 93 to 3. That is pretty overwhelming support.

I thought: My goodness gracious, the Senate is going to back this one because the people of America would back that one. I know from my experience in Minnesota that we sure agree with that concept and principle—that Members of Congress should receive a prescription drug benefit no better than we vote for senior citizens. But then I read an article the next week stating that many of those who voted for it had been told they could do so because it was guaranteed to die in the conference committee and it would not become part of the law.

I respect those three who voted against my amendment because they weren't going to take that escape route and say, Oh, I voted for that amendment, and to my great dismay it is not going to get conference support.

So Members of Congress can continue to get drug coverage twice as good or more or better than those senior citizens of America.

In this case, before this bill goes into the conference committee, I urge my colleagues—and I will ask for the yeas and nays on this amendment—if they don't particularly think enough of the situation, and circumstances, and the memory of Paul Wellstone, then vote against it. I will ask the conferees, if it passes and goes to conference and is going to come out of some other Minnesota project, to drop the amendment because I know what Paul would say. I know what he would want us to do. That would be to do what is best for all the people of Minnesota. This project is true to the people of Minnesota. But the last thing Paul Wellstone would want to do is take \$1.1 million away from people who are suffering and need help and give it to other people in Minnesota in his memory. That would be the antithesis of what is good, for what he believed in, and what he spoke for on this floor. It would be far preferable if the Senate said forthrightly, that is the view of the Members or the powers that be, that \$1.1 million of the \$10 million authorized last year is too much to bear, too much money, and it is just not available in the budget for the people of Minnesota, for the State of Minnesota. Unlike other States, we would not have this discussion on the Senate floor—it would be \$1.1 million for anything any Member wanted.

If they cannot find it, won't find it, do not want to find it, forget it. But tell the American people that. Tell the people of Minnesota that. Don't take it out of somewhere else in Minnesota for a project that is underfunded to begin with, that is needed to save people's lives, that makes their communities stronger. They elected the two Senators to do just as much as any other

State in this Nation. Tell them that straight, and then Paul will wait. He should not have to, but he will.

The Senate should do the right thing, pass this amendment, put it in the bill, and instruct the conferees to come out of the conference report with the money for the Wellstone Community Center and every project in Minnesota, and not sell anybody out behind closed doors, behind our backs, and I will once again respect this body, the Senate of the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I know the Senator from Minnesota feels strongly about this; both Senators do.

I ask that Senator COLEMAN be added as a cosponsor.

We are willing to accept the amendment. I ask that it be accepted by voice vote.

Mr. DAYTON. I object. I ask for the yeas and nays.

The PRESIDING OFFICER. Does the Senator object to the adding of a cosponsor?

Mr. DAYTON. The Senator does not object to that.

The PRESIDING OFFICER. Without objection, the Senator is added as a cosponsor.

Mr. DAYTON. I repeat my request for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

At this moment, there is not a sufficient second.

Mr. DAYTON. I will restate my request when there is a sufficient second. What number of Members constitute a sufficient number?

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

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

Mr. BOND. Mr. President, I ask that the pending Dayton-Coleman amendment be set aside.

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

#### AMENDMENT NO. 2152 WITHDRAWN

Mr. BOND. Mr. President, I ask that the Clinton-Enzi amendment on which there is a colloquy be withdrawn.

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

The amendment (No. 2152) was withdrawn.

#### AMENDMENT NO. 2196 TO AMENDMENT NO. 2150

Mr. BOND. Mr. President, I send to the desk an amendment on behalf of Senator DASCHLE relating to an agreement with the Institute of Medicine and the National Academy of Sciences to develop epidemiological studies on Vietnam veterans with respect to Agent Orange, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for Mr. DASCHLE, proposes an amendment numbered 2196 to amendment No. 2150.

Mr. BOND. 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 for epidemiological studies on Vietnam veterans exposed to Agent Orange and other herbicides used in Vietnam)

At the end of title I, add the following:

SEC. 116. Not later than 120 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall enter into an agreement with the Institute of Medicine of the National Academy of Sciences under which agreement the Institute of Medicine shall develop and evaluate epidemiological studies on Vietnam veterans in accordance with the recommendations of the 2003 National Academy of Sciences report entitled "Characterizing Exposure of Veterans to Agent Orange and Other Herbicides Used in Vietnam: Interim Findings and Recommendations".

Mr. BOND. There are no objections on either side. I ask that it be agreed to by voice vote.

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

The question is on agreeing to the amendment.

The amendment (No. 2196) was agreed to.

Mr. BOND. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2197 TO AMENDMENT NO. 2150

Mr. BOND. I send an amendment to the desk on behalf of Senator FEINGOLD.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND, for Mr. FEINGOLD, proposes an amendment numbered 2197 to amendment No. 2150.

Mr. BOND. 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 prohibit the use of funds by the Department of Veterans Affairs to implement policies that prohibit the Veterans Integrated Service Networks from conducting outreach or marketing to enroll new veterans in such Networks)

At the end of title I, insert the following:

SEC. 116. No funds appropriated or otherwise made available for the Department of Veterans Affairs by this Act or any other Act may be obligated or expended to implement the policy contained in the memorandum of the Department of Veterans Affairs dated July 18, 2002, from the Deputy Under Secretary for Health for Operations and Management with the subject "Status of VHA Enrollment and Associated Issues" or any other policy prohibiting the Directors of

the Veterans Integrated Service Networks (VISNs) from conducting outreach or marketing to enroll new veterans within their Networks.

Mr. FEINGOLD. Mr. President, I want to thank the chairman and the ranking member of the subcommittee for agreeing to accept my amendment pertaining to veterans outreach programs. My amendment would restore a valuable—and statutorily mandated—service to our nation's veterans and their families.

In July 2002, the Department of Veterans Affairs Deputy Under Secretary for Health for Operations and Management sent a memo to Veterans Integrated Service Network Directors ordering them to "ensure that no marketing activities to enroll new veterans occur within [their] networks."

This memo cited an increased demand for VA health care services as the reason for this change in policy. While it is clear that more funding should be provided for VA health care and other programs and I strongly support doing so it is inappropriate for the VA to institute a policy to stop making veterans aware of the health care services for which they may be eligible.

I joined with a number of our colleagues last year in sending a letter to the President asking that this policy be immediately reversed. I regret that the VA's reply indicated that the Secretary of Veterans Affairs stands by this policy, which remains in effect.

My amendment would prohibit the VA from using Federal funds to enforce this policy, or any other policy prohibiting regional health care directors from conducting outreach to enroll new veterans into the VA health care system. A similar amendment offered earlier this year by Congressmen SANDERS and KANJORSKI was accepted to the House version of the underlying VA-HUD appropriations bill.

I have long been concerned that tens of thousands of our veterans are unaware of Federal health care and other benefits for which they may be eligible. We can and should do more to educate our veterans and their families about these benefits, and to provide adequate funding to ensure that all veterans who wish to take advantage of their benefits are able to do so. Halting health care marketing activities is not the answer. Our brave veterans have earned these benefits. The Federal department that is charged with advocating for and providing benefits to our veterans should not be allowed to continue to restrict health care outreach activities.

This is especially important as we welcome home a new generation of veterans who are serving in Iraq and in the fight against terrorism. Today's soldiers, sailors, airmen, and marines are tomorrow's veterans. These men and women selflessly put their lives on the line to protect our freedoms, as have countless military personnel before them. We must ensure that their service and sacrifice, which is much lauded during times of conflict, is not

forgotten once the battles have ended and our troops have come home.

Our veterans and their families have made great personal sacrifices to protect our freedoms. We owe them a great debt of gratitude. Making sure that our veterans know about the benefits that they have earned is an important first step in starting to repay this debt.

Again, I thank the chairman and the ranking member of the subcommittee for working with me on this important issue.

Mr. BOND. Mr. President, this is an amendment with respect to VA marketing. It is acceptable on both sides. I ask that be it be agreed to on a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2197) was agreed to.

Mr. BOND. 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.

AMENDMENT NO. 2198 TO AMENDMENT NO. 2150

Mr. BOND. Mr. President, because we had done a list of amendments and we neglected to include an amendment by Senators CANTWELL, CARPER, BROWNBACK, HAGEL, and others with respect to section 8 public housing, moving to work demonstration agreements, I ask unanimous consent that this be acceptable and I send the 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 Missouri [Mr. BOND, for Ms. CANTWELL, for herself, Mr. CARPER, Mr. BROWNBACK, Mr. HAGEL, Mr. ROBERTS, Mr. NELSON of Nebraska, Mrs. MURRAY, and Mr. DEWINE, proposes an amendment numbered 2198 to amendment No. 2150.

Mr. BOND. 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 require a study of the Moving to Work demonstration program, and for other purposes)

On page 125, between lines 7 and 8, insert the following:

**SEC. 418. EXTENSION OF CERTAIN PUBLIC HOUSING/SECTION 8 MOVING TO WORK DEMONSTRATION AGREEMENTS.**

(a) EXTENSION.—The Secretary of Housing and Urban Development shall extend the term of the Moving to Work Demonstration Agreement entered into between a public housing agency and the Secretary under section 204, title V, of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Pub. L. 104-134, April 26, 1996) if—

(1) the public housing agency requests such extension in writing;

(2) the public housing agency is not at the time of such request for extension in default under its Moving to Work Demonstration Agreement; and

(3) the Moving to Work Demonstration Agreement to be extended would otherwise expire on or before December 31, 2004.

(b) TERMS.—Unless the Secretary of Housing and Urban Development and the public housing agency otherwise agree, the extension under subsection (a) shall be upon the identical terms and conditions set forth in the extending agency's existing Moving to Work Demonstration Agreement, except that for each public housing agency that has been or will be granted an extension to its original Moving to Work agreement, the Secretary shall require that data be collected so that the effect of Moving to Work policy changes on residents can be measured.

(c) EXTENSION PERIOD.—The extension under subsection (a) shall be for such period as is requested by the public housing agency, not to exceed 3 years from the date of expiration of the extending agency's existing Moving to Work Demonstration Agreement.

(d) BREACH OF AGREEMENT.—Nothing contained in this section shall limit the authority of the Secretary of Housing and Urban Development to terminate any Moving to Work Demonstration Agreement of a public housing agency if the public housing agency is in breach of the provisions of such agreement.

#### SEC. 419. STUDY OF MOVING TO WORK PROGRAM.

(a) IN GENERAL.—The General Accounting Office shall conduct a study of the Moving to Work demonstration program to evaluate—

(1) whether the statutory goals of the Moving to Work demonstration program are being met;

(2) the effects policy changes related to the Moving to Work demonstration program have had on residents; and

(3) whether public housing agencies participating in the Moving to Work program are meeting the requirements of the Moving to Work demonstration program under law and any agreements with the Department of Housing and Urban Development.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the General Accounting Office shall submit to Congress a report on the study conducted under subsection (a).

Mr. BOND. Mr. President, this is acceptable on our side.

Mr. REID. There is no objection on this side.

Mr. BOND. I suggest we agree to it by voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2198) was agreed to.

Mr. BOND. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I ask unanimous consent that we delay the FAA bill for 5 minutes and the debate would be from 4:35 to 5:35 and a vote occur at that time.

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

#### CONGRESSIONAL AWARD PROGRAM

Mr. CRAIG. Mr. President, several Senators were prepared to offer an amendment today to provide for support for the Congressional Award Program, through a collaboration with the Corporation for National and Community Service. I understand from the

Subcommittee the difficulties that this would present and will not press forward with such an amendment at this time. I did want to engage the Chairman of the VA-HUD-Independent Agencies Subcommittee in a colloquy about this valuable program.

Congress established the highly successful Congressional Award in 1979 to recognize initiative, achievement, and service in young people. The Congressional Award is the U.S. Congress' award for young Americans. It is non-partisan, voluntary, and noncompetitive. The award enjoys broad bipartisan support. This excellent program has grown by more than 3,000 participants during fiscal year 2003, and currently, there are some 14,750 active participants from across the nation.

In the past, the Congressional Award Program has been able to sustain itself. Because of the tremendous growth of this program, its resources have been stretched to the breaking point. After the events of 9/11 and the recent recession, patterns of charitable giving have changed and this program, like many worthy causes, has had an extremely difficult time maintaining earlier levels of contributions, much less accommodating its rapid growth. The congressional award needs a modest amount in a funding base to regain its footing and momentum and continue its growth for the future. Congressional support is needed to leverage renewed and increased private donations.

Supporters of this program had looked to this bill because the Congressional Award Program already is being cited by the Corporation for National and Community service as the kind of program it supports and encourages and already is listed as an official partner of America's Promise, another related program. Congress already has explicitly provided in the Congressional Award Act that, while this program may not receive a direct appropriation, it may receive financial support through collaborations with other programs receiving appropriated funds.

I note that the Appropriations Committee, in the report accompanying this bill, has expressed its concern with current costs per participant in volunteer service programs. In particular, the report mentioned the \$16,000 cost per AmeriCorps members for program and education award costs and called upon the Corporation to reduce costs. In contrast, the Congressional Award Program costs only about \$68 per participant. It is more than just a great program, it is a bargain.

The Congressional Award is one of only two standing awards given by Congress. The other is the Congressional Medal of Honor. It is time that Congress became a partner of the congressional award in more than just name.

Mr. BAUCUS. I add my comments in support of the Congressional Award Program. This excellent program is open to all 14- to 23-year-olds. Partici-

pants earn bronze, silver, and gold congressional award certificates and bronze, silver, and gold congressional award medals. Each level involves setting goals in four program areas: volunteer/public service, personal development, physical fitness, and expedition/exploration. Earning the award is a fun and interesting way to get more involved in something young men and women already enjoy or something they might like to try for the first time.

Regardless of an individual's situation, he or she can earn this award. The congressional award has no minimum grade point average requirements. It accommodates young people with special needs or disabilities who are willing to take the challenge. The award is open to all. We consider this to be a valuable priority within a fiscally responsible appropriations bill.

Mr. President, this is a program that all of us want to see grow and flourish. It is not just another program. It is not just another foundation pursuing a worthy cause. It is our award—a unique program created by the Congress to recognize and encourage leadership and voluntary service to the community by our young people. It requires and deserves our support.

Mr. BOND. I thank my colleagues for their attention to this matter.

It is certainly our intent, in continuing congressional support for the corporation, that it look for additional ways for actively partnering and collaborating with organizations such as the Congressional Award Program. I look forward to working with my colleagues on appropriate ways to carry that goal forward.

#### CAPITAL ASSET REALIGNMENT FOR ENHANCED SERVICES (CARES) INITIATIVE

Mrs. CLINTON. Mr. President, I thank the managers for working with Senator ENZI, Senator SCHUMER and myself on a compromise to ensure that our concerns are addressed. We understand that they have committed to pursue language in the conference report that expresses the committee's concerns about the Draft National CARES Plan recommendations of closure and reduction of services in long-term care, domiciliary care, and mental health services at VA facilities. The language urges that no closures or reduction in long-term care, domiciliary care, and mental health care services take place until the full analysis is completed. The language would also require the VA to submit updates on their progress in this analysis to the appropriate committees. Finally, the managers have agreed to send a letter to VA Secretary Principi outlining these concerns on our behalf.

Mr. ENZI. I would like to add to my colleague's discussion. I got involved in this process to bring attention to the concerns of veterans in rural and frontier areas. Based on these concerns, I hope in any further analysis on the future needs of veterans health care the

VA will consider all access issues related to travel, such as road conditions, the number of lanes on roads, and seasonal changes and other factors relating to the weather. I know many of my colleagues share these concerns and I appreciate their taking this opportunity to address them.

Mr. SCHUMER. I thank my friends from Missouri and Maryland for engaging us in this colloquy, and appreciate their efforts to work with us on addressing our concerns with the CARES process. Among these concerns, I am particularly pleased that the managers of this bill have agreed to work with us in addressing the participation of veterans at hearings held by the CARES Commission. The participation of veterans is critical to a process that so directly impacts the quality of healthcare they receive from the VA. It is my understanding that the managers have committed to addressing this specific issue by presenting language to the conference that would recognize the benefits of and the need to have CARES related hearings within 30 miles of all facilities facing closure or a reduction in services, as well as the importance of veteran participation at these hearings. I also understand that the managers have committed to presenting language to the conference that encourages the VA to hold additional hearings in all affected communities following the Secretary's final recommendation.

Mr. BOND. Mr. President I thank the Senators from New York and the Senator from Wyoming for their thoughtful comments. Their understanding is correct, and we will pursue such language in the conference report. Senator MIKULSKI and I will also be sending a letter on their behalf to Secretary Principi with these concerns.

Ms. MIKULSKI. I acknowledge the validity of my colleagues' concerns and look forward to working with them to try to address these concerns in conference and with Secretary Principi.

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

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

Mr. BOND. Mr. President, I think we have reached the point where we are ready to get a final list and a means of proceeding. So if it is agreeable on both sides, I ask unanimous consent that the only other amendments in order to the VA-HUD bill, other than the substitute, be the following: Dayton No. 2193 with 5 minutes equally divided; Senator MCCAIN, amendment on NASA; Senator INHOFE, amendment on air quality; Senator JEFFORDS, National Academy of Sciences study; further that following the scheduled cloture votes on Tuesday, the Senate resume

consideration of the VA-HUD appropriations bill for the consideration of the remaining amendments.

Ms. MIKULSKI. No objection.

Mr. REID. Mr. President, I ask unanimous consent that the time for debate on cloture dealing with FAA be for a full 1 hour, with the time equally divided pursuant to the previous order.

The PRESIDING OFFICER. Is there objection to any of the foregoing requests?

Mr. REID. I express my appreciation to Senator LAUTENBERG and Senator LOTT for allowing us to go forward.

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

#### VISION 100—CENTURY OF AVIATION REAUTHORIZATION ACT—CONFERENCE REPORT—Resumed

The PRESIDING OFFICER. Under the previous order, the hour of 4:40 having arrived, the Senate will proceed to consideration of the conference report to accompany H.R. 2115, which the clerk will report.

The assistant legislative clerk read as follows:

Conference report to accompany H.R. 2115, an act to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour equally divided for debate prior to a vote. The Senator from Mississippi will control one-half hour, the Senator from New Jersey will control one-half hour.

The Senator from Mississippi.

Mr. LOTT. Mr. President, this is an important piece of legislation that has been in the process all year now. As we know, the aviation industry has had its difficulties since the events of 9/11 and the Iraq war. Aviation across the board has struggled to comply with additional security requirements and to become economically viable again. A lot of changes are happening in the industry.

But Congress certainly has not been insensitive to the needs of this industry. We passed legislation to be of assistance in, I guess, 6 weeks after the 9/11 events, and then earlier this year additional assistance was provided to the airline industry as a result of losses they were experiencing and expected to experience as a result of the war in Iraq.

But they need the broader long-term Federal Aviation Administration reauthorization. I consider this legislation to be the third leg of the stool to give the aviation industry, as a whole, an opportunity to get up and running, to provide service to the American people, and to, frankly, see blue skies again. That is why this legislation is very important.

If we do not extend this FAA reauthorization, there are certain parts of the program that will either be deferred or will have to shut down. So it

is not insignificant that we are up against the wall in terms of extending the Federal Aviation Administration legislation.

I emphasize, too, that this is not just about the agency. This is about an important part of our economy. We are very mobile in America. Transportation is such an important part of our economy. Americans are flying all over the country, as we speak, on airlines and in general aviation. They are in our airports. It is an important part of our economy. It creates hundreds of thousands of jobs, when it is allowed to function as it should. So we need to get this legislation passed.

It is, in my opinion, about safety in the aviation industry at our airports, in general aviation, with the airlines. We need to make sure the money is there for the aviation program, for the security that needs to be put in place on the airplanes, in the airports, on the perimeters. This is very important legislation. It is part of our overall homeland security program.

I remind my colleagues that H.R. 2115, the FAA reauthorization bill, is a 4-year \$60 billion bill. This is a huge piece of legislation. We need to get it done.

I would like to point out to my colleagues some of the impacts we see as a result of this industry and what it means. First, aviation generates more than \$900 billion in GDP every year. Over the life of this bill, the legislation is expected to create approximately 665,000 jobs; \$14.2 billion in airport grant funding would create these 665,000 jobs. There would be 162,000 jobs in 2004 alone; \$14.2 billion will be used for security, safety, and capacity projects at airports; \$13.3 billion would be to modernize the air traffic control system, and \$500 million for the Essential Air Service program.

This is an important piece of legislation. A lot of money is involved. It is not just about the big airports; this is about the smaller airports. We do have good programs included here, including the Essential Air Service, and also a program that allows communities to be involved and participate with some funding of their own.

We have had an experimental program in place now for the last couple years. This would extend that small community Essential Air Service program. A number of communities around the country are very much interested in having that opportunity.

It also provides new opportunities for flights out of Reagan National Airport, 8 new flights inside and 12 new flights outside the perimeter. So this is very important legislation in terms of the airports.

For the first time we actually make sure the regional airlines get some assistance. When we passed the big legislation back in 2001, the regional airlines were sort of left out. So we would get that done.

It provides for cost-effective programs that could save the taxpayers

\$173 million per year. It has a huge impact on States all over the country. I would like to show a chart to give you some idea of the amount of money and the amount of jobs that would be affected by this legislation. I have the list here. It is too small probably for most of you to see, but I will just pick a couple of them: Alaska, \$522 million, 24,000-plus jobs.

I see the Senator from Georgia, a very important terminal in Atlanta, one of the most important in the country, \$162.6 million; 7,722 jobs; a smaller State, North Dakota, \$59.2 million, 2,814 jobs.

The list is here. If you want to see how your State would be affected with dollars and jobs, we have the information for you.

The question would be, Why has this taken so long? We passed it back in May in the Senate. It passed the House. We went to conference. We worked out an agreement on good legislation. But it did include some language that became controversial. It did say there would not be privatization of the air traffic control system, but it identified 69 sites in medium and small communities where contract hours could be considered or could be actually put into place. So there was a criticism about that.

After trying to work it out in a variety of ways, we went back to conference and took that language out. So we basically went back to the status quo. We don't say there won't be privatization of the air traffic control system, and there won't be. We didn't say that, well, these 69 contract areas might be considered for contract hours. We took both of those out, thinking, well, we are ready to go now.

Strangely enough, that was not acceptable, either. So we have been working in a bipartisan way to try to come up with some solution that would satisfy both parties, all parties, and how this could be handled.

Senator McCAIN, Senator HOLLINGS, Senator ROCKEFELLER, Senator DORGAN, and I sent a letter to the FAA Administrator, Marion Blakey, last week saying we thought it would be appropriate to have a 1-year moratorium on any effort of privatization. We have been working with the administration on that issue since that time.

The administration, I believe, is willing to make a commitment to not go forward for 1 year, for a moratorium, while GAO does a study of the impact of privatization, and also so the Commerce Committee, chaired by the Senator from Arizona, can have hearings on that matter. But they want to be able to go forward with those things that are already underway.

The net result for the air traffic controllers and for other unions within the FAA would be a 1-year moratorium. However, where there is an ongoing A-76 study, that would not be stopped. Now I am being told maybe even that is not enough. I ask, how much is enough?

This is very important legislation that affects the economy of the country and this industry. Are we going to let 1 or 2 groups decide we will not have this \$60 billion bill unless they get some guarantee on something that is not going to happen, anyway? I don't believe that is reasonable. I think we need to go forward and have this vote. Let the American people see who wants to be of assistance to aviation, who really wants to have safety in the skies.

Let me say to all of my colleagues on both sides of the aisle, be careful how you vote because this legislation provides funds for security at airports. It changes who pays for the security costs and where that money would go. The AIP, airport improvement program, which was used for \$500 million in security costs over the last couple of years would not continue to be used for that purpose. It would go back to being used for what it was originally intended—improvements at terminals, runways, and aprons, but there would be a dedicated line of money that would go to security. If you vote against this legislation, and it continues to drag out indefinitely, and we don't get these security funds to the proper place they are supposed to go—particularly the airports—if we have another instance at an airport, or with the airline industry, I would not want to be on record voting against this very important legislation that has been developed over a long period of time, in a bipartisan way.

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

Mr. LOTT. Yes.

Mr. McCAIN. Mr. President, I thank Senator LOTT for all the work he did as chairman of the subcommittee on this issue. I know we don't have a great deal of time. Is the Senator aware in this bill we have \$14.2 billion for security and safety for AIP, \$13 billion to modernize the air traffic control system, \$31 billion to operate—the list goes on and on. There are billions of dollars, including drastically needed improvements in security and essential air service.

I note the Senator from West Virginia, as long as I have been on the committee, has sought money for essential air service. We also have environmental provisions. These are all being held up on one issue on which we have tried to reach some kind of compromise.

My question to the Senator from Mississippi is this: Let's suppose we don't achieve cloture and we don't have 60 votes on this bill. What do the opponents gain by that? It seems to me what they gain is sooner or later we are going to extend the existing programs, which allows further privatization of the towers and other aspects of our air traffic control system, which is what they are fighting against. Yet they will lose. Is this some kind of a statement being made or is this reality? Is there anybody who believes we are going to shut down the air traffic

control system, shut down aviation in America if we don't pass this bill? Either existing law will be extended or we are going to pass this bill. Is that the Senator's assessment? I think our colleagues ought to know what the consequences of this vote will be if we fail to achieve cloture.

Mr. LOTT. Mr. President, I say to the distinguished chairman of the subcommittee he has put his finger right on the heart of the problem. There are funds that would not go out for security and airport improvement if we don't pass this legislation. The alternative would just be to extend the current law for, I don't know, 6 months. The Senator is right that in that case the status quo is in place. As a matter of fact, any privatization efforts that might be underway or they want to do in that period could go forward. We had worked it out where we had language both in the conference report and in a letter that would say there would not be privatization of the air traffic control system.

Finally, even other parts of the FAA would get a 1-year moratorium. This is the classic example of where my colleagues in the Senate—Democrats—seem to be hopelessly pursuing where the last rose lingers. We have a whole bouquet in this bill. It is good for the American people. It is going to be good for the industry and it will create jobs. We are looking for this one last thorny rose we can claim and say, well, we got it done. I note the House has already passed this legislation and we are, I assume, sometime in the next month going to complete our session of this year. We need to get this done. It would be very positive for the industry and for the Congress for us to go ahead and complete this action.

The Senator is absolutely right. The alternative, if we don't pass this legislation, is the status quo, which would allow the administration to do whatever they please in terms of privatization under legislation Congress has previously passed.

I will make one other note. On this idea of contract towers, there are mixed emotions on both sides of the aisle. It is not a Republican or Democrat thing. But there have been hundreds of these contractors put into place. Usually, they are supported by local congressmen and senators—and, by the way, it is an idea that really exploded and was used extensively during the Clinton administration. I am not being critical. In many cases, it makes common sense. In many communities, if you don't have the contract towers, you would not have anything.

For the life of me, I cannot understand why we haven't been able to bring this to conclusion. I think it is time to vote and see who is for getting this legislation done and who wants to preserve the status quo, I guess, or have nothing, which would hold up funds to the tune of billions for security and improvements at our airports.

Since the chairman is here, and I know Senator LAUTENBERG is waiting

to speak, I will reserve the remainder of my time. We will claim more time after Senator LAUTENBERG has had a chance to speak.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. On my time, I ask the Senator from Mississippi just one question, if the Senator is available. I want to put a question to him.

Can the Senator tell me why Congressman YOUNG from Alaska fought so hard to take two of his airports off of the privatization possibility?

Mr. LOTT. Mr. President, on the time of the Senator, I am glad to respond.

Mr. LAUTENBERG. Take a short minute, if you will.

Mr. LOTT. I will give the Senator a direct answer. Senator STEVENS indicated that is what he wanted. I understand there are extenuating circumstances with those two areas in Alaska. That varies from State to State. In some States, they want contract towers for a particular site, and in others not. I agree with the Senator on that. I think we should not have excluded them.

Mr. LAUTENBERG. Mr. President, it is apparent the Congressman from Alaska wants to make sure his people are safe when they are in and out of that airport. He doesn't want to be privatized, and neither do I, or most of the people in the Chamber.

I have great respect for the Senator from Mississippi. He and I will agree on lots of things. When we don't, they are usually deep disagreements. We all want the system to function. The Senator from Arizona certainly understands aviation and how the system operates, but he said something in his remarks that really struck me. No matter what happens, this program is going to get funded. It is going to get funded regardless of the action we take tonight. Why it is that the President of the United States and his people decided to delay implementation of this reauthorization, I will never know. This is kind of like a Custer's last stand: We are going to teach you Democrats something.

Don't teach us; teach the American people how you care about them, about their safety. Why, suddenly, are we so concerned about going commercial? We took roughly 28,000 baggage handlers and said, you know what. The private sector can't handle them. They mess up all the inspections. They are terrible. We have to get them in Government hands where we know things can be properly operated. But when it comes to the FAA, the people who responded so heroically when the tragedy of 9/11 struck our country, no, then we want to put security on the cheap. We want them to be operated by Acme Air, or whoever else it is.

The aviation industry has had a lot of difficulty. Much of that is because our country had an overwhelming tragedy strike us on 9/11, and so our citi-

zens were afraid to travel. They were afraid to get up in an airplane. Now they don't have to worry so much, except for shoulder-guided missile launchers and except for terrorists constantly trying to break through. And now, to make life easier, we are going to take the FAA, the most well-trained group in the country, people who are on the job 24/7, constantly, they are always there when we need them, regardless of weather, regardless of what else happens—when those airplanes struck the Trade Towers, we are now talking about my neighborhood.

I saw the Trade Towers from my apartment house. I didn't see them that day because I happened not to be there, but I notice their absence. It is very clear. The people in the tower at Newark—I know those guys and the ladies. I know them well. I have been up in that tower many times. I used to be commissioner of the Port Authority of New York and New Jersey. I know what goes on in towers. I know we used to gauge rainfall with a pail outside. It wasn't that long ago. The fact is, they could see the buildings burning, and when the order came to take safer action, they did.

We are going to soon be voting closure on the FAA conference report, and it would have passed except for the fact there was an insert put in after neither House had a Democrat in the conference—neither the Senate nor the House of Representatives, neither had a Democrat in the conference. Nevertheless, we are now suddenly delivered a program that includes a recommendation from the White House, which neither body acted upon, and when we voted overwhelmingly to preserve the no-privatization view.

On June 24, 2002, just in the aftermath of 9/11, the President signed an Executive order. So this issue has been in the works for some time. We don't have to talk about who is delaying the movement of the reauthorization bill. There it is. June 4, 2002: Section 1 of this Executive order:

The first sentence of that order is amended by deleting " . . . an inherently governmental function."

That is what the President of the United States said on June 4, 2002, not too many months after 9/11 took place.

We took up the FAA bill in June. The Senate spoke loudly and clearly: No privatization. The House also spoke loudly: No privatization. But in the conference, the prohibitions disappeared. Conference leaders simply dropped all the language dealing with privatization.

Why did the Members of the conference, sitting behind closed doors, ignore the mandates for safety and security of our aviation system? If you ask them, they say the White House said we had to; so the order. Both Houses of Congress were clear. Both Houses spoke on the issue. Both Houses said no privatization of air traffic controllers. But in the conference, that commitment disappears. Why? Apparently in

this Congress, we pass bills in both Houses, and then the White House writes the conference report.

It is presented graphically on this chart. House bill: No privatization. Senate bill: No privatization of air traffic controllers. White House position: Silence on privatization. Conference bill: Silence on privatization. That is a coverup. What that means is they can go ahead and do it any time they want to.

In this Congress, if the House and Senate agree on something and you throw it out and allow the White House to write whatever they want, we don't usually respond favorably to that happening. The stakes are high because the safety and security of our families, our friends, and our neighbors are at stake. The clearest evidence of this is how our air traffic control system performed on September 11, 2001.

The first airplane struck one of the Trade Towers at 8:45 a.m. This chart shows what the skies looked like at that time. The little light green areas represent airplanes. You can barely see the ground. This was 1 hour, and it was even more crowded than that. The order came out to get the airplanes out of the sky, get them on the ground, get people safely to someplace where they could call their families and let them know what was happening.

One hour later, 5,000 airplanes were taken out of the sky, directed to land at destinations that were not originally planned, and the picture looks like this chart. It is a lot safer. If my family was flying, I would have been very happy to hear they landed someplace, whether it was in Wyoming or Arizona—anyplace else besides New Jersey. I would have just been happy to know they were on the ground.

My State suffered major losses. Almost 700 people—691, to be exact—from New Jersey lost their lives that day in the World Trade Center attack. We are very sensitive to safety. We know this hits home. This is no academic exercise for us. We know there are families tortured by the loss of a father or mother or brother or sister. My oldest daughter lost her best friend in that World Trade Center. They worked together at one financial firm. My daughter went to law school, and this lady went to a place called Kantor Fitzgerald. They lost 700 of their 1,000 employees.

These acts of terror utilizing our aviation system introduced a new era of fear for the U.S. travelers.

September 11 also highlighted the heroic act of many public employees who did their jobs, as they do every day, with skill, courage, and professionalism. Emergency responders, rescuers, firefighters, police officers, and other government employees aided people out of the burning buildings. We heard of a historic incident where a couple of policemen and firemen went into the buildings knowing very well their lives were at stake. Unfortunately, they were right; their lives were at stake, but they tried to save others.

As our aviation system was both under attack and being used as a means of attack, it was the air traffic controllers who protected the tens of thousands of Americans aboard aircraft at that time. The snapshots we have seen tell us the picture quite precisely. Within an hour of the time that the flights were ordered to the ground, the Nation's air traffic controllers made unbelievable progress. We saw that in the chart. Within an hour, numbers of those planes—huge numbers—were successfully grounded.

I repeat, almost 5,000 aircraft were guided safely to the ground in a matter of hours, a tremendous feat. All parts of the system worked well, worked together, and worked safely to bring home those traveling by plane that day. This included roughly 15,000 air controllers, 6,000 technicians, and 2,800 flight service station employees.

These people acted bravely and professionally. So why does President Bush want to honor these heroes of 9/11 by firing them? I do not get that at all. The administration plans to privatize our air traffic control system.

I heard the distinguished Senator from Mississippi say there are no plans, no, but just take away the safeguards and anything one wants can be done. This conference report allows them to do exactly that. It is a bad idea, truly disrespectful to the thousands of September 11 heroes and disrespectful to all of those who worry about air travel when they read about shoulder-fired weapons and even worse.

It is no coincidence that this important section of the FAA bill was omitted without any Democratic input or debate. The American people do not want safety and security on the cheap. They want air traffic control to remain essentially a Government safety function, as it was before President Bush signed that Executive order in 2002. That is why the Senate voted on June 12 of this year—I remind my colleagues who are in the Chamber, talking about who should vote for what—I want everybody in this Chamber to feel like they can look in the mirror and answer the question: What was the best thing I did for the safety and the safeguarding of our airplanes and our passengers? That is to make sure this system stays intact.

The Senate voted on June 12, a vote of 56 to 41—we do not have 56 on this side—to ban this privatization. I remind my colleagues that safety and security are not partisan issues. Eleven of my Republican colleagues voted for safety and security. This conference report on the FAA is not the first conference report produced on this bill. Conferees produced an original conference report that was downright strange.

How much time do we have remaining on our side?

The PRESIDING OFFICER. Fifteen and a half minutes remaining.

Mr. LAUTENBERG. For starters, it exempted the State of Alaska. Of

course, that has something to do with the fact the chairman of the House Transportation Committee is from Alaska. He did not want his airports privatized. He was very specific.

He said: Of course, the criticism of myself is that I exempted the State of Alaska, and here is the reason for that. One, he describes Juneau Field itself to be going under Capstone next year so it would not be eligible to be contracted out. The Merrill Field is a real complex issue. He winds up saying that the airplanes take off right toward my hotel room every morning. I look out and there is one coming right at me. It is an interesting experience and I want to make sure everything is done right in that field.

He does not want Acme air controllers to be there perhaps in the middle of a labor dispute or something like that. He wants to know that the tried and trusted hand of the FAA as it is presently composed continues. If he thinks that exempting Alaska is a good idea, let the other States have an exemption, too. The other 49 should just as well be exempt.

If the Chair would let me know when we have 10 minutes, I would like to turn that time over to the Senator from West Virginia.

The PRESIDING OFFICER (Mr. CORNYN). The Senator will be so notified.

Mr. LAUTENBERG. Privatizing the air traffic control system is a bad idea for many reasons. We should heed the lessons of other countries that tried this already: Canada, Australia, and the United Kingdom. All of these attempts resulted in failures.

We should heed the lessons of the blackouts we experienced in the Northeast this summer that shut down six major airports. Our air traffic control system guided stranded flights safely to the ground.

I do not think it can be any clearer that air traffic control is a vital Government safety and security function.

I sense my colleague from West Virginia would like to use his 10 minutes now.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, for the sake of a flow back and forth, I yield 5 minutes of our remaining time to the chairman of the full committee.

Mr. LAUTENBERG. I yield the time with unanimous consent that I regain it and turn it over to my friend from West Virginia.

Mr. LOTT. I yield 5 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. First, when Air Force One takes the President down to his ranch in Texas, guess what. Horrors, the plane lands at an airport with a contract tower. When the Vice President travels to Jackson Hole, WY, his plane lands at an airport with a contract tower. Perhaps the safety concerns that always surrounds a President and Vice President have been waived in this case.

One of the most respected men in Washington is Ken Mead. He is the inspector general of the Department of Transportation. He did a study on the issue of contract towers. I ask unanimous consent that his letter and that of the Professional Air Traffic Controllers Organization be printed in the RECORD.

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

U.S. DEPARTMENT OF TRANSPORTATION,  
Washington, DC, July 22, 2003.

Hon. DON YOUNG,  
Chairman, Committee on Transportation and Infrastructure, U.S. House of Representatives,

Washington, DC.

DEAR CHAIRMAN YOUNG: We understand that the House and Senate Conferees may be meeting this week to discuss the Federal Aviation Administration's (FAA) Reauthorization. One issue that will no doubt be included in those deliberations is the provision of the legislation that prohibits FAA from contracting out any Air Traffic Control functions. Specifically, we are concerned that this restriction would eliminate even the option of expanding FAA's Contract Tower Program to the 71 visual flight rule (VFR) towers still operated by the FAA, regardless of how safely and cost efficiently towers in the existing Contract Tower Program are operated.

Based on our work, we think the Conferees should take into account the track record of the 218 VFR towers in the Contract Tower Program. Since 1998, we have conducted audits of various aspects of the Contract Tower Program and have found consistently that the program works well. We found that contract towers provide cost-effective services that are comparable to the quality and safety of FAA-operated towers. For example, last year the level of operational errors at contract towers was comparable to the level of operational errors at FAA VFR towers. The Contract Tower Program also provides services at towers that FAA would otherwise not have staffed because they were too expensive to operate. In 2002, we estimated that contracting out the VFR tower still operated by FAA could save the agency about \$780,000 per tower each year. That translates into about \$55 million in annual savings if all 71 towers were contracted out.

Our point here is not that the 71 VFR towers still operated by FAA should be converted to the Contract Tower Program, but that the option should remain open. We do not support expanding this option beyond the remaining 71 VFR towers still operated by FAA. But in light of the sharp decline in Aviation Trust Fund revenues and the most recent projections of the Federal deficit, we think FAA needs the flexibility to evaluate alternatives for ensuring its operations at all VFR towers are conducted in the safest and most cost-effective manner possible.

We urge the Conferees to consider preserving at least the option of expanding the Contract Tower Program to the 71 VFR towers still operated by the FAA.

If I can answer any questions or be of further assistance in this or any other matter, please feel free to call me at (202) 366-1959, or my Deputy, Todd J. Zinser, at (202) 366-6767.

Sincerely,

KENNETH M. MEAD,  
Inspector General.

PROFESSIONAL AIR TRAFFIC  
CONTROLLERS ORGANIZATION,  
Douglasville, GA, November 6, 2003.

Hon. TRENT LOTT,  
U.S. Senate, Russell Senate Office Building,  
Washington, DC.

DEAR SENATOR LOTT: I am writing to urge you to support the conference report accompanying H.R. 2115, Vision 100—The Century of Aviation Reauthorization Bill. Please make no mistake; Labor is divided on this issue.

I am the National Representative for the Professional Air Traffic Controllers Organization, PATCO/AFL-CIO, and represent the air traffic controllers in 50 FAA contract air traffic visual flight rule (VFR) control towers (ATC) across the United States. I take exception to the National Air Traffic Controllers Association position that the FAA contract controllers are unsafe. The DOT Inspector General's report released on September 5th states unequivocally the safety benefits to the aviation community and the cost savings to the American taxpayers of the Federal Contract Tower Program. The FAA contract controllers are all FAA certified, most have 15-20 years of experience and the large majority are retired military and former FAA controllers. FAA also closely monitors and oversees all FAA contract tower operations.

H.R. 2115 will enhance aviation safety, security and supports the Airport Improvement Program. The important issue of expanding capacity to aid congested airports is also addressed by the building of new runways and other projects, all of this resulting in the creation of new jobs.

There are those who oppose this bill because they believe it mandates privatization. It does not. The measure, as you know, is now silent on the issue of privatization, leaving the FAA with the management flexibility they have held for decades to evaluate staffing at individual facilities and to make appropriate decisions with regard to safety, efficiency, and fiscal responsibility. Please support the conference report accompanying H.R. 2115 and encourage your colleagues to pass this legislation as quickly as possible.

Sincerely,

JERRY TUSO,

*PATCO National Representative.*

Mr. McCAIN. He says:

Since 1998, we have conducted audits of various aspects of the Contract Tower Program and have found consistently that the program works well. We found that contract towers provide cost-effective services that are comparable in quality and safety to FAA-operated towers.

The difference is it saves \$170 million a year for the taxpayers. By the way, I hope the Senator from New Jersey can get over the Alaska issue. This is a fairly big bill. In all deep sympathy, I hope he can get over two towers in Alaska as we consider this serious issue.

The process was not perfect. We probably should not have put this provision in in conference. We did so at the urging of the administration because there was the threat of a veto by the administration. Ever since then, we have tried to reach some kind of an agreement. We have agreed to have it language neutral. We have agreed there would be a year-long moratorium while GAO and other studies are conducted.

The Senator from Mississippi and I have spent literally hundreds of hours trying to reach some accommodation

to avoid a veto by the President of the United States who flat out said that—guaranteed in writing that we would have a veto—and at the same time try to satisfy the legitimate concerns because of the position of Senator LAUTENBERG and others who voted for the measure to which Senator LAUTENBERG referred.

It seems to me we should have been able to come to some kind of an agreement, including the commitment that we got from the administration, or at least we would have held to, for an all-out moratorium.

Now, if the Senator from New Jersey prevails on this vote, we have previous authorization and privatization will go on. So the Senator from New Jersey may feel great about it but the fact is that with the compromises we offered, he would have been far better off. Instead, we worry about two towers in Alaska.

The point is, we have tried. We have tried to address this issue, which is a very small part of very large legislation, that has to do with aviation security; it has to do with airports; it has to do with all kinds of things. It is a massive bill and we are hung up on this one aspect for which there is a refusal to compromise on the part of the Senator from New Jersey, and I regret it. I deeply regret it because we may lose this vote, although I hope Members realize the consequences of the loss of this vote. Believe me, we are not going to shut down aviation in the United States of America over this issue. We are not going to allow that to happen. It is far too important to all of America's citizens.

Again, I hope my colleagues will pay attention to the letter from Ken Mead, the inspector general of the Department of Transportation, that says clearly that the contract-operated towers are safe consistently, they are cost effective, and their quality and safety is comparable to FAA-operated towers.

I reserve the remainder of Senator LOTT's time.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, this is all odd, perplexing.

Mr. LAUTENBERG. Mr. President, I am sorry, but there was a unanimous consent that was agreed to that the time would be turned back, and I just want to make sure we divide it up properly. So I would like to be able to recover the time and then just make a decision to hear our chairman of the subcommittee. How much time is remaining on our side?

The PRESIDING OFFICER. Twelve and a half minutes remain.

Mr. LAUTENBERG. I yield up to 10 minutes to the Senator from West Virginia.

Mr. ROCKEFELLER. I am grateful to my colleague from New Jersey for that. But I am still perplexed. This is all kind of odd to me.

We could, I think, pass this whole thing, the entire authorization bill.

The chairman of the full committee and Senator HOLLINGS and Senator LOTT, both of whom have spoken here, myself, the ranking member on the Aviation Subcommittee, and BYRON DORGAN—we wrote to FAA Administrator Blakey and made a reasonable request, asking for an extension on a certain part of this for a period of a year. We might get that in the next 7 or 8. We might very well get it. The language didn't appear to be quite proper at the time.

We do have the President's statement. As the Senator from New Jersey pointed out, he specifically deleted "an inherently governmental function" when it referred to air traffic performance-based organizations.

I want to support the FAA conference report. I think virtually everybody in the Senate would want to do it. It includes a lot of things that are very important to me for West Virginia. West Virginia is not at the center. We are not exactly a hub of jet aviation, but we are served by many good airlines that do their best to help us. We all know the issue of privatizing the air traffic control system has held this whole thing up for months. It is perplexing, because it does not seem to me to be that big an issue. Yet if we are simply to accede to it, in language which is potentially very vague, we have no idea what might happen.

That is why we sent this letter—my good friend and chairman, and I, and the chairman of the full committee—to try to get this extended for a year so we could look at it and go ahead and pass the rest of all this.

But we have not gotten the letter. We still have 7½ minutes, if I read the clock correctly. It could come in. Then we could all vote for the entire conference report. But short of getting that letter and that commitment, which we all signed on a bipartisan basis, then I think we have to vote against cloture because it is entirely a matter of employees being accountable to the public who maintain the airplanes, who are the service stations that send them from one place to another. That is accountability to the public. It is not accountability to the bottom line. It is not a matter of contracting out. This is fundamental safety.

If you ever go out to Herndon, VA, as I have, and you see the latest technology and you see all the airplanes in the air at any given moment in the United States of America, you can hardly see the country. There are airplanes everywhere and they are all traveling. They have to be guided. A lot of them are general aviation. Some of them are not, obviously.

The inability of Congress to resolve this issue has created a very significant uncertainty for our airports in particular. These are hard times for aviation. I don't think it is the right time to add more trouble in their life, more uncertainty in their life, less predictability in their life, and the worry about less safety in their life.

Last week we did attempt to resolve the main issue that held this up. As I indicated, Senators MCCAIN, HOLLINGS, LOTT, DORGAN, and myself did send the FAA Administrator a very straightforward, honest letter and we requested the FAA impose a 1-year moratorium on the actual contracting out of any air traffic control functions, including flight service stations, which provide enormously important information to pilots. You can't do without them.

I have a little community in my State called Elkins, WV, which is currently not served by commercial aviation, but it does have a critically important flight service station that handles traffic for a significant part of the Washington, DC metropolitan area that is at risk of being contracted out—and will be.

Flight service stations such as these are absolutely vital security links in our Nation's air traffic control system and they have to be protected from privatization.

I come from a private enterprise background, and that has been pointed out to me humorously, or not, but you just can't fool around with public safety. You can't do it. Police officers are not contracted out. I guess they are in Iraq, but they are not in this country. They are public servants. Or you hire a private guard if you want to, something of that sort, but basically, protection of public life and public passage is in the hands of the Federal Government. And it should be. It has always been there. People trust it. If you took it away, or parts of it away, people would be stunned. I think they would be stunned.

This Senator can only support cloture if the administration has made a strong commitment to hold off any changes to the management of the air traffic control system for a year. And we have still 4 minutes to get that letter. Then we will vote for the conference report and I will happily do so because I agree with the Senator from Mississippi, there are lots of good things in it. But safety, unfortunately, is one of those things you cannot compromise.

The Senator from Arizona spoke about Air Force One and Air Force Two. I have never had any doubt they are well cared for. But there is a lot of other general aviation that may not be quite as well tended to, and we have to worry about that.

I don't think the conference report is going to pass the Senate if this letter doesn't arrive. It is not just a case of where the perfect is the enemy of the good but, rather, it is a fundamental debate over the future of aviation and security. It is a huge subject. Aviation is an enormous employer, creating enormous economic activity in our country.

This is not the process we should have to use for the FAA conference report. I would be the first to say that. It grieves me. This legislation has always enjoyed bipartisan support.

I want to set the record straight for 1 second and then I will be finished, on how this came about. When the Senate debated, as has been said by the Senator from New Jersey, we debated this important bipartisan bill. We had a bipartisan majority of Senators express serious concerns over the executive branch's future plans for the safety management of the air traffic control system as a whole. As the Senator indicated, we voted 56 to 41 to impose restrictions on the administration's proposal precisely to avoid the very outcome of the conference report we are now facing, which is allowing the administration to privatize functions of the air traffic control system.

I will not get into the House of Representatives. They also had voted to impose these safety restrictions. In the end, the majority of conferees—we were never invited to be a part of, I was never invited to be a part of, but I have become accustomed to that because I was part of the Medicare conference and I wasn't part of that, so my threshold of expectations was low. But we had the will of both Chambers being expressed. Unfortunately, the conferees bent to the desire of the administration.

Congress has clearly spoken on its concerns over air traffic control privatization. Let us use next year to develop policies and make the system more secure, more safe, and more efficient. I urge my colleagues to reject cloture unless we get a letter in the next minute and a half which commits to this protection which I think we all want.

This is an enormous subject. I deeply regret we have come to this point. There is no reason we should have, but we have. Assuming that letter will not come, I will have to ask my colleagues to vote against cloture.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, before he leaves the Chamber, I thank the Senator from West Virginia for his work on the Commerce Committee, and specifically for his work and his cooperation on the development of this legislation, both at the subcommittee and full committee level and here in the Chamber of the Senate, and also for the tone of his remarks. He wants to get this done and that is the attitude we should all have. In fact, that has been my goal. I am trying to find a way we can get a bill completed that has \$60 billion in it, billions of dollars for security for our airports and for the airline industry as a whole and that the President will sign.

Is this about trying to win the point—the congressional position will prevail and the President's position will prevail? How about finding a position we can both live with? That is, fortunately or unfortunately, how it works sometimes in a legislative body. That has always been my attitude. I am not interested in making statements. We came here to get things

done. We need to get this legislation completed. That is why we have been working feverishly to try to come to a conclusion.

With regard to contract towers, we have one in Tupelo, MS. It works fine.

I believe the record will show that the Senator from New Jersey has over the years supported the concept of contract towers. As a matter of fact, when he was chairman of the Transportation Appropriations Subcommittee, in 1994, the number of contract towers grew from 14 in 1987 to 59 at the end of 1994—an increase of 300 percent while he was subcommittee chairman.

I repeat again something I said: This is not a Republican idea. I am not even sure it is a Democrat idea. But it is an idea that was used effectively during Democratic administrations and Republican administrations.

The 1994 Senate report says:

In light of the recent recommendations in the "Report of the National Performance Review" which calls for converting level I control towers to contract operations, the Committee has provided an additional \$1 million above the amount requested for this program.

That was in the Transportation Appropriations Subcommittee report in 1994.

Here is the most important language from the subcommittee chairman, Senator LAUTENBERG.

The Committee believes this public/private sector program (contract towers) has provided significant safety and economic benefits to smaller communities at a reduced cost to the Federal Government since its inception in 1982. The Committee urges FAA to expand the programs where appropriate.

Now, all of a sudden, contract towers are something really heinous. What is the difference in 1994 and 2003? We have done a lot more—I think over 200 of them. I think most of them work just fine.

I do not know. We are doing a little revisionist history here.

I emphasize this: There is no language in this conference report that would identify contract towers for Alaska, in or out. We took that out. It is not here.

We also had language in the conference report that said we would not have privatization of the air traffic control system.

Declare victory? Oh, no. That was a problem because it didn't apply to all parts and all unions involved in FAA.

That is what this is really all about. It is about making sure that every one of the unions that are involved in the Federal Aviation Administration are excluded.

Again, we are, I guess, looking for the perfect here. All the talk is about air traffic controllers, but as a matter of fact, it involves the Federal Flight Weather Service people, it involves maintenance, it involves everybody.

We can't have privatization of any part of the FAA, would be the attitude of some. I just do not understand that language here.

So it is very important that we realize what is actually in this conference

report and what is not. My guess is, Can you accept victory? Can you accept victory? The administration has said they will put it in writing; they would have supported it in legislation; no privatization of air traffic control systems.

I ask the Senator from New Jersey. He addressed a question to me. I address a question to the Senator from New Jersey. Will he accept a commitment of a 1-year moratorium of no privatization of the air traffic controllers?

Mr. LAUTENBERG. If the Senator from Mississippi would read that infamous letter we are talking about, it says no actual privatization will take place.

Mr. LOTT. That is my point.

Mr. LAUTENBERG. My goodness, we couldn't privatize it within a year if we started today. That letter doesn't say what it is purported to say.

Mr. THOMAS. Mr. President, the FAA conference report before us this evening is critical because it provides funding for crucial safety, security and capacity projects at airports across the country.

I strongly believe that all Senators should support this cloture vote—especially since it includes provisions to strengthen our Nation's air service. However, a handful of Members on the other side of the aisle have held this measure up due to inaccurate claims that the administration wants to privatize our air traffic control system. I would like to take a few minutes to set the record straight.

The objective of the FAA contract tower program is to reduce costs to the Federal Government by contracting out the operation of low-activity towers while providing a safe and efficient service to users of the National Airspace System. Without the contract tower program, many smaller airports would be left with no air traffic control services.

Since 1982, the FAA has used the contract tower program to provide air traffic control services at low activity Visual Flight Rules towers across the country.

In 1994, the Program was expanded to include the conversion of FAA Level 1 Visual Flight Rule towers to contract operations. This expansion was included in Vice President Gore's National Performance Review and supported by Congress. The Department of Transportation's Inspector General has publicly stated how important the contract tower program is. This program makes sense because it allows the FAA to realign its resources in a more efficient and effective manner; it has a better safety rate than FAA towers; and, it saves taxpayer dollars.

All contract controllers are certified by FAA, and contract tower facilities are monitored on a regular basis by the agency. Additionally, the vast majority of contract controllers are former FAA and military controllers. All contract controllers are subject to the same training requirements and operating rules and procedures.

Presently, the FAA is operating 219 contract towers at airports throughout the continental United States, Alaska, Hawaii, Guam, and Puerto Rico. The Contract Tower program cost for FY 2002 was \$73.5 million. This program results in annual savings of over \$54 million.

A recent audit by the Inspector General at the Department of Transportation validated the cost savings, and found that contract towers operate as safely and efficiently as FAA towers. Contract tower locations are evaluated by the FAA under the same requirements as FAA staffed towers.

Contract towers are staffed at the levels required under current contracts. Contracts are required to submit monthly staffing reports—which provides verification that they are in compliance with their FAA approved staffing plans.

Several audits have commended the FAA's Contract Tower program for oversight of contractors and strict monitoring of controller staffing levels.

According to Department of Transportation Inspector General Kenneth Mead, the contract tower program provides "cost-effective services that are comparable to the quality and safety of FAA-operated towers." Additionally, the National Transportation Safety Board—NTSB—supports the contract tower program.

I find it hard to believe that a handful of Democrats know more than NTSB or the inspector general when it comes to aviation safety.

There are many aspects of our Nation's aviation system. Nothing in the FAA Conference Report would allow for privatization. Simply put, under this bill the FAA would continue to exercise the authority it has had since 1982.

A number of my colleagues have implied that this bill is an attempt to contract out the job of Enroute Control Centers. Enroute controllers are responsible for directing traffic across the United States—the Contract Tower Program has nothing to do with these positions.

At Congressional hearings this year, DOT's inspector general stated that with the sharp decline in revenues to the aviation trust fund and the most recent projections of the federal deficit, the FAA needs the flexibility to ensure VFR towers are conducted in the safest and most cost-effective manner possible.

Wyoming's busiest commercial airport—Jackson Hole—operates under a contract tower. The Jackson Airport handles over 63 percent of Wyoming's commercial air traffic.

For those who question the safety of contract towers, I would like to point out that Vice President CHENEY and President Bush both use contract towers when they fly to their respective home States. If the contract towers are safe enough for the President and Vice President—I believe they are safe enough for the American public.

I would like to quote Senator LAUTENBERG's floor statement during consideration of the fiscal year 1994 Department of Transportation and Related Agencies Appropriations Act on October 4, 1993. He said:

The use of contract towers is an example of how we can reduce the costs of Government services and achieve savings over the long run. FAA estimates that the use of a contract control tower saves \$200,000 annually because of the flexibility available in scheduling controller working hours around changes in air traffic activity levels.

I ask unanimous consent that the Talon News article by Jeff Gannon dated September 23, 2003 be printed in the RECORD.

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

[From the Talon News Sept. 23, 2003]

DASCHLE, LAUTENBERG VOW TO FIGHT FAA PRIVATIZATION THEY SUPPORTED IN 1994

(By Jeff Gannon)

WASHINGTON (TALON NEWS).—New Jersey Democrat Sen. Frank Lautenberg is promising to hold up the Federal Aviation Administration reauthorization bill over the subcontracting of some air traffic control jobs. He cited safety concerns as the basis for his opposition to the outsourcing of air traffic control functions.

President Bush has threatened to veto a bill that does not include language to allow the privatization that his administration says will result in increased savings with no reduction in safety. Democrats are challenging competitive sourcing of thousands of federal jobs through insertion of amendments into departmental appropriations bills that would prohibit the practice.

Some are characterizing Lautenberg's opposition to the privatization as political, since he championed a similar program in 1994.

Geoffrey Segal, the Director of Government Reform Policy for the Reason Foundation, told Talon News, "The change in position clearly is pandering to special interests, in this case NATCA (National Air Traffic Controllers Association), who have aggressively stepped up their lobbying efforts to fight competition in the FAA."

Segal pointed out that, while serving as chairman of the Senate Transportation Appropriations Subcommittee, Lautenberg supported the part of Vice President Al Gore's program for "reinventing government" that included the changes now being proposed by President Bush.

Segal continued his criticism of Lautenberg, saying, "The flip-flop in position is pure partisan politics—it's reform when proposed by a Democrat, but it's trading safety and security for profits when it's a Republican proposal."

Lautenberg was quoted in the Washington Post in 1994, saying, "The [Clinton] administration's proposal to privatize the air traffic control system is consistent with the desire to bring more efficiency and reform to government and should be reviewed seriously."

On the Senate floor in 1993, the New Jersey Democrat declared, "I strongly endorse the FAA's contract tower program for level 1 (the smallest) control towers. . . . The use of contract towers is an example of how we can reduce the costs of Government services and achieve savings over the long run."

Lautenberg justified his support of privatization by saying, "FAA estimates that the use of a contact tower saves \$200,000 annually because of the flexibility available in scheduling controller working hours around changes in air traffic activity levels."

At the time, South Dakota Sen. Tom Daschle (D-SD) praised Lautenberg's efforts, saying, "I would like to compliment the Senator from New Jersey for once again doing a masterful job in providing the Senate with an appropriations bill that recognizes the importance of our transportation systems to the health of our economy and fairly balances the competing demands for improved transportation services throughout the United States."

Daschle continued his complimentary assessment of the privatization provision, saying, "I am grateful that report directs the FAA to include the Aberdeen (South Dakota) Airport in the FAA's contract tower program."

Lind Hall Daschle, the senator's wife, was a deputy administrator for the FAA from 1993 until 1997.

The Reason Foundation's Segal summarized his assessment of the political motivation of the Senate Democrats by saying, "Of course, the larger picture is that both Sens. Lautenberg and Daschle supported bringing competition to government, however, as part of President Bush's plan to do the same, both senators are outspoken opponents of the plan. It seems that competition in Aberdeen is good for Sen. Daschle's constituents but not for American taxpayers."

FAA officials have suggested that unless action is taken by the September 30 expiration of the current authorization, it would begin to furlough non-essential personnel. Marion C. Blakey, the agency's administrator, predicts more dire consequences. The New York Times quotes her as saying, "We see ourselves on the brink of closing the doors."

A temporary reauthorization measure is being proposed to break the impasse and to avoid a shutdown of the FAA. Two Republicans, Sens. Trent Lott (R-MS) and John McCain (R-AZ), indicated they would oppose any short-term extension and intend to continue work on the full four-year bill.

Mr. THOMAS. Mr. President, I hope my colleagues and the American public see that under the Clinton administration the Contract Tower Program was okay but it's not today—under a Republican administration.

This conference report includes many important provisions for our aviation system. It includes billions in funding for the Airport Improvement Program; provides continuation of the Essential Air Service and Small Community Air Service programs; funds FAA operations, air traffic control facilities and equipment; extends War Risk Insurance to March 2008; and it provides streamlining for airport capacity, safety and security projects.

Secretary Norman Mineta has stated that "passage of this legislation offers millions of American travelers the assurance that the Nation's aviation system will remain the safest, most efficient and most competitive in the world." The facts speak for themselves. The Contract Tower Program provides cost effective, quality and safe air traffic control services to smaller airports.

I urge my colleagues to support cloture on this important bill.

Mr. KENNEDY. Mr. President, the tragedy of September 11 has been seared into all our memories. We will never forget the sudden massive loss of lives, and the realization that our country was now extremely vulnerable

to terrorist attack. We remember the extraordinary courage of the passengers on the fourth plane who prevented the terrorists from completing their murderous mission. We also remember the extraordinary courage of the firefighters, police officers, and other rescue workers at the sites of the attacks, and millions of our fellow citizens who reached out to help the families of the victims.

We remember as well the extraordinary performance of the air traffic controllers, who took on the incredible challenge of protecting the whole aviation network and ensuring the safety of the public on that tragic day and in the days that followed. Their professionalism and patriotism inspired us all.

So why in the world is the administration now attempting to undermine those brave citizens? We must defend them instead, because the air traffic controllers are defending us and defending the safety of the American flying public.

Over and over again we see the problems in the administration's privatization policy throughout the Federal Government. We have been fighting other battles to correct those policies and make them fair for Federal employees.

But we must be especially careful with these policies when they affect homeland security. We all know what a disaster it was when private companies screened bags at our airports. Now, Federal workers are doing the job better, and Americans are feeling safer.

Both the House and the Senate specifically voted to protect air traffic controllers and keep these vital safety jobs as part of the Federal workforce. Yet now, because of a shameful veto threat from the White House, the House and Senate Republican leadership have yielded to and agreed to a privatization of these jobs. That change is unacceptable.

In fact, the Senate bill contained even stronger protections than the House bill. The Senate voted 56 to 41 to approve Senator LAUTENBERG's amendment to protect not just air traffic controllers, but also systems specialists and flight service station controllers from privatization. I commend my colleague from New Jersey for his continued leadership in this important battle.

The FAA reauthorization bill now before us defies the will of the majority in both the House and the Senate. It undermines the safety of our aviation system, and I urge my colleagues to vote "no" on cloture.

Mr. REID. Mr. President, the U.S. air traffic control system works miraculously well. It is a public system that is admired around the world. American air traffic controllers safely and efficiently guide 9 million flights a year with more than 600 million passengers.

When it comes to the safety of air travel, the American people demand perfection, and rightfully so. That is why the Federal Aviation Administra-

tion has set a goal of reducing air traffic fatalities to near zero. This challenge has become increasingly complex as flights have increased to meet the growing needs of the traveling public. There isn't much room for error.

Unfortunately, the administration and House Republican leaders are backing a plan that compromises passenger safety by privatizing the air traffic control system. This flawed and misguided plan is contained in the conference report on this FAA bill. It is opposed by 71 percent of Americans.

Earlier this summer, the U.S. Senate and House of Representatives both voted in their respective FAA bills to maintain air traffic control as a public function and prevent it from being privatized. That is the will of Congress.

Instead of affirming that the safety of air travelers is the responsibility of the United States Government, members of the conference committee, at the urging of the administration, passed an initial conference report that allowed for immediate privatization of 69 air traffic control towers.

This brazen attempt at privatization was met with such opposition that the House was forced to recommit the bill to conference. However, once recommitted, the House simply stripped language in the conference report dealing with privatization. No conference committee meetings were held. The bill was passed along party lines. And our Republican friends say this is the status quo.

Nothing could be further from the truth. The House and Senate passed language to prohibit privatization in response to an Executive order by the administration to privatize the air traffic control system.

Put simply, the conference report allows the FAA to privatize any air traffic control functions at its whim. This policy creates a puzzling contradiction. Our Government has declared that your luggage is important enough to be screened by trained Federal workers, but once you are up in the sky, with your life in the balance, the administration apparently feels that your safety isn't as important as your suitcase.

Any meaningful legislation must follow the mandate of the Senate and House bills and refrain from trying to privatize our air traffic control system.

If the House attempts to force privatization of our Nation's air traffic control system, it will only delay funding of essential airport infrastructure and security programs. That would be irresponsible and even reckless.

We urge our colleagues to work with us to craft a revised FAA bill that honors the overwhelming sentiment in Congress against privatization of air traffic control operations and maintenance, that protects the U.S. aviation industry from unfair foreign competition and maintains Federal support of the essential air service, and a bill that ensures that our Nation's flight attendants receive mandatory antiterrorism training.

Let's move forward by passing a straight 6-month extension of all FAA programs that will provide the necessary time to work through these issues. An extension bill, introduced by Senators ROCKEFELLER, LAUTENBERG, and DASCHLE, will provide a vehicle for the Congress to get the process and substance of the FAA bill right.

I am confident that both Chambers of Congress will reassert their intent to block privatization, protect the integrity of essential air service, continue the ban on cabotage, and train flight attendants as mandated under existing legislation.

Americans entrust their lives every day to our air traffic controllers. Now they are trusting us to protect their safety.

#### FAA PRIVATIZATION

Mr. REID. Our friends of the other side of the aisle suggest that President Bush has no plans to privatize the air traffic control system. They point out that the President hasn't privatized any towers in the past 3 years. Then why is the President threatening to veto this bill if it includes language to prohibit privatization? Why is the President delaying the funding for essential airport construction projects? Does this make any sense to the Senator?

Mr. LAUTENBERG. Unfortunately, certain Senate conferees to the FAA bill decided to remove all barriers to privatizing our national air traffic control system. But both the Senate and the House voted to put these barriers in the bill as a response to President Bush's actions, including the issuance of an Executive order, to move towards privatizing air traffic control. And the President feels so strongly about privatizing that he has forced conference leaders not to take any actions in the bill. And this is not agreeable to those of us concerned about the safety impacts of the President's plan. To my dismay, this ideological crusade by the White House has held up passage of the legislation for over 3 months, and I am disappointed that some of my colleagues are willing to sacrifice safety for this zeal to privatize.

Mr. REID. Our colleagues also point out that President Clinton privatized 116 of the current 219 contract towers. Isn't it inconsistent for Democrats to argue privatization when it was a common practice under the Clinton administration?

Mr. LAUTENBERG. Between 1994 and 2000, the FAA did contract out 130 small FAA towers. These were "level I towers"—generally with less than 25 operations per hour and operating under "visual flight rules"—that is, without radar equipment. I also note that the current list of 219 towers constitutes a small fraction of overall air traffic in the United States. While exploring ways to modernize air traffic control equipment for the entire national system, the Clinton administration proposed a Federal corporation to take over air traffic operations. While I

initially was willing to consider this proposal, it was rapidly determined to be a poor idea, and the President eventually made the determination that air traffic control is an inherently governmental function. So during reauthorization of the FAA bill in 1996 and 2000, we agreed to FAA management reforms, to give FAA the flexibility it needs to act as a better manager, not privatization. In the end, the President and the Congress agreed that air traffic control is an inherently governmental function, and recognized that it was not wise to pursue privatization. Unfortunately, the Bush administration reversed the Clinton administration's executive order last year, reclassifying air traffic control functions so that privatization could proceed. And this was after September 11. In summary, the Clinton administration did not support privatization, while the Bush administration does support privatization.

Mr. REID. You mentioned that the Bush administration reversed the Executive order issued by the Clinton administration establishing air traffic control as an inherently governmental function. Did the Bush administration have second thoughts about that after September 11, 2001?

Mr. LAUTENBERG. I say to Senator REID, this may be hard to believe, but the Bush administration issued their Executive order after September 11. I find that especially troubling in light of the incredible and even heroic performance by the Federal employees of our Nation's air traffic control system on September 11. The security of the Nation's airlines became so important that we felt the need to federalize baggage screening. But somehow, this administration still wants to privatize the air traffic control system.

Mr. JEFFORDS. Mr. President, I have serious concerns about several provisions found in the FAA reauthorization conference report. Before the Senate passed S. 824, the FAA reauthorization bill, we expressly prohibited additional privatization of air traffic controllers. We also eliminated a proposed cost-sharing requirement for local communities that participate in the essential air service program. This requirement would have placed an insurmountable burden on many remote communities struggling to maintain commercial air service.

Our colleagues in the House responded similarly to these issues. When the Senate and House bills went to conference, neither Chamber's legislation permitted privatization of air traffic controllers, nor did either bill contain an essential air service cost-share requirement.

Therefore, I was surprised and disappointed to learn that the final conference report allows both.

I am also very concerned about the provisions in this bill affecting the National Environmental Policy Act, NEPA. While not actually an amendment to NEPA, these provisions are more likely to lead to extended con-

flict, litigation and confusion—far from a streamlined result. In addition, the Department of Transportation has neither the authority nor the expertise to determine the environmental impact of various alternatives to a project under environmental statutes such as the Clean Water Act and the Endangered Species Act. Other Federal entities, such as the Army Corps of Engineers or the Fish and Wildlife Service who have specific statutory mandates, must evaluate alternatives under Federal law when their jurisdiction is invoked.

For example, regulations governing wetlands permits under section 404 of the Clean Water Act require the Army Corps of Engineers to evaluate several factors such as "fish and wildlife values," "water quality," "conservation," and "aesthetics" in determining whether a permit is in the public's interest. The Clean Water Act imposes specific substantive standards on the Corps' decision and prohibits the Corps from issuing a permit to fill a wetland if there is a less damaging practicable alternative. Under current law, the Corps has the authority to supplement NEPA documents with additional information in order to fulfill its legal responsibility. The legal obligations of these other agencies have not been repealed by the language in this bill, nor should they be.

There is ample authority contained in the existing NEPA statute and regulations for coordination among Federal agencies in performing required environmental reviews. The confusing statutory directions contained in this bill are both unnecessary and counterproductive if the desired result is efficient project completion.

Given its current content, I cannot support this conference report.

Just last year, Congress determined that, for security reasons, airport passenger screeners should be Federal employees. Why would we treat air traffic controllers differently? They play an equally important role in ensuring the safety of our air travelers.

Our air traffic control network safely guides more than 700 million passengers a year. In addition, the ATC network provides a crucial national security service by coordinating the national air space for military aircraft as well as for commercial aircraft. As we saw immediately following the terrorist attacks of September 11, 2001, the ATC system must be prepared to respond quickly and efficiently in emergency situations.

In order to best ensure the safety of air travel in this country, our air traffic control network must remain a Federal responsibility. This bill permits privatization of air traffic control towers around the country.

I am also very concerned that the essential air service cost-share language found its way back into this legislation. The EAS program was created in 1978, when Congress passed the Airline Deregulation Act, reflecting Congress's

belief that deregulation should not result in the elimination of airport service in rural communities. In my home State of Vermont, the Rutland State Airport depends on this program to maintain commercial service in and out of the Rutland region.

For many cash-strapped EAS communities, the local match required by the cost-share provision in this bill is insurmountable. Mandatory cost-shares will mean the end of commercial air service in many economically depressed rural areas. If we adopt this provision, we have essentially defeated the goal of the EAS program.

Both the House and the Senate acted on these two provisions earlier this year. The FAA conference report reverses the positions that a majority of our Members agreed to on the House and Senate floors. Rather than endorse the flaws found in this legislation, I urge my colleagues to support S. 1618, Senator ROCKEFELLER's short-term extension of the Federal Aviation Administration programs. This bill provides the additional time we need to work out a long-term reauthorization package that represents the positions of a majority of Members of both Houses of Congress.

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

• Mr. KERRY. Mr. President, I would like the record to reflect my opposition to the Vision 100—Century of Flight conference report. The final bill does not include any prohibition against privatizing the air traffic control system, an issue that has serious safety and national security implications. I voted in favor of the Lautenberg amendment in June and will oppose ending debate today because passage of this bill without language protecting ATC from privatization will make our aviation system less secure and more vulnerable to terrorist attacks.

After the September 11 attacks it was obvious that the Federal Government needed to assume a greater role in aviation security. Although we passed legislation that made baggage and passenger screening a federal responsibility—legislation that the administration supported—the President signed an executive order that designated air traffic control as a “commercially competitive” enterprise. This is a strange dichotomy. The President seems to believe that, in the realm of aviation security, airport security and air traffic control are mutually exclusive. I fail to see how these issues are mutually exclusive and am disturbed at the administration's efforts to undermine the protections that were originally included in both the House and Senate bills.

Mr. President, if this bill passes without a prohibition on privatization, the executive order signed by the President will stand and he will be able to contract out the Nation's ATC to the lowest bidder. I cannot imagine a worse policy for our Nation. This work should

only be performed by well trained and experienced Federal workers. These men and women perform a valuable service to their country and their jobs should not be shipped out to a private entity. I urge my colleagues to oppose this bill. •

Mrs. MURRAY. Mr. President, I oppose the motion to close debate on the FAA reauthorization bill.

While I strongly support the bill's authorized funding for infrastructure and operations for our Nation's aviation system, I am troubled that this bill still gives the Administration too much leeway to privatize our Nation's air traffic control, ATC, system.

We know this administration is eager to privatize government jobs even when it costs more money and does not improve productivity. We also know that air traffic control involves special considerations like safety, cost and flight delays.

That's why both the House and Senate passed amendments to the FAA bill to explicitly limit the administration's ability to privatize FAA-controlled towers. I voted for the Lautenberg Amendment in June, and it passed the Senate 56-41.

You would have thought that the White House would recognize that it was on the wrong side of this bipartisan issue. But instead of accepting this reality, the White House pressured the members of the conference committee to remove the limiting language during the first conference. Regrettably, a majority on the conference committee followed the White House's request.

In its place, the conferees added new language that goes even further in supporting privatization. That new language would allow 69 of current FAA controlled towers to be eligible for privatization. Eleven of those towers are among the 50 busiest in the nation, including Boeing Field in Seattle.

The conferees then presented that proposal, only to realize that it faced strong opposition in both Houses of Congress.

The conferees were forced to take their first report back for further deliberation. Their second conference report, which is before us today, dropped the expanded privatization provision. However, it did not reinstate the initial language that both chambers supported, which would explicitly limit the administration's ability to privatize our air traffic control system.

Given the administration's disregard for congressional intent, I believe that this limiting language is critical.

As ranking Member of the Transportation, Treasury and General Government Appropriations Subcommittee, I have supported some privatization of ATC, but only at low-traffic airports that would otherwise not have a tower.

This is not just a process or philosophical issue but raises questions about benefits, safety and cost. The countries that have privatized their ATC systems—Canada, Australia and

the U.K.—have seen increased flight delays and—in the case of Great Britain—an increase in “near misses” that could result in accidents. In addition, this private control requires more resources than government-run systems.

It is important to note that the Lautenberg amendment would have allowed the government to continue to provide private air traffic control to smaller airports.

Senator ROCKEFELLER has offered a simple 6-month extension of AIR-21, which will allow us to reexamine this issue and put together a package that reflects the will of Congress and the people.

I urge my colleagues to oppose this conference report.

Mrs. BOXER. Mr. President, I discuss why I am voting against cloture on the FAA Reauthorization bill.

This bill includes some very good provisions, including funding for our Nation's airports and two provisions that I was able to include in this bill—certification of flight attendant anti-terrorism training and allowing trained cargo pilots to carry guns in the cockpit.

However, these good provisions do not make up for the threat to the safety of air travel that this bill will cause.

On June 12, 2003, Senator LAUTENBERG's amendment to the FAA bill passed 56 to 41. His amendment, which I supported, would have prevented the Administration from privatizing the U.S. air traffic control system. The House bill had a similar provision.

However, during the conference process the provisions in both bills were ignored. This summer, Republican conference leaders filed a conference report that specifically sanctioned privatization at up to 69 airports, some of which are the busiest in the country in terms of flight operations. For instance, Van Nuys airport in California is the eighth busiest airport in the country in terms of flight operations.

When that clearly did not have the support of the Congress, the conference report was rewritten, and the privatization language was dropped. But, the language prohibiting privatization was not reinserted, and the administration has indicated it intends to go forward.

Privatizing the controllers is a bad idea. The system is not broken, and we should not try to “fix” it. Our air traffic controllers did a valiant job after the terrorist attacks on September 11 by closing air space and by landing all of the planes safely. We should not mess with success.

Safety must be a top priority in air travel. Privatization puts that safety at risk.

Mr. FEINGOLD. Mr. President, today the Federal Aviation Administration reauthorization conference report comes before the full Senate. I plan to vote against cloture on the conference report to accompany H.R. 2115 because it would permit the contracting out of certain air traffic controller positions currently filled by Federal Government employees.

I do not support efforts to contract out air traffic controller positions because these positions are vital to our national security. I regret that the FAA conference report does not include language passed by both the Senate and the House—which I supported—that would have prohibited the administration from contracting out these important positions.

I support the funding for airports and airline industries in our country that this bill contains and it is not my intention to slow down funding for airports or airlines. However, the safety of Americans must outweigh the possibility of airlines and airports being temporarily inconvenienced.

Supporters of this legislation will argue that airport construction projects will be delayed if we do not pass this bill soon. However, how can the lives of Americans be compared to the value of construction projects? Airport projects are certainly important, but the lives of Americans are worth a slight delay in the passage of this bill.

Safety is one of the most important elements of this bill for me and for Wisconsin residents. I have been contacted by a number of constituents from my home State of Wisconsin who stated their opposition to the contracting out of air traffic controller positions. I share their concerns and I am not prepared to vote for cloture on a bill that does not contain adequate safeguards to ensure passenger safety.

The contracting out of air traffic controller positions would be a major mistake with potentially life-threatening consequences. In recent years, other countries have attempted to privatize their air traffic control systems only to encounter major problems, with increases in “near-misses” of airplanes or actual airplane crashes. Furthermore, in attempting to privatize their air traffic control systems, other countries have experienced increased delays and higher costs and fees for passengers. With our economy in its current condition, higher costs and fees are the last thing that consumers want or deserve.

In Canada, where air traffic control privatization was established in 1998, the Canadian Transportation Safety Board found that under-staffing at some towers has been a major concern and may have contributed to near mid-air collisions. According to the London Daily Telegraph in Great Britain, flight delays caused by air traffic control increased by 20 percent since the system there was outsourced. More importantly, the UK Airport Board found that “near miss” plane crash incidents had risen to their highest levels in a decade. We cannot and must not take that risk here in the United States.

Those supporting this bill as it presently stands argue that the legislation needs to be passed immediately and should not be held up because of the privatization debate. The safety of Americans is no minor issue. The bill as it currently stands puts many Amer-

ican lives at risk, as demonstrated by the increased danger of air collisions that we have seen in other countries.

This conference report also fails to address an important issue regarding flight attendants. This issue is an important one following the events of September 11, 2001. Since that tragic event in our Nation’s history, cockpit doors have been reinforced, some pilots have been trained and certified to carry firearms and marshals have been added to some flights. Pilots have also been directed to remain in the cockpit during a hijacking, leaving flight attendants alone in the cabin with only minimal training on how to work with a marshal or respond alone to such an event. The provision that was not included in the legislation before us seeks to protect flight attendants by making it mandatory that the Transportation Security Administration issue minimum training standards for flight attendant self-defense training within one year.

The current legislation states that the Transportation Security Administration “may” issue minimum training standards for flight attendant self-defense training. This is simply not enough to protect the flight attendants or the flying public.

For the above reasons I regret that I cannot vote for cloture.

Mr. LOTT. Mr. President, I reserve the remainder of my time.

Mr. LAUTENBERG. How much time is left on our side, Mr. President?

The PRESIDING OFFICER. Two minutes 32 seconds.

Mr. LAUTENBERG. On the majority side?

The PRESIDING OFFICER. Five minutes on the majority side.

Mr. LAUTENBERG. Mr. President, I have listened, and if I were not experienced I would be shocked at what is being said. Get over Alaska. What do you care about Alaska? I care about my family. I even care about the other guy’s family.

Why was FAA started in the first place?

June 30, 1956: TWA Flight 2 collided with United Flight 17 killing 128 people. The record shows that one probable cause of the accident was insufficiency of the en route traffic control advisory.

They can trivialize it on the other side all they want—smile and smirk. But the fact is that Don Young was the smartest of them all. And why didn’t we hear from the Republican side when the vote was taking place in June? We had 11 Republicans vote with us. I did not hear the cry that: We are not going to be able to fund this. We are going to be able to fund it.

Senator ROCKEFELLER and I proposed a compromise in S. 1618, which was an FAA temporary extension act. Let us get it all out there. But no, the other side persists in getting this thing through by one hook or another.

The fact is that by any sense of one’s decency, don’t throw FAA into the

same pot out of which we dug the baggage screeners. It is ridiculous to have this kind of a debate.

Sure, we can prove Air Force One can land anyplace. We know the President lands it all over in fundraising, for goodness’ sake. We see that airplane going out there. But that is a different situation than the one we are talking about when we have pilots who can occasionally make mistakes even when aided by the guidance of the FAA controllers. They know exactly what to do with the weather, they know what wind sheer looks like, and they know all of the conditions. And I am not the pilot. Senator MCCAIN is the pilot in this room.

The fact is it is safety; that is what I am concerned about. I am not interested in protecting anybody’s turf except the families who fly every day across this country and the people who want to know they are going to get there in a timely and safe fashion. With the scares we suddenly see coming out, and shoulder-fired missiles, and here—oh, no; we don’t have to talk about safety; let us talk about process.

The PRESIDING OFFICER. The Senator’s time has expired.

Mr. LOTT. Mr. President, I yield whatever time remains to Senator MCCAIN who will wrap up. Any time he doesn’t use I would like to retain.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank my colleague. I will be brief.

The letter says:

Let me be absolutely clear. The administration has no plans to privatize the Nation’s air traffic control system.

I would resist and join in efforts to prevent that.

It is very interesting: Baggage screeners? Could the Senator from New Jersey be talking about TSA talking about baggage screeners? That is an interesting depiction. They are required to be make sure there is security in our airports, I inform my colleague.

We are talking about hundreds of thousands of jobs here. We are talking about safety. We are talking about improved security. We know what needs to be done to improve security at our airports. That is in this bill. These come from the recommendations of the TSA and the Department of Homeland Security. They are vital.

If the Senator from New Jersey is interested in safety, then he will support the passage of this bill because it enhances in a broad variety of ways the safety of the airports in America. It is vital we implement these safety procedures.

If they were not interested, Vice President Gore’s National Performance Review in 1994, recommendation No. 9 for Department of Transportation, recommended converting 99 FAA staff control towers to contract operations. I wonder if the Vice President had that in mind at the time this process began.

The important point is we tried very hard to come to some agreement. I

don't think this has been a good process, but we made offer after offer. We have pressured the administration to come up with other offers. But the reality we were faced with was the threat of a Presidential veto. So we tried to reach accommodation. Obviously, that has not been enough.

But I assure my colleagues that if we don't pass this legislation, we will be back to the status quo, and the status quo—because we are not going to let this authorization die—will be continued privatization of towers in America, a program which has been a successful experiment.

I thank Senator ROCKEFELLER for his hard work on this issue. I appreciate it. Especially, I thank Senator LOTT for the many hours he put in trying to get this very important legislation passed.

The PRESIDING OFFICER. The Senator from Mississippi has 2 minutes.

Mr. LOTT. I ask unanimous consent that the letter to which Senator MCCAIN referred a moment ago from administrator Marion C. Blakely be printed in the RECORD.

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

U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION,

Washington, DC, November 17, 2003.

Hon. JOHN MCCAIN,

Chairman, Committee on Commerce, Science and Transportation, Russell Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I have received your November 13, 2003, letter regarding the issue of contracting our functions performed by Federal Aviation Administration (FAA) employees. It is unfortunate that the recent debate on FAA's pending reauthorization bill, Vision 100—The Century of Aviation Reauthorization Act has led some to confuse maintaining the status quo of the FAA's Contract Tower Program with privatizing our nation's air traffic control system. Let me be absolutely clear: the Administration has no plans to privatize the nation's air traffic control system.

I welcome and respect the Committee's duty to perform oversight of the FAA. I look forward to participating in the hearings you described, as there are many misconceptions as to the FAA's plans with respect to competitive sourcing that I would like to correct. In the meantime, if the legislation is enacted in its current form, you have my commitment that during the current fiscal year the FAA will not contract out any air traffic separation and control function currently performed by the FAA. Further, during that period, the FAA will not convert any Visual Flight Rule (VFR) tower to a contract tower.

I look forward to working with the Committee on the important challenges facing the Federal Aviation Administration. The Conference Report contains many provisions which will provide us with important tools to enhance aviation safety, security, and capacity. I hope that my assurances to the Committee will allow us to move forward on this important piece of legislation.

Sincerely,

MARION C. BLAKEY,  
Administrator.

Mr. LOTT. Let me read from part of that letter. She acknowledges the letter the bipartisan group sent her last

week, dated November 13, regarding contracting out functions performed by the Federal Aviation Administration employees.

It is unfortunate that the recent debate on FAA's pending reauthorization bill, Vision 100—The Century of Aviation Reauthorization Act has led to some confusing maintaining the status quo of FAA's Contract Tower Program with privatizing our nation's air traffic control system. Let me be absolutely clear: The Administration has no plans to privatize the nation's air traffic control system.

I welcome and respect the Committee's duty to perform oversight of the FAA. I look forward to participating in the hearings you describe, as there are many misconceptions as to the FAA's plans with respect to competitive sourcing that I would like to correct. In the meantime, if the legislation is enacted in its current form, you have my commitment that during the current fiscal year the FAA will not contract out any air traffic separation and control function currently performed by the FAA. Further, during that period, the FAA will not convert any Visual Flight Rule (VFR) tower to a contract tower.

What more can you ask? This is a letter from the Administrator, responding to our letter assuring us of those things we have been asking. They are not going to contract the air traffic control system, and they are not going to convert the visual flight rule tower to a contract tower.

I urge my colleagues, for the safety of the American people, for the importance of jobs in the economy, to vote for cloture. Let's pass this legislation and move it to the President for his signature.

Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays are mandatory under the rule.

Mr. LOTT. I yield the floor.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

#### CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 2115, the Flight 100—Century of Aviation Reauthorization Act.

Bill Frist, John McCain, Conrad Burns, Ben Nighthorse Campbell, Wayne Allard, Jeff Sessions, Mike Crapo, Larry E. Craig, Kay Bailey Hutchison, John E. Sununu, George Allen, Saxby Chambliss, Rick Santorum, Norm Coleman, Craig Thomas, Pat Roberts, Trent Lott.

Mr. CORNYN. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the conference report to accompany H.R. 2115 shall be brought to a close? The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Kansas (Mr. BROWN-

BACK), the Senator from Kentucky (Mr. BUNNING), the Senator from South Carolina (Mr. GRAHAM), the Senator from New Hampshire (Mr. GREGG), and the Senator from New Hampshire (Mr. SUNUNU) are necessarily absent.

I further announce that if present and voting the Senator from Kentucky (Mr. BUNNING) would vote "yes."

Mr. REID. I announce that the Senator from New Jersey (Mr. CORZINE), the Senator from Connecticut (Mr. DODD), 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 "nay."

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

The yeas and nays resulted—yeas 45, nays 43, as follows:

[Rollcall Vote No. 453 Leg.]

#### YEAS—45

Alexander	Dole	Miller
Allard	Domenici	Murkowski
Allen	Ensign	Nelson (NE)
Baucus	Enzi	Nickles
Burns	Fitzgerald	Roberts
Campbell	Grassley	Santorum
Chafee	Hagel	Sessions
Chambliss	Hatch	Shelby
Cochran	Hutchison	Smith
Coleman	Inhofe	Snowe
Collins	Kyl	Stevens
Cornyn	Lott	Talent
Craig	Lugar	Thomas
Crapo	McCain	Voinovich
DeWine	McConnell	Warner

#### NAYS—43

Akaka	Durbin	Lincoln
Bayh	Feingold	Mikulski
Biden	Feinstein	Murray
Bingaman	Frist	Nelson (FL)
Bond	Harkin	Pryor
Boxer	Hollings	Reed
Breaux	Inouye	Reid
Byrd	Jeffords	Rockefeller
Cantwell	Johnson	Sarbanes
Carper	Kennedy	Schumer
Clinton	Kohl	Specter
Conrad	Landrieu	Stabenow
Daschle	Lautenberg	Wyden
Dayton	Leahy	
Dorgan	Levin	

#### NOT VOTING—12

Bennett	Dodd	Gregg
Brownback	Edwards	Kerry
Bunning	Graham (FL)	Lieberman
Corzine	Graham (SC)	Sununu

The PRESIDING OFFICER. On this vote, the yeas are 45, the nays are 43. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader is recognized.

Mr. FRIST. Mr. President, I enter a motion to reconsider the vote by which cloture failed.

The PRESIDING OFFICER. That motion is entered.

Mr. FRIST. Mr. President, for the information of colleagues, we will have no more rollcall votes tonight. For my colleagues' planning purposes, we will come in tomorrow morning at 9:30 and have two cloture votes beginning at 10:30 tomorrow morning. Tonight, we

will continue with the debate for which we will get unanimous consent in a moment. I encourage our colleagues to participate and to stay for this debate for which we will propound a unanimous consent request at this juncture.

Again, we will have no more rollcall votes tonight. We will have two cloture votes at 10:30 tomorrow morning.

#### MORNING BUSINESS

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent that there now be a period for morning business for up to 65 minutes, with the time divided as follows:

Senators DORGAN and KYL be recognized first in this order for up to 1 minute each; the next 20 minutes be divided with the Democratic side in control of the first 5 minutes, to be followed by 5 minutes under the control of the Republican side, to be followed by an additional 5 minutes for the Republican side, with the final 5 minutes under Democratic control.

I further ask unanimous consent that the next period of time be divided, as follows:

Each side be permitted to ask up to four questions for up to 1 minute each in an alternating fashion, to be followed by a response of up to 2 minutes to be controlled by the other side of the aisle; to be followed by an additional minute by the first side, with the Republicans to ask the first question.

I further ask unanimous consent that the next 8 minutes be allotted in 2-minute segments alternating with the Democrats first and the Republicans concluding; further, that Senator DORGAN then be recognized to speak for up to 1 minute, to be followed by Senator KYL for the final minute; that upon the yielding of the floor, any debate time remaining during that period of controlled time be yielded back.

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

Mr. KYL. Mr. President, let me announce to my colleagues that this is the second in a series of scheduled debates between the Republican and Democratic sides of the Senate on subjects of importance to the American people to be conducted in actual debate format. Rather than the usual situation where we speak to an empty Chamber or talk across each other, we have actually set up a debate in which two Republicans and two Democrats will tackle a subject of interest today and respond to each other and engage in debate the way it was originally intended by our Founders and by the people who set up the rules of the Senate.

All of the speakers will go through the Chair, but they will be addressing this subject in prepared remarks and then in rebuttal and response to each other. Senator DORGAN and I, who chair our respective policy committees, hope we can thus establish a precedent in

this body that at least once a month we will pick a topic and engage in debates the way it was intended to be. We hope both our colleagues and the American people will be edified by this process, not to mention the other Senators in the body.

The PRESIDING OFFICER. The Senator has used 1 minute. The Senator from North Dakota.

Mr. DORGAN. Mr. President, before we begin, let me say to my colleague from Arizona that I think this is a good idea. We will engage now for the second time today in a debate about a specific topic. We will do it for 1 hour talking about something that is very important to the country. In this circumstance, it is going to be jobs and economic policies that create jobs.

This Senate is considered the greatest deliberative body in the world and, from time to time, people might tune in and wonder whether that description best suits the Senate these days. I think it does, however.

There are some extraordinary men and women who serve in this body, very capable of debating the issues. So Senator KYL and myself, as chairmen of the respective policy committees, have decided to establish this 1-hour debate on important issues. I am going to participate in the debate on our side at this time, and I believe Senator KYL will participate in a future debate.

The PRESIDING OFFICER. The Senator has spoken for 1 minute.

Mr. DORGAN. Mr. President, I look forward to this debate.

The PRESIDING OFFICER. The Democrats now have 5 minutes. The Senator from Iowa is recognized.

#### JOBS AND THE ECONOMY

Mr. HARKIN. Mr. President, again I join Senator DORGAN and my colleagues on the other side in saying how pleased we are to be here this evening to continue this process of having legitimate debates on the Senate floor regarding topics of importance to the American people.

Tonight we will be talking about jobs and the economy. In my 5-minute opening statement, I am prepared to show that Democratic economic policies are superior to Republican economic policies as it benefits the American public.

How are Democratic policies better? Simply because we create more and better jobs.

We create a better standard of living and quality of life for the majority of Americans who are working. We do this through worker and consumer protections, equal opportunity for women and minorities with basic measures such as the Family and Medical Leave Act, all historic steps led by Democrats, with Republicans either trailing or opposing outright.

Now, another example: The last Democratic administration and our economic plan, embodied in the 1993 budget, set us on a course of adding 6.4 million jobs in just 2 years. We eroded

the annual deficits and eventually created the actual largest projected Federal budget surpluses in history. Every Republican in the Congress voted against that budget in 1993, with dire warnings about its effect.

We invested in people and family. We balanced the budget and we set the conditions for the most successful economic recovery and expansion ever in the history of the United States. Our friends on the other side cannot match our record on jobs, and I point to this chart I have. If we look at the average monthly change in jobs, Democratic versus Republican Presidents, jobs gained or lost per month, going clear back to Lyndon Johnson, we can see that under Johnson, Carter, and Clinton, we had tremendous job growth. Under Nixon, Reagan, Ford, and Bush 1, we had job growth but not as much as under Democrats.

If we look to the far right, we will see some devastating things that have happened since this President took office, not a job growth but an actual job loss, my point being that under Democrats we build better jobs and more jobs.

In 3 years, this administration has lost 3 million private sector jobs and their budget and tax policies have contributed to the largest and actual budget deficits in the history of the country.

The last quarter showed some improvement in our economy, and that is good, but it is not nearly enough. This administration will be the first since Herbert Hoover's to preside over a net loss of jobs over a 4-year period. We need to be creating about 150,000 jobs a month just to stay even. We are not doing that today. We are not even treading water in terms of job creation.

If my colleagues think the economy is tough now, look at the economic future the Republicans are creating. This administration turned a projected 10-year, \$5.7 trillion surplus into a \$4 trillion deficit over the coming 10 years. That debt imperils Social Security and Medicare, which might not bother some of my friends on that side who would like to privatize Social Security or Medicare or end it as we know it. That debt hurts our economy, it crowds our private sector investments we need for economic growth. It makes it difficult for us to make the investments in education, health, schools, roads, and our infrastructure.

For the long term, the Federal Government will have to borrow \$400 billion a year, squeezing out private sector investment we need for a growing economy. The law of supply and demand which cannot be repealed means that borrowing will make investment dollars scarce and interest rates higher. Higher interest rates in the future will limit growth and limit jobs.

Now, instead of massive tax cuts that benefit the wealthiest, the answer should have been our approach: Fiscal responsibility, tax cuts targeted to low- and middle-income working families, and good job-creating, direct investments such as building roads and

schools, our economic infrastructure. That should be the path we should be on.

The PRESIDING OFFICER. The Republicans are recognized for 5 minutes.

Mr. ALLEN. Mr. President, I thank my colleagues for joining with us in this debate on the most important issue we have facing us in the Senate and in our country. That is: How can we work to make sure we have the best policies for more investment and more job creation?

The reality is, right now things are getting better. They need to get better, though, than they are currently. Nevertheless, the facts are clear. Job growth is up by 126,000 in October. When my colleagues talk about the last 20 years, last month we had an annual growth rate of 7.2 percent. That is the best in 20 years.

The Republicans' point of view, I would say to my colleagues, is that we want to make sure every American, regardless of their race, their gender, their ethnicity, or their religious beliefs, has the opportunity to compete and succeed. That means our tax policies have to be conducive to investment. Regulations need to be based on sound science, not political science.

We also need to make sure the people of our country, in our States, have the capabilities and the knowledge to get the good jobs in the future. We also need to have security. When we see people in communities worried about crime or worried about terrorism, those are adverse impacts, on confidence and investment and therefore job creation. We have seen the adverse impacts of 9/11, particularly in the travel and tourism industry.

I know as Governor of the Commonwealth of Virginia what matters to businesses when they are looking to invest. They look at what is the cost of doing business, what is the tax rate, what is the cost of workers compensation. Ours are low in Virginia because we keep lawyers out of workers compensation. We get the money to the person who is injured so he or she can get back to work. Unemployment insurance taxes matter. The fact that we have a right to work law, which gives individuals the right, if they so desire, not to join a union as a condition of work, that helps attract business. Health insurance matters as well.

In a variety of areas, we have found Virginia ended up with much more job growth, more investment. It was called the Silicon Dominion because of the investment, because of having taxes competitively low, prompt permitting, reasonable regulations, and also investment in security and also in the capabilities of our students for high academic standards.

The Democrats talk about all of these Presidents. Interesting. Richard Nixon was elected after President Johnson. If one wants to call Jimmy Carter their second best President, with the malaise and the high interest rates, the high unemployment, and the

high inflation. People put in Ronald Reagan to help revive this economy and make us stronger as well as, of course, keep our peace through strength.

I find it interesting my good friend from Iowa talks about, oh, the Republicans somehow want to imperil Social Security and gets off on these tangents on privatization. Of course the Democrats care about Social Security because in 1993 they not only taxed all families and all small businesses and every taxpayer, they even taxed Social Security benefits. When given the opportunity most recently on a measure introduced by Senator BUNNING of the Commonwealth of Kentucky, virtually every Democrat voted against that effort to repeal the tax on Social Security benefits.

The fact is, we are making good progress. We need to keep moving forward. We have ideas, as Republicans, in a variety of ways that we can make sure the American economy can compete internationally, can help create more jobs and greater opportunity. Indeed, we want to make health care costs more affordable and predictable, reduce the burden of lawsuits on our economy, whether it is asbestos reform or class action reform, make sure we have an affordable, reliable energy supply, streamline regulations, open new markets for American products, and also make sure there is confidence in investment in this country by making sure the tax reductions are permanent.

I will close with the words of Mr. Jefferson who said that the Government should restrain men from injuring one another but otherwise leave them free to regulate their own pursuits of industry and improvement and shall not take from the mouths of labor the bread they have earned.

That remains the sum of good government today.

The PRESIDING OFFICER. A Democrat is recognized.

Mr. DORGAN. Mr. President, I am not someone who believes Democrats are all right and the Republicans are all wrong. I believe both political parties contribute to this process.

We do not have to debate theory today about jobs. Let's just debate what we know. Here is what we know. In the 8 years under the Presidency of President Clinton, 237,000 jobs a month were created. Since President Bush took over, we have lost 70,000 jobs a month. There were 22.7 million jobs created during the 8 years of the Clinton administration; since President Bush took office, 2.3 million jobs lost. On June 7, 2002, the White House said: The tax cut will help create 800,000 new jobs by the end of 2002. In fact, we lost 1.9 million jobs during that period.

Finally, take a look at the red line, and my colleagues will see where these jobs have gone, and my colleagues will see the improvement about which my colleague just talked. They said, gosh, things are turning around. Here is the improvement; right here. All of us

want good jobs in this country. They come with three things in my judgment: Fiscal policy that is responsible—no, not \$500 billion deficits, which this administration is proposing and running up but fiscal policy that is responsible, trade policies that are fair to this country, to its businesses and workers, and especially as a result of good policies in both of those areas, confidence the American people would have in the future.

In 1993, we put a new economic plan in place by one vote in the House, one vote in the Senate, and we didn't get one vote for it on that side of the aisle—not one, not even by accident. As a result: 22.7 million jobs. On your side of the aisle they predicted catastrophe—the economy is going to be in terrible trouble. We had the strongest growth of any President, 22.7 million jobs.

Let me talk for just a moment about trade. We now have a trade ambassador trying to negotiate trade agreements in every part of the world. Let me talk just a moment about Huffly bicycles. Mr. President, 850 people in Ohio lost their jobs. They used to put American flags on the front of Huffly bicycles. They replaced that with a globe because they now make them in China. Why? Because the folks in Ohio who make them—who got fired, by the way—were making too much money, \$11 an hour. So Huffly bicycles are now made in China for 33 cents an hour and sold at Wal-Mart, Target, and Sears. But they are not cheaper because they pay 33 cents an hour; it is just that Americans lost their jobs. Our trade policy is bankrupt, and we have a trade ambassador right now trying to do three more free trade agreements, more of the same. If you want good jobs in this country, then you have to stand up for American interests. You have to have a fiscal policy that adds up. This administration's doesn't. We are running the biggest deficits in history.

You have to have a trade policy that stands for this country's interest, and this trade policy doesn't. We have the highest trade deficits in history, and we have jobs moving wholesale overseas, where you can hire 12-year-old kids, work them 12 hours a day, and pay them 12 cents an hour, and that simply is not fair.

As a result of trade and fiscal policies that do not add up, the American people do not have the confidence in the future they ought to have. Confidence, after all, is what relates to the expansion side of the business cycle. When people are confident about the future, they buy a home; they take a trip; they buy a car; they do the things that expand the economy. When they are not confident, they do exactly the opposite.

We need to get to work and fix this country's fiscal policy, fix this country's trade policies, and not just go back right over the same old recipe about regulation and taxes and all those sorts of things. We know what

creates jobs. We don't have to describe theory here. We can talk about the facts.

The facts are we put in place a plan in 1993 that created 22.7 million jobs because it said to the American people we are serious about fiscal responsibility. It said to the American people we are going to stop this sea of red ink, and we did. It was a hard vote, but it was the right vote. I have always been proud of it.

Now we have a sea of red ink, the largest budget surplus in this country's history when President Bush took office has been turned to the largest budget deficit in our history, and that is not going to breed confidence for the American people about the future. We need to put this country's economic house in order, and we need to do it soon.

Fiscal policy and trade policy that represents the long-term interests of the American people will represent expansion and jobs and opportunity once again for our country.

The PRESIDING OFFICER. Who seeks recognition on the Republican side? The Senator from Minnesota is recognized.

Mr. COLEMAN. Mr. President, before I arrived here, I read many times about the Senate as the "world's greatest deliberative body." Over my first 10 months, I would say that I have not experienced as much deliberating as I'd hoped. And I am glad my colleague, Senator ALLEN and I are doing this today—and that we are doing it deliberately.

The subjects of jobs and the economy are very personal and important to every American family. With the lone exception of maintaining national security at home and abroad, we have no greater responsibility as a government. I note to my colleague from North Dakota that, by the way, consumer spending is up 6.6 percent in the last quarter. Confidence is up. It must tell you something about the way the American people are thinking.

I want to begin by making a general observation. It seems to me that as a country we are awakening to a set of stark realities after what I'd call a decade of unrealism in the 1990s.

In the 1990s we came to believe that somehow we had conquered the business cycle—that we had ended the age old rise and inevitable fall of economic activity.

In the 1990s we came to believe that we are safe behind our borders from the violence and chaos that is a daily reality of many in the world because of the scourge of terrorism.

We have had a rude awakening. The speculative bubble of dot com industries burst. Revenues generated by our highly progressive tax system fell rapidly at the national and State level. We were attacked, at the very symbol of our commercial strength. How can you talk about job loss without once mentioning 9/11? Every conceivable threat to the confidence of the American peo-

ple was leveled at us. But like the residents of the Massachusetts countryside in 1775, when Paul Revere rode by, we were awakened, and we are fighting a difficult war to restore our safety and our prosperity.

On Minnesota's Lake Superior; huge ore boats ply the world's largest body of fresh water. It literally takes miles and hours to turn around one of their massive boats. So it is with the American economy. The bigger the object, the longer it takes to turn. As we look at the American economy, we need to recognize a few critical facts.

First, the economic difficulty we are in began in 2000, the year before President Bush took office. In March 2000, the NASDAQ lost 44 percent of its value. In the year before the President took office, economic growth in this country fell from 3.9 percent to .9 percent.

Second, we have not repealed the laws of economics. The aftermath of a long expansion and a speculative economic bubble is recession, a slow recovery and large Government deficits. Even at its peak, our unemployment rate is substantially below that of previous recessions. In 1983 unemployment was over 10 percent and in 1992 it was almost 8 percent. And the difference between 6 percent and 8 percent or 10 percent represents millions of families back at work.

And third, the economy is now moving forward. The American economy has been bent, but it did not break.

Historic growth in the GDP—a growth rate of 7.2 percent—is nothing to scoff at. Yet, my Democratic colleagues seem to be able to find gloom and doom even during the brightest days.

We've added 225,000 new jobs in the last 2 months. A jobless recovery? I think not. Job growth is still a challenge, but as we have always seen, employment gains are the lagging feature of recovery.

I have not been the White House as often as some of my colleagues. But as far as I know there is not a brake pedal or a throttle for the economy under the president's desk.

But the President has done good work with the tools at his disposal. Federal Reserve Chairman Alan Greenspan has lauded the 2001 tax cut, which the Treasury Department has reported saved some 1.5 million jobs. The most recent tax cuts for both mom's and dad's and small businesses have been key to the 7.2 percent growth in GDP in the last quarter.

More than a generation ago there was Nobel Prize winning economic research done at the University of Minnesota. It seems obvious to us now, but the point of that research was that raw numbers and events are not the only thing that moves the economy. An equal or greater affect is the way people perceive what is happening.

At this point, I am forced to point out there is a drag on the economy from nine candidates for President con-

stantly standing up and bad mouthing the economy. It seems they are living in that weird political world where good news is bad news and bad news is good news. I would like to remind these Democrats of something a hero of theirs and mine one said in a similar situation. "We have nothing to fear," said FDR, "but fear itself." Those who talk tough and breed fear and cynicism to get notice in a political environment bear some responsibility for the fear they spread.

Tough times are not new to the American people. Each generation has its own new challenges. Ours is that we are asked to deal with overlapping threats to our national security and our economic security.

But almost all of the key economic indicators; job growth, business investment, consumer spending, have shown that we are making progress on both fronts. We need to listen to the voices of hope and optimism at such times, or we can become our own enemy.

Today we face unparalleled challenges to our security—and concerns about our economy.

We will only get through them if we say yes to the things Republicans are working on now, such as tax cuts, continuing our jobs agenda by passing an energy bill; stemming the costly litigation mentality, keeping the lid on spending, and say no to those who would snatch defeat from the jaw of victory.

I yield the floor.

The PRESIDING OFFICER. The Republicans have 1 minute to ask a question.

Mr. COLEMAN. Mr. President, contrary to specific evidence that shows the economy is growing, Alan Greenspan's positive comment about the 2001 tax cut, and most observers crediting the 2003 tax cut for creating the recent 7.2 percent GDP figure, some of the leading Democratic candidates for President, Dean and GEPHARDT, have said we should repeal all the tax cuts, in effect raising taxes just as our economy is beginning to grow. Senator EDWARDS has said that Governor Dean misses the point. On that, I quote:

Unfortunately, instead of addressing the problem, he makes it worse by raising taxes on the middle class and families that work.

Senator LIEBERMAN has said repealing all the Bush tax cuts, as Dean and GEPHARDT have proposed, would hurt the middle class. I wonder if my colleagues will join me by rejecting the proposals by Dean and GEPHARDT to roll back the entire tax cut, which would raise the lowest tax bracket back up to 15 percent from 10 percent, reduce the child tax credit from \$1,000 to \$500, and force 4 million working poor people to pay taxes.

The PRESIDING OFFICER. There are now 2 minutes to respond from the Democrat side.

Mr. DORGAN. Mr. President, it is an interesting question posed by my colleague from Minnesota, and prior to him posing the question, he talked

about more tax cuts and a lid on spending. Frankly, he is proposing and his party is proposing more defense spending, more homeland security spending, more spending in virtually every category, and then tax cuts in addition, which leaves us with very large deficits.

But he asked specifically about tax cuts, so let me describe the difference in tax cuts relative to our party and their party. We believe in tax cuts and support tax cuts for working families. In fact, we had a very significant tax cut plan that would have said to working families in this country who bear a pretty significant tax, payroll tax and income tax, that we are going to give you a pretty good size tax cut. But the majority party said that is not what we want to do.

But the majority party said: That is not what we want to do. We want to say to the person who is making \$1 million a year, you really need the relief. We are going to give you a \$93,000 tax cut because we believe the economy works better when you put something in at the top and somehow it trickles down. We happen to believe the percolate-up approach is what makes this economic engine of ours work. And we believe if you give working people something to work with, tax cuts targeted to working people, we will have an economy that regains its footing, provides economic growth, opportunity, and hope once again. That is the way to engineer economic growth and new jobs and expansion of opportunity in this country.

The PRESIDING OFFICER. There is 1 minute for rebuttal on the Republican side.

Mr. COLEMAN. Mr. President, the comments of my colleague from North Dakota indicate that they do reject the Dean-Gephardt proposal that will roll back all the tax cuts.

Two observations: No. 1, spending. Goodness gracious, the Republican Conference has rejected \$1.3 trillion in additional spending proposals from my colleagues across the aisle since the beginning of January. That is like the kid who kills his parents and throws himself on the mercy of the court and says: I need mercy. I am an orphan.

You are talking about spending and, in addition, talking about tax cuts. We always hear: Tax cuts for the rich, tax cuts for the rich. Seventy-nine percent of the tax cuts at the top bracket are small business people. They are folks in Minnesota I deal with all of the time who come to me and say: This makes a difference; this is important to us. Seventy-nine percent. We have to get away from the class warfare and recognize that we are growing jobs by helping small business.

The PRESIDING OFFICER. The Senator's time has expired.

The Democrats are recognized for 1 minute to ask a question.

Mr. HARKIN. Mr. President, the Bush administration wants to eliminate overtime pay for some 8 million

Americans, including many policemen, firefighters, and nurses. One big reason overtime pay was created in 1938 was to create jobs by Franklin Roosevelt to give employers the incentive to hire new workers rather than paying time and a half to current workers. By killing overtime for millions of workers, the administration will also kill the incentive to create new jobs and hire new workers.

At a time when we are struggling to create new jobs, why in the world do so many Republicans want to give employers a new disincentive to begin hiring again by taking away what we have had since 1938—overtime pay protection for almost 8 million American workers? Why would we want to take that away and give employers more of an incentive to continue to hire people—or to work people longer in the day or the week without paying them any more money?

The PRESIDING OFFICER. The Republicans are recognized for 2 minutes to respond.

Mr. COLEMAN. Mr. President, first, we can have a great debate about overtime. I can tell you from talking to folks in Minnesota—I get calls from the building trades and others—that the issue doesn't affect them.

The fact is what we are looking to do is make business more efficient. That is what it is about. We do not want to hurt workers. I think it is about time we addressed the root causes. What is it that helps business expand or not? I think that is what my colleagues on the other side of the aisle at times just do not seem to get.

You talk to business people, and what do they tell you? Cut taxes, cut regulation, give them the opportunity. That is what is in the tax cut. Increasing depreciation, increasing expensing for small business, if we do those things, they will grow jobs.

There are a whole range of issues on which I hope we can find common ground when it comes to protecting workers. I will work with you, but in the end, you have to have workers, and you can't have workers unless you do those things that allow small business to grow. If you roll back tax cuts and roll back expanding accelerated depreciation, if you roll back the increased expensing, if you continue to short business and increase regulation, in the end there will be no jobs for folks to work overtime. That is what it is all about.

Let us address the root causes of things that grow jobs. That is what this Republican agenda is doing. That is what the President's tax cuts are doing. Let us keep moving in that direction.

The PRESIDING OFFICER. The Democrats have 1 minute for rebuttal.

Mr. HARKIN. Mr. President, I had some calls like that, too, from labor groups and building trades on the overtime issue. I thought, well, it doesn't affect you. With a union contract they get their overtime pay. But check with

their spouses. They will be told to stay another 2 or 4 hours. Right now, sometimes in America almost 25 percent of a family's income comes from overtime pay. That is taking away family income. It is taking away time from ones family. And, it is reducing the need to hire additional workers. That is why we oppose the administration's regulation to take away overtime pay protection.

The PRESIDING OFFICER. The Senator's time has expired. The Republicans have 1 minute to pose a question.

Mr. ALLEN. Mr. President, I would like to pose a question to Mr. HARKIN, the Senator from Iowa. This question gets into the issue we are talking about, which is jobs.

Taxes cuts help create more jobs for small businesses, especially the most recent tax cuts for accelerated depreciation. Regulations from the Federal Government also can reduce choice and cost jobs. For example, we believe free people and families ought to be able to keep working. The proposal would harm those choices and jobs.

For example, the proposal which has strong Democrat support would increase the cost of purchasing pickup trucks, SUVs, and minivans. America is dominant in the manufacturing of minivans, SUVs, and pickup trucks. Many people are choosing to buy them for the safety of their families.

I ask the Senator from Iowa: How many SUV jobs would have been lost had your side prevailed?

Mr. HARKIN. Mr. President, I am trying to understand the question posed by my friend from Virginia.

Mr. ALLEN. How many jobs would have been lost had your position prevailed?

Mr. HARKIN. On SUVs and pickup trucks?

Mr. ALLEN. I am talking about the CAFE standards.

Mr. HARKIN. I see.

First of all, as my friend from Virginia knows, I represent a rural State, as does my colleague from North Dakota. We have a particular use for SUVs as pickup trucks and heavy vehicles in the country.

I happen to have a house out in the Senator's State, in Fairfax County. I drive back and forth to work 12 miles every day. There is traffic congestion. I can't believe how many SUVs, pickup trucks, and big trucks I see. I do not believe that we need to give high income doctors a special \$100,000 tax deduction if they buy an oversized SUV weighing more than what is the tax definition of a car so they can drive around the suburbs. For legitimate business reasons, a farmer or a rancher might need them out in the countryside for that kind of work, you bet. They need that, but not the people who live in this city.

We are hemorrhaging debt and don't need to create that tax break.

CAFE standards: I have to say to my friend from Virginia, you can't have

long-term sustained economic growth in this country if you are destroying the environment or if we continue to sharply increase our oil supply. That makes us far more dependent on Mideast oil. There has to be a balance. We do have to have balance. But what I see from the other side is just to heck with any regulations, throw caution to the wind, pollute as much as you want and not to worry about the huge oil bills we are paying to the Mideast.

Our taxpayers today—the Senator's taxpayers and mine—are coughing up billions of dollars every year to clean up the toxic waste sites that big corporations left and walked away from, and now our taxpayers have to pay to clean it up. That is why it is important to have regulations to make sure that companies don't pollute and that they do things in the best environmentally sound manner.

The PRESIDING OFFICER. One minute is remaining for the Republicans.

Mr. ALLEN. Mr. President, I don't think SUVs, minivans, and pickup trucks cause toxic waste sites. I will agree with one thing, and I think most people in America will agree: The comments of the Senator about all of these SUVs, minivans, and pickup trucks driving around in northern Virginia are driving to nowhere; most people in America would probably consider DC nowhere.

Cost in lives: 4,500 deaths would occur each year if they had increased these standards. Vehicle costs would have gone up \$2,500 for cars and \$2,750 for SUVs and pickup trucks. The United Auto Workers said this proposal would have cost hundreds of thousands of jobs.

We have a Ford assembly plant in Virginia. And I would hate to see a 20-percent loss there and have to go to those 2,200 employees and say 1 out of every 10 of you is going to lose a job because the nannies up in Washington want to take away your choice to drive a vehicle that people would want for their families and for their safety.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for the next question.

Mr. DORGAN. Mr. President, the issue this evening is jobs. Let me ask a question of my colleagues about the insidious and perverse incentives in our Tax Code that subsidize companies which move their United States jobs overseas.

I mentioned Huffy Bicycles, gone from Ohio because they made \$11 an hour. That is too much. They can produce bicycles where they pay 33 cents an hour. I am saying your party has included, and is at the moment, coming from the Finance Committee, including more incentives to move jobs overseas. I ask the question whether you are prepared to vote with us to shut down the incentives in the Tax Code that tell people if you move your United States jobs overseas and shut your U.S. plant down, we will give you

a benefit in the Tax Code. Where I come from, that does not add up and it makes no sense. Are you prepared to join with us and vote to end all of those subsidies now?

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. I am not sure what the Senator from North Dakota is actually talking about. What we are talking about and what we are trying to do is make sure the United States of America is a place that is conducive to do business. It is a shame and it is aggravating to all of us when a company goes overseas. It takes jobs away. One of the reasons they will move away is the cost of doing business. We are in competition with other countries. It is our view what we ought to be doing is target assistance to businesses to invest in this country. That is why we tripled the amount that could be expensed for small businesses, allowed also that if people buy new equipment, new technology, to be more productive and more competitive, they could write it off more quickly.

These initiatives, the depreciation, the writeoffs, have actually had a beneficial impact on our economy, not only those businesses that are investing in this country, most of which are small businesses that create about 75 percent of the jobs, but those that fabricate or manufacture whatever equipment or manufacturing efforts they have, whoever is assembling it, whoever is transporting it, packaging it, or selling it. That is all beneficial.

Our point of view is we need to make sure America has tax laws and the regulatory policies that allow America to compete so companies do not have any incentives or need to move overseas. I will later bring up a question which I think will be very helpful for getting those profits back into this country.

Republicans will join with Democrats saying we do not like to see companies go overseas, but we have positive, constructive solutions and ideas to keep those jobs here, so companies do not feel they have to go to another country with less regulations and lower taxes for them to provide for themselves and their shareholders.

The PRESIDING OFFICER. One minute for the minority.

Mr. DORGAN. One of the issues of competition is wages. Companies now leave this country because they can find somewhere in the world where they can hire a 12-year-old and pay them 12 cents an hour. Some think that is global competition. That ignores that which we fought for, for a century, about safe workplaces, environmental standards, child labor laws, and fair compensation.

Let me also say there is a bill coming from the Finance Committee that will give us a chance to vote on the question of whether we want to keep subsidizing the movement of jobs overseas. That bill will once again say to companies, we will give you a break. Move your jobs overseas, you do not have to

pay tax on your income until you repatriate. And when you do, by the way, we will charge you 5 percent. We will charge you a third or fourth the tax rate a receptionist is paid, the lowest in the office.

Is that fair? The answer is no. Once again, it is another incentive to say to people, if you move your jobs overseas, go find lower labor rates somewhere else, call yourself an American firm but hire foreign labor, we will give you a benefit. That ought to be shut out of the Tax Code. Your party is opening it up.

The PRESIDING OFFICER. The time has expired. One minute for the next question from the majority.

Mr. COLEMAN. Mr. President, Democrats express concern of a loss of manufacturing jobs and our country's ability to compete in the world; again, a concern I share. But then Democrats turn around and oppose each and every policy objective the National Association of Manufacturers says it needs to stay competitive.

That is what this is about. How do we stay competitive—including medical malpractice reform, to rein in runaway health care costs killing our small businesses, asbestos reform, class action reform, and a myriad of other reforms.

In addition, there is talk of perhaps Democratic obstruction to an Energy bill that will create 500,000 to 700,000 new jobs. Are the Democrats prepared to come around on these issues and finally support the thing our Nation's manufacturers say they need to stay alive?

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I have not heard a description of my colleagues riding Huffy bicycles or their desire to ride a Huffy bicycle in the future, but let me come back to that point. You are talking about U.S. manufacturers and the conditions of competition. Do you think Huffy bicycles decided to make bikes in China rather than Ohio because of some bill we did or did not pass in the Senate? I am sorry, they went China because they could pay 33 cent an hour in China, they could have people work 7 days a week, 15 hours a day, and they could not do that in this country. That reduced the price and the cost of producing that bicycle.

I ask, if you have bought a bicycle for your child lately, whether you saw a reduction in the price of Huffy bicycles just because they went from \$11 an hour to 33 cents an hour. I will answer for you. The answer is no. It was about profits.

The question is, do you want to have a race to the bottom? Is that what you want for the American businesses and the American workers? Do you want to have a race to the bottom on wages, on health standards? Is that where we are? I don't think so.

We can compete anywhere in the world, but the competition has to be

fair. American companies and American workers ought not to have to compete with 12 cents an hour or 33 cents an hour labor. That is not fair competition. That is why I raised the issue of trade.

We have the trade ambassador busy running around the world right now trying to do more trade agreements. The last one, incidentally, which both of you voted for, put in an immigration provision that had nothing to do with the trade agreement, so that we could have an enormous number of people come through Singapore to take jobs in this country. We could not get it out. They will displace American workers, coming into this country to take American jobs, and we had an amendment we could not get out. Instead, they pass an amendment that says you better watch it, but you cannot take something out of a trade bill because of fast track.

This issue of competition—you want to change the subject, let's talk about what fair competition is for American businesses and American workers.

The PRESIDING OFFICER. The Senator's time is expired.

One minute for rebuttal for the majority.

Mr. COLEMAN. I deeply appreciate my colleague's concern for fair compensation. I note Senator DORGAN has been one of the chief advocates for trade with Cuba. I hope he would take that same philosophy about human rights and workers rights in dealing with Cuba.

I would also reflect a little bit on the comment about trade. NAFTA was signed by President Clinton and the Uruguay Round after being approved by a Democrat House and Democrat Senate. I believe Senator HARKIN supported both of those votes. On NTR trade with China, I believe both Senators DORGAN and HARKIN supported that. The reality is, we have a trade ambassador going there right now to push for some controls, push for expanded buying by China, cut down the deficit. But the bottom line is, How do we make us competitive?

Going back to the National Association of Manufacturers, they say the U.S. industry is burdened by legal and regulatory systems that retard growth and destroy jobs. That is what we have to deal with. We have to deal with the underlying things that make it impossible for businesses to grow in this country.

The PRESIDING OFFICER. The Senator's time has expired. One minute for the minority to ask a question.

Members are reminded to direct their remarks through the Chair.

Mr. HARKIN. Mr. President, in less than 3 years time President Bush has turned a projected surplus of \$5.7 trillion into a projected deficit of \$4.2 trillion over the next 10 years. Now not even Congress is powerful enough to reverse the law of supply and demand. This vast new debt will raise interest rates and damage the economy in the

long run. It is going to hurt the Federal Government's ability to cover the Social Security and Medicare costs of baby boomers and the education of our kids.

The tax bill gave a \$93,000 tax cut, on average, to those earning more than \$1 million a year. The majority of Americans, however, get less than \$100.

Also, right now, more and more foreign countries are owning our debt and more and more will be owning that debt over the next 10 years.

My question is, are these tax cuts for wealthy Americans worth the long-term damage they will cause our economy?

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. I thank the Senator from Iowa for that great question. What we care about is fiscal discipline and we do care about fiscal deficits, but what we care most about, as Republicans, is the job deficit.

As my wonderful colleague from Minnesota, Senator COLEMAN, said, this country has been hit by something that is unprecedented, other than maybe Pearl Harbor, with the attacks on September 11. That had a devastating impact on the confidence and the capabilities of our economy for a short while, but we are coming back, even in the midst of a war on terrorism.

When our friends on the Democrat side of the aisle talk about fiscal discipline, what they are talking about is continuing to tax the taxpayers. The bottom line is they think taxes ought to be higher on married people, on families, on individuals, on small businesses; even on people who die.

When you discuss fiscal discipline, as shown on this chart, here is the reality. As we were trying to cut taxes to help create more jobs and more investment in this country, Democrats proposed a variety of different amendments on the floor, as shown on this chart, is how much it would have raised spending: Each year it would be about \$87.9 billion; over 10 years, \$1.3 trillion—\$1.3 trillion additionally spent.

Our view is, the best way to raise revenues for the Government, for key priorities in research, in aeronautics, in education, for national defense and homeland security is to have a vibrant economy where people are working and paying taxes, and businesses are prospering and paying taxes, rather than going bankrupt or having people unemployed.

Shown on this chart is the cost of Democratic proposals in the Senate. Fortunately, we have a majority, and we are able to include responsible spending so that the taxpayers will get more of their money and not have added burdensome debt for the future.

The PRESIDING OFFICER (Mr. SUNUNU). There is 1 minute for the minority to rebut.

Mr. HARKIN. Mr. President, I am somewhat taken. I cannot believe it. The Republicans are in charge of the White House, the Senate, and the

House, and they are blaming the Democrats for this economic downturn and for the fact that we have these huge budget deficits. They are the ones who are in charge.

They are the ones that produced an 8 percent increase in domestic discretionary spending last year, far more than the average increase in the Clinton years. And, that excludes Iraq and Defense.

I would respond to my friend from Virginia, no, we do not believe in higher taxes, but we do believe in fairer taxes—fairer taxes—for the American people.

Right now, the corporate income tax rate is the lowest it has been since the 1930s except for 1983—1.2 percent—yet payroll taxes, paid by every hard-working American, is at the highest level ever. That is what has been happening; not that the people ought to pay more taxes, we ought to have fairer taxes.

Why is it fair that in the 2003 tax bill those making over a million dollars a year are getting, on average, \$93,000 while half the taxpayers got \$100 or less. That is what we are opposed to.

The PRESIDING OFFICER. There is 1 minute for the majority to ask a question.

The Senator from Virginia.

Mr. ALLEN. Thank you, Mr. President.

Mr. President, I would like to ask the Senator from North Dakota, Mr. DORGAN, this question. It follows up on some of his questions to me, and that has to do with what we call the Invest in the USA Act, which the Senate has passed, although there were dozens of Democrats who voted against it.

Current tax policies in this country hinder and punish U.S. companies that conduct business overseas. We would like them to do well and get into other markets, but if they want to bring that money back into this country, they are taxed at 35 percent.

Now, Senator DORGAN and Senator HARKIN oppose this investment in America. Can Senator DORGAN share with us the positive economic impact if this were actually put into law?

Mr. DORGAN. Mr. President, it is interesting that this behaves in exactly the opposite way as the Senator from Virginia understands it.

When you say to a company in this country, if you will simply invest overseas, heck, move a plant overseas, fire your workers in North Dakota and Virginia and Ohio, and employ foreign workers, if you will just do that, we will give you a deal. You will never, ever have to pay taxes on your earnings overseas. So get rid of that U.S. plant. Move it overseas. Earn your money there. And you simply do not have to pay taxes on it. That is called deferral. And the only time you will ever have to pay taxes is if you repatriate your income to this country. So there is a built-in incentive to move your company overseas.

I am surprised the Senator from Virginia would ask a question about that

because, in fact, the Finance Committee is now saying: I have an even better deal. We will keep deferral in the law—which is the perverse incentive—and we will allow you to repatriate that which you did earn, and we will charge you only a 5-percent income tax.

Any company that takes a look at that would say: Well, I can't have a better deal than this. They will continually support me to invest overseas. And there will now be precedent to allow me to repatriate the income and pay—I don't know—a fourth of the tax of the lowest paid workers in this country. What a deal, except that every company will now understand that is the way this Congress works, and so there is a big bonus for me to shut down my U.S. plant and invest overseas.

You talk about perversity, look, I am interested in jobs. I am interested in companies to expand their job base. The way to do that is to encourage that expansion in this country, to hire American workers, and pay them well, and to give them good benefits, and then, through them, earn good profits.

That is what I want for this country. But this country cannot any longer ignore the perversity in the Tax Code. And one of them is exactly what the Senator from Virginia alleged, that subsidizes the flight of jobs overseas.

The PRESIDING OFFICER. There is 1 minute for the Republican side to rebut.

The Senator from Virginia.

Mr. ALLEN. Mr. President, I would say, thank goodness the views of the Senator from North Dakota are the minority view. The reality is, most countries do not impose these 35 percent taxes. The current tax law prohibits businesses or impinges on their ability to bring profits back into this country to help create jobs.

A number of people, from Dr. Allen Sinai to Decision Economics to JP Morgan, have shown there would be 400,000 to 500,000 new U.S. jobs in this country, \$100 billion in increased investment in this country in equipment and research and development, and a reduction in corporate debt if this legislation were enacted.

You can keep the laws the way they are without this provision, and what you will see is more jobs going overseas. But if you have this 1-year benefit, you will find the benefit being in the hundreds of thousands of new jobs, with important investment here in America as opposed to overseas.

Mr. DORGAN. Mr. President, as I ask a question, might I say, I don't know about all these doctors and analysts, but I know about Americans who lost their jobs because of this perverse incentive; and that is what I want to shut down.

But let me ask my colleagues a question about this record. Again, we do not have to debate theory tonight. Let's just debate what has happened.

The odds against this being a coincidence are highly unlikely. Every

Democratic administration has produced far more jobs than every Republican administration. Does that mean one is good and one is bad? No. It means different strategies produce different results.

Isn't it the case that, over many years, the strategy by which we invest in working people and invest in small businesses, and giving them something to work with, produces the robust economic opportunity and economic growth across this land? It is true with Clinton, Carter, Johnson, right on down the line. And the evidence does not lie.

As I said, might this be a coincidence? Mathematicians say the odds are highly unlikely against that being a coincidence. In the last 40 years, every Democratic administration has done better than every Republican administration in creating jobs.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Minnesota.

Mr. COLEMAN. Thank you, Mr. President. I love that chart. Let's go back to Jimmy Carter: 18 percent inflation, 23 percent interest rates, long lines at the gas pump. You talk about turning a sow's ear into a silk purse, that chart does it.

But let's talk about reality and let's get away from the abstract. I agree with my colleague from North Dakota: Let's get away from what the economists say. I want to quote Joan Thompson, executive vice president and CFO of Midwest Wire and Cable in St. Paul, Minnesota, a small business. She says:

Our company will be stronger, continue to grow and provide more jobs with these type of incentives [we have seen in the tax cut].

She singled out the increase in small business expensing for new investment and increase in first year bonus depreciation as two keys in her company's resurgence.

Cirrus Manufacturing, one of the largest private employers in Duluth, MN, an area up north that suffered a lot of job loss right after the tax cut was passed—they sell private airplanes—talked about how they got sales that all of a sudden happened, that had been on hold for ages, because of the increase in depreciation.

I am not going to talk about charts. I am going to talk about reality.

I have to hit one other thing about reality; and that is, the reality is we were hit with September 11. We were hit with Enron and Worldcom. We were hit with the burst of the dot.coms. And we have come back. And why? That is the choice here today. Do we come back with providing the opportunity for small business to invest and grow jobs or do we continue to tax? Do we continue to regulate? Do we continue to overspend and drive this economy further down?

We are moving forward. Business investment is up, consumer spending is up, GDP is up. Housing starts are up. Jobless claims are down. Payroll jobs

are up. Productivity is increasing substantially. Total investment is up. The unemployment rate is down.

We are moving in the right direction with this President's and this Republican Senate's vision. Let's keep moving in that direction.

The PRESIDING OFFICER. There is 1 minute for the minority.

Mr. DORGAN. Mr. President, we certainly agree. I hope very much that we are moving in the right direction. We want economic expansion and jobs. But the fact is, Jimmy Carter has come up several times here. I am not surprised it is Grover Cleveland. There are so many excuses.

We are choking on Federal budget deficits. We are choking on a trade deficit that is the highest in history. The fact is, the American people lack confidence in the future because we don't have our fiscal house in order. We can blame others but we are dramatically increasing spending on defense, on homeland security, and cutting taxes substantially, and we have a fiscal policy that does not add up.

I want one that adds up, that creates new jobs and new economic expansion and hope for the American people. Most families just want a good job that pays well, that gives them some security. Most small businesses want a chance to expand in order to create new employment. That is all we want. The question is rooted in this chart. Where has the performance been? We don't have to debate theory. Just debate the performance of those who believe if you invest in working families, our economy does just fine.

The PRESIDING OFFICER. At this time, each Member will have 2 minutes for closing argument, beginning with a Member on the minority.

The Senator from Iowa.

Mr. HARKIN. Mr. President, this has been a good debate. I wish we could go for another hour.

Just a couple points. First, on job growth, that I have heard my friends on the other side talk about here this evening and the last month. The fact is, manufacturing jobs are going down. The service sector has increased. Manufacturing jobs continue to lose. One in seven manufacturing jobs were lost during the Bush administration. We are now at the lowest level of manufacturing jobs in our country since 1958, and it continues to go down. So when they talk about job growth, they are talking about the lowest kinds of jobs and the lowest paid kinds of jobs in the service sector.

Again, what we ought to be talking about are jobs. Again, as my colleague from North Dakota said, just look at the facts, the three major budget bills and job creation bills. In 1981, 1.4 million jobs were lost in 2 years after the Republican budget bill past. Under the Democratic budget bill passed in 1993, under our economic plan, 6.4 million jobs were created in 2 years. Of course, we know what is happening under this President Bush: after his budget bill

passed in 2001, 2.1 million jobs were lost in the next two years. It is the same old thing—Republican trickle-down economics was tried in 1981 and 2001. Put it in at the top, hope that it trickles down. That is the fundamental difference between Democratic and Republican economic policies.

We have long believed—and the proof is what we did in the 1990s—that if you put it in at the bottom, give it more to working families, invest in education and health care, educational opportunities, make the economy more efficient, it percolates up. It is percolate-up economics that works versus trickle down.

The problem with trickle down is when you give it to those at the top, they take too big a cut and it never quite trickles down. But when you put it at the bottom, you put people to work and you get the economy humming. We need to do it by expanding educational opportunities. Under this President, we have had the lowest request for educational funding in the last 30 years. That policy is going to mean a less well trained work force in the long-term, an economy that will not compete as well and larger deficits for our country.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Minnesota.

Mr. COLEMAN. Again, I thank my Democratic colleagues for participating in this debate. Much of the reasoning I have heard this evening reminds me of the definition of an economist: Someone who sees something beginning to work in reality and tells you why it won't in theory.

Simply put: The President's tax cuts have begun to stimulate the economy and grow jobs. I will go out on a limb here and say as a fact that the sky has not fallen, that we are not in the worst economy since Herbert Hoover, and the United States is not selling off the Grand Canyon to cover its debts.

Facts are facts. The business cycle lives. The economy started down long before George Bush became President. After a relatively short time of negative growth, the economy began to recover. Despite serious setbacks not of the President's making, such as 9/11, the economy is coming back strong. Jobs and deficits are the remaining problems. In the aftermath of recessions, they always are for a period. But we are headed strongly in the right direction. What every person knows is what matters is what we do here.

This is the question: Which do you think helps the economy and which hurts, raising taxes on everyone, especially on small business and job creators and then increasing Federal spending, or leaving that money in the pockets of consumers to consume or save or invest?

Tax increases would clearly hurt the economy more than increased spending would help. Today we need to look forward. To my Democratic colleagues, I ask you to join your Republican colleagues to keep the wheels of economic

progress turning. I ask you to join us in enacting class-action reform, medical malpractice reform, asbestos reform, all of which the National Association of Manufacturers says is absolutely critical to this country's ability to maintain domestic manufacturing jobs. Help put an end to the perception that Democrats care about manufacturing jobs, just not enough to offend the trial lawyers.

As for the deficit, talk about the kid who killed his folks and then threw himself on the mercy of the court because he was an orphan. Here we have Democrats offering \$1.3 trillion in new spending above and beyond what the budget will allow since January.

The question before us is whether Democrats will roll up their sleeves and help get the job done by passing an Energy bill or will more obstruction be the order of the day?

The PRESIDING OFFICER. The Senator's time has expired. The Senator from North Dakota.

Mr. DORGAN. My dad always told me never buy something from somebody who is out of breath. There is kind of a breathless quality to this debate from the other side. They want us to essentially ignore the fact that we have lost more than 3 million jobs in a couple of years. Of the biggest fiscal policy budget deficit in history, the biggest trade deficit in history, just ignore that. Be happy. In fact, call for more tax cuts, preferably tax cuts for businesses that are moving jobs overseas and tax cuts for people at the top of the income ladder.

Let's talk about jobs, though. What is the menu that creates new jobs? The Oscar Meyer Company had an opening for their Weinermobile driver. Eight hundred college graduates showed up to apply to drive the Weinermobile. What does that tell you about jobs in this country? This is a sad commentary on our job situation.

This country needs new jobs. We don't need an economic strategy that shrinks. We need one that expands jobs. We will best serve the American people if we decide these things matter. Deficits matter. Trade policies matter. If we decide these things matter and start working on them in a bipartisan way, in a thoughtful way, in a commonsense way, we will best serve this country's interests.

But facts remain. This is the first administration since Herbert Hoover that had a net loss of jobs, nearly 3 million jobs since it took office. I take no pleasure in saying that. I wish it were not so. I hope a year from now I can say there are massive new jobs being created and our economy is growing.

But I tell you this: That won't happen if we ignore the fundamentals. Let's get back to the fundamentals: fiscal policy that adds up and works; trade policy that adds up and supports this country's best interests in a way that can give confidence to the American people about the future. We won't provide confidence by putting our head

in the sand and saying: Be happy. Just call for more tax cuts.

I am for tax cuts, but I am also for a world-class educational system, protecting our environment, and creating more jobs.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, I thank my colleagues for joining in this debate. I think we all do share the same goals for this country: a strong national defense, homeland security; education, stronger nanotechnology, aeronautics and so forth. The question though is, How do you get there? How do you achieve this goal? That is where the difference lies.

We have been pushing for tax cuts because we trust free people and free enterprise. We figure families who have children, when they got that \$400 check this summer, needed that money for their kids. You have seen the results. They spent it on shoes or clothes or electronics, and it increased retail selling, which is great for the retailers and manufacturers of the products and the transporters and all the rest.

You see the job growth. Is it where we want to be? Of course not. What we are doing on the Republican side is putting forward a positive, constructive agenda and solutions to move America forward and help create more jobs. The difference is, on the Democrat side, their view is more taxes. They opposed our efforts to reduce taxes on married people. We wanted to get rid of the marriage penalty tax. We wanted to reduce taxes on families, on small businesses, entrepreneurs. They opposed us. But things are moving forward in the right direction.

We also disagree on their taxing of Social Security benefits. I know some of them, my friend from North Dakota, even want to tax the Internet which I believe ought to be free from burdensome regulations.

The bottom line of our philosophy was best summed up by Ronald Reagan who said in 1985: Every dollar the Government does not take from us, every decision it does not make for us will make our economy stronger, our lives more abundant, and our future more free.

That sums up the Republican approach and, indeed, its current success shows that it is right.

The PRESIDING OFFICER. Under the previous order, at this time the Senator from North Dakota, Mr. DORGAN, and the Senator from Arizona, Mr. KYL, will each be recognized for 1 minute.

Mr. DORGAN. Mr. President, first of all, I have enjoyed the opportunity to exchange views with my colleagues. They are very able legislators. I thank my colleague from Iowa and my colleagues from Virginia and Minnesota and also my colleague from Arizona, chairman of the Republican Policy Committee.

I must, however, correct one little misstatement at the end. My good

friend from Virginia just raised this little issue about the Internet tax, and nobody is suggesting we tax the Internet. We will save that for another day. We can have another date—just the two of us—on that subject. We need to do that based on facts.

I will say that I think this is a good exchange of views. My colleague from Arizona and I, with our caucuses, have created an opportunity—and we will try to do this each month—which allows us to exchange views on specific subjects. I think it merits additional opportunities in the Senate, and I will be pleased in the coming months when we are in session to work with my friend, Senator KYL, to find additional topics and debaters and to further advance discussions on public policy in our country.

I yield the floor.

Mr. KYL. Mr. President, I, too, thank our four debaters this evening, and especially my colleague from North Dakota, Senator DORGAN. He and I chair the policy committees of our respective conferences. We decided that too much of our debate in this body wasn't very civil or very much in the way of debate because we were frequently talking to an empty Chamber. We basically were talking past each other rather than engaging with each other.

The best way for the American people to understand our different philosophies and actually test ideas was to see us in a situation in which, like tonight, you saw questions being asked of each other and the responses being given at that same period, the rebuttals and the replies in proximity to each other, so that these ideas could be evaluated in a context of real meaning, rather than the way the debate frequently occurs here. That is not to denigrate our colleagues in the way we conduct other debates, but we think that by having this kind of an opportunity, we will not only elucidate particular issues, as was done this past week, but we can work together as friends and colleagues and bring out the best ideas and participate in debate of the kind that was originally contemplated in this Chamber.

Again, I thank the debaters. As was indicated, we intend to do this about once a month, and we hope everybody will tune in again. With that, I think we have a wrap-up request.

For the time being, 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. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### REAL MEDICARE REFORM IS POSSIBLE WITHOUT OBSTRUCTIONISM

Mr. McCONNELL. Mr. President, for 3 continuous days last week we focused

on the obstructions imposed over the past year against President Bush's circuit court nominees by the Democratic minority in the Senate. The Senate obstructionism has claimed victims, and unless we break their holds, more highly qualified legal scholars will be lost due to their ongoing obstructionism.

Obstructionism is not just for judges anymore. It has been used also against the Healthy Forests Act, a bill that was approved while the southern California fires raged on but was subjected to obstructionism by a minority when it was time to go to conference.

Now our seniors are on the verge of receiving a new Medicare prescription drug benefit unless the Senate chooses to obstruct it. After 38 years of broken promises, a real Medicare drug benefit is right around the corner. Opponents claim that reforms in the Medicare conference are too great and the spending too little. I disagree. Seniors have waited too long and this bill does too much for it to be subjected to obstructionism.

As I indicated a moment ago, after 38 years of broken promises our seniors will finally get a Medicare drug benefit unless the Senate obstructs it. After 38 years of delay, help can begin in as soon as 6 months unless the Senate obstructs it.

Looking at the second chart, this Medicare bill will provide unprecedented resources for seniors' prescription drug benefits, almost one and a half times what President Clinton proposed and a third more than Senate Democrats wanted just 2 years ago, and we will have all of this unless the Senate obstructs it.

Looking at the third chart, the Medicare bill will cover nearly all prescription drug costs for low-income seniors—nearly all prescription drug costs for low-income seniors. This is a terrific deal for our low-income elderly in America. We will have this unless the Senate obstructs it.

This Medicare bill will cover nearly all catastrophic drug costs for seniors with high drug bills—nearly all catastrophic costs for seniors with high prescription drug bills. Let me say that again. This Medicare bill will cover 95 percent of catastrophic costs for seniors with high prescription drug bills. This is a good deal for America's seniors and we will have this unless the Senate obstructs it.

The Medicare bill will give seniors unprecedented choices. All of these new choices in yellow on this chart are choices that are not available to seniors today. Senior will have all of these new choices, both the drug plan as well as comprehensive health plans with choices that Federal workers currently enjoy, unless the Senate obstructs it.

The Medicare bill will use competition to stop waste and abuse and give seniors group purchasing power. A specialty cane that Medicare pays \$44 for is purchased by the VA for \$15. That waste of Medicare and retirees' money will stop unless the Senate obstructs it.

This is a picture of that cane, for which Medicare currently overpays, that the VA can get for a mere \$15. Medicare pays \$44. All of this kind of waste will stop unless the Senate obstructs this bill.

The Medicare bill will protect seniors by keeping the drug benefits both available and voluntary. Let me just say that again. This Medicare bill will keep seniors' drug benefits both voluntary and available. Retirees can keep what they have or get help to maintain their employer-based plans, can get a drug benefit through traditional Medicare, will get new choices in improved Medicare, will be protected by a Government backup plan and substantial resources to make sure the choices are really there, not just on paper but choices that are really there. Seniors get all of this protection unless the Senate obstructs it.

This Medicare bill will protect Medicare for tomorrow's seniors by controlling costs and preserving the system. While the bill provides an unprecedented amount of resources—again, almost one and a half times what President Clinton proposed and a third more than Senate Democrats wanted just 2 years ago—the bill requires that costs be monitored to control spending in excess of \$400 billion. The bill adds competitive forces to drive down costs, reward efficiency, eliminate waste and abuse, and weed out fraud so that Medicare will be preserved for our children. All of this will happen unless the Senate obstructs this measure.

Finally, looking at chart 9, the Medicare bill provides real resources, real benefits, real health, real choice, real protections, real competition, and real cost control. All of those items are in this measure, and we will have a chance to approve it later this week.

After 38 years, seniors will finally get a good prescription drug benefit unless the Senate obstructs it. I think it is the poorest and frailest seniors who will suffer enormously from more obstructionism this time against this Medicare prescription drug bill.

So that is where we are. This is a great new plan that will be before the Senate later this week, an opportunity to really help seniors with prescription drugs for the first time, after years of conversation. Let us not miss that opportunity.

I yield the floor.

#### RECENT BROADCAST FLAG REGULATIONS

Mr. LEAHY. Mr. President, I rise today to commend the Federal Communications Commission for its continuing work on the important broadcast flag regulations. Over-the-air-television remains a critical part of the distribution of American television, and these regulations help to promote and improve over-the-air broadcasting of high quality digital programming. They do this by giving broadcasters the tools they need to protect their digital

broadcasts against piracy. Without this protection, broadcasters would simply not broadcast their high value content over the air, and we would be left with two classes of American consumers: those who can afford, and live somewhere where they can receive, cable television with its high-value content, and those who receive only low-value over-the-air television. We must not allow this to happen.

While I am encouraged by the FCC's progress, and in particular pleased to see that they have taken steps to keep the setting of technical criteria for protective technologies open and transparent, the FCC's recent notice of proposed rulemaking raises some concerns. First, the FCC should make the process inclusive of all parties with an interest in the outcome, especially consumers. Second, a sound final regulation should address the effect of a broadcast flag on fair use rights and works that are already in the public domain. Third, the final regulation should address the broadcast flag's effect on privacy. What is intended as a technological measure to ensure the security of over-the-air broadcasts should not turn into an ability to track viewer behavior. Last, the final regulation must continue to ensure that no one player becomes dominant in this industry, and that the American consumer continues to reap the benefits of innovative new technologies. Most of all, the FCC should not lose sight of the most important goal of these regulations: to provide the highest quality content possible through over-the-air television. I am confident that it will do so.

#### NOMINATION OF JAMES COMEY

Mr. GRASSLEY. Mr. President, I rise today to state that I object to proceeding to the consideration of executive nominee James Comey to be Deputy Attorney General at the Justice Department.

I have placed a hold on this person because I have been unable to resolve outstanding issues with the Justice Department. I have been working with the Justice Department to get a satisfactory promise to ensure there are no reprisals against certain Justice Department employees in connection with testimony before the Senate Finance Committee. Although I support Mr. Comey's nomination, I intend to reserve my right to object to the Senate proceeding with this nominee of this legislation at this time.

#### LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe one such crime today. In protest of a wedding between two men in Seattle, WA, several young men and one adult who call themselves "Deliverance Unlimited" refused to leave a local Christian Church. In the October 25, 2003 incident, the co-pastor of the church asked the protestors to leave, and the group then began verbally assaulting the church staff. One of the protestors, Christopher Dudley, entered the sanctuary and began yelling that the church needed to be cleansed of sin. He then vandalized the church by spraying and wiping oil on the walls and furniture. The co-pastor told police that he was afraid for his own life and the lives of his staff.

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.

#### TRIBUTE TO BOB STILLER OF GREEN MOUNTAIN COFFEE ROASTERS

Mr. LEAHY. Mr. President, the Burlington Free Press recently ran a story about expansion plans by Green Mountain Coffee Roasters in Waterbury, VT. The company has begun work on a 52,000-square-foot warehouse and distribution center that will significantly expand manufacturing capacity. Under the leadership of Bob Stiller, Green Mountain Coffee has consistently been rated one of the fastest growing and best managed small public companies in the United States.

Small businesses are the backbone of Vermont's economy, and Green Mountain Coffee has been an outstanding corporate partner in our State for over 20 years. Started in a small café in Waitsfield, VT, in 1981, growing into a publicly traded company in 1993, and now announcing this \$8.4 million expansion in Waterbury, Green Mountain has been a national leader in the specialty coffee market and an international leader in promoting fair trade coffee.

I commend Bob and all the employees at Green Mountain Coffee for their success at not only selling great coffee but also promoting sustainable farming throughout the world. I ask unanimous consent that a copy of the article that appeared in the Burlington Free Press be printed in the RECORD so that all Senators can read about the success of this company.

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

[From the Burlington Free Press, Nov. 6, 2003]

#### GMC HAS EXPANSION BREWING

Green Mountain Coffee Roasters Inc. plans to begin construction this month on a 52,000-square-foot warehouse and distribution cen-

ter in Waterbury in an \$8.4 million project that's intended to also expand the specialty coffee company's manufacturing capacity, the company said Wednesday.

"We are impressed with Waterbury's support, which enables us to expand our facilities in the downtown Waterbury location contiguous to our manufacturing and roasting operations," Green Mountain Coffee Chairman and CEO Robert Stiller said.

Green Mountain Coffee said the company expects to save money over the long term thanks to new automation equipment to be installed in the new building. The additional warehouse space also will allow for more product diversity and eliminate outside storage expenses.

This expansion will mean the company's packaging, warehousing and distribution capacities will match its current coffee roasting capacity of about 40 million to 50 million pounds.

Moving functions into the new building will allow Green Mountain Coffee to increase its packaging capacity in its 65,000-square-foot plant that houses its roasting, warehouse and distribution operations, the company said.

The company expects the building to be finished by fall 2004, and the transfer of distribution and warehousing functions completed by the spring 2005.

"This expansion is critical to our success in executing our long-term growth plans to be the leader in roasting and selling specialty coffee to a broad array of customers," Stiller said.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO MORTIMER CAPLIN

• Mr. WARNER. Mr. President, I rise today to recognize a remarkable man, Mr. Mortimer M. Caplin, on his outstanding legal career as an academic, public servant and distinguished practitioner. Through the years, Mr. Caplin, has been an inspiration to us all and a shining example of what hard work, dedication and perseverance can accomplish.

I feel a special connection with Mr. Caplin as we both graduated from University of Virginia School of Law and both served our country proudly during World War II in the United States Navy. As a undergraduate and law student at the University of Virginia, Mr. Caplin earned a reputation as a hard working student who always had time to lend a helping hand. During his undergraduate career at Mr. JEFFERSON'S University, Mr. Caplin was elected to Phi Beta Kappa while becoming a standout on Johnny LaRowe's great boxing teams of the mid-'30's.

After earning his Bachelor of Science degree, Mr. Caplin went on to the University's law school where he continued his excellent academic career and his affiliation with the University's boxing team. As coach of the First Year team, Mr Caplin instilled in the newly arrived First Years the value of a well rounded education. He also managed to find the time to be selected and serve as Editor-in-Chief of the Virginia Law Review in 1940.

Upon graduation in 1940, Mr. Caplin clerked for Judge Armistead M. Dobie

on the United States Court of Appeals for the Fourth Circuit in Richmond. Upon completing his clerkship, he joined the New York law firm Paul, Weiss, Rifkind, Wharton & Garrison as an associate but, like so many of us during this era, interrupted his career to defend this country and the freedom we all enjoy. Mr. Caplin joined the Navy and on June 6, 1944, came ashore on Omaha Beach as a member of the initial landing force where he served as U.S. Navy beachmaster.

After the war, Caplin returned to the legal profession and eventually made his way back to the University of Virginia in 1950 where he became a law professor concentrating on tax and corporate law. From 1950 to 1962, he taught countless students the value of a legal education until he was again called into public service by President John F. Kennedy to head the Internal Revenue Service.

After retiring from the post in 1964, Mr. Caplin received the Alexander Hamilton Award, the highest honor bestowed by the Treasury Department. Thereafter, he founded Caplin & Drysdale which became, and remains today, one of the leading tax firms in the United States. Mr. Caplin was the 2001 recipient of the Thomas Jefferson Foundation Medal in Law which is awarded to individuals that exemplify the Jeffersonian ideal of the lawyer as public citizen. He truly embodies this ideal and it is right to honor his accomplishments.

On May 18, 2003, Mr. Caplin was invited to address the University of Virginia's 2003 graduating class. His words about the importance of public service are an inspiration to us all. As a tribute to his achievements and his contributions, I ask that his remarks be entered into the RECORD at this time.

The remarks follow.

#### A DEBT OF SERVICE

I must confess, in trying to recall who spoke and what was said at my own college graduation—"The Great Class of 1937"—my mind remains a blank.

The one commencement I do remember was here at my law graduation in 1940. The speaker was the president of the United States—Franklin Delano Roosevelt. He came to the University to attend the law graduation of his son, Franklin Jr., one of our classmates.

The Nazi armies of Adolph Hitler were then overrunning Europe and threatening the freedom of the entire world. On that very morning, Mussolini's fascist forces—joining Hitler—had invaded their neighbor France. Soon, every member of our class would be required to register under the vigorously debated Selective Service Act, the first peacetime military draft in our nation's history.

In Memorial Gymnasium, the president delivered a historic speech—the most sensitive part inserted by him during his train ride from Washington, contrary to the State Department's specific pleas that America's neutrality would be compromised.

FDR dramatically declared: "On this tenth day of June 1940, the hand that held the dagger has struck it into the back of its neighbor. On this tenth day of June 1940, in this University founded by the first great American teacher of democracy, we send forth our

prayers and our hopes to those beyond the seas who are maintaining with magnificent valor their battle for freedom."

Remember, in 1940 there was no television, no cell phones, no Internet. Until then, we heard President Roosevelt only on the radio. To have the president of the United States before us in person, delivering to the world his famous "dagger-in-the-back" speech, is a moment I will never forget.

That day, he also gave us a glimpse into what lay before us when he solemnly committed, for the first time and without congressional approval, to "extend . . . the material resources of this nation" to the embattled democracies.

First Lady Eleanor Roosevelt later said: "Franklin's address was not just a commencement address, it was a speech to the nation . . . that brought us one step nearer to total war."

For us, World War II had begun. It was not at all what we graduates had been planning.

As a law student, I spent many hours thinking about my postgraduation career and dreams. I had already accepted a legal clerkship with Judge Armistead Mason Dobie, our former Law School dean and, at that time, a U.S. Circuit Court of Appeals judge. Next, I would go to New York to begin the practice of law. With two U.Va. degrees in hand, I felt prepared to face and perhaps conquer the world. But on Dec. 7, 1941, the Japanese attacked Pearl Harbor and all our lives changed.

I had hardly begun my Wall Street law practice, when I found myself in uniform, commissioned an ensign. U.S. Naval Reserve. When my training was completed, I said goodbye to Ruth, my wife of just one year, and set sail for duty as a beachmaster on Omaha Beach on June 6, 1944, for the D-Day landing on the Normandy coast of France.

World War II and the Navy did teach me a number of important life skills—many still of help in my private career. Two, in particular, are worth remembering. First, avoid fixed and rigid plans. Instead, allow for flexibility, innovation and possible change—but always hold true to your personal values. Second, be willing to accept risk when necessary as you move forward toward your goals.

Philosopher William James acutely observed: "It is only by risking our persons from one hour to another that we live at all. And often enough our faith beforehand in an uncertified result is the only thing that makes the result come true."

Simply put, have faith in your choices, and be at the ready to risk challenge as well as change. You will grow in strength as you do.

We've heard a great deal of late about those involved in what has been dubbed "The Greatest Generation"—glorifying our ordinary citizens who, through hard work, courage and sacrifice, successfully confronted the Great Depression and World War II. Let me confess, though—as a duly designated member of that body—I find the anointment somewhat overdone. Countless generations, both before and after—including today—have also faced challenging times and national crises. And, in each case, everyday Americans have always demonstrated equal patriotism, equal devotion, equal courage—all inherently part of our national culture, traditions and training.

What may we expect of your generation? A former U. Va. Law School student of mine—who later became attorney general of the United States—Robert F. Kennedy, offered an answer in his 1966 Capetown University speech: "Few will have the greatness to bend history; but each of us can work to change a small portion of events, and in the total of all these acts will be written the history of this generation."

Mr. Jefferson consistently laid stress on, not just the rights of citizens of this country, but also on the responsibilities. Writing in 1796—shortly before he assumed the unhappy post of vice president—he stated strongly: "There is a debt of service due from every man to his country, proportioned to the bounties which nature and fortune have measured to him."●

#### RECOGNITION OF JAMES J. GILLIN, JR.

● Mr. SPECTER. Mr. President, I rise today to salute James J. Gillin, Jr., of Philadelphia, a premier Pennsylvania business and community leader. Pennsylvanians for Effective Government, the Commonwealth's oldest and largest probusiness PAC, recently recognized Jim Gillin's contributions by selecting him to receive its prestigious new civic leadership award.

The Clifford L. Jones Award, which Jim will formally receive next month, recognizes Pennsylvanians who "have demonstrated exemplary civic leadership in support of free enterprise and democratic processes" and focuses on a lifetime of achievement rather than a single effort.

Jim Gillin certainly qualifies. He was president of the Philadelphia-based Petroleum Heat and Power Company, a major fuel distributor throughout the Delaware Valley. He was also a member of the Executive Board of Continental Bank of New Jersey, president of Transport Employers, Inc., and chairman of the Philadelphia Parking Authority.

Jim was also active politically, serving as treasurer of the Philadelphia County Democratic Executive Committee and as a member of the Democratic House and Senate Council in Washington, DC. He has always been bipartisan, willing to reach across the aisle to support political leaders who support business.

Jim has helped shape PEG for a quarter century, serving as chairman from 1985 through 1989 and on its board since 1979. He also played major roles at the Pennsylvania Chamber of Business and Industry during the late 1980s.

PEG has made a superb choice in presenting its important new award to Jim Gillin. I join them in their tribute.●

#### RECOGNITION OF BING JUDD

● Mr. GREGG. Mr. President, this January, Burnham A. Judd will be stepping down from his position as chairman of the Board of Selectmen of Pittsburg, NH. Bing, as he is known to all throughout New Hampshire's North Country, has served on the board in Pittsburg for 34 years, since 1969, and I rise in tribute to his outstanding service to his community, its residents and the State of New Hampshire throughout this time.

Pittsburg is New Hampshire's largest town in area and its farthest north, sharing borders with Canada, Maine, and Vermont. Located well north of

the notches through New Hampshire's White Mountains, Pittsburg contains the majestic Connecticut Lakes and Lake Francis, headwaters of the Connecticut River, and areas of unparalleled scenic and wild beauty. It is a community with a rich heritage of residents skilled in the ways of the woods and with a passion for life in the outdoors.

Throughout its rich history, no one has been more true to the community, its residents, its landscape, and its lifestyles than Bing Judd. An avid and skillful sportsman, knowledgeable in the woods and with an uncanny knack of always knowing where the fish are, his vast experience includes a varied and accomplished record of service to the public: A Pittsburg road agent in the 1960s, a New Hampshire State Representative in 1974, 17 years of service as a forest ranger for the State of New Hampshire from 1975 to 1992, a New Hampshire fish and game commissioner for 10 years, on the Pittsburg Police and Fire Departments for many years and service continuing to this day as Pittsburg health officer, as a Coos County commissioner since 1997 and on the State of New Hampshire's Water Resources Council and New Hampshire Wetlands Board. In addition, as chairman of the Connecticut Lakes Headwaters Citizens Advisory Committee, Bing has been, and continues to be, instrumental in assisting to guide policy for preserving and protecting the vital water and woodland resources of this important region, especially in the recent successful effort to preserve for future generations and traditional uses over 170,000 acres of area woodlands.

In my time of service to New Hampshire as Second District Congressman, Governor and U.S. Senator, I have had no higher privilege than to count on Bing Judd for his sound judgement, sage advice and friendship. I know of no individual more dedicated to his community and his region or more able in its governance. The Town of Pittsburg, Coos County, and the State of New Hampshire have been fortunate he has been willing to share his wisdom and experience on our behalf for so well and for so long. While he will continue to serve his town, region, and State in many roles, it is important his longevity of quality service to his town as selectman be recognized and honored. It is because of the outstanding community service performed by citizens like Bing Judd that civil needs are met, our communities prosper, and our Nation hands to future generations a landscape and a society better off for his selfless and committed participation.

I thank Bing Judd on behalf of his many constituents and neighbors of Pittsburg, NH, who he has served and helped throughout the years.●

TRIBUTE TO THE 100TH ANNIVERSARY OF THE BELLOWS FREE ACADEMY OF FAIRFAX VT

● Mr. JEFFORDS. Mr. President, I rise today to recognize the 100th anniversary of the founding of Bellows Free Academy in Fairfax, VT.

Bellows Free Academy is one of the last schools in Vermont that serves student from kindergarten through 12th grade. As such, many families in Fairfax enjoy the advantage of having their children attend the facility from their first day of school through high school graduation.

And it is a very nice facility. The original 1903 building, which burned down in January 1941, was replaced and dedicated in 1942. Additions in 1960, 1973, 1990, and 1999 have kept the school up to date with modern space, equipment and facilities. Located in the heart of one of Vermont's fastest growing towns, BFA is a venerable school whose playgrounds and athletic fields are framed by woods and meadows, with a new land acquisition providing access to the nearby Lamoille River. Several vantage points reveal majestic views of Mount Mansfield, Vermont's tallest mountain.

In discussing BFA, a point of clarity is in order, as there are two schools in Vermont named Bellows Free Academy, and both are in Franklin County. Each school owes its founding to the same benefactor, but people in Fairfax are quick to point out that theirs is the original BFA, even if it is smaller, in terms of student enrollment, to its namesake in St. Albans.

BFA, Fairfax, was established through the generous provisions of the 1876 will of Hiram Bellows, who was born in Fairfax in 1798.

As a young person, Hiram Bellows lived at the farm of his birth and attended grammar school at a nearby schoolhouse. He advanced to the small graded school in town when good fortune brought a college graduate to Fairfax to teach for a short period of time. Hiram was unable to progress further in formal education, however, because his parents could not afford the academy fees to attend the high school equivalent of his day.

Hiram Bellows was an industrious man and an able judge of character. For some time, he made his living operating a general store and 'tinkering' in real estate. It is said that he liked to bargain, and invariably whittled on a piece of wood while studying the face of the man with whom a deal was being contemplated.

He served as State senator from Franklin County; was a charter member of the Vermont and Canada Railroad Company; founding associate of the Parish of Christ Church, Episcopal; and first president of the First National Bank of St. Albans.

In regard to his nature and character, a niece once recalled that he was "a kind, delightful gentleman, whose house was always open."

Upon his death, Hiram Bellows' will included provisions for the establish-

ment of a free academy in Fairfax. Here follows several terms of his will:

I give, and bequeath in trust to my native town of Fairfax, two hundred and fifty shares in the Chicago, Rock Island and Pacific Railroad Company, the par value, one hundred dollars each.

The dividends thereon as far as practical, to be invested in said stock, until the same shall amount to two hundred and fifty thousand dollars, for the purpose of establishing a free school in said town of Fairfax. Said school to be located upon the premises hereinafter mentioned and described.

Said school to be known and called 'the Bellows Free Academy of Fairfax, Vermont'. In which Academy the primary and higher branches of learning shall be taught. Said Academy shall be conducted in all respects in such a manner as to further the education of children and young men, so as to fit them for usefulness, and so as is practical, it is my wish that children of indigent parents receive and advantage of said school in preference to those who have ample means of support of their children . . .

And so, in the same year that Orville and Wilbur Wright achieved human flight from a sand dune in Kitty Hawk, NC, Hiram Bellows' estate of railroad stock founded a free academy on a village lot in Fairfax, VT.

Generations of Hiram Bellows family have attended and graduated from the school he so generously established. I am old his descendants attend BFA to this day. And with the generations of Bellows', so have been graduated generation after generation of other familiar Fairfax families.

A school of course, does not exist and cannot thrive in and of itself. In this regard, Fairfax has a strong tradition of community support for its school, and that tradition is reflected in the quality of students, teachers, administrators, directors, and staff at BFA over the century of its existence.

The list of those responsible for the continued growth and success of the academy goes on and on. There are specific individuals who, I am sure, are worthy of specific praise. But perhaps even more importantly, there are the countless people who contribute immeasurable hours in innumerable ways to endless projects. They are the backbone of the community; they comprise the sustaining force of the school.

So the Bellows Free Academy of Fairfax owes its beginnings to a remarkable man named Hiram Bellows. It does its proud history to its administration, teachers, students, and above all, its community.

Its future depends on sustaining all of the above. And while there are indeed numerous families who count generations of graduates from Bellows Free Academy, judging by its rate of growth, Fairfax also benefits greatly from contributions of newer residents, many drawn to this community, I suspect, precisely because of the strong reputation of its school system.

So, it is with great pleasure that I offer my congratulations to all those, past and present, involved with the Bellows Free Academy of Fairfax, VT.

Moreover, I am pleased to recognize the generosity and foresight of its founder, Hiram Bellows.

Happy 100th birthday, BFA.●

#### 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 a treaty, and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1875. A bill to amend the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to extend the mental health benefits parity provisions for an additional year.

#### 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-5240. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation relative to the Commodity Promotion, Research, and Information Act of 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5241. A communication from the Chairman of the Board of Governors of the Federal Reserve System and the Secretary of the Treasury, transmitting, pursuant to law, a report relative to financial holding companies; to the Committee on Banking, Housing, and Urban Affairs.

EC-5242. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure of the Commercial Fishery for King Mackerel in the Exclusive Economic Zone in the Western Zone of the Gulf of Mexico" received on November 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5243. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Colorado: Final Authorization of State Hazardous Waste Management Program Revision" (FRL#7586-9) received on November 13, 2003; to the Committee on Environment and Public Works.

EC-5244. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, several documents related to the Agency's regulatory programs; to the Committee on Environment and Public Works.

EC-5245. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Annual Pensions Plan, etc. Cost of Living

Adjustments for 2004" (Notice 2003-73) received on November 13, 2003; to the Committee on Finance.

EC-5246. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update Notice" (Notice 2003-74) received on November 13, 2003; to the Committee on Finance.

EC-5247. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Bureau of Labor Statistics Price Indexes for Department Stores" (Rev. Rule 2003-121) received on November 13, 2003; to the Committee on Finance.

EC-5248. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "TD: Return of Partnership Income" (RIN1545-BC01) received on November 13, 2003; to the Committee on Finance.

EC-5249. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "CPI Adjustment for Section 7872(g) for 2004" (Rev. Rul. 2003-118) received on November 13, 2003; to the Committee on Finance.

EC-5250. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Computation of Required Interest Using Mean Reserves" (Rev. Rul. 2003-120) received on November 13, 2003; to the Committee on Finance.

EC-5251. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Tax Exempt Bond Partnership Revenue Procedure" (Rev. Proc. 2003-84) received on November 13, 2003; to the Committee on Finance.

EC-5252. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "CPI Adjustment for Section 1274A for 2004" (Rev. Rul. 2003-119) received on November 13, 2003; to the Committee on Finance.

EC-5253. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a request to permit the use of Foreign Military Financing for the sale of 125 M1A1 ABRAMS tank kits for Egypt; to the Committee on Foreign Relations.

EC-5254. A communication from the Assistant Secretary for Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of \$100,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC-5255. A communication from the Assistant Secretary for Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles and defense services sold under a contract in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-5256. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Miscellaneous Changes in Office of Personnel Management's Regulations" (RIN3206-AJ54) received on November 13, 2003; to the Committee on Governmental Affairs.

EC-5257. A communication from the Director, Workforce Compensation and Performance Service, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Final Regulations Locality-Based Comparability Payments" (RIN3206-AI81) received on November 13, 2003; to the Committee on Governmental Affairs.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GREGG, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 720. A bill to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely effect patient safety (Rept. No. 108-196).

By Mr. SPECTER, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute:

S. 1136. A bill to restate, clarify, and revise the Soldiers' and Sailors' Civil Relief Act of 1940 (Rept. No. 108-197).

By Mr. INHOFE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 793. A bill to provide for increased energy savings and environmental benefits through the increased use of recovered mineral component in federally funded projects involving procurement of cement or concrete (Rept. No. 108-198).

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 253. A resolution to recognize the evolution and importance of motorsports.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH for the Committee on the Judiciary.

James B. Comey, of New York, to be Deputy Attorney General.

\*Michael J. Garcia, of New York, to be an Assistant Secretary of Homeland Security.

Federico Lawrence Rocha, of California, to be United States Marshal for the Northern District of California for the term of four years.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(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. CRAIG (for himself, Ms. CANTWELL, Mrs. MURRAY, Mr. ENZI, Mr. BURNS, and Mr. BAUCUS):

S. 1868. A bill to authorize a 3-year demonstration program to recruit and train physicians to serve in rural settings; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN:

S. 1869. A bill for the relief of Robert Kuan Liang and Chun-Mei Hsu-Liang; to the Committee on the Judiciary.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 1870. A bill to establish an alternative trigger for determining if an extended benefit period is in effect for a State for purposes of certain benefits under the Temporary Extended Unemployment Compensation Act of 2002; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. LEAHY, and Mr. CHAMBLISS):

S. 1871. A bill to authorize salary adjustments for Justices and judges of the United States for fiscal year 2004; to the Committee on the Judiciary.

By Mr. SMITH (for himself, Mr. BIDEN, Mr. CHAMBLISS, Mr. COCHRAN, Mr. HAGEL, Mr. LIEBERMAN, Mr. LUGAR, and Mr. VOINOVICH):

S. 1872. A bill to award a congressional gold medal to Lord Robertson of Port Ellen; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DASCHLE (for Mr. KERRY):

S. 1873. A bill to require employees at a call center who either initiate or receive telephone calls to disclose the physical location of such employees, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. FEINGOLD (for himself and Mr. MCCAIN):

S. 1874. A bill to require Senate candidates to file designations, statements, and reports in electronic form; to the Committee on Rules and Administration.

By Mr. GREGG (for himself and Mr. KENNEDY):

S. 1875. A bill to amend the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to extend the mental health benefits parity provisions for an additional year; read the first time.

#### ADDITIONAL COSPONSORS

S. 50

At the request of Mr. JOHNSON, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 50, a bill to amend title 38, United States Code, to provide for a guaranteed adequate level of funding for veterans health care, and for other purposes.

S. 417

At the request of Ms. SNOWE, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 417, a bill to amend title 5, United States Code, to ensure that coverage of bone mass measurements is provided under the health benefits program for Federal employees.

S. 419

At the request of Ms. SNOWE, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 419, a bill to amend title XVIII of the Social Security Act to expand coverage of bone mass measurements under part B of the medicare program to all individuals at clinical risk of osteoporosis.

S. 595

At the request of Mr. HATCH, the name of the Senator from Alaska (Ms.

MURKOWSKI) was added as a cosponsor of S. 595, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financings to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 596

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

S. 664

At the request of Mr. HATCH, the name of the Senator from Connecticut (Mr. DODD) 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. 1143

At the request of Mrs. HUTCHISON, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1143, a bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, research, and medical management referral program for hepatitis C virus infection.

S. 1172

At the request of Mr. FRIST, the name of the Senator from Oregon (Mr. WYDEN) 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. 1195

At the request of Mr. KYL, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1195, a bill to amend title XIX of the Social Security Act to clarify that inpatient drug prices charged to certain public hospitals are included in the best price exemptions for the medicaid drug rebate program.

S. 1197

At the request of Mr. ENZI, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1197, a bill to amend the Public Health Service Act to ensure the safety and accuracy of medical imaging examinations and radiation therapy treatments.

S. 1246

At the request of Mr. ROBERTS, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1246, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 1647

At the request of Mr. JOHNSON, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1647, a bill to amend title XVIII of the Social Security Act to provide for direct access to audiologists for medicare beneficiaries, and for other purposes.

S. 1793

At the request of Mr. KENNEDY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1793, a bill to provide for college quality, affordability, and diversity, and for other purposes.

S. 1841

At the request of Mrs. CLINTON, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1841, a bill to amend title 10, United States code, to provide for the award of a military service medal to members of the Armed Forces who served honorably during the Cold War era.

S. 1856

At the request of Mrs. CLINTON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1856, a bill to designate the Department of Veterans Affairs outpatient clinic in Sunnyside, Queens, New York, as the "Thomas P. Noonan, Jr., Department of Veterans Affairs Outpatient Clinic".

S. RES. 253

At the request of Mr. CAMPBELL, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. Res. 253, a resolution to recognize the evolution and importance of motorsports.

S. RES. 263

At the request of Mr. GRASSLEY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. Res. 263, a resolution honoring the men and women of the Drug Enforcement Administration on the occasion of its 30th Anniversary.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE (for Mr. KERRY):

S. 1873. A bill to require employees at a call center who either initiate or receive telephone calls to disclose the physical location of such employees, and for other purposes; to the Committee on Commerce, Science, and Transportation.

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

● Mr. KERRY. Mr. President, I am pleased to introduce today the "Call Center Consumer's Right to Know Act." This legislation is in response to the mounting evidence showing that U.S. corporations are rapidly shifting hundreds of thousands high-tech and service sector jobs abroad. Labor officials, business leaders, economists, elected officials and ordinary Americans are concerned that this bleeding

of American jobs will further slow our economy. In addition to the more than 2 million manufacturing jobs that have been lost since 2000, some have indicated that we may also be witnessing the largest out-sourcing of non-manufacturing jobs in the history of the U.S. economy. The statistics are staggering. In the month of July 2003 alone, between 25,000 and 30,000 jobs were outsourced to India. According to the Bureau of Labor Statistics, roughly one in ten jobs held by Americans in 2001 are now at risk to be outsourced abroad.

These jobs are not specific to one sector or a select few companies, but span a broad array of services, including customer call service centers, payroll and other back-office related activities, stock market research for financial firms, medical transcription services, legal online database research and data analysis for consulting firms. In addition, firms involved with software services and business process outsourcing are rapidly expanding to a host of different countries, including India, the Philippines, Malaysia, China, Russia, Israel, and Ireland.

In addition to rapid service sector job losses, consumers are concerned with the growing threat of identity theft. So far, efforts to stem this tide and keep up with the technological advancements that enable these crimes have done little to allay concerns. This trend becomes all the more alarming when millions of calls involving personal financial transactions are routed beyond our borders, where they are not protected by our laws and law enforcement. Aside from the very serious concerns related to identify theft, there is also a consumer awareness element of this problem, as very few Americans are aware that the person on the other end of the telephone line is in another country. Americans should have full information about the outsourcing of call center jobs when they decide who they will purchase their products and services from.

The "Call Center Consumer's Right to Know Act" is a simple and straightforward answer to the challenges posed by these unprecedented service sector job losses and growing risks of identity theft. The bill simply requires call center representatives to disclose their physical location at the beginning of each phone call. Consumers will therefore have important information about who is providing the services in question and the level of risk involved in proceeding with their transaction by phone. This legislation will help American consumers make informed choices about who is providing the services they purchase, and at the same time, addresses the growing problem of U.S. corporations moving hundreds of thousands of service sector jobs abroad. Furthermore, my bill will go a long way to restoring consumer confidence in the booming call center market and help provide a measure of security for telephone and Internet consumer transactions.

There can be no doubt that the outsourcing of these important American service sector jobs abroad has played a part in the jobless, or what some call the "job-loss" economic recovery of 2003. It is predicted that future outsourcing of service sector jobs may provide more costly to the U.S. economy than the loss of American manufacturing jobs we are witnessing today. Unfortunately, the economics that produced this trend are unlikely to change without a concerted effort to both provide companies with an incentive to keep their jobs in American and promote consumer awareness of the services they unknowingly purchase from other countries. This is precisely what the Call Center Consumer's Right to Know Act seeks to accomplish.

I ask unanimous consent that the text of the bill be printed in the RECORD.●

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

S. 1873

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Call Center Consumer's Right to Know Act of 2003".

**SEC. 2. CALL CENTER REQUIREMENTS.**

(a) IN GENERAL.—A United States corporation or its subsidiaries that utilizes a call center to initiate telephone calls to, or receive telephone calls from, individuals located in the United States, shall require each employee in the call center to disclose the physical location of such employee at the beginning of each telephone call so initiated or received.

(b) CERTIFICATION REQUIREMENT.—A corporation or subsidiary described in subsection (a) shall annually certify to the Federal Trade Commission whether or not the corporation or subsidiary, and the employees of the corporation or subsidiary at its call centers, have complied with that subsection.

(c) NONCOMPLIANCE.—A corporation or subsidiary that violates subsection (a) shall be subject to such civil penalties as the Federal Trade Commission prescribes under section 3.

(d) CALL CENTER DEFINED.—In this section, the term "call center" means a location that provides customer-based service and sales assistance or technical assistance and expertise to individuals located in the United States via telephone, the Internet, or other telecommunications and information technology.

**SEC. 3. FEDERAL TRADE COMMISSION RULES.**

Not later than 9 months after the date of enactment of this Act, the Federal Trade Commission shall prescribe rules to provide for effective monitoring and compliance with this Act. The Federal Trade Commission's rulemaking shall include appropriate civil penalties for noncompliance with this Act.

By Mr. FEINGOLD (for himself and Mr. MCCAIN):

S. 1874. A bill to require Senate candidates to file designations, statements, and reports in electronic form; to the Committee on Rules and Administration.

Mr. FEINGOLD. Mr. President, today I will introduce with the Senator from Arizona, Mr. MCCAIN, a bill to bring

Senate campaigns into the 21st century by requiring that Senate candidates file their campaign finance disclosure reports electronically and that those reports be promptly made available to the public. This step is long overdue, and I hope the Senate will act quickly on this legislation.

A recent report by the Campaign Finance Institute highlighted the anomaly in the election laws that makes it nearly impossible for the public to get access to Senate campaign finance reports while most other reports are available on the Internet within 24 hours of their filing with the Federal Election Commission (FEC). The Campaign Finance Institute report opened with a rhetorical question: "What makes the Senate so special that it exempts itself from a key requirement of campaign finance disclosure that applies to everyone else, including candidates for the House of Representatives and Political Action Committees?"

The answer, of course, is nothing. The United States Senate is special in many ways. I am proud to serve here. But there is no justification for not making our campaign finance information as readily accessible to the public as the information filed by House candidates or others.

My bill amends the section of the election laws dealing with electronic filing to require reports filed with the Secretary of the Senate to be filed electronically and forwarded to the FEC within 24 hours. The FEC is required to make available on the Internet within 24 hours any filing it receives electronically. So if this bill is enacted, electronic versions of Senate reports should be available to the public within 48 hours of their filing. That will be a vast improvement over the current situation, which, according to CFI, requires journalists and interested members of the public to review computer images of paper-filed copies of reports, and involves a completely wasteful expenditure of hundreds of thousands of dollars to re-enter information into databases that almost every campaign has available in electronic format.

The current filing system also means that the detailed coding that the FEC does, which allows for more sophisticated searches and analysis, is completed over a week later for Senate reports than for House reports. This means that the final disclosure reports covering the first 2 weeks of October are not susceptible to detailed scrutiny before the election.

It is time for the Senate to relinquish its Luddite attitude toward campaign finance disclosure. I urge the enactment of this simple bill that will make our reports subject to the same prompt, public scrutiny as those filed by PACs and candidates for the other body.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1874

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Senate Campaign Disclosure Parity Act".

**SEC. 2. SENATE CANDIDATES REQUIRED TO FILE ELECTION REPORTS IN ELECTRONIC FORM.**

(a) IN GENERAL.—Section 304(a)(11)(D) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)(D)) is amended to read as follows:

"(D) As used in this paragraph, the terms 'designation', 'statement', or 'report' mean a designation, statement or report, respectively, which—

"(i) is required by this Act to be filed with the Commission, or

"(ii) is required under section 302(g) to be filed with the Secretary of the Senate and forwarded by the Secretary to the Commission."

(b) CONFORMING AMENDMENTS.—

(1) Section 302(g)(2) of such Act (2 U.S.C. 432(g)(2)) is amended by inserting "or 1 working day in the case of a designation, statement, or report filed electronically" after "2 working days".

(2) Section 304(a)(11)(B) of such Act (2 U.S.C. 434(a)(11)(B)) is amended by inserting "or filed with the Secretary of the Senate under section 302(g)(1) and forwarded to the Commission" after "Act".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any designation, statement, or report required to be filed after the date of enactment of this Act.

Mr. MCCAIN. Mr. President, I am proud to join Senator RUSS FEINGOLD as a co-sponsor of legislation that will require Senate candidates to file campaign finance reports in electronic form. This bill will finally remove the exemption the Senate has given itself from an important requirement of campaign finance disclosure laws that apply to everyone else, including candidates for the U.S. House of Representatives and Political Action Committees, PACs.

Political committees active in federal elections must submit their quarterly financial reports for disclosure by the Federal Election Commission, FEC. Anyone interested can nearly instantaneously download the reports from the FEC website and conduct computer searches to learn about the contributions and expenditures of individual candidates for the House, non-Senate national party committees and PACs. The current problem is that they cannot do the same for Senate candidates and parties because of the Senate's insistence on paper rather than electronic filing. The FEC must do more processing of Senate paper reports than of House electronic ones. This involves printing or copying the Senate reports, up to 10,000 pages a day at times, hand-coding transactions that cannot be automatically processed, and keypunching the data into the electronic database. House electronic reports do not need the same treatment. The end result is that in contrast to

the House, information from the Senate paper reports are often available well after the election has occurred.

Due to this problem, voters are not well-informed about the campaign finance information of their Senators and Senate candidates. For voters who want to consider the nature of the campaign finance support received by a Senate candidate and its relationship to Senate legislative votes as a factor in deciding for whom they will cast a vote, they clearly cannot.

To address this problem, our legislation requires Senate candidates to file their campaign finance reports electronically with the Secretary of the Senate. Within 24 hours of receipt of those reports, the Secretary is required to forward those reports to the FEC. The FEC, in turn is required to make those reports available on the Internet within 24 hours as they do other reports. Therefore, electronic versions of Senate reports will be available to the public within 48 hours of their filing.

Electronic reports are not only transmitted instantly but are more accurate than paper submissions because software can easily correct mistakes. On the other hand, hand entering of data is always prone to error. Furthermore, the data in electronic reports can be rapidly searched via the Internet for answers to specific questions. Voters will no longer have to go through the time consuming process of reading pages and pages filed by Senate candidates or Senate party committees to figure out the major donors and their employers, and the major recipients of campaign spending. Instead, they can download a filed report from the FEC website onto their personal computers and quickly locate the information they need. This creates effective public disclosure.

The Senate's current failure to provide its constituents with electronically disclosed, timely information is unconscionable. Senate filings should follow the same criteria as other campaign finance reports. There must not be a separate standard for the Senate. Ironically, while they do not currently file electronically, Senators and Senate candidates already use electronic software in compiling their paper reports. If Senators and Senate candidates can use technology to run their offices and websites, why can't they use it to better inform their own constituents about how their campaigns are funded? Their constituents have earned a right to that information. The public interest will be better served and voters' faith in their elected leaders will be restored.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 2191. Ms. CANTWELL (for herself, Mr. CARPER, Mr. BROWNBACK, Mr. HAGEL, Mr. ROBERTS, Mr. NELSON of Nebraska, Mrs. MURRAY, and Mr. DEWINE) submitted an amendment intended to be proposed to amendment SA 2150 proposed by Mr. BOND

(for himself and Ms. MIKULSKI) to the bill H.R. 2861, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

SA 2192. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2150 proposed by Mr. BOND (for himself and Ms. MIKULSKI) to the bill H.R. 2861, supra; which was ordered to lie on the table.

SA 2193. Mr. DAYTON (for himself and Mr. COLEMAN) submitted an amendment intended to be proposed to amendment SA 2150 proposed by Mr. BOND (for himself and Ms. MIKULSKI) to the bill H.R. 2861, supra.

SA 2194. Mr. BOND (for Mr. REID (for himself and Mr. GRAHAM, of Florida)) proposed an amendment to amendment SA 2150 proposed by Mr. BOND (for himself and Ms. MIKULSKI) to the bill H.R. 2861, supra.

SA 2195. Mr. DURBIN (for himself, Ms. SNOWE, Mr. JEFFORDS, Mrs. BOXER, Mr. LAUTENBERG, Ms. CANTWELL, and Mr. LIEBERMAN) proposed an amendment to amendment SA 2150 proposed by Mr. BOND (for himself and Ms. MIKULSKI) to the bill H.R. 2861, supra.

SA 2196. Mr. BOND (for Mr. DASCHLE) proposed an amendment to amendment SA 2150 proposed by Mr. BOND (for himself and Ms. MIKULSKI) to the bill H.R. 2861, supra.

SA 2197. Mr. BOND (for Mr. FEINGOLD) proposed an amendment to amendment SA 2150 proposed by Mr. BOND (for himself and Ms. MIKULSKI) to the bill H.R. 2861, supra.

SA 2198. Mr. BOND (for Ms. CANTWELL (for herself, Mr. CARPER, Mr. BROWNBACK, Mr. HAGEL, Mr. ROBERTS, Mr. NELSON of Nebraska, Mrs. MURRAY, and Mr. DEWINE)) proposed an amendment to amendment SA 2150 proposed by Mr. BOND (for himself and Ms. MIKULSKI) to the bill H.R. 2861, supra.

**TEXT OF AMENDMENTS**

**SA 2191.** Ms. CANTWELL (for herself, Mr. CARPER, Mr. BROWNBACK, Mr. HAGEL, Mr. ROBERTS, Mr. NELSON of Nebraska, Mrs. MURRAY, and Mr. DEWINE) submitted an amendment intended to be proposed to amendment SA 2150 by Mr. BOND (for himself and Ms. MIKULSKI) to the bill H.R. 2861, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 125, between lines 7 and 8, insert the following:

**SEC. 418. EXTENSION OF CERTAIN PUBLIC HOUSING/SECTION 8 MOVING TO WORK DEMONSTRATION AGREEMENTS.**

(a) EXTENSION.—The Secretary of Housing and Urban Development shall extend the term of the Moving to Work Demonstration Agreement entered into between a public housing agency and the Secretary under section 204, title V, of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Pub. L. 104-134, April 26, 1996) if—

(1) the public housing agency requests such extension in writing;

(2) the public housing agency is not at the time of such request for extension in default under its Moving to Work Demonstration Agreement; and

(3) the Moving to Work Demonstration Agreement to be extended would otherwise expire on or before December 31, 2004.

(b) **TERMS.**—Unless the Secretary of Housing and Urban Development and the public housing agency otherwise agree, the extension under subsection (a) shall be upon the identical terms and conditions set forth in the extending agency's existing Moving to Work Demonstration Agreement, except that for each public housing agency that has been or will be granted an extension to its original Moving to Work agreement, the Secretary shall require that data be collected so that the effect of Moving to Work policy changes on residents can be measured.

(c) **EXTENSION PERIOD.**—The extension under subsection (a) shall be for such period as is requested by the public housing agency, not to exceed 3 years from the date of expiration of the extending agency's existing Moving to Work Demonstration Agreement.

(d) **BREACH OF AGREEMENT.**—Nothing contained in this section shall limit the authority of the Secretary of Housing and Urban Development to terminate any Moving to Work Demonstration Agreement of a public housing agency if the public housing agency is in breach of the provisions of such agreement.

**SEC. 419. STUDY OF MOVING TO WORK PROGRAM.**

(a) **IN GENERAL.**—The General Accounting Office shall conduct a study of the Moving to Work demonstration program to evaluate—

(1) whether the statutory goals of the Moving to Work demonstration program are being met;

(2) the effects policy changes related to the Moving to Work demonstration program have had on residents; and

(3) whether public housing agencies participating in the Moving to Work program are meeting the requirements of the Moving to Work demonstration program under law and any agreements with the Department of Housing and Urban Development.

(b) **REPORT.**—Not later than 18 months after the date of enactment of this Act, the General Accounting Office shall submit to Congress a report on the study conducted under subsection (a).

**SA 2192.** Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2150 proposed by Mr. BOND (for himself and Ms. MIKULSKI) to the bill H.R. 2861, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 106, strike line 14 and all that follows through "PRESIDENT" and insert the following:

as determined by the Administrator.

EXECUTIVE OFFICE OF THE PRESIDENT

**SA 2193.** Mr. DAYTON (for himself and Mr. COLEMAN) submitted an amendment intended to be proposed to amendment SA 2150 proposed by Mr. BOND (for himself and Ms. MIKULSKI) to the bill H.R. 2861, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 58, line 21, strike "\$1,112,130,000" and insert "\$1,111,030,000".

On page 125, between lines 7 and 8, insert the following:

**SEC. 418.** There shall be made available \$1,100,000 to the Secretary of Housing and Urban Development for the purposes of making the grant authorized under section 3 of the Paul and Sheila Wellstone Center for Community Building Act.

**SA 2194.** Mr. BOND (for Mr. REID (for himself and Mr. GRAHAM of Florida)) proposed an amendment to amendment SA 2150 proposed by Mr. BOND (for himself and Ms. MIKULSKI) to the bill H.R. 2861, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 125, between lines 7 and 8, insert the following new section:

**SEC. 418.** (a) Congress makes the following findings:

(1) During Operation Desert Shield and Operation Desert Storm (in this section, collectively referred to as the "First Gulf War"), the regime of Saddam Hussein committed grave human rights abuses and acts of terrorism against the people of Iraq and citizens of the United States.

(2) United States citizens who were taken prisoner by the regime of Saddam Hussein during the First Gulf War were brutally tortured and forced to endure severe physical trauma and emotional abuse.

(3) The regime of Saddam Hussein used civilian citizens of the United States who were working in the Persian Gulf region before and during the First Gulf War as so-called human shields, threatening the personal safety and emotional well-being of such civilians.

(4) Congress has recognized and authorized the right of United States citizens, including prisoners of war, to hold terrorist states, such as Iraq during the regime of Saddam Hussein, liable for injuries caused by such states.

(5) The United States district courts are authorized to adjudicate cases brought by individuals injured by terrorist states.

(b) It is the sense of Congress that—

(1) notwithstanding section 1503 of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108-11; 117 Stat. 579) and any other provision of law, a citizen of the United States who was a prisoner of war or who was used by the regime of Saddam Hussein and by Iraq as a so-called human shield during the First Gulf War should have the opportunity to have any claim for damages caused by the regime of Saddam Hussein and by Iraq incurred by such citizen fully adjudicated in the appropriate United States district court;

(2) any judgment for such damages awarded to such citizen, or the family of such citizen, should be fully enforced; and

(3) the Attorney General should enter into negotiations with each such citizen, or the family of each such citizen, to develop a fair and reasonable method of providing compensation for the damages each such citizen incurred, including using assets of the regime of Saddam Hussein held by the Government of the United States or any other appropriate sources to provide such compensation.

**SA 2195.** Mr. DURBIN (for himself, Ms. SNOWE, Mr. JEFFORDS, Mrs. BOXER, Mr. LAUTENBERG, Ms. CANTWELL, and Mr. LIEBERMAN) proposed an amend-

ment to amendment SA 2150 proposed by Mr. BOND (for himself and Ms. MIKULSKI) to the bill H.R. 2861, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, and for other purposes; as follows:

None of the funds provided in this Act may be expended to apply, in a numerical estimate of the benefits of an agency action prepared pursuant to Executive Order 12866 or section 812 of the Clean Air Act, monetary values for adult premature mortality that differ based on the age of the adult.

**SA 2196.** Mr. BOND (for Mr. DASCHLE) proposed an amendment to amendment SA 2150 proposed by Mr. BOND (for himself and Ms. MIKULSKI) to the bill H.R. 2861, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the end of title I, add the following:

**SEC. 116.** Not later than 120 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall enter into an agreement with the Institute of Medicine of the National Academy of Sciences under which agreement the Institute of Medicine shall develop and evaluate epidemiological studies on Vietnam veterans in accordance with the recommendations of the 2003 National Academy of Sciences report entitled "Characterizing Exposure of Veterans to Agent Orange and Other Herbicides Used in Vietnam: Interim Findings and Recommendations".

**SA 2197.** Mr. BOND (for Mr. FEINGOLD) proposed an amendment to amendment SA 2150 proposed by Mr. BOND (for himself and Ms. MIKULSKI) to the bill H.R. 2861, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the end of title I, insert the following:

**SEC. 116.** No funds appropriated or otherwise made available for the Department of Veterans Affairs by this Act or any other Act may be obligated or expended to implement the policy contained in the memorandum of the Department of Veterans Affairs dated July 18, 2002, from the Deputy Under Secretary for Health for Operations and Management with the subject "Status of VHA Enrollment and Associated Issues" or any other policy prohibiting the Directors of the Veterans Integrated Service Networks (VISNs) from conducting outreach or marketing to enroll new veterans within their Networks.

**SA 2198.** Mr. BOND (for Ms. CANTWELL (for herself, Mr. CARPER, Mr. BROWNBACK, Mr. HAGEL, Mr. ROBERTS, Mr. NELSON of Nebraska, Mrs. MURRAY, and Mr. DEWINE)) proposed an amendment to amendment SA 2150 proposed by Mr. BOND (for himself and Ms. MIKULSKI) to the bill H.R. 2861, making

appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 125, between lines 7 and 8, insert the following:

**SEC. 418. EXTENSION OF CERTAIN PUBLIC HOUSING/SECTION 8 MOVING TO WORK DEMONSTRATION AGREEMENTS.**

(a) **EXTENSION.**—The Secretary of Housing and Urban Development shall extend the term of the Moving to Work Demonstration Agreement entered into between a public housing agency and the Secretary under section 204, title V, of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Pub. L. 104-134, April 26, 1996) if—

(1) the public housing agency requests such extension in writing;

(2) the public housing agency is not at the time of such request for extension in default under its Moving to Work Demonstration Agreement; and

(3) the Moving to Work Demonstration Agreement to be extended would otherwise expire on or before December 31, 2004.

(b) **TERMS.**—Unless the Secretary of Housing and Urban Development and the public housing agency otherwise agree, the extension under subsection (a) shall be upon the identical terms and conditions set forth in the extending agency's existing Moving to Work Demonstration Agreement, except that for each public housing agency that has been or will be granted an extension to its original Moving to Work agreement, the Secretary shall require that data be collected so that the effect of Moving to Work policy changes on residents can be measured.

(c) **EXTENSION PERIOD.**—The extension under subsection (a) shall be for such period as is requested by the public housing agency, not to exceed 3 years from the date of expiration of the extending agency's existing Moving to Work Demonstration Agreement.

(d) **BREACH OF AGREEMENT.**—Nothing contained in this section shall limit the authority of the Secretary of Housing and Urban Development to terminate any Moving to Work Demonstration Agreement of a public housing agency if the public housing agency is in breach of the provisions of such agreement.

**SEC. 419. STUDY OF MOVING TO WORK PROGRAM.**

(a) **IN GENERAL.**—The General Accounting Office shall conduct a study of the Moving to Work demonstration program to evaluate—

(1) whether the statutory goals of the Moving to Work demonstration program are being met;

(2) the effects policy changes related to the Moving to Work demonstration program have had on residents; and

(3) whether public housing agencies participating in the Moving to Work program are meeting the requirements of the Moving to Work demonstration program under law and any agreements with the Department of Housing and Urban Development.

(b) **REPORT.**—Not later than 18 months after the date of enactment of this Act, the General Accounting Office shall submit to Congress a report on the study conducted under subsection (a).

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON THE JUDICIARY**

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to

conduct a markup on Monday, November 17, 2003, at 5:40 p.m. in the President's Room 216, The Capitol. Note: This markup was rescheduled from Thursday, November 13, 2003.

*Agenda:*

I. **Nominations:** Henry W. Saad to be U.S. Circuit Judge for the Sixth Circuit; James B. Comey to be Deputy Attorney General; Michael J. Garcia to be Assistant Secretary of U.S. Immigration and Customs Enforcement; Claude A. Allen to be U.S. Circuit Judge for the Fourth Circuit; and Federico L. Rocha to be U.S. Marshal for the Northern District of California.

II. **Bills:** H.R. 1437—To improve the United States Code [Sensenbrenner, Conyers]; S. Res. 253—To recognize the evolution and importance of motor-sports [Campbell, Kyl].

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

**PRIVILEGES OF THE FLOOR**

Mr. HARKIN. Mr. President, first I ask unanimous consent that Theresa Frueh of my office be given privileges of the floor tonight and tomorrow.

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

**REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 108-11**

Mr. KYL. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on November 17, 2003, by the President of the United States:

Cybercrime Convention (Treaty Document 108-11).

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Council of Europe Convention on Cybercrime (the "Cybercrime Convention" or the "Convention"), which was signed by the United States on November 23, 2001. In addition, for the information of the Senate, I transmit the report of the Department of State with respect to the Convention and the Convention's official Explanatory Report.

The United States, in its capacity as an observer at the Council of Europe, participated actively in the elaboration of the Convention, which is the only multilateral treaty to address the problems of computer-related crime

and electronic evidence gathering. An overview of the Convention's provisions is provided in the report of the Department of State. The report also sets forth proposed reservations and declarations that would be deposited by the United States with its instrument of ratification. With these reservations and declarations, the Convention would not require implementing legislation for the United States.

The Convention promises to be an effective tool in the global effort to combat computer-related crime. It requires Parties to criminalize, if they have not already done so, certain conduct that is committed through, against, or related to computer systems. Such substantive crimes include offenses against the "confidentiality, integrity and availability" of computer data and systems, as well as using computer systems to engage in conduct that would be criminal if committed outside the cyber-realm, i.e., forgery, fraud, child pornography, and certain copyright-related offenses. The Convention also requires Parties to have the ability to investigate computer-related crime effectively and to obtain electronic evidence in all types of criminal investigations and proceedings.

By providing for broad international cooperation in the form of extradition and mutual legal assistance, the Cybercrime Convention would remove or minimize legal obstacles to international cooperation that delay or endanger U.S. investigations and prosecutions of computer-related crime. As such, it would help deny "safe havens" to criminals, including terrorists, who can cause damage to U.S. interests from abroad using computer systems. At the same time, the Convention contains safeguards that protect civil liberties and other legitimate interests.

I recommend that the Senate give early and favorable consideration to the Cybercrime Convention, and that it give its advice and consent to ratification, subject to the reservations, declarations, and understanding described in the accompanying report of the Department of State.

GEORGE W. BUSH.  
THE WHITE HOUSE, November 17, 2003.

**APPOINTMENT**

The PRESIDING OFFICER. The Chair, on behalf of the Majority Leader, pursuant to Public Law 96-114, as amended, announces the appointment of John M. Falk, of Washington, DC, to be Chairman of the Congressional Award Board.

**PRIVATE SECURITY OFFICER EMPLOYMENT AUTHORIZATION ACT OF 2003**

Mr. KYL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 322, S. 1743.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 1743) to permit reviews of criminal records of applicants for private security officer employment.

There being no objection, the Senate proceeded to consider the bill.

Mr. KYL. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table with no intervening action or debate; that any statements relating to this measure be printed in the RECORD.

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

The bill (S. 1743) was read the third time and passed, as follows:

S. 1743

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Private Security Officer Employment Authorization Act of 2003".

#### SEC. 2. FINDINGS.

Congress finds that—

(1) employment of private security officers in the United States is growing rapidly;

(2) private security officers function as an adjunct to, but not a replacement for, public law enforcement by helping to reduce and prevent crime;

(3) such private security officers protect individuals, property, and proprietary information, and provide protection to such diverse operations as banks, hospitals, research and development centers, manufacturing facilities, defense and aerospace contractors, high technology businesses, nuclear power plants, chemical companies, oil and gas refineries, airports, communication facilities and operations, office complexes, schools, residential properties, apartment complexes, gated communities, and others;

(4) sworn law enforcement officers provide significant services to the citizens of the United States in its public areas, and are supplemented by private security officers;

(5) the threat of additional terrorist attacks requires cooperation between public and private sectors and demands professional, reliable, and responsible security officers for the protection of people, facilities, and institutions;

(6) the trend in the Nation toward growth in such security services has accelerated rapidly;

(7) such growth makes available more public sector law enforcement officers to combat serious and violent crimes, including terrorism;

(8) the American public deserves the employment of qualified, well-trained private security personnel as an adjunct to sworn law enforcement officers; and

(9) private security officers and applicants for private security officer positions should be thoroughly screened and trained.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) **EMPLOYEE.**—The term "employee" includes both a current employee and an applicant for employment as a private security officer.

(2) **AUTHORIZED EMPLOYER.**—The term "authorized employer" means any person that—

(A) employs private security officers; and

(B) is authorized by regulations promulgated by the Attorney General to request a criminal history record information search of an employee through a State identification bureau pursuant to this section.

(3) **PRIVATE SECURITY OFFICER.**—The term "private security officer"—

(A) means an individual other than an employee of a Federal, State, or local government, whose primary duty is to perform security services, full- or part-time, for consideration, whether armed or unarmed and in uniform or plain clothes (except for services excluded from coverage under this Act if the Attorney General determines by regulation that such exclusion would serve the public interest); but

(B) does not include—

(i) employees whose duties are primarily internal audit or credit functions;

(ii) employees of electronic security system companies acting as technicians or monitors; or

(iii) employees whose duties primarily involve the secure movement of prisoners.

(4) **SECURITY SERVICES.**—The term "security services" means acts to protect people or property as defined by regulations promulgated by the Attorney General.

(5) **STATE IDENTIFICATION BUREAU.**—The term "State identification bureau" means the State entity designated by the Attorney General for the submission and receipt of criminal history record information.

#### SEC. 4. CRIMINAL HISTORY RECORD INFORMATION SEARCH.

(a) **IN GENERAL.**—

(1) **SUBMISSION OF FINGERPRINTS.**—An authorized employer may submit to the State identification bureau of a participating State, fingerprints or other means of positive identification, as determined by the Attorney General, of an employee of such employer for purposes of a criminal history record information search pursuant to this Act.

(2) **EMPLOYEE RIGHTS.**—

(A) **PERMISSION.**—An authorized employer shall obtain written consent from an employee to submit to the State identification bureau of a participating State the request to search the criminal history record information of the employee under this Act.

(B) **ACCESS.**—An authorized employer shall provide to the employee confidential access to any information relating to the employee received by the authorized employer pursuant to this Act.

(3) **PROVIDING INFORMATION TO THE STATE IDENTIFICATION BUREAU.**—Upon receipt of a request for a criminal history record information search from an authorized employer pursuant to this Act, submitted through the State identification bureau of a participating State, the Attorney General shall—

(A) search the appropriate records of the Criminal Justice Information Services Division of the Federal Bureau of Investigation; and

(B) promptly provide any resulting identification and criminal history record information to the submitting State identification bureau requesting the information.

(4) **USE OF INFORMATION.**—

(A) **IN GENERAL.**—Upon receipt of the criminal history record information from the Attorney General by the State identification bureau, the information shall be used only as provided in subparagraph (B).

(B) **TERMS.**—In the case of—

(i) a participating State that has no State standards for qualification to be a private security officer, the State shall notify an authorized employer as to the fact of whether an employee has been—

(I) convicted of a felony, an offense involving dishonesty or a false statement if the conviction occurred during the previous 10 years, or an offense involving the use or attempted use of physical force against the person of another if the conviction occurred during the previous 10 years; or

(II) charged with a criminal felony for which there has been no resolution during the preceding 365 days; or

(ii) a participating State that has State standards for qualification to be a private security officer, the State shall use the information received pursuant to this Act in applying the State standards and shall only notify the employer of the results of the application of the State standards.

(5) **FREQUENCY OF REQUESTS.**—An authorized employer may request a criminal history record information search for an employee only once every 12 months of continuous employment by that employee unless the authorized employer has good cause to submit additional requests.

(b) **REGULATIONS.**—Not later than 180 days after the date of enactment of this Act, the Attorney General shall issue such final or interim final regulations as may be necessary to carry out this Act, including—

(1) measures relating to the security, confidentiality, accuracy, use, submission, dissemination, destruction of information and audits, and recordkeeping;

(2) standards for qualification as an authorized employer; and

(3) the imposition of reasonable fees necessary for conducting the background checks.

(c) **CRIMINAL PENALTIES FOR USE OF INFORMATION.**—Whoever knowingly and intentionally uses any information obtained pursuant to this Act other than for the purpose of determining the suitability of an individual for employment as a private security officer shall be fined under title 18, United States Code, or imprisoned for not more than 2 years, or both.

(d) **USER FEES.**—

(1) **IN GENERAL.**—The Director of the Federal Bureau of Investigation may—

(A) collect fees to process background checks provided for by this Act; and

(B) establish such fees at a level to include an additional amount to defray expenses for the automation of fingerprint identification and criminal justice information services and associated costs.

(2) **LIMITATIONS.**—Any fee collected under this subsection—

(A) shall, consistent with Public Law 101-515 and Public Law 104-99, be credited to the appropriation to be used for salaries and other expenses incurred through providing the services described in such Public Laws and in paragraph (1);

(B) shall be available for expenditure only to pay the costs of such activities and services; and

(C) shall remain available until expended.

(3) **STATE COSTS.**—Nothing in this Act shall be construed as restricting the right of a State to assess a reasonable fee on an authorized employer for the costs to the State of administering this Act.

(e) **STATE OPT OUT.**—A State may decline to participate in the background check system authorized by this Act by enacting a law or issuing an order by the Governor (if consistent with State law) providing that the State is declining to participate pursuant to this subsection.

#### MEASURE READ THE FIRST TIME—S. 1875

Mr. KYL. Mr. President, I understand that S. 1875, which was introduced earlier today, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 1875) to amend the Employee Retirement Income Security Act of 1974, the

Public Health Service Act, and the Internal Revenue Code of 1986 to extend the mental health benefits parity provisions for an additional year.

Mr. KYL. Mr. President, I now ask for its second reading and object to further proceedings on the matter.

The PRESIDING OFFICER. Objection is heard. The bill will receive its second reading on the next legislative day.

#### APPOINTMENT OF ADDITIONAL CONFEREES

Mr. KYL. Mr. President, I ask unanimous consent that the number of conferees appointed for H.R. 2673, the Agriculture appropriations bill for fiscal year 2004, be expanded to include the following additional members of the Senate Appropriations Committee: Senators DOMENICI, SHELBY, GREGG, CAMPBELL, HUTCHISON, DEWINE, INOUE, HOLLINGS, LEAHY, MIKULSKI, REID, and MURRAY.

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

#### ORDERS FOR TUESDAY, NOVEMBER 18, 2003

Mr. KYL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Tuesday, November 18. I further ask unanimous consent that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to executive session to consider the nomination of Thomas Dorr, with the time until 10:30 a.m. equally divided between the chairman and ranking member of the Agriculture Committee, or their designees; provided, that at 10:30 a.m., the Senate proceed to the two cloture votes in relation to the nomination; that following the two votes, and regardless of the outcome of either vote, the Senate return to legislative session and resume consideration of H.R. 2861, the VA-HUD appropriations bill. I further ask unanimous consent that the Senate recess from 12:30 p.m. to 2:15 p.m. for the weekly party luncheons.

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

#### PROGRAM

Mr. KYL. Mr. President, for the information of all Senators, tomorrow the Senate will consider the nomination of Thomas Dorr to be Under Secretary of Agriculture for Rural Development and to be a member of the board of directors of the Commodity Credit Corporation. At 10:30 a.m., the Senate will proceed to two cloture votes in relation to the nomination. Those two votes will be the first votes of tomorrow's session.

Following the two cloture votes, the Senate will resume consideration of the VA-HUD appropriations bill. It is the hope and expectation of the majority leader that we will be able to dispose of the remaining amendments quickly and move to vote on passage of the bill.

For the remainder of the day, the Senate will consider any legislative or executive items that are available for action. Last week, we reached a unanimous consent agreement limiting the debate on the nomination of Robert Clark to be a lieutenant general in the Army, and the Senate may take up the nomination tomorrow. In addition, the Senate may take up appropriations conference reports as they become available. Therefore, Senators should expect rollcall votes throughout the day tomorrow.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. KYL. Mr. 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 7:41 p.m., adjourned until Tuesday, November 18, 2003, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate November 17, 2003:

##### DEPARTMENT OF TRANSPORTATION

FRANCIS MULVEY, OF MARYLAND, TO BE A MEMBER OF THE SURFACE TRANSPORTATION BOARD FOR A TERM EXPIRING DECEMBER 31, 2007, VICE WAYNE O. BURKES, RESIGNED.

W. DOUGLAS BUTTREY, OF TENNESSEE, TO BE A MEMBER OF THE SURFACE TRANSPORTATION BOARD FOR A TERM EXPIRING DECEMBER 31, 2008, VICE LINDA JOAN MORGAN, RESIGNED.

##### DEPARTMENT OF STATE

JAMES C. OBERWETTER, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF SAUDI ARABIA.

GLYN T. DAVIES, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS THE POLITICAL DIRECTOR FOR THE UNITED STATES PRESIDENCY OF THE G-8.

##### CORPORATION FOR PUBLIC BROADCASTING

GAY HART GAINES, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2010, VICE RITAJEAN HARTUNG BUTTERWORTH, TERM EXPIRING.

##### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 531 AND 1552:

##### To be lieutenant colonel

ROBERT G. CATES III, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE, UNDER TITLE 10, U.S.C., SECTIONS 624 AND 1552:

##### To be lieutenant colonel

MARY J. QUINN, 0000

THE FOLLOWING NAMED OFFICERS FOR A REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

##### To be lieutenant colonel

CHRISTOPHER C. ERICKSON, 0000  
MARK A. MCCLAIN, 0000

##### IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

##### To be colonel

CHERYL KYLE, 0000  
TERRY C. WASHAM, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS 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 D. MCGOWAN II, 0000  
KENNETH E. NETTLES, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS 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

VERNAL G. ANDERSON, 0000  
DONALD J. KERR, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

##### To be colonel

GASTON P. BATHALON, 0000  
STEVEN D. HUNTE, 0000  
PAULA J. RUTAN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

##### To be colonel

WILLIAM B. CARR JR., 0000

I NOMINATE THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

##### To be colonel

JOHN E. ATWOOD, 0000  
CRAIG B. COLLIER, 0000  
WILLIAM E. ZOESCH, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

##### To be colonel

CHERYL KYLE, 0000  
TERRY C. WASHAM, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

##### To be colonel

MICHAEL A. BULEY, 0000  
DAVID S. ROLFE, 0000  
PAUL W. SCHMIDT, 0000  
DAVID R. SCHUCKENBROCK, 0000  
PETER J. SCHULTHEISS, 0000  
JOHN P. SKVORAK, 0000  
STANLEY E. SMITH, 0000  
BOLE E. WALTERS, 0000  
GARY M. ZAUCHA, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTRISK(\*) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

##### To be colonel

JULIA A. ADAMS, 0000  
CARYL J. DOWELL, 0000  
ELLEN E. FORSTER, 0000  
HOGSTON S. HAGA, 0000  
MARGARET A. HAWTHORNE, 0000  
BARBARA J. HECTOR, 0000  
JOSEPH J. HELMINIAK, 0000  
TEMPSIE L. JONES, 0000  
RONALD S. KEEN, 0000  
JAMES M. LARSEN, 0000  
PATTI A. \*LEDERER, 0000  
STEPHEN W. LOMAX, 0000  
CONSTANCE J. MOORE, 0000  
JOHN H. MORSE, 0000  
WAYNE C. NYGREN, 0000  
DIANA L. RUZICKA, 0000  
FATEMEH T. STRITTMATTER, 0000  
JANET L. WILSON, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTRISK(\*) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

##### To be colonel

STEPHEN G. BEARDSLEY III, 0000  
FRED H. BROWN JR., 0000  
WAYNE W. CLARK, 0000  
KAYLENE M. CURTIS, 0000  
MARK K. DAVIS, 0000  
HAROLD C. \*DICKENS, 0000  
BEAU J. FREUND, 0000  
DAVID E. FULBRIGHT, 0000  
JOHN A. GIDDENS, 0000  
DONALD L. GOODE, 0000  
RONALD A. HAMILTON, 0000  
CHRISTOPHER J. HARRINGTON, 0000  
MARK W. HEGERLE, 0000  
SHEILA A. HOBBS, 0000  
RICHARD N. JOHNSON, 0000  
GEORGE W. KORCH, 0000  
MICHAEL J. KRUKAR, 0000  
TIMOTHY E. LAMB, 0000  
VASEAL M. LEWIS, 0000  
ANGEL L. LUGO, 0000  
COLEBYN K. MARTINEZ, 0000  
WENDY L. MARTINSON, 0000  
REGINALD A. MILLER, 0000  
ULMONT C. NANTON JR., 0000  
ANTONIO F. REYES, 0000  
JAMES S. RICE, 0000  
MARTHA A. SANDERS, 0000  
EDWARD R. SCHOWALTER III, 0000  
JOHN C. SHERO, 0000  
PATRICK O. WILSON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

##### To be lieutenant colonel

GARY R. MCMEEN, 0000