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PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150 WASHINGTON, TUESDAY, JANUARY 20, 2004 No. 1

House of Representatives

The House met at noon.

The SPEAKER. This being the day fixed by Public Law 108–181, 108th Congress, enacted pursuant to the 20th amendment to the Constitution for the meeting of the second session of the 108th Congress, the House will be in order.

The prayer will be offered by the Chaplain.

The Chaplain, Reverend Daniel P. Coughlin, offered the following prayer:

Almighty God, I present to You today the rightful stewards of a sacred trust given them by the people, those duly elected to serve as their representatives in the 108th Congress of the United States of America.

Lord, be present to them now and every day of the second session of this assembly, the largest and most integral part of Federal Government. Make of them leaders fashioned in Your own image who will guide the rich diversity of this Nation into an evermore perfect Union.

In the face of the awesome responsibilities they are to shoulder in protecting the Constitution and defending the security of this Nation, knowing the troublesome times in which we live, grant them humility in Your service and freedom from fear or hesitation.

By Your holy wisdom and as masters in the art of politics, may they enact laws that will foster the rights and guide the creativity of the greatest and the least in this Nation.

Today, I ask every American to join with me in praying daily for the Members of this House that they may ''establish Justice, ensure lasting Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty'' for all Americans and become again a beacon of hope to other nations. This we pray now and forever.

Amen.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(c) of rule XX, the Chair announces to the House that, in light of the resignation of the gentleman from Kentucky (Mr. FLETCHER), as indicated in the RECORD of December 15, 2003, the whole number of the House is adjusted to 434.

CALL OF THE HOUSE

The SPEAKER. The Clerk will utilize the electronic system to ascertain the presence of a quorum.

Members will record their presence by electronic device.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 1]

Ackerman
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Ballance
Ballenger
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Dreier
Duncan
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Flake
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Goss
Graves
Green (WI)
Greenwood
Grijalva
Hall
Harman
Harris
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Keller
Kelly
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Majette
Manzullo
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Mollohan
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Norwood
Nunes
Obey
Ortiz
Osborne
Ose
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shays
Sherwood
Shimkus
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)

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Turner (OH)
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Visclosky
Vitter
Walden (OR)
Wamp
Watt
Weiner
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)

□ 1232

The SPEAKER. On this rollcall, 321 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Missouri (Mr. BLUNT) come forward and lead the House in the Pledge of Allegiance.

Mr. BLUNT 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.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 743. An act to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes.

H.R. 2264. An act to authorize appropriations for fiscal years 2004 and 2005 to carry out the Congo Basin Forest Partnership (CBFP) program, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1172. An act to establish grants to provide health services for improved nutrition, increased physical activity, obesity prevention, and for other purposes.

S. 1177. An act to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes.

S. 1267. An act to amend the District of Columbia Home Rule Act to provide the District of Columbia with autonomy over its budgets, and for other purposes.

S. 2000. An act to extend the special postage stamp for breast cancer research for 2 years.

The message also announced that pursuant to Public Law 108–132, the Chair, on behalf of the Democratic Leader, appoints the following individuals to the Commission on Review of Overseas Military Facility Structure of the United States—

Al Cornella, of South Dakota, and

James A. Thompson, of California.

The message also announced that pursuant to Public Law 108–79, the Chair, on behalf of the Majority Leader, in consultation with the Democratic Leader, appoints Gustavus Aldolphus Puryear, IV, of Tennessee to the National Prison Rape Reduction Commission for a term of two years.

The message also announced that pursuant to Public Law 108–79, the Chair, on behalf of the Democratic Leader, after consultation with the Majority Leader, appoints the following individuals to the National Prison Rape Reduction Commission—

James Evan Aiken, of North Carolina, and

Cindy Struckman-Johnson, of South Dakota.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following resignation from the House of Representatives:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 14, 2004.

Hon. DENNIS HASTERT,
Speaker, House of Representatives,
Capitol Building, Washington, DC.

DEAR MR. SPEAKER: Enclosed is a copy of my official resignation letter that was sent to the Governor of South Dakota and the SD Secretary of State.

I will be resigning from the House of Representatives effective 11:59 p.m. on January 20, 2004.

Please let me know if there are any further formalities which I must perform or accomplish to effectuate this resignation.

Thank you for all the courtesies you have extended to me and the people of South Dakota.

Sincerely,

WILLIAM J. JANKLOW.

Enclosure.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 14, 2004.

Hon. MIKE ROUNDS,
Governor of South Dakota,
Pierre, SD.

Hon. CHRIS NELSON,
Secretary of State,
Pierre, SD.

DEAR GOVERNOR ROUNDS AND SECRETARY OF STATE NELSON: I wish to inform you that because of present circumstances, I am and will be unable to perform the duties incumbent upon me in representing the people of South Dakota as their US Representative.

Therefore, I wish to inform you that I will resign from the House of Representatives effective 11:59 p.m. on January 20, 2004.

Representing the people of South Dakota in all the capacities that I have over the years has brought a treasure of memories and friends. This includes the year I have spent in the US House.

I am thankful to the people of South Dakota for the courtesies they have shown me.

Sincerely,

WILLIAM J. JANKLOW.

COMMUNICATION FROM HON. ROBERT MENENDEZ, CHAIRMAN, DEMOCRATIC CAUCUS

The SPEAKER laid before the House the following communication from the Honorable ROBERT MENENDEZ, Chairman, Democratic Caucus:

DEMOCRATIC CAUCUS,
HOUSE OF REPRESENTATIVES,
January 5, 2004.

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

DEAR MR. SPEAKER: This is to notify you that the Honorable Ralph Hall of Texas has resigned as a Member of the Democratic Caucus effective immediately.

Sincerely,

ROBERT MENENDEZ,
Chairman.

COMMUNICATION FROM THE SPEAKER

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

OFFICE OF THE SPEAKER,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 20, 2004.

Hon. SHERWOOD BOEHLERT,
Chairman, Committee on Science, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: This is to advise you that Representative Ralph M. Hall's election to the Committee on Science has been automatically vacated pursuant to clause 5(b) of rule X effective January 5, 2004.

Sincerely,

J. DENNIS HASTERT,
Speaker of the House.

COMMUNICATION FROM THE SPEAKER

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

OFFICE OF THE SPEAKER,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 20, 2004.

Hon. W.J. (BILLY) TAUZIN,
Chairman, Committee on Energy and Commerce, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: This is to advise you that Representative Ralph M. Hall's election to the Committee on Energy and Commerce has been automatically vacated pursuant to clause 5(b) of rule X effective January 5, 2004.

Sincerely,

J. DENNIS HASTERT,
Speaker of the House.

COMMITTEE TO NOTIFY THE PRESIDENT

Mr. DELAY. Mr. Speaker, I offer a privileged resolution (H. Res. 486) providing for a committee to notify the President of the assembly of the Congress, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 486

Resolved, That a committee of two Members be appointed by the Speaker on the part of the House of Representatives to join with a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and Congress is ready to receive any communication that he may be pleased to make.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT AS MEMBERS OF COMMITTEE TO NOTIFY THE PRESIDENT, PURSUANT TO HOUSE RESOLUTION 486

The SPEAKER. Pursuant to House Resolution 486, and the order of the House of December 8, 2003, the Chair announces his appointment of the following Members to the committee on the part of the House to join a committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled and that Congress is ready to receive any communication that he may be pleased to make:

The gentleman from Texas (Mr. DELAY) and

the gentlewoman from California (Ms. PELOSI).

NOTIFICATION TO THE SENATE

Mr. DELAY. Mr. Speaker, I offer a privileged resolution (H. Res. 487) to inform the Senate that a quorum of the House has assembled, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 487

Resolved, That the Clerk of the House inform the Senate that a quorum of the House is present and that the House is ready to proceed with business.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DAILY HOUR OF MEETING

Mr. DELAY. Mr. Speaker, I offer a privileged resolution (H. Res. 488) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 488

Resolved, That unless otherwise ordered, before Monday, May 31, 2004, the hour of daily meeting of the House shall be 2 p.m. on Mondays; noon on Tuesdays; and 10 a.m. on all other days of the week; and from Monday, May 31, 2004, and for the remainder of the 108th Congress, the hour of daily meeting of the House shall be noon on Mondays, 10 a.m. on Tuesdays, Wednesdays and Thursdays; and 9 a.m. on all other days of the week.

The resolution was agreed to.

A motion to reconsider was laid on the table.

JOINT SESSION OF THE CONGRESS—STATE OF THE UNION MESSAGE

Mr. DELAY. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 349) and ask for its immediate consideration.

The SPEAKER. The Clerk will report the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 349

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, January 20, 2004, at 9 p.m., for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

MAKING IN ORDER MORNING HOURS DEBATE

Mr. DELAY. Mr. Speaker, I ask unanimous consent that during the remainder of the 108th Congress:

(1) on legislative days of Monday when the House convenes pursuant to House Resolution 488, the House shall convene 90 minutes earlier than the time otherwise established by that resolution solely for the purpose of conducting morning-hour debate;

(2) on legislative days of Tuesday when the House convenes pursuant to House Resolution 488:

(a) before May 31, 2004, the House shall convene for morning-hour debate 90 minutes earlier than the time otherwise established by that resolution; and (b) after May 31, 2004, the House shall convene for morning-hour debate 1 hour earlier than the time otherwise established by that resolution;

(3) on legislative days of Tuesday after May 31, 2004, when the House convenes for morning-hour debate pursuant to a separate order of the House, the House shall resume its session 90 minutes after such convening;

(4) the time for morning-hour debate shall be limited to 30 minutes allocated to each party (except that on Tuesdays after May 31, 2004, a 1-hour period shall be limited to 25 minutes allocated to each party and may not continue beyond 10 minutes before the hour appointed for the resumption of the session of the House); and

(5) the form of proceeding to morning-hour debate shall be as follows:

the prayer by the Chaplain, the approval of the Journal, and the Pledge of Allegiance to the Flag shall be postponed until resumption of the session of the House; initial and subsequent recognitions for debate shall alternate between the parties; recognition shall be conferred by the Speaker only pursuant to lists submitted by the Majority leader and by the Minority leader; no Member may address the House for longer than 5 minutes, except the Majority leader, the Minority leader, or the Minority whip; and following morning-hour debate, the Chair shall declare a recess pursuant to clause 12(a) of rule I until the time appointed for the resumption of the session of the House.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

GRANTING MEMBERS OF THE HOUSE PRIVILEGE TO EXTEND REMARKS AND INCLUDE EXTRANEOUS MATERIAL IN THE CONGRESSIONAL RECORD FOR THE SECOND SESSION OF THE 108TH CONGRESS

Mr. DELAY. Mr. Speaker, I ask unanimous consent that for the remainder of the 108th Congress, all Members be permitted to extend their remarks and to include extraneous material within the permitted limit in that section of the RECORD entitled ''Extensions of Remarks.''

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON TOMORROW

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMUNICATION FROM HON. NANCY PELOSI, DEMOCRATIC LEADER

The SPEAKER laid before the House the following communication from the Honorable NANCY PELOSI, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, December 16, 2003.

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

DEAR MR. SPEAKER: Pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act of Fiscal Year 2001 (P.L. 106–398), I hereby reappoint Ms. Carolyn Bartholomew of the District of Columbia, for a two-year term that expires December 31, 2005, to the United States-China Review Commission. Her current one-year term expires December 31, 2003.

Best regards,

NANCY PELOSI.

COMMUNICATION FROM HON. NANCY PELOSI, DEMOCRATIC LEADER

The SPEAKER laid before the House the following communication from the Honorable NANCY PELOSI, Democratic Leader:

U.S. HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
December 16, 2003.

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

DEAR MR. SPEAKER: Pursuant to section 214(a) of the Help America Vote Act of 2002 (42 U.S.C. 15344), I hereby appoint Willie L. Brown, Jr. of San Francisco, California to the Election Assistance Commission Board of Advisors. Mr. Brown is appointed for a 2 year term.

Best Regards,

NANCY PELOSI.

COMMUNICATION FROM CHIEF OF STAFF OF HON. THOMAS ALLEN, MEMBER OF CONGRESS

The SPEAKER laid before the House the following communication from Jacqueline Potter, Chief of Staff of the Honorable THOMAS ALLEN, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 11, 2003.

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

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil subpoena for deposition testimony issued by the Superior Court for Cumberland County, Maine.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

JACQUELINE POTTER,
Chief of Staff.

COMMUNICATION FROM SENIOR FIELD REPRESENTATIVE OF HON. THOMAS ALLEN, MEMBER OF CONGRESS

The SPEAKER laid before the House the following communication from John McLaughlin, Senior Field Representative of the Honorable THOMAS ALLEN, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 11, 2003.

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

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil subpoena for deposition testimony issued by the Superior Court for Cumberland County, Maine.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerly,

JOHN MCLAUGHLIN,
Senior Field Representative.

COMMUNICATION FROM CHIEF OF STAFF OF HON. THOMAS ALLEN, MEMBER OF CONGRESS

The SPEAKER laid before the House the following communication from Jacqueline Potter, Chief of Staff of the Honorable THOMAS ALLEN, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 17, 2003.

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

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil subpoena for documents issued by the Superior Court for Cumberland County, Maine.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

JACQUELINE POTTER,
Chief of Staff.

COMMUNICATION FROM DISTRICT DIRECTOR OF HON. JOE BARTON OF TEXAS, MEMBER OF CONGRESS

The SPEAKER laid before the House the following communication from Ron Wright, District Director of the Honorable JOE BARTON of Texas, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, December 31, 2003.

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

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the U.S. District Court for the Northern District of Texas.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely yours,

RON WRIGHT,
District Director.

COMMUNICATION FROM LEGISLATIVE DIRECTOR OF THE HON. J. DENNIS HASTERT, MEMBER OF CONGRESS

The SPEAKER laid before the House the following communication from Anthony Reed, Legislative Director of the Honorable J. DENNIS HASTERT, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 9, 2004.

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

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the Superior Court of the District of Columbia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

ANTHONY REED,
Legislative Director.

REPORT OF COMMITTEE TO NOTIFY PRESIDENT

Mr. DELAY. Mr. Speaker, your committee on the part of the House to join a like committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled and is ready to receive any communication that he may be pleased to make has performed that duty.

The President asked us to report that he will be pleased to deliver his message at 9 p.m. tonight to a joint session of the two Houses.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair desires to make an announcement.

After consultation with the Majority and Minority leaders, and with their consent and approval, the Chair announces that tonight when the two Houses meet in joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those on his left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance that is anticipated, the Chair feels that the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

The practice of reserving seats prior to the joint session by placard will not be allowed. Members may reserve their seats by physical presence only following the security sweep of the Chamber.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 1-minute speech requests.

□ 1245

SUCCESSES OF 2003

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, over the last year, our Nation has experienced extraordinary successes. The American military has fought a victorious battle in Iraq to overthrow one of history's most despotic regimes and are continuing today to protect the American people in the war on terror. Thanks to their valor, the world is safer knowing that Saddam Hussein is no longer a threat.

In the last year, as our economy struggled to work its way back out of recession, Congress brought tax relief to American families and businesses at the right time to get this economy moving again. In the past few months, stock markets are up, jobs have increased and our GDP has soared.

We were also successful in bringing prescription drug coverage to our seniors, health savings plans to restore hope in the future of Medicare, and we brought further reforms to education to ensure our children receive the best chance for success.

Tonight we will hear our President's State of the Union address, and while we face challenges ahead, the President has many successes to celebrate over the last year.

In conclusion, God bless our troops, and we will never forget September 11.

EXTENSION OF UNEMPLOYMENT BENEFITS

(Mr. MCDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, a constituent in my district named Virginia received something very special this Christmas. The gift, if we could call it that, came directly from the Bush White House and the Republican leadership. Pretty impressive. It arrived on December 23 and stayed through the holidays. It was a notice saying her extended unemployment benefits would end soon. Merry Christmas, Virginia. Eighty-two thousand other Washington residents face the same fate in the first 6 months of this year.

It does not matter whether there is money in the account or there is a jobless recovery underway, we realize last month we got 20 jobs in the State of Washington, 1,000 in the whole country. Virginia and thousands of other average Americans will remember this Christmas for a long time as the Christmas when she was forgotten by the Republican leadership and the White House.

Tonight, the President will be upbeat. I just gave my colleagues the State of the Union in one household in my district. Virginia is anything but upbeat. She is frightened, she is angry. She calls it unconscionable. We ought to call it disgraceful.

I call upon the President and the Republican leadership to recognize the ordinary Americans and support them by immediately passing an extension of unemployment benefits. Eighty-two thousand people in my State will remember.

THE PRESIDENT'S POLICIES

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, tonight President Bush will offer his optimistic vision for our great Nation.

President Bush has been a remarkably strong leader in trying times. He inherited an economy headed into recession and took very bold action. He cut taxes for every American and softened the blow of tough economic times. He extended prescription drug benefits and coverage to our Nation's seniors who depend on Medicare. He was faced with unprecedented terrorist attacks that threatened our freedom. He did not sit back. He did not appease, as some have advocated. Instead, he took the fight to the terrorists, and America now has the initiative in the war on terror.

The President's policies are getting America back to work. His policies will further grow our economy and create jobs. His policies will expand educational opportunities for our children. His policies will work to ensure that quality health care is available to every American.

Mr. Speaker, I am proud of our great President and look forward to hearing his positive views for our Nation this evening.

EXTENDING UNEMPLOYMENT BENEFITS

(Mr. LEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, I could care less about the moon. I want a job. That was said to me by an electrician during our recess. He is one of 1,200 members of the International Brotherhood of Electrical Workers in the metropolitan Detroit area out of work. He is one of 8.9 million Americans, and there are another 4 million Americans not classified as unemployed but who are out of work.

The long-term unemployed in this country reached a 20-year high in November, but this House and the President have refused to extend Federal benefits. They expired December 20.

Ninety thousand people run out of State benefits every week. In this country, America, Americans deserve more than continued silence from the President of the United States. Let us hope he speaks to this issue tonight.

KASHMIR

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I recently returned from a trip to Pakistan and India.

I would like to commend Prime Minister Vajpayee of India and President Musharraf of Pakistan for the ceasefire in Kashmir and for their courageous leadership and peaceful dialogue in addressing an issue of deep importance to both nations.

During my visit, I had the privilege of visiting a camp for internally displaced people in Azad Kashmir. The suffering that the people on both sides of the Line of Control have endured is horrific: land mines, bombings, deliberate rape of women and other human rights violations, all this in the midst of a land of great beauty.

It is time for the tragic suffering to end. All sides in the conflict need to immediately cease using rape as a weapon of war. All sides need to allow children to receive an education. Until the issue of Kashmir is resolved peacefully, the stability, security and economic viability of South Asia and the international community are at risk.

I urge the U.S. government to fully support the current positive steps between Pakistan and India to bring a peaceful end to this long-running conflict.

THE PRESIDENT'S BIG IDEA

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, good afternoon. Happy New Year. Welcome back.

Last year, the President's advisers decided that in 2004 the President was going to talk about big ideas. Good, that is what Presidents are supposed to do, but then the President decided what we ought to do is go to the moon and Mars and cost the taxpayers $1 trillion. We have explored the moon in 1969 and 1970. It is a rock. We have seen pictures of Mars. It is also a rock.

It seems to me the big idea is to help the working families in America. This economy has lost 3 million jobs under President George Bush. Two million workers have been unemployed for more than 6 months; 1.4 million workers have exhausted their unemployment benefits but still have not found work.

A big idea would be to put people to work like Franklin Roosevelt did. Another big idea would be to provide health insurance for all 41 million Americans who do not have health insurance. Health insurance costs for those who have it are rising, and pretty soon more people will not have it. That would be a big idea. Health insurance. Funding medical research to fight cancer and AIDS and ending poverty and hunger would be big ideas that we ought to be pursuing in the 21st century.

Instead, when the President's big idea is to go to Mars, it seems to me he has lost contact with the American people. Democrats have big ideas, making America a better place in which to live.

THE PRIORITIES OF AMERICA

(Mr. BELL asked and was given permission to address the House for 1 minute.)

Mr. BELL. Mr. Speaker, I rise today because I am deeply concerned with the state of our Union. I share the concern of many that we are heading in the wrong direction in this country.

We need to focus on creating jobs, but tonight we will hear about extending tax cuts for the rich in a mythical economic recovery that has created no new jobs. We need to focus on protecting Social Security and Medicare for a new generation, but tonight we will only hear about a thinly disguised plan to dismantle those vital programs and place our sacred covenant with America into the hands of corporations and pharmaceutical companies seeking profit at the expense of working men and women.

Tonight, we will hear more empty promises on education and literacy when we should focus on the President's own No Child Left Behind program which he and the Republican Congress continue to refuse to fully

fund. As a result, we are leaving millions of children behind every day.

It is all about priorities, Mr. Speaker. Creating more jobs, access to affordable health care and better education for our children, those are the priorities of America, and they should be our priorities here in Congress.

HONORING U.S. ARMY NATIONAL GUARD SPECIALIST MICHAEL G. MIHALAKIS

(Ms. LOFGREN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LOFGREN. Mr. Speaker, as I rise today, over 500 Americans have lost their lives in the war in Iraq. Each loss is a wrenching tragedy to a family somewhere in America, and this tragic loss has now come to the Mihalakis family in San Jose, California.

U.S. Army National Guard Specialist Michael G. Mihalakis of San Jose, California, was killed the day after Christmas when his Humvee overturned near the Baghdad International Airport. He was assigned to the 270th Military Police Company and was one of the youngest casualties of the Iraq conflict. Michael was proud to be a soldier, with a strong commitment to service, an unflinching bravery, a dedication to family, and a deep love of country.

America remains strong and free because, for generations, Americans like Michael have been willing to put the well-being of their community and country ahead of their personal comfort and safety. From towns and cities all over America, ordinary citizens have become transformed into heroes through their service.

There is aching loss and pain when such heroism means the hero is not coming home. This wrenching loss can never really be healed for the mothers and fathers who have given what is most precious to them for their country. We want to thank the Mihalakis family and let them know they are in our hearts and prayers and that his grateful country will always remember their son.

On behalf of the House of Representatives, I want to thank Michael for his service to the United States and offer heartfelt condolences to his parents and entire family.

REAL IMMIGRATION REFORM

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, the State of the Union will be an opportunity for the President to push his issues and to explain to the American people how we can work together.

I think there is no doubt that there are those of us who understand that this Nation was first built on the opportunities for immigrants to come and to seek, if you will, a better life.

We do need real immigration reform in this Nation, but I am disappointed and saddened by the offering of the President of which I have said this is not an amnesty plan, and so I defend him from the perspective that this is a first step of recognizing the needs for immigration reform, but we really need to focus on earned access to legalization for those millions of immigrants who are here paying taxes, working every day and wanting to provide for their family and to get in line to be able to earn their right to be a citizen of the United States of America.

What happens to a guest worker program? It literally disappears into the night because when the program ends after 3 years, there is some suggestion that these individuals will go home. They will not.

Mr. President, work with this Congress, work with the Democrats in a bipartisan way to lift up the values of this Nation, that we are a land of immigrants, to allow the immigrants that are here to get into the system of earned access to legalization.

THE DRUG COVERAGE BILL

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Ohio. Mr. Speaker, President Bush, in his State of the Union a year ago, said, ''Medicare is the binding commitment of a caring society.'' He then promised a prescription drug/Medicare reform bill.

The gentleman from California (Mr. THOMAS), the Republican chairman of the House Committee on Ways and Means, one of the authors of the bill with the Bush administration, said, ''to those who say this bill would end Medicare as we know it, our answer is we certainly hope so.''

□ 1300

I wish President Bush tonight would explain what happened to the Medicare bill that he signed in December. I wish he would explain that this legislation will mean $139 billion, that is with a ''B,'' $139 billion additional profits for the drug industry. I wish he would explain tonight to the American people why this Medicare privatization bill means $14 billion in extra payouts to the HMOs and to the insurance companies. And I wish he would explain to the American people why he let in to write this bill the drug industry and the insurance industry, which sat down with the administration, with Republican leadership and actually wrote the Medicare prescription drug privatization bill. We need answers tonight, Mr. Speaker.

DISTRICT OF COLUMBIA VOTING RIGHTS RESTORATION ACT

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include therein extraneous material.)

Mr. ROHRABACHER. Mr. Speaker, I have just introduced the District of Columbia Voting Rights Restoration Act, a bill to restore full and equal congressional voting rights, including representation in the United States Senate, for the residents of the District of Columbia.

My bill would restore the Federal rights of Maryland citizenship that were taken away from the District of Columbia residents over 200 years ago by an Act of Congress, the Organic Act of 1801. Enactment of my bill would mean that D.C. residents would once again have the full Federal voting rights they enjoyed as Maryland citizens prior to Congress' assumption of exclusive legislative authority over the District of Columbia. Those rights included the right to vote for and to be elected as and to serve as U.S. senators, U.S. representatives and presidential electors from Maryland.

Mr. Speaker, I ask my colleagues on both sides of the aisle not to let small national political considerations stop us from restoring these rights, and I would also insert the questions and answers about my bill that I am putting on the desk today as part of the RECORD.

Mr. Speaker, it is time for all Members of Congress, whether Republican or Democrat, conservative or liberal, to heed the legitimate complaints of "taxation without representation." We must correct this 200-year-old injustice to the U.S. citizens who live in our nation's capital. The debate must no longer be about whether D.C. residents should have full voting rights in Congress, but how to accomplish a goal that we all share.

Question. Since the VRRA includes D.C. as part of the Maryland delegation in the U.S. House, what is to keep the Maryland legislature from splitting D.C. and joining it with two or more Maryland congressional districts?

Answer. The VRRA would require that whenever D.C. has fewer people than the average Maryland congressional district, D.C. be kept intact in a single congressional district, with contiguous territory from adjacent Maryland counties added as necessary to produce a district equal in population to the other Maryland districts. The VRRA also provides that whenever D.C.'s population is equal to or larger than the average Maryland district, then there must be at lease one district that is 100% D.C.

The controlling Supreme Court opinion in Oregon v. Mitchell (the 18-year-old vote case) made clear that Congress has the power to regulate congressional redistricting by state legislatures. Congress has exercised this power in prohibiting at-large districts in states with more than one House member. In this case, Congress would protect D.C. from unfair treatment because D.C. residents would have no voice in the Maryland legislature.

Question. Does the Constitution allow D.C. residents who do not actually live in Maryland to choose the representatives of that state? If it were constitutional to treat D.C. residents as if they were residents of the state of Maryland for the purposes of voting, would D.C. residents be constitutionally precluded from representing the new Maryland district, given the language of Article I specifically requiring that representatives be

inhabitants of the state in which they are chosen?

Answer. In addition to restoring congressional voting rights, the VRRA also restores Maryland citizenship rights to be a candidate for, and to serve as, U.S. Representative, U.S. Senator, and presidential elector from Maryland.

D.C. is one of several federal enclaves in which the residents were not considered to be ''inhabitants'' of the states that ceded such enclaves to the federal government. There is no reason why Congress is any more powerless to restore the right of D.C. residents to be considered inhabitants of Maryland for federal electoral purposes than it was powerless to restore the rights of residents of other federal enclaves to be considered an inhabitant of the states, including Maryland, that ceded their place of residence to the federal government.

Question. Because representation in the Electoral College is based on the number of Senators and Representatives in the states, wouldn't Maryland receive only one more electoral vote to correspond with the new district? If so, and the District's three reliably Democratic electoral votes were eliminated, wouldn't the result be to tilt the votes in the Electoral College in favor of a Republican presidential candidate?

Answer. The VRRA add one electoral vote to Mayland's total, and would eliminate D.C.'s current three electoral votes to eliminate double counting. Depending on how Maryland and D.C. vote, that would result in either a net pickup of 8 or a net loss of 2 electoral votes for Democrats, with a small possibility of changing the result one way or the other. It's also possible that the D.C. votes for Members of Congress provided by VRRA could swing control of the House and Senate to the Democrats. The small risks involved for each political party are a reasonable tradeoff for correcting the 200-year-old injustice of depriving D.C. residents of congressional representation.

Question. Shouldn't a bill creating two new House seats for D.C. and Utah have a clause that the bill is not severable, meaning if the D.C. portion of the bill were found to be unconstitutional, the Utah portion also would fall?

Answer. Yes; the VRRA has such a nonseverability clause.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair will recognize Members for Special Orders until 5 p.m., at which time the Chair will declare the House in recess.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

(Mr. EMANUEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

JOBS AND ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, in April 2003, the Bush administration pledged that its jobs and growth package, its Leave No Millionaire Behind Tax Cut Plan, would create 1,836,000 new jobs by the end of 2003, last month. The administration pledged to create 5.5 million new jobs this year in 2004; but as the Bureau of Labor Statistics reported this month, the economy had a grand total of 1,000 jobs in December. To begin reversing unemployment trends, there would need to be 250,000 new jobs each month.

More than 2.3 million jobs have been lost since President Bush took office, Mr. Speaker. More than 2.3 million jobs. In my State of Ohio, one out of six manufacturing jobs has disappeared, one out of six, and most of them permanently. Despite recent good news for corporate profits and the trumpeting of the Bush administration on economic growth statistics, the labor market is still in crisis; and we have seen the worst job loss in a recovery since Herbert Hoover in the Great Depression. But for some reason, I guess political reasons, the administration calls the economy strong.

Long-term unemployment is close to a 20-year high. Currently, the average length of unemployment is 5 months. While the administration has touted macroeconomic GDP growth numbers, indicators most important to middle class Americans just simply are not so bright. Simply put, high-paying jobs, industrial, manufacturing jobs are being replaced by low-paying jobs like Wal-Mart. New jobs created are forecast to pay an average of $35,000, much lower than the $43,000 average pay of jobs lost in the last 3 years.

The Bush administration now is deploying an executive agency to short-change average workers, this time on overtime pay. The Department of Labor's publishing documents ''suggest ways that employers can avoid paying overtime to some of the $1.3 million low-income workers who would become eligible this year.'' Think about that, a Federal agency is giving advice to employers on how to avoid paying overtime to some of its lowest-paid workers. Think about that. Among the options for employers would be to cut workers' hourly wages and add the overtime to equal the original salary.

This is part of an emerging pattern of using U.S. taxpayer resources to help big business, to help them cut corners at the expense of American jobs and American workers. The Labor Department's corporate assistance documents, as we call them, come just as the administration plans to eliminate overtime pay protection to 8 million American workers. The overtime plan was opposed by both conservative and progressive lawmakers on Capitol Hill. The Department of Labor's mission statement describes itself as the primary agency to ''promote the welfare of job seekers and wage earners.''

The Department of Labor was established to represent the interest of average workers, not the interest of corporate contributors to the President. Not Enron. Not Halliburton. The Department of Labor is there to represent average everyday salaried and hourly workers. The Department of Labor now seems to represent corporations at the expense of American workers.

The consequences of the Bush administration's policies for hardworking Americans are clear: first, the greatest job loss in a recovery since the Great Depression; 2.5 million jobs have been lost in the past 2½ years. Second, massive deficits to pass on to our children. The administration came into office with a huge budget surplus. It has been squandered. We now have an annual deficit of $500 billion. That means that every day of the year about $1.5 billion more is paid out by the government than is brought in. The President has added $1.5 billion every day to the national debt that our children will pay. This collapse of fiscal discipline will lead to a $5 trillion debt over the next decade. That is $5 trillion more for our children and our grandchildren to pay.

The third result of the Bush administration's policy for working Americans is the rising numbers of uninsured and increasing health care costs for working Americans. There are 43 million Americans lacking basic health insurance today, with 4 million more Americans who do not have health insurance than those that had it when he took office. There were 39 million uninsured when President Bush took office; now it is up to 43 million, and it is climbing as we lose more industrial jobs, jobs replaced by low-benefit, low-wage jobs instead.

This administration is steering the country down the path of fiscal ruin for the benefit of a wealthy few. It is time to right our course. When we see the statistics over Christmas that the high-end stores like Neiman Marcus stores did very well, and regular stores catering to ordinary average Americans did not do so very well, that tells the story. The wealthier in this country are getting wealthier and wealthier, while the middle class is shrinking. Poor people are doing worse than ever. It is time to redirect this country.

HONORING AARON WEAVER, A FALLEN HERO IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) is recognized for 5 minutes.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, it is with a very heavy heart that I rise today to express the condolences of a grateful Nation. I rise today so that this Nation will not forget the service and sacrifice of those fallen heroes who fight to keep us free. I rise today because a Black Hawk helicopter was shot down over Iraq; and Chief Warrant Officer Aaron Weaver,

one of our Nation's finest, died in the crash.

Aaron Weaver was a husband, a father, a brother, and a son; but he was also a fighter. In Iraq, Aaron was fighting to protect our country's way of life while fighting for his own life as well. You see, Aaron Weaver was a cancer survivor. He was still being treated when his unit was called to duty in Iraq. Aaron had a choice to stay, but he elected to fight for the country that he loved. Aaron was on the way to have his blood tested for cancer when the Black Hawk he was riding in was shot down, killing all on board.

We know well our freedom could not have been won nor our liberty maintained without those willing to make this ultimate sacrifice. But I know these are weak words to the grieving family left behind. I pray the Lord will maintain their memory of Aaron and assuage their pain. Aaron survived the battles in Mogadishu, he fought cancer, and was engaged in a great and noble cause in Iraq. Mr. Speaker, please join me in honoring a true American hero.

Last Saturday, I attended services for Aaron. He lived in Citrus County, and his father still resides there. The whole family was there. They are a military family, a very, very devoted military family, and a very close family who all grieved the loss of Aaron. I would like to paraphrase his widow's comments. His widow is Nancy Weaver, and she made a comment that Aaron's life, the loss of his life, will not be in vain if children in America can live safely; if his children and every other child in America can live without fear of another attack like 9–11.

Mr. Speaker, Aaron Weaver truly was a modern American hero, and we are grateful for his service and the service of all the men and women who are serving our country.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MEEK) is recognized for 5 minutes.

(Mr. MEEK of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

CALIFORNIA AND THE ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. SOLIS) is recognized for 5 minutes.

Ms. SOLIS. Mr. Speaker, tonight when President Bush begins to talk about the state of the Union, I hope that he includes remarks that will address the plight of the people that I represent in my district.

On the economy, the President will probably talk about how our country is coming out of a recession, and in some parts of my district the recession has been there for 3 years. In fact, in at least two areas I represent, in East Los Angeles, the unemployment rate is still above 9 percent. In the city of South El Monte, neighboring the community I live by, which is about 70 percent Latino, I would say the recession has not gone home. It is there. It is 9 percent.

Over 60,000 Californians in my State have exhausted their Federal unemployment benefits and another 340,000 Californians will lose those benefits in the next 4 months alone. Long-term unemployment is at a 20-year high. President Bush claimed that the $330 billion so-called jobs through tax cuts would help create 5.5 million new jobs by the end of 2004 or 306,000 a month. The thousand jobs added to the economy in December left the Nation 305,000 short of the Bush job promise in that month alone.

Grocery workers in the State of California, 70,000, are right now on strike. They have no employment and no unemployment insurance, these families that we are talking about, not just people that have somehow disregarded their employment status. Many are women with children who are faced with having to go to food lines and go seeking other types of assistance because our State will not even provide them with unemployment insurance. The grocery strike is a part of a larger debate on health care and wages going on in this country; and these workers, and workers around the country, are fighting for fair and livable wages and for health care benefits that will allow them to ensure health care for their families.

On homeland security, at a time when we are susceptible to being attacked now more than ever, we are seeing more cutbacks in our local government enforcement of law enforcement and firefighters. In my district, people are telling me that they no longer have the support to continue to work overtime. And every time that red alert or orange alert goes on, there is a lack of money, of sufficient funds to provide for the kind of coverage that we all believe that we should have.

□ 1315

In health care, the President's Medicaid block grant proposal jeopardizes the future of the Medicaid program for millions and millions of low-income families and children. At a time when States like California are facing growing budget deficits, Medicaid reform proposals must focus on strengthening health care coverage and the safety net for our Nation's most vulnerable. Block granting Medicaid will force States to ration care by limiting the number of people who can enroll in those programs. It will reduce services and will increase the amount of money that low-income people must pay. Medicaid provides health coverage to one in six Americans, more than one-fifth of the Nation's children and their future must be the responsibility of this government.

With respect to racial and ethnic minority groups in the U.S., they continue to suffer poor health care. Their outcomes are not good. In fact, the risk for type II diabetes among Latinos is almost twice that for non-Latinos. Eliminating these disparities requires a commitment on the part of the Federal Government to ensure that the needs of minority communities are being heard.

On education, how can schools, teachers and students be expected to meet the high standards of the No Child Left Behind Act when the President refuses to fully fund this initiative? At a time when in my home State of California, the education budget is threatened by a cut of $2 billion, it is unfair to place this additional burden upon our children and our parents in California.

On the environment, Republicans continue to protect the wealthy corporate interests and bend over backwards to manipulate our environmental regulations to profit their allies. The health of our children and families is threatened. We should not sacrifice clean air, clean water, our most precious natural resources, and, most importantly, the health of our families.

With respect to Iraq and our veterans, the capture of Saddam Hussein was a great victory for our troops. However, we have a lot more to do. The war is not over. Our real enemy has not been captured. For example, over 500 soldiers have been killed in Iraq, with 372 of them since the President declared the end of major combat in Iraq. At this time of conflict we are reminded every day that our soldiers' sacrifices should not be taken in vain. Although we have lost a significant number of soldiers, a lot more, approximately 2,900, have been wounded in combat or disabled. Furthermore, these numbers mask the true impact of our wounded and fallen soldiers.

We need to do more. President Bush must encourage the Republican Party to keep their promise to our troops and to our country.

HEARTLAND FIRES ARE BURNING ON EVE OF PRESIDENT'S VISIT

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, this evening the President will address this Congress and America. Tomorrow morning he will travel to northwest Ohio, the region in which I reside and represent. Ohio's snow-covered fields and towns this time of year give a placid impression, but they mask the fire that is burning inside the homes that dot the real Ohio that the President will not visit. It really is too bad. Air Force One will pass over most of us in northern Ohio on Wednesday morning, tomorrow.

Sealed off from the general public in a tight security bubble, the President will land at an airfield and travel by

interstate as highway patrol and sheriff's deputies close overpasses and hold people back in half-mile cordons. The President will not see them. The dutiful national press corps, with credentials issued by the White House, will be subjected to a similar fate, never meeting the folks who really live there. The motorcade will lock in its guests, ushering them to Owens College, where tuition has just been hiked by 9 percent. An invitation-only audience will await. The White House is staging photo ops and messages less than 6 weeks before Ohio's primary on March 2. But taxpayers and not the President's brimming campaign coffers are paying for Air Force One on this visit to the heartland in Ohio.

So let this message go forth. The President has the worst jobs record since the Great Depression and Herbert Hoover: 2.7 million Americans are jobless. In December, only 1,000 new net jobs were created nationwide. 300,000 Ohioans are out of work. Their unemployment benefits and health insurance are evaporating. College tuition across our State is skyrocketing. The average graduate ends up a debtor with $17,000 in debt as they begin their careers. 1,300,000 Ohioans have lost their health insurance, nearly 80,000 more than when this President assumed office. Since 2001, another 167,000 of Ohio's manufacturing jobs have disappeared. High tech, ballyhooed to have been our salvation, has been on a precipitous decline with hardware and software jobs being outsourced to India and China.

America and Ohio are being emptied of our wealth-producing jobs. Our trade deficit is at record levels. In 2003, imports exceeded exports by $484 billion. NAFTA has hurt us deeply. These are not just numbers. These are people. Each billion dollars in trade deficit costs us 20,000 jobs. Hoover in Canton is gone, as is Dixon Ticonderoga in Sandusky and Acuity Lighting in Vermillion which is closing; Campbell Soup in Sidney; GE in Bucyrus; Goodyear Tire in Greenville; Honeywell in Elyria; International Paper in Cincinnati; Lucent Technology in Columbus; Mr. Coffee in Glenwillow; Philips Electronics in Ottawa; and now Electrolux just across the border in Michigan.

When the President visited our region on September 6, 2001, I respectfully handed him a letter on Air Force One inviting him and President Fox to travel with me to meet the thousands of workers in Ohio who were losing their jobs to NAFTA and their Mexican counterparts who are also sliding backwards. He never bothered to answer. I mentioned this to him at the White House Christmas party that year and asked him about a reply. He winked and joked, and this is a quote: ''The letter must have gotten lost in the shuffle.'' He did not ask for another.

Is it any wonder the heartland fires are burning? The trade deficit is not mashed potatoes. Jobs lost to Mexico, China and India drag down our Nation's economic growth by nearly a third and every year of the Bush presidency it has worsened. The President will speak in Wood County, Ohio's largest corn-producing county, and my hope is he will urge new ethanol and biodiesel production to offset rising petroleum imports from foreign countries. They equal 60 percent of what our Nation consumes, the highest ever.

As gas prices in northwest Ohio just topped $1.65 per gallon and the per barrel cost of oil now at over $35 per barrel, do we not want America to transition to energy independence? Since 50 cents of every farm dollar earned today is Federal subsidy, what a gigantic job-creating gift the President could give to Ohio and to America by helping launch us on energy independence.

Mr. Speaker, when the fires burn in the heartland, we know America will feel the heat.

Since 50 cents of every farm dollar earned today is federal subsidy, let's put it to work to remedy the nation's chief strategic vulnerability—reliance on imported crude, a key component of our trade deficit. Promoting biofuel independence would create vast numbers of new jobs here at home, far more than Mars exploration or the billions being spent for Iraq rebuilding.

Ohio is plagued by deficits due to the poor economy. Declining revenues have used the state to raise taxes—fuel taxes, sales taxes, cigarette taxes, property taxes. Whatever federal tax relief the Bush Administration might have envisioned has been eaten up by rising state taxes. Even with Mrs. Bush's Reading campaign, our local libraries suffered state cutbacks, had to close down services, and were forced to seek a local levy to sustain normal hours.

The public sector isn't the only pressure point either. Ohio bankruptcies broke a record with over 10,500 last year, and the Pension Benefit Guarantee Corp just announced a troubling $11.2 billion deficit threatening the solvency of our nation's private retirement plans. This is serious indeed.

Each year of the Bush Presidency, his budgets have ballooned the federal deficit. 2003 goes down as the worst red ink in history!

The bipartisan Concord Coalition calls the Bush budgets the ''most irresponsible'' ever. Our national debt has now broken $7 trillion, and we are adding $2.03 billion to the debt each day. This poor management threatens the long-term solvency of Social Security and Medicare.

The International Monetary Fund has warned that these net financial obligations, heavily floated through borrowing from foreign countries, pose ''significant risk for the U.S. and the world.'' The U.S. economy as a whole will end up paying 40 percent of its total earnings in a few years, to pay interest on this ''unprecedented level of external debt for a large industrial country.''

It doesn't have to be this way.

For 8 years, Congress and President Bill Clinton labored to balance annual budgets, on a track to pay down the long-term debt.

Now the President will come to Northern Ohio to talk about jobs and a $120 million national new job training initiative. Ironic since Ohio, due to abysmal Republican management in Columbus, still has failed to obligate $242 million in job training and transition funds for which I have voted, the second-most of any state in the nation. Ohio is under watch and being fined for poor performance in federal job training efforts. These dollars were meant to help unemployed workers gain a foothold in this economy. I hope that during his visit, this President will join me in my efforts to recapture these funds for Ohio's workers despite an inept State government. Ohio's workers could use his help.

In Ohio, we are grateful to be a battleground state in Election 2004. Ohioans seek good jobs with good wages; health and retirement benefits that can't be taken away; affordable education for youth; and prescription drugs under Medicare for seniors. We seek respect for veterans, in theatre and afterwards fiscal responsibility and energy independence.

Every citizen must ask the question in this Presidential election year: Am I, and America, better off now than we were four years ago?

When the fires burn in the heartland, we know America will feel the heat.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

OREGON ISSUES AND THE PRESIDENT'S STATE OF THE UNION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. WU) is recognized for 5 minutes.

Mr. WU. Mr. Speaker, the most important thing the President can tell Oregonians tonight is what he will do to improve our struggling economy. All Oregonians hope for an improved economy that creates new and high-wage jobs. But the President must not let his hopes and expectations for future economic growth blind him to the current plight of the thousands of Oregonians who are out of work today. The unemployment rate in Oregon is a shocking 7.2 percent. But this is not a naked statistic. This is people losing their homes, losing their health care, losing their ability to send their children to college and a better future.

I was on our solid light rail system recently and I met a gentleman who came up to me and said, ''Congressman, I have two master's degrees and I have been working in high technology for almost 20 years. But I've been without work for 18 months and I've lost access to unemployment benefits.'' To show compassion for that man, Oregonians and Americans across this country, the President must and should call for an immediate extension of unemployment benefits. For unemployed Oregonians, it is these benefits that keep their kids in college and prevent the loss of a home, a car or vital access to health care.

Too many Oregonians know the heartbreak of a jobless economic recovery. To create new, high-paying jobs,

we need investment in Main Street as well as Wall Street. I have sponsored legislation to give small businesses incentives to invest and grow, and I hope that the President will tell us tonight how all Americans can prosper together and not just the large corporations and the fortunate who are their shareholders.

Mr. Speaker, the key to economic success begins with education. The President needs to keep his promise to truly leave no child behind by committing tonight to providing the resources that America needs to have the best public school system in the world. Also, we must make college affordability a national priority. Recent tuition increases have put college out of reach for too many Oregon and American families. I will be working on the Committee on Education and the Workforce to make college more affordable and accessible.

In closing, we must work together to address the most important issues facing our Nation, extending unemployment benefits, investing in Main Street small businesses, and providing the best education possible to all Americans.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. LEVIN) is recognized for 5 minutes.

(Mr. LEVIN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

(Mr. MCDERMOTT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

(Mr. CONYERS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

STATE OF OUR UNION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 60 minutes as the designee of the minority leader.

Mr. CUMMINGS. Mr. Speaker, I rise this afternoon with my colleagues in the Congressional Black Caucus to discuss what I hope President Bush will address this evening in his State of the Union message. Specifically, Mr. Speaker, I would like to place President Bush's speech in some context which I believe America should use in evaluating the President's address.

We can all agree that the President will give a good speech. He has practiced, he has rehearsed and he will do a good job. However, I hope that his rhetoric will match actions that will benefit all Americans and benefit all Americans soon. It was just last year that the President stood in this hallowed hall and set forth a number of priorities that were to guide this Nation throughout 2003. I, along with the rest of the Nation, listened very intently to the President searching for some affirmation in his speech of the principles that have successfully guided our constitutional democracy thus far. The Founding Fathers of the United States understood that governments are instituted to secure the God-given rights of all men and women to life, liberty and the pursuit of happiness. In 1976, the late Senator Hubert Humphrey said, ''The moral test of government is how it treats those who are at the dawn of life, the children; those who are in the twilight of life, the aged; and those who are in the shadow of life, the sick, the needy and the handicapped.

Unfortunately, Mr. Speaker, this administration has miserably failed that test. As stewards of the government, we have a moral responsibility to ensure that the poor are granted the same access to opportunity as the rich; the sick are afforded the medical attention needed to restore health; and that the scourge of racism and discrimination is forever dispelled from our national identity.

Mr. Speaker, I submit that the true measure of our Union is the state of the least among us. So long as there are 9 million Americans looking for work, 43 million Americans without health insurance and nearly 2.5 million American men, women and children without a place to call home, then America has not reached her full potential. We need leadership that demands equity, parity and equality. We need leadership that is progressive and forward-thinking. And, Mr. Speaker, we need leadership that delivers results to all of the American people.

□ 1330

The American people deserve bold leadership, the demands of frank and honest discussion of the issues that are at the center of people's lives.

Just yesterday, we celebrated the birth of Dr. Martin Luther King, and I have noted so often we listen to the ''I Have a Dream'' speech; but one of the things that he said is that every citizen should demand the full, the full, the full measure of their citizenship. In other words, what he was saying was that this Nation owes every citizen certain rights and at the same time every citizen has a duty and responsibility to this Nation.

Since the President's last State of the Union Address in 2003, our Nation waited in vain, Mr. Speaker, for the President to recognize the importance of liberty, diversity, and charity beyond the superficial context of a speech. Yes, the President is quick to say that he is compassionate and conservative. As I have said on many occasions, I have seen much of our President's conservatism. So we are long on conservatism, but it appears that we are very short on compassion. Americans look to the President to set forth policies that would transform these lofty ideals into reality for almost 300 million men, women, and children that reside in our Nation.

Mr. Speaker, a year later, we see that the President has not yet been able to synchronize his conscience with his conduct. Yes, we have a lot of photo-ops, but the photo-ops do not bring a paycheck to that worker in Baltimore who has been laid off for the past year. It does not bring an insurance policy for health insurance to that mother in Appalachia who has no insurance; nor does it bring the $7.5 billion to our education system where children need computers, children need books, children need better classroom atmospheres so that they can grow up to be all that God wants them to be.

So it was last year, Mr. Speaker, that the President stood before this Nation, as he will do tonight; and there he announced the new initiative to fight the war against global HIV/AIDS with $15 billion to the global fund. After years of work by the gentlewoman from California (Ms. LEE), my colleague in the Congressional Black Caucus, and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), our health chairperson, and many of my colleagues in the Congressional Black Caucus urging the Congress to be more proactive in fighting this epidemic, the Congressional Black Caucus applauded the President's effort.

We are very pleased that he had listened to us 3 years ago. By the way, I might add that it was 3 years ago when the President met with the Congressional Black Caucus; but 3 years later after many requests, he refuses, actually refuses to meet with the 39 members of the Congressional Black Caucus who represent over 26 million people, at least a third of whom are white. And it is interesting that he laid a wreath at the Martin Luther King memorial just a few days ago and then turned right around the next day and appointed Judge Pickering from Mississippi, whom, as a matter fact, every civil rights organization in the country had opposed and he had been opposed by the Congressional Black Caucus; but this President saw fit to appoint a man who had been turned away by the Senate twice.

So we come back to today. A year later we are already underfunding our annual contribution commitment by $600 million, that is, to the AIDS fund, the global AIDS fund, by $600 million. It was just this weekend that members of the Congressional Black Caucus met with the U.N. ambassadors from Africa and they talked about how so many of their people are dying; but yet and still, after we agree that $15 billion should be allocated, we come up $600

million short in the first year, and they too are asking why are we holding back, because they say as long as we hold back the money, more and more people on that great African continent will die.

Two years ago, Mr. Speaker, in his State of the Union Address, President Bush said, ''My economic security plan can be summed up in one word: jobs.'' Yet 2 years later, there are 9 million Americans who woke up this morning without a place of employment. On his watch America has lost nearly 3 million jobs. And I know that he will paint a rosy picture. He will tell us that we have a 5.7 percent unemployment rate. He probably will not mention that African American unemployment is 10.2 percent. He may not mention that in certain areas of our country, like parts of my district, the black male unemployment rate may be as much as 21 or 25 percent. He will not mention that.

He will not mention that over the past month only a thousand jobs were created. He will not mention that. He will mention that the economy seems to be going in the right direction; but he will not mention that we have such a lack of an increase in jobs, and when we think about it, Mr. Speaker, when we are talking about a thousand jobs for 50 States, that means that we have got very few per State. So in all, a total of 14 million American men and women of all ethnicities are unable to feed their families, pay their mortgages, and clothe their children.

The President will not tell us that when he mentions the 5.7 percent that the reason why the number has come down is that so many Americans have become so tired of looking for work. They have been unemployed for so long that they have given up on looking for a job. So he will not tell us that their numbers are not in that 5.7 percent. He will not tell us that.

While the President travels the country boasting about the Nation's economic recovery, he neglects and will neglect to mention these 14 million Americans whose families have yet to recover and remain in a state of financial disrepair.

Mr. Speaker, last year after listening to the President's State of the Union speech, I asked the following question: ''Where was the assurance that we will adequately fund legislation to guarantee that every vote will be counted in determining who will lead the Government of the United States?'' A year later this question is even more poignant. Just last week students at Prairie View A.& M. University, a historically black college in the President's home State of Texas, marched in protest of their local district attorney's challenge to their fundamental right to vote. It is an affront to democracy that in the year 2004, African Americans are still marching for voting rights, still marching to exercise the very thing that underpins our democracy, still marching, trying to make sure that they are participants in this wonderful thing we call a democracy, still marching.

Mr. Speaker, if our Nation is to retain the strength that has sustained us in times of war and in times of peace, in times of depression and in times of robust economic growth, then we must redouble our efforts to ensure that life, liberty, and the pursuit of happiness is indeed granted to all. And when I think about life, liberty, and the pursuit of happiness, one of the greatest things that we can do for any human being is to educate them.

Then I think about FAM U University, another historically black college down in Florida, when I visited there just recently and had students come up to me and ask the question at what point will the Congress get it? At what point will they realize that we have worked so hard to get to college, that our families are making less than $30,000 a year and we are trying to be the best that we can be? Can we get a little help from the Congress that spends all of this money in Iraq? Can we get a little help? We Americans, who are trying to be the best that we can be, just want to pursue a little happiness so that we can grow up and contribute to this society.

But yet and still, they see the Pell grants leveling off. They see no real increase there. They see their tuitions rising. They work the part-time jobs. They give it all that they have. They try to borrow from Aunt Sally and borrow from Uncle Jim and Momma, but the money simply is not there; and then they find themselves, like the students at Morgan State University, another historically black college where I am on the board of trustees, where we have to actually release some 800 students. Why? Because they simply do not have the money to go to college. Tuition is going up; aid from our Federal Government for our students is going down, when we talk about our hope that the President, when he addresses us tonight, will address the question of how do we support our young, how do we make sure that they rise up to be all that they want to be.

I maintain, Mr. Speaker, that terrorism, by the way, is not the only threat to our democracy. Indifference to the ills of the least among us and denial of basic human rights challenges the foundation upon which this country was built.

Mr. Speaker, this evening I sincerely hope that President Bush will address all the issues which I have outlined this afternoon in a meaningful way. I have heard through newspaper accounts that the President will articulate a plan to insure the uninsured. I certainly hope that this plan will be proactive, realistic, and designed to actually achieve the intended results. I hope that if, in fact, the President does present a plan to insure the uninsured, it will not emulate the Medicare plan that does nothing to make prescription drugs more affordable and will in practice destroy Medicare.

Mr. Speaker, this evening my colleagues in the Congressional Black Caucus and the 9 million, and I repeat that, 9 million unemployed Americans will be listening to the President very closely in expectation of a real plan to create economic growth and, most importantly, jobs. America does not want the President to give lip service to the idea of job creation while lining the pockets of corporate America as he did in his 2002 State of the Union Address. America wants the President to promise to work in a bipartisan manner to enact policies which we know work to create jobs.

Mr. Speaker, just yesterday we lost another 20 soldiers to a bomb in Baghdad. This evening America wants the President to pay homage to the over 500 men and women, brave young men and women, who have lost their lives in Iraq by presenting a plan to create stability in the region and bring our troops safely home. And, finally, Mr. Speaker, on the eve of another Presidential election, the Congressional Black Caucus and the over 130 million registered voters in the United States want the President to make a real commitment, a real commitment, to protect our right to vote and have our votes counted. Americans want to be absolutely certain that when they arrive at the polls on November 2, their vote will be counted. These are our national priorities, Mr. Speaker, that Americans of every color are looking to the President for leadership.

□ 1345

The Congressional Black Caucus will be watching, and waiting to work with the president to strengthen our Nation and to secure the state of our Union.

Mr. Speaker, I yield to the gentlewoman from the great State of California (Ms. LEE).

Ms. LEE. Mr. Speaker, once again let me just thank the gentleman from Maryland, the Chair of the Congressional Black Caucus, for his leadership, and for calling these special orders to discuss the real state of the Union. I thank the gentleman from Maryland (Mr. CUMMINGS) for once again attempting to wake up America.

Today I hope that people listen very carefully to the President as he tells us about his vision of America. I hope that they listen and ask themselves just what America does George Bush see out there? Who gets left behind in his vision, and really just where does it take us?

I want to remind the gentleman from Maryland (Mr. CUMMINGS) and the entire country of what President Bush told us, I believe it was the year before last, in terms of creating the ''axis of evil.'' Then last year he told us that the British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa. Of course, that has been questionable, but it did serve, however, as a very central and very critical piece of the spin campaign that led the country

into war. I must remind you this was last year in the State of the Union that this critical piece of information was put forward. So tonight I hope the country listens very carefully to what the President says.

Of course, in preparation for the upcoming election, the President is again getting ready to tell the Nation something that really should be questioned. According to news reports, the President will declare victory in the fight to provide the Nation's elderly and the disabled with health care. He will point to the Medicare bill that he and the Congressional Republicans pushed through Congress. But there is one small problem: The Medicare bill will not help Medicare, and it will not help seniors. In fact, it is designed really, if you ask me and ask many of us, to do the program in.

He will claim that the economy is surging ahead; but will he talk about the millions of jobs that have been lost during his presidency?

He will talk about homeland security; but will he talk about the insecurity in our ports and elsewhere, about first responders who still lack vital resources? So let us all listen very closely to what he says.

What is the state of the Union today? We have about 130,000 American troops in Iraq, sent there in a preemptive war that we did not have to fight.

We face an economy here at home that has been dominated by tax cuts for the wealthy and job losses for the rest of the country. We have an administration that seems eager to expand these tax cuts for the rich, and just as eager to privatize one of our most successful programs in history, Social Security.

We have a healthcare system marked by disparities and deficiencies which leaves 44 million Americans without any health insurance and which the President seeks to reform, not by expanding benefits for the public for universal health care, but by expanding profits for the insurance industry and the HMOs.

And we have health care problems, including skyrocketing asthma rates, which will only grow worse as the administration erodes fundamental environmental protections such as the Clear Air Act.

That is the real state of the Union: A foreign policy based on preemption, not cooperation; an economy based on tax cuts, not job creation; a health care and retirement system that promotes corporate benefits, not individual care; and an approach to the environment that protects polluters and oil companies, rather than promoting public health or developing alternative energy sources.

How did we get in this situation? We got here really not by accident, but through a series of choices made by the administration and the Republican majority in Congress.

We have to begin this discussion by confronting the question of war. Understanding this war and preventing future foreign policy disasters requires us to understand how we got here and to demand answers about the abuse of intelligence in the process so that it never happens again.

Over 500 Americans have died in Iraq. Over 3,000 have been wounded, many of them suffering terrible injuries. We owe it to them and we owe it to the unknown number of Iraqi men, women and children who have been killed to ask how we got there, how we can get out and how we can prevent future tragedies.

This Nation went to war not because we were attacked, not because we were in imminent danger, but because this administration was just determined to do so. They have captured Saddam Hussein, but they have yet to find a single weapon of mass destruction, although the administration told us with absolute certainty last year that there were tens of thousands of them and they were aimed at us.

This war of preemption without justification goes against both American ideals and international law, it has made the world a more dangerous place, and it has carried with it enormous costs in both lives and treasure.

Yesterday, this past weekend, we celebrated the 75th anniversary of the birthday of Dr. Martin Luther King, Jr. Dr. King knew all about the danger of war and the terrible toll that it exacted here at home. Dr. King said, ''In the wasteland of war, the expenditure of resources knows no restraints.''

Dr. King said, ''A Nation that continues year after year to spend more money on military defense than on programs of social uplift is approaching spiritual death.''

Mr. Speaker, I think it makes a real mockery out of Dr. King's life to place a wreath at his tomb one day, appoint a segregationist to the Federal bench the next day, and then come forward with a plan for military expenditures that, again, will wreak havoc on the areas in America which need the kind of help that our resources could provide in terms of alleviating poverty and helping young people with their college education. This Nation, the state of this Nation, Mr. Chairman, is approaching, as Dr. King said, spiritual death.

What then would Dr. King say? What would he say about the $87 billion supplement passed last year, and the fact that the $87 billion came on top of the $78 billion that Congress already appropriated for the war, on top of the $400 billion defense budget? What would he say about the priorities and choices that led to a preemptive war abroad and social and economic distress here at home, for as we confront the war, we must also confront the domestic choices that this administration has made that have led to the present state of our Union.

The economy, health care, Social Security and the environment are all at stake, and, yes, they are all at risk today.

First the economy. This Nation has lost nearly 2.5 million jobs since President Bush took office. That is the worst job creation since Herbert Hoover. Reports indicate that in his address tonight, the President will propose $120 million, I believe that is what I understand, in new job training grants. That sounds fine. But this President has sought over $800 million in cuts to job training and vocational education since moving into the oval office.

This same administration has refused, refused, to extend unemployment benefits, at the very moment when millions of Americans are desperately looking for jobs but simply not finding them. Almost 90,000 jobless workers are running out of regular State-funded unemployment benefits each week. As we speak, almost 400,000 Americans are jobless and have no unemployment compensation.

We are all excited about economic growth in the last quarter, but we want to see real economic development, real jobs and real economic opportunities for all Americans, and we want to see poverty rates in America reduced, rather than go forward. We want to see those rates go down. We want to see homelessness conquered; we want to see hungry children fed; we want to see a real commitment to end poverty in the President's State of the Union address tonight.

Secondly, just as the Americans are concerned about the economy, they are deeply and justifiably worried about their health care. We have raging health care disparities in this country that separate black from white, rich from poor, African Americans, Asian Pacific Americans, Latinos, all from the poor, from the middle-class. This really is a national disgrace in the wealthiest country in the world.

Forty-four million Americans have no health insurance. Four million of those have lost their coverage since President Bush took office. Americans who are fortunate enough to have health insurance are not only facing massive premiums hikes, but also live in constant fear of losing their insurance, and those fears, sadly, unfortunately, are warranted.

Minorities have an even greater reason to be insecure and to listen closely to what the President will propose tonight. Minorities are sicker, and when they finally make it to the emergency rooms of this country, they get poorer care. Like the uninsured and the under-cared for, our seniors are also left out of the so-called Bush recovery.

The Medicare bill passed this fall will leave the seniors who have the gravest chronic diseases with the highest out-of-pocket costs. But, again, there are beneficiaries to these policies. The insurance industry, the drug manufacturers and the HMOs, they will make billions.

Thirdly, there is Social Security. This program was one of the great inventions of the 20th century. It has

made enormous differences in the lives of millions and millions of Americans. But the Bush administration seeks to partially privatize this program. The New York Times says this would cost $100 billion to undertake. It would also make the seniors of tomorrow subject to the whims of the stock market. Privatization presents risks that we cannot afford and that we do not need. We must not dismantle this vital program.

Finally, I cannot leave without addressing what this administration has done and seeks to do to our environment. Like Social Security, environmental protections exist to safeguard all, but this administration has refused to enforce existing laws and has even worked to strip them away, including such absolutely critical protections as the Clean Air Act.

It has failed to create an energy policy that matches the needs of the 21st century. We could be reducing our dependence on foreign oil, fighting global warming and creating new jobs all at the same time, but, instead, this administration subsidizes big oil and big coal, refuses to address concerns such as MTBE, and tells Americans that all the answers to the energy crisis and problems lie in the drilling of the Arctic wilderness.

So the common theme running through all of these domestic policies is that the Bush Administration has signed a contract with corporate America at the expense of the American people. That is the real state of the union today, and it sounds pretty bleak.

In fact, I am pretty optimistic about the future of America, because these things can be fixed. We can forge a foreign policy based on international cooperation that truly enhances our own security. We can get our troops home from Iraq and end the daily news reports that another two or three or 16 Americans have been killed. We can craft domestic policies that create jobs, expand health care, protect Social Security, reduce poverty and safeguard our environment. And, yes, we can invest in health care and education and affordable housing. We can redirect our resources and realign our priorities. We can do better. Dr. King, again, left us a road map of how to do it better.

So tonight, Mr. Chairman, I hope the country listens very carefully to the President's picture that he will paint of the state of the Union and raise some of these very critical questions as we enter this next year, to make certain that his State of the Union is not the state of the Union that we want to see for the American people.

Mr. CUMMINGS. Mr. Speaker, I thank the gentlewoman for her statement.

Mr. Speaker, I yield to a friend of the Congressional Black Caucus, the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, I thank the gentleman very much for yielding. I think that as we prepare for this evening, the necessity of putting up a minority report on the state of the Union is crucial for the American people.

Mr. Speaker, I include in the RECORD an article from the Independent, which is a major newspaper in the United Kingdom, called ''George W. Bush and the Real State of the Union.''

[From the Independent, Jan. 20, 2004]

GEORGE W. BUSH AND THE REAL STATE OF THE UNION

Today the President gives his annual address. As the election battle begins, how does his first term add up?

232: Number of American combat deaths in Iraq between May 2003 and January 2004.

501: Number of American servicemen to die in Iraq from the beginning of the war—so far.

0: Number of American combat deaths in Germany after the Nazi surrender to the Allies in May 1945.

0: Number of coffins of dead soldiers returning home from Iraq that the Bush administration has allowed to be photographed.

0: Number of funerals or memorials that President Bush has attended for soldiers killed in Iraq.

100: Number of fund-raisers attended by Bush or Vice-President Dick Cheney in 2003.

13: Number of meetings between Bush and Tony Blair since he became President.

10 million: Estimated number of people worldwide who took to the streets in opposition to the invasion of Iraq, setting an all-time record for simultaneous protest.

2: Number of nations that Bush has attacked and taken over since coming into the White House.

9.2: Average number of American soldiers wounded in Iraq each day since the invasion in March last year.

1.6: Average number of American soldiers killed in Iraq per day since hostilities began.

16,000: Approximate number of Iraqis killed since the start of war.

10,000: Approximate number of Iraqi civilians killed since the beginning of the conflict.

$100 billion: Estimated cost of the war in Iraq to American citizens by the end of 2003.

$13 billion: Amount other countries have committed towards rebuilding Iraq (much of it in loans) as of 24 October.

36%: Increase in the number of desertions from the U.S. army since 1999.

92%: Percentage of Iraq's urban areas that had access to drinkable water a year ago.

60%: Percentage of Iraq's urban areas that have access to drinkable water today.

32%: Percentage of the bombs dropped on Iraq this year that were not precision-guided.

1983: The year in which Donald Rumsfeld gave Saddam Hussein a pair of golden spurs.

45%: Percentage of Americans who believed in early March 2003 that Saddam Hussein was involved in the 11 September attacks on the U.S.

$127 billion: Amount of U.S. budget surplus in the year that Bush became President in 2001.

$374 billion: Amount of U.S. budget deficit in the fiscal year for 2003.

1st: This year's deficit is on course to be the biggest in United States history.

$1.58 billion: Average amount by which the U.S. national debt increases each day.

$23,920: Amount of each U.S. citizen's share of the national debt as of January 19, 2004.

1st: The record for the most bankruptcies filed in a single year (1.57 million) was set in 2002.

10: Number of solo press conferences that Bush has held since beginning his term. His father had managed 61 at this point in his administration, and Bill Clinton 33.

1st: Rank of the U.S. worldwide in terms of greenhouse gas emissions per capita.

$113 million: Total sum raised by the Bush-Cheney 2000 campaign, setting a record in American electoral history.

$130 million: Amount raised for Bush's re-election campaign so far.

$200 million: Amount that the Bush-Cheney Campaign is expected to raise in 2004.

$40 million: Amount that Howard Dean, the top fund-raiser among the nine Democratic presidential hopefuls, amassed in 2003.

28: Number of days holiday that Bush took last August, the second longest holiday of any president in U.S. history (Recordholder: Richard Nixon).

13: Number of vacations days the average American worker receives each year.

3: Number of children convicted of capital offenses executed in the U.S. in 2002. America is the only country openly to acknowledge executing children.

1st: As Governor of Texas, George Bush executed more prisoners (152) than any governor in modern U.S. history.

2.4 million: Number of Americans who have lost their jobs during the three years of the Bush administration.

221,000: Number of jobs per month created since Bush's tax cuts took effect. He promised the measure would add 306,000.

1,000: Number of new jobs created in the entire country in December. Analysts had expected a gain of 130,000.

1st: This administration is on its way to becoming the first since 1929 (Herbert Hoover) to preside over an overall loss of jobs during its complete term in office.

9 million: Number of U.S. workers unemployed in September 2003.

80%: Percentage of the Iraqi workforce now unemployed.

55%: Percentage of the Iraqi workforce unemployed before the war.

43.6 million: Number of Americans without health insurance in 2002.

130: Number of countries (out of total of 191 recognized by the United Nations) with an American military presence.

40%: Percentage of the world's military spending for which the U.S. is responsible.

$10.9 million: Average wealth of the members of Bush's original 16-person cabinet.

88%: Percentage of American citizens who will save less than $100 on their 2006 Federal taxes as a result of 2003 cut in capital gains and dividends taxes.

$42,000: Average savings members of Bush's cabinet are expected to enjoy this year as a result of the cuts in capital gains and dividends taxes.

$42,228: Median household income in the U.S. in 2001.

$116,000: Amount Vice-President Cheney is expected to save each year in taxes.

44%: Percentage of Americans who believe the President's economic growth plan will mostly benefit the wealthy.

700: Number of people from around the world the U.S. has incarcerated in Guantanamo Bay, Cuba.

1st: George W. Bush became the first American president to ignore the Geneva Conventions by refusing to allow inspectors access to U.S.-held prisoners of war.

+6%: Percentage change since 2001 in the number of U.S. families in poverty.

1951: Last year in which a quarterly rise in U.S. military spending was greater than the one the previous spring.

54%: Percentage of U.S. citizens who believe Bush was legitimately elected to his post.

1st: First president to execute a federal prisoner in the past 40 years. Executions are typically ordered by separate states and not at federal level.

9: Number of members of Bush's defense policy board who also sit on the corporate

board of, or advise, at least one defense contractor.

35: Number of countries to which U.S. has suspended military assistance after they failed to sign agreements giving Americans immunity from prosecution before the International Criminal Court.

$300 million: Amount cut from the federal programme that provides subsidies to poor families so they can heat their homes.

$1 billion: Amount of new U.S. military aid promised Israel in April 2003 to offset the ''burdens'' of the U.S. war on Iraq.

58 million: Number of acres of public lands Bush has opened to road building, logging and drilling.

200: Number of public-health and environmental laws Bush has attempted to downgrade or weaken.

29,000: Number of American troops—which is close to the total of a whole army division—to have either been killed, wounded, injured or become so ill as to require evacuation from Iraq, according to the Pentagon.

90%: Percent of American citizens who said they approved of the way George Bush was handing his job as president when asked on 26 September, 2001.

53%: Percentage of American citizens who approved of the way Bush was handling his job as president when asked on 16 January, 2004.

□ 1400

This article lists the accomplishments of this administration. We all know we are engaged in a war that the President could not keep us out of; he had to go to war. We have had 501 people die. But what people do not know about is that 40,000 of our troops whose enlistments have ended are being kept in under stop-loss orders. There is a major crisis, and the likelihood of the President talking honestly tonight about what is going on in Iraq and Afghanistan, in my opinion, is zero, because he cannot talk about solving this problem with soldiers if people do not want to reenlist, or enlist for the first time. They are offering $10,000 to people in Iraq to reenlist while they are in country, and 4,000 people are chafing to get out and go home.

Now, that is a situation that is, I think, undeniable. Worse than that, in the President's rush to go to war, is that when he came into office, he had a $127 billion surplus. In the first 6 or 8 years I was in the Congress, there was endless talk from the other side about, we have to have a balanced budget amendment. Bill Clinton did it and actually started reducing the debt. Now, in this year, in 2004, the President will pile up a deficit of $374 billion and counting.

Now, that means in this country, or it explains, perhaps, why we have the record number of the most bankruptcies in a single year: 1.57 million bankruptcies in 2002 under Mr. Bush. He wants to tell us this is a recovery. Well, explain that for me. Mr. Speaker, 2.4 million people have lost their jobs, and 221,000 jobs have been created since all of those tax cuts. He promised over 300,000 last month. We got 1,000 jobs. That is 20 in every State: 20 in Washington, 20 in Maryland, 20 in New York, 20 in California, and so on. Yet, he has not asked for an extension of unemployment benefits. Mr. Speaker, 68,000 people in the next 6 months in the State of Washington will lose their unemployment benefits because the President refuses to ask for an extension of unemployment benefits.

Now, presently, we are spread out across the world: 130 of the 191 countries on the face of the Earth have an American military presence. Forty percent of the world's military expenditures are done by this country. Will the President suggest that Mr. Rumsfeld's office be changed to the Secretary of War? I doubt it. They are going to keep talking about defense. But, in fact, we are making war.

The average income, and this is where the tax cuts are really amazing, the average income of Mr. Bush's cabinet was $10.9 million. Eighty-eight percent of Americans will save less than $100 in 2006 as a result of those 2003 tax cuts. The average American makes $42,000. Vice President CHENEY will save $116,000 in taxes every year. Remember, $42,000 is the average salary. The President cut $300 million from Federal programs that provide subsidies to poor families so they can heat their homes in a cold winter. I wonder if they have turned the heat down over at the White House. Think so? No. He will come and tell us everything is great: the economy is picking up; everybody is doing better. Look at the stock market. One cannot eat the stock market; one has to have a job. And this President has done relatively nothing.

The previous speaker talked about his assault on public health and environmental laws. As a physician, this has been the most disastrous administration in history. Mr. Speaker, 200 separate issues they have undercut, undermined, done away with; and it has all been done on Friday afternoon about 4 o'clock. They come out, they put a little bit in the paper, and they change the Mercury in the water, or they change the air quality, or they change something. They have made a full-scale assault on the environment in which all of us live.

The state of the Union is not good. If we think about the whole question of the amount of greenhouse gases, the United States leads the world in greenhouse gases; and the President says, we refuse to deal with the rest of the world on this. We are 5 percent of the population. We use 25 percent of the energy in the world. We do not have to care what the rest of the world thinks. Will he make a proposal tonight to get us off our oil addiction, or are we going to continually be at war over oil reserves in Iraq, Iran, Saudi Arabia, Turkmenistan, Kazakhstan, Uzbekistan, and Azerbaijan? This President is taking us into a situation from which it is going to be very difficult for anybody else to dig us out.

The next President of the United States will have a tremendous problem. That is to say nothing of what he has done with the question of Medicare and what he has done, or not done, with Social Security. He has borrowed all of the money, and we are still going to have a deficit of over $300 billion. And tonight he is going to say, hey, look, folks, I have a plan for us. You ought to privatize that Social Security. You could be doing a lot better if you just had that money yourself. You should not be giving it to the government and getting a guarantee. Let us just give it back to you and you can open your private accounts, and you can all get privately rich. What do you think the people of Enron think who lost everything and all they have left is their Social Security? George Bush and Ken Lay could not figure out how to get that away from them, or they would not have that either.

So the question tonight is going to be a rephrasing, in my view, of a question that Ronald Reagan asked us a number of years ago. And I really think this crystallizes the problem with where we are tonight in this State of the Union. Ronald Reagan said to the American people, ''Are you better off today than you were 4 years ago?,'' making it all a very personal thing.

Now, the problem with the speech we are going to get tonight is going to be more of the same sort of stuff to confuse the American people: I am going to make the tax cuts permanent; I am going to go to the Moon; I am going to go to Mars, trying to confuse the American people and get reelected. The question that should be asked tonight is, Are we better off than we were 3 years ago?

The question the President needs to answer for us is, What is the common good, Mr. President? Why, why does all the money in the tax cuts, why does it all go to people on the top? Why is it all for those people? What about the people at the bottom, the kids that are going to college and get deeper in debt; the older people who have still got to come up with $3,500 out of their pocket to get anything out of this pharmaceutical benefit?

The question tonight should be, What is in the common interest? What is the common good for all of us? If it is good for all of us, we will support him. But if it is just for his friends in the oil industry and the munitions industry, then I think he deserves to get a pretty silent response. He does not deserve clapping when he stands up and says the economy is great.

Mr. Speaker, 1,000 jobs last month, 1,000. 68,000 people in my own State are losing jobs, and no unemployment benefit. How can you call that good?

Mr. CUMMINGS. Mr. Speaker, I thank the gentleman for his statement. I really appreciate his being here.

Mr. Speaker, I yield to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding; and I thank him, above all, for his leadership in affording the opportunity for members of the Congressional Black Caucus and

other Members to come forward with this so-called ''prerebuttal.'' I am going to speak on one subject instead of on the many subjects that concern me likely to be raised this evening, because this subject is at the center of black misery today. Instead of calling it a prerebuttal, I literally mean it as friendly advise because the subject is the cause of so much chaos in the African American community, and that subject is jobs.

The President got 10 percent of the black vote the last time, something under 10 percent; and there are various figures about how much he proposes to get this time. What the President has got to understand about the African American community is that it is the most bottom line community in the United States, that is to say, it votes its bottom line because it has no choice, because it is further behind in our country because of historic circumstances of which we are all aware. The indication of just how bottom line the black community is, is switch from the Republican Party, the so-called party that freed the slaves, to the Democratic Party when the bottom line was whether or not you could get a job or had enough to eat, and those are the issues that are central to the African American community today.

Yet, I expect the President to boast of the economy. He stands before his economy today, his economy, his economy after almost 4 years. But our response to the President is borrowed from 8 years ago. It is not the economy, Mr. President, it is not the economy, and I will not say ''stupid.'' It is not the economy, Mr. President. It is jobs. There is no such thing as a recovery without jobs. Whatever happens on Wall Street will be irrelevant to the average American if there is joblessness and fear of joblessness; and that is what continues to grip our country, despite improvement in the stock market. Any doubt about that may have vanished yesterday when Iowa, the preeminent antiwar State, according to the responses to the Democratic primary, said as its residents left the polls that jobs was the number one issue. Half of the American people indicate they are worse off than when this President took office. Jobs and the lack of health care, which is in our country attached to jobs, is the reason for that sentiment from the American people. And if half of the American people say they were worse off, I can assure my colleagues that the majority of African Americans would answer they are worse off to that question.

This Congress left town this time, the latest in memory; but they left, but they did not leave before they made sure that the pharmaceutical companies had theirs in the Medicare bill, and they certainly did not leave until the tax cuts for the wealthy were secure. But they left a country at 9 percent unemployment.

For African Americans, that represents a 20 percent increase since this President took office. We have some befores and afters to compare here in recent history, because there was a 48 percent decline in unemployment while President Clinton was in office. Yet Congress left town without any jobs program and with virtually no discussion on this floor of a jobs program. I understand the President is likely to talk about a retraining program this evening.

□ 1415

Mr. Speaker, I am going to have to say a few words about what we need more, that is a jobs program, not a retraining program. And I want to have something to say about how we can get there, by the way, with no increase in the deficit.

Congress left town without even any extension of unemployment benefits even though it was just before Christmas. Merry Christmas, America. Congress left town without increasing the minimum wage at all even though average income has decreased every year for the last 2 years. Congress left town with the child tax credit for the 6 million of the poorest Americans not there. Everyone else but the poorest even though the poverty rate in our country is up 3 years in a row.

Congress left town with a provision in the omnibus bill to reduce overtime for 8 million people. You know, for many of these people this is the difference between a low wage existence and a living wage: To work for it; you work overtime and you will get it.

Now, African Americans knew better than to get used to the Clinton economy. For a while we did hold some hope that this two-for-one, that is to say we had always have twice as much unemployment as white people, would somehow disappear, we held that hope because I can tell you here in this city even African American men getting out of jail could often find a job because then employers were looking for workers.

Today, Mr. Speaker, workers are searching endlessly for jobs. And the reason the unemployment rate does not look any worse than it does is because so many millions have dropped out of even looking any longer. I do not expect an economy like the economy of the late 1990s. And that is not the comparison I would make or the standard I would hold this President to. But I do not expect what we have seen, that black unemployment would increase faster than any period for the last 20 years.

I do not expect a month like October, for example, when blacks absorbed all of the unemployment. They were the only part of the population where unemployment grew. That kind of disproportion is not only heartless, it is immoral. And in the face of that, surely we can do more than talk about retraining. We can talk about an honest-to-goodness jobs program of the kind we have always had in times of recession.

Yet what bothers me most about the most recent period is there has been no particular American conversation about the disproportionate effect of joblessness on African Americans. We used to always talk about it. We used to talk about there is twice as much unemployment for African Americans, the effect that was having, having to reach down and do something about it. We ought to go back and read Ralph Ellison's Invisible Man. Because African American unemployment has become the invisible unemployment.

I indicated earlier that I was not talking about something we could not do something about. The Democrats introduced the Rebuild America Act of 2003. We could have given America a quick start in this jobless recovery with a provision of jobs in areas where they are most needed and where the country most needs work without increasing the deficit because this bill, a $50 billion bill was paid for. It would have had an extraordinary effect, particularly before Christmas, because many of these jobs would have been in manufacturing and construction, and that is where the ripple effect is in areas like retailing, for example, where blacks are found often disproportionately.

But what did we do? Instead of looking at the Rebuild America Act, we went home. This act was focused on manufacturing and that is where the President is in trouble and where the Congress is in trouble, and on construction where the country is in trouble, where he is in trouble.

We could have relieved our national infrastructure deficit with this $50 billion bill that would cover every aspect of our own infrastructure. Now, I was particularly interested in this because I am on the Permanent Select Committee on Homeland Security and because I fret daily about the deficits in infrastructure and what that does to security. For example, I want aviation. We have shored up some of airline security, but rail security, for example, is just out there. Amtrak, your Union Stations around the country and the lines that go in between them with tracks that invite mischief.

There was something in this bill for every district. For example, there were several things in there that would have helped my district, $500 million for pending work items, for rehabilitation of Federal buildings. Pending work items that they cannot get to. And the interesting thing about this bill was that everything it was directed at were projects ready to go. Projects on the table waiting for the money to lift them up so that they could put people to work and deal with ailing infrastructure in our country.

The average length of unemployment today is more than 20 weeks. This is the longest period of unemployment in 20 years. Mr. Speaker, this President must speak directly to jobs, to the fear of jobs, to the loss of unemployment insurance with jobs or else he has given

us nothing that essential to reviving the domestic economy of our country.

Yeah, we got the slogan for tonight. It is not ''It Is the Economy, Stupid''; it is jobs. And not ''stupid,'' I respect our President. It is jobs. It is not the economy, Mr. President; it is jobs, Mr. President.

Mr. CUMMINGS. Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank the chairman of the Congressional Black Caucus and the Congressional Black Caucus for giving us the opportunity to lay out a road map, if you will, for this Nation as we prepare to hear the President's State of the Union address.

And I might say to my friends on the other side of the aisle, I am told and I have heard that many view this as a state of the world because he is the commander in chief and the leader of the free world, commander in chief of the most powerful Nation in the world. And the world watches tonight.

So, my first concern with respect to the optimism that I hope we hear tonight is that he will restate for the world that we are a country of freedoms, protecting both our civil liberties and civil rights, and that we will not intend or pretend to govern from a position of fear, that we will continue to mourn those who we lost on 9/11 but that we will go forward embracing the freedom of this Nation and reemphasize our civil liberties.

And so that we can address Attorney General Ashcroft to the extent that we began to reinforce the civil liberties of Americans as opposed to take them away, to ask the questions about an enemy combatant without the opportunity to have access to counsel, to wonder why the Transportation Security Administration will begin profiling all Americans who are traveling on domestic flights, and are an outrage, to begin to address the questions that our rights should not be taken away but they should be enhanced. Library books need not be the cause of suggesting someone is a terrorist.

And the civil rights of Americans reinforcing affirmative action, believing in the right to privacy, must be stated tonight. The Congressional Black Caucus has worked for a very long time on a real racial profiling bill, one that would prevent racial profiling. We ask the President to speak tonight about the need to sign hate crimes legislation which we have been working on for now over almost a decade.

And then when it comes to election reform in this year, it is crucial that we add to the election reform legislation a tracking system, a paper trail, so that when we go to the 2004 election, when many jurisdictions have gone to the electronic process, we will not have the crisis of 2000 when we turn people away but, more importantly, when votes were not counted. Now that we have the electronic process, let me say to you that it certainly is a travesty that we have a situation where we cannot even track how the votes were cast.

I hope he will promote the Peace Corps and that encourage, in the next fiscal year, extra support for the Peace Corps, the face of America, and make sure that we do not assign one person to an area but we assign two Americans to a region for safety and other reasons.

I believe going into space is valuable, but we have to do it in a bipartisan way, protecting American jobs, providing for education and explaining to the American people how we will fund our vision in going to Mars and to the moon and the safety of it.

Let me just say that the Democrats have extended an olive branch. I agree with my colleagues the need to create more jobs. That is a big question, are you going to do it. But I agree that Democrats are saying to the President that those who seek higher education need increased dollars for the Pell Grant from $4,050 to $5,800 and doubling the Hope Scholarship Tax Credit from $1,500 to $3,000, and getting rid of the disabled veterans tax once and for all. How can we have young men and women in the front lines of Iraq and when they come home as disabled veterans, they are to be taxed?

And finally let me say, Mr. Speaker, we have got a lot of work to do on immigration reform. And my support for moving in the right direction is that I say to the President tonight, let us talk about comprehensive immigration reform including Liberians, including Haitians, including a comprehensive response, Europeans and others from all over who are trying to earn access to legalization, let's not have a flat earth procedure where at the end of 3 years you disappear into the night.

Mr. Speaker, I hope the President will be optimistic tonight. I hope he will accept the olive branch. I hope he will work with the Congressional Black Caucus and the chairman, and that we will get on the right track for America. Because if we do not, the world is watching us tonight and wondering whether America can lead in the 21st century.

GENERAL LEAVE

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

STATE OF THE UNION ADDRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PAYNE) is recognized for 5 minutes.

Mr. PAYNE. Mr. Speaker, let me thank the gentleman from Florida (Mr. FOLEY) for allowing me to have this unanimous consent and let me commend the chairman of the Congressional Black Caucus for having this special order dealing with some of the very trying problems of our time.

In this new millennium, we will face many hurdles and we are going to hear the first the State of the Union address tonight. But today I would like to rise this afternoon to discuss the true state of the Union as it is, not as we would like it to be. We have our true land and then there is wonderland. And it is great in wonderland because all things are nice and we have the road that leads to all good things.

However, the true state of the Nation is more grim. It is time to face reality. There are too many people in our Nation who are still struggling. They are not enjoying the benefits that have been awarded to the more privileged among us. While the White House tries to put the best face on the economy, the fact is that we have lost about 2.5 million jobs in the last 2 years. Long-term unemployment is at a 20-year high.

While the wealthiest Americans enjoy the benefits of tax cuts, which was tilted their way, millions of Americans continue to live paycheck to paycheck, although the unemployment rate has dropped .1 percent. There are more people unemployed this month than were last month because thousands and thousands have dropped out of the hunt for a job because of the long-term unemployment. And they have just given up, they have fallen out.

□ 1430

So the unemployment rate is not even a true reflection of what is going on. The response of the Bush administration to this inequity is to make lopsided tax cuts permanent.

Our friends across the aisle who used to rail against budget deficits only a few years ago are now willing to overlook the largest, most alarming budget deficit in the history of this great Nation.

Under former-President Clinton's budget policies, we amassed a healthy budget surplus, which has now been totally squandered. We used to talk about mortgaging our children's futures. We do not hear that anymore.

What this means is that resources that can be channeled into positive action to address such key problems as jobs, health care, education, housing are no longer available. They have been drained by the irresponsible tax cuts for the very wealthy in our Nation.

The state of the Union today is weaker in many other ways. Racial disparities in health care continue to take a toll on minorities. Yet the administration's response to this national health crises is to sweep it under the carpet.

The Washington Post reported last week that a Federal report on racial disparities was rewritten for the first time in our history by the Department

of Health and Human Services to hide the fact that minorities in our Nation receive inferior health care for a wide range of diseases. In fact, the final draft of what was supposed to be a scientific study dropped the detailed descriptions of health disparities and removed a reference to national problems. This is a serious matter because studies have shown that even among patients with identical diseases and similar income levels, minorities are less likely to receive the same quality of care for diseases including cancer, diabetes, heart problems, AIDS, and other illnesses.

As our colleague, the gentleman from California (Mr. WAXMAN), pointed out, the first draft of the ''Health Care Racial Disparity Report'' mentioned the word disparity 30 times in the key-finding section, while the final version mentioned the word only twice and then even failed to define it.

As a member of the House Committee on Education and the Workforce, I remain concerned about inequities in education of our children. This marks the 50th anniversary of the historic Brown v. the Board of Education decision which banned segregation in schools. Yet, the fact is that our schools have not reached the goal of racial integration. About one-third of African American students go to schools that are 90 to 100 percent African American. About 70 percent attend schools that are composed primarily of minority students. We need strong leadership at the top to reverse this trend and to really leave no child behind and to ensure access to a quality education for all of our students.

We are one Nation, under God, indivisible, with liberty and justice for all; and we need to make that plan and dream a reality.

Mr. Speaker, we can only make our country stronger and we are better if we are willing to examine the real state of the Union and seek real solutions to our problems.

I hope we can pull together and address these issues so that we can begin to move forward again in crucial areas including the economy, health care, and education.

FUTURE IS BRIGHT

The SPEAKER pro tempore (Mr. TURNER of Ohio). Under the Speaker's announced policy of January 7, 2003, the gentleman from Florida (Mr. FOLEY) is recognized for 60 minutes as the designee of the majority leader.

Mr. FOLEY. Mr. Speaker, I am delighted to be back here in our Nation's capital for the opening of the 108th second session of Congress.

As we start a new year, we often pray for hope and optimism to help lift the Nation, to help guide the Nation, to help give it strength and to honor the character of this Nation that we all love so dearly.

So it is troubling that when, in the first hour of the first day of the 108th second session, the negativity ringing in this Chamber is deafening, the criticism, the constant carping, the antagonism towards this President knows no boundaries. Yet the American public remains optimistic and hopeful because that is in our core nature. That is our core; that is who we are as people.

There is a reason Howard Dean went down in ashes, in flames in Iowa yesterday, because for the last 11 months he has done nothing but characterize and criticize the President of the United States in negative tones. Consequently, John Edwards comes in second because he was at least talking about hopeful optimism, a spirit that is imbued in the character of this Nation and its people.

As we proceed in this year of trials and tribulations, you have to look back at the past year and look forward to the future and hope that, rather than fighting one another, we can join together in finding solutions to our common problems.

In the last hour and a half I have heard how bad the economy is. Yet at this time our Dow Jones Industrial Average is over 10,500; NASDAQ has passed the 2,000 threshold. Unemployment is dropping. Statistics prove it. Last month was not the best month; but anyone who follows the economy recognizes there is a lag behind employment and robust employment numbers and optimism in the sector that is gauged by Wall Street. Factory orders. Sale of durable goods. Light trucks. Look at the numbers. Real estate. First time home buyers. People's 401(k)s now back to where they were pre-1999. Their IRA's are gaining momentum again. Their financial status is better. Not perfect, not perfect, but better. And what fuels that basic surge in investor confidence? Well, that is the term. Investors' confidence.

In order to have confidence, you have to have some optimism, and you have to have some hope that times will in fact get better. But if you listen to the cacophony of voices from the other side of the aisle, woe is me, and how desperate we are.

It was telling, one of the speakers offered the President an olive branch moments ago. Why is it when they offer the olive branch, they always hand it to you with the thorns exposed?

Can there not be a generous offer of helping together, solving Americans' problems? It has to be about criticizing virtually everything this administration has done.

Look at Iraq and look at the strength of character that this President displayed in challenging one of the most evil dictators of our time. He is met with negative sound bytes and poll-driven babble about why we should not be there and why we should leave immediately. The gentleman from Ohio (Mr. KUCINICH) and Mr. Dean eloquently made that point. The gentleman from Ohio (Mr. KUCINICH) came in last and Mr. Dean was third. So clearly I think others, based on if you are taking polling statistics, 65 percent of the American public thought it was the right thing to do to liberate Iraq from Saddam Hussein.

The President stood alone on that precipice trying to decide what was best for the people of this country, stood alone. And yet with the wind at his back, he has now been able to change fundamentally the way other nations look at us. Fundamentally. Libya is now in negotiations to turn over its nuclear secrets and arsenal and weaponry and technology. Libya. It was not that long ago that Muammar Khadafi was heading Libya, obviously with an eye towards destroying the Middle East. And now Libya is at least, hopefully, brokering negotiations as we speak.

North Korea is sounding more conciliatory rather than beating their chests and threatening the annihilation of Japan or South Korea or other places. North Korea is now starting to talk about containment.

Pakistan and India, who have been at odds for a long time, are talking about constructive engagement to solve their mutual problems relative to Kashmir.

Think about it. Think about just those hot spots in the world where because of the President's strength of character in pursuing the evil of Saddam Hussein have we now started to recognize that only peace can be achieved through strength. Yes, it must have been lonely for this President when the rest of the free world was saying, I am not interested; let us not do that; let us not upset the apple cart; let us not bother Iraq. They are quiet now.

To the contrary. If you are one of the 1 million people that have died in Iraq, I am not sure you consider it quiet. If you had your tongue cut out by Saddam Hussein's henchmen, I do not think you consider Iraq peaceful. If you were starved or imprisoned or murdered by the regime, I do not think you consider Iraq a place you would call home. Yet, because of the President's insistence on pursuing the course of action that would free and liberate the people of Iraq, we now have the dominoes falling in other areas of the world that are showing that the United States' strength is what is solving the perplexing and difficult challenges we face as a Nation and as a world power.

I can remember during the last administration when there was a problem in Haiti, and I believe the U.S.S. *Harlan* was heading for Haiti, and because of a band of malcontents and miscontents and misfits who were on the dock waving brooms and pitchforks, our Commander in Chief then ordered the U.S.S. *Harlan* to turn around and not head into Haiti to bring peace and stability to Haiti.

We turned around a naval vessel because we were nervous about the gathering of dissidents on a dock at Port au Prince. That visual image of our naval vessel turning around from a group waving brooms at our military power

was a shot heard round the world because people looked at that as an abject instance of failure on behalf of diplomacy and democracy and America's commitment. So why would people be fearful of the United States?

The first World Trade Center bombing was met with loud voices but no follow-up. Khobar Towers. The U.S.S. *Cole*. The war on terrorism was gathering strength for years before this President became our Commander in Chief. But only because of his leadership have we now seen progress in the theater and in the fight against terrorism. It seems like I turn on the TV every other day, and there is a critical commentary about homeland security; and yet we have not had another instance of terrorism in this country since September 11.

September 11 remains vivid in my mind as I left that City of New York that morning, minutes before the first World Trade Center was struck by that aircraft. I had passed only 4 or 5 minutes before that first plane struck and had noticed those gleaming towers in that New York glorious morning. After that strike on American soil, this President knew his obligation and his duty was to protect the public, and he has done that.

There is no perfect plan; but this President has marshaled his team, whether it be John Ashcroft or others, to help mobilize our law enforcement agencies for the fight ahead. Tom Ridge of Homeland Security and Asa Hutchinson have done a masterful job of bringing our Nation together to focus on our domestic tranquility.

The economy, as I mentioned earlier, is improving steadily. And that optimism will bring jobs for the American people. This President will talk about jobs because it is important to him. He has mentioned it time and time again. He never gets credit from those on the other side of the aisle, but he consistently believes that full employment and a robust economy go hand in hand.

This economy has improved. We were down at 7,200 on the Dow. We are now at 10,551, I believe, an hour ago. That is good news for the American investor. And it is good news for the American economy.

Medicare. People keep moaning about the bill. Most have not read it. Most of the benefits of the bill will not become effective for a while, but there is an improving opportunity for seniors through the Medicare delivery of prescription drugs to their communities.

□ 1445

I woke up this morning to the moveon.org campaign commercial with soft money. It is interesting. They raising soft money with reckless abandon. George Soros gave $5 million to an organization headed by Democrats to destroy this President and demean him and demean the office, but they have moved on. Remember, they have moved on. They were there for the past President and they are there now as a vehicle to spend soft money, that old bugaboo that was so reviled by the other side of the aisle. Now they have found other ways to move money into new different camps and run the same negative ads but just not run by the political committees here in Washington. They are just committees that are closer to home, I guess.

Health care is something we are concerned about, and the President will address that as well. He is concerned about health care. The President's concerned about health care, the delivery of health care, the availability, the affordability, and that will be discussed tonight.

He is talking about the space program, and yes, there are those that question whether the space program has, or do we have the funding to move forward in the corridor of space, and let me challenge everyone to recognize what has occurred because of the space program. Whether it is the cellular phone or the Blackberry, it is the heart pacemaker, the microwave oven, Internet technology, all has come from a genesis of discovery of space. From the scientists and astronauts, from the team leaders, whether it is Johnson Space Center in Texas or Kennedy in Florida, these have been the pioneers that have brought about incredible opportunities in technological corridors to bring about a better way of life for all America. The discovery of cells and cancerous genes and things that may stem the tide of devastating illnesses and disease have been discovered in space. So this President, true to his mission of being an innovator and a leader, is challenging us to move forward. The clarion call to all, this final frontier, as was mentioned by John Kennedy, has not been conquered and will not be given up because of tight budget years.

The President talks about immigration, and a lot of people are nervous about immigration. Obviously, again, they have not read the bill. They think there is a blanket amnesty. The President's leading on an issue that, yes, is politically polarizing but is an issue once again that he is not willing to have just out there in the abyss and not be discussed in practical solutions, rather than political sound bytes.

Education. I have mentioned many times on this floor my father was a principal and a schoolteacher. So education is important to this Member of Congress, and this President has worked to make education the hallmark of his administration.

So rather than continue to take the time of the Congress today, I just ask the other side of the aisle if rather than snappy sound bytes and eloquent rhetoric all directed to demonize this President, that if half the energy was going into developing constructive proposals to bring to the floor, we may be able to solve America's problems.

In today's Roll Call, a newspaper that is all over the Hill, David Winston has the headline ''Democratic Hopefuls' Sniping Souring Their Images With Voters.'' It talks about, ''Twenty-four hours after the Iowa caucus grabbed the national spotlight for the Democrats, President Bush takes center stage tonight for the annual ritual of the State of the Union address. As Bush heads to Capitol Hill with the power and prestige of the presidency behind him, the Democrats are licking their wounds and heading to New Hampshire, some on CPR.

''In contrast, the President will report to the nation as a strong wartime leader,'' and I emphasize strong, wartime leader, ''as the economy comes roaring back, creating jobs, as his education centerpiece, No Child Left Behind, remains popular with the public, and as a President who kept his promise to pass a prescription drug benefit for seniors. As Ronald Reagan said when he left office, 'Not bad. Not bad at all.'

''Meanwhile, the Democratic presidential contenders have gone to the mattresses in the biggest family feud since the Hatfields and McCoys. The Democratic primary has become little more than a nasty snipe-a-thon, leaving none of the candidates looking statesmanlike, much less presidential.''

If my colleagues happened to watch Mr. Dean screaming at the TV today, they will realize this may not be the man we want close to the nuclear button. I added that. That is not in Mr. Winston's column.

''The endless bickering and name calling is beginning to take its toll on everyone in the race.

''The latest polls show not only that the Democratic presidential candidates are losing ground with voters overall,'' but they are also losing Democratic voters who have an increasingly unfavorable view of their own field.

Let me continue because I think it is important to just lay this out as an observation made by Mr. Winston.

''A comparison of the two most recent CNN/USA Today/Gallup polls, taken January 2–5 and November 10–12, spells bad news for Democrats in two key measurements. First, with all voters, every one of the six candidates tested . . . saw little or no movement with their favorables since November, while their unfavorables increased.'' Why? Because America rejects pessimism, negativity and nastiness, and that is what we have had hurled at those in Iowa and we witnessed through the reporting of Fox and CNN and others.

Let me finalize with this one. ''Dean led the pack in this dubious category with his unfavorables increasing more than his favorables by 13 points to reach an unenviable 28 percent favorable, 39 percent unfavorable rating by all voters. But, every one of the Democratic candidates saw their favorable-unfavorable ratings get worse among the overall electorate.''

They are running for the highest office in the land, and as time goes on

and people get to know them more, they like them less, not because they are not pleasant people to look at and not because they are not educated. I am sure they all qualified in their educated endeavors, but why is America rejecting them? They are rejecting them because of their nastiness and their negativity and their pessimism because America, after all, is about optimism, about hope, about opportunity, about equality, about engagement, about being part of a bigger picture, a bigger world, a bigger place.

So I do pray that as we conclude today that the minority party, that may be the permanent minority if they keep it up, rather than promising in speech to extend an olive branch, that they actually do it and give this President a chance. We will not always agree with this President as Republicans or Democrats, but I think in the final analysis, as we look at the man as a person, I have come to really admire his determination.

When I heard those comments by Paul O'Neill, I thought back of several meetings we have had with multiple Members of Congress in the Cabinet room of the White House, and one foretelling day was about the Patients' Bill of Rights, a subject that I had worked on with the gentleman from Georgia (Mr. NORWOOD) and others in this country for a long time. As we sat around the room I was really taken aback by the depth of knowledge that President Bush had relative to the Patients' Bill of Rights. The discussion with lawmakers, the back and forth, the questions, the probative questions, the responses, whether we wanted to hear the answer or not, he gave it to us with what he believed was the best course of action for this particular piece of legislation. This was a President engaged in the minutia of debate, not a scripted card that was given to him by an aide, but something that inherently he understood, both intimately and through research and through interest.

So as we hear the State of the Union tonight, as we enter 2004, let us hope that the optimism that I know will be contained in the speech becomes contagious, and let us hope that all of us as Members of this deliberate body can join together in trying to figure ways to make every American safer, Democrat, Republican or Independent, bringing together a better world where we are talking and communicating and helping each other in the Nation, whether it is the fight against AIDS in Africa or whether it is terrorism in the Middle East or whether it is freeing people from tyranny.

Let us join together in a pledge that in order to form a more perfect union, we must be organized together as citizens first and politicians second. Our political parties are not the most important credential on this floor. Our most important credential is citizens, Americans, and hopefully patriots.

I wish the President well tonight because his guidance and his expertise is needed by the American public, and I hope as young children hopefully are allowed to watch history and democracy in action here on the floor, we will see a President whose character cannot be questioned, whose administration has performed admirably, whose people have been at the forefront of the fight. I wish him well and I wish him success, and I know together, as Americans, his leadership, his vision will help every American find work in the new year.

RECESS

The SPEAKER pro tempore (Mr. TURNER of Ohio). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 8:40 p.m. for the purposes of receiving in joint session the President of the United States.

Accordingly (at 2 o'clock and 56 minutes p.m.), the House stood in recess until approximately 8:40 p.m.

□ 2044

AFTER RECESS

The recess having expired, the House was called to order at 8 o'clock and 44 minutes p.m.

JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 349 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The Speaker of the House presided.

The Assistant to the Sergeant at Arms, Mr. Bill Sims, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the President of the United States into the Chamber:

The gentleman from Texas (Mr. DELAY);

The gentleman from Missouri (Mr. BLUNT);

The gentlewoman from Ohio (Ms. PRYCE);

The gentleman from Georgia (Mr. KINGSTON);

The gentlewoman from California (Ms. PELOSI);

The gentleman from Maryland (Mr. HOYER);

The gentleman from New Jersey (Mr. MENENDEZ); and

The gentleman from South Carolina (Mr. CLYBURN).

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort the President of the United States into the House Chamber:

The Senator from Tennessee (Mr. FRIST);

The Senator from Kentucky (Mr. MCCONNELL);

The Senator from Pennsylvania (Mr. SANTORUM);

The Senator from Texas (Mrs. HUTCHISON);

The Senator from Arizona (Mr. KYL);

The Senator from Virginia (Mr. ALLEN);

The Senator from Pennsylvania (Mr. SPECTER);

The Senator from Alaska (Ms. MURKOWSKI);

The Senator from South Dakota (Mr. DASCHLE);

The Senator from Maryland (Ms. MIKULSKI);

The Senator from Louisiana (Mr. BREAUX);

The Senator from North Dakota (Mr. DORGAN);

The Senator from California (Mrs. BOXER);

The Senator from Illinois (Mr. DURBIN);

The Senator from Rhode Island (Mr. REED);

The Senator from Florida (Mr. NELSON);

The Senator from Michigan (Ms. STABENOW);

The Senator from New York (Mrs. CLINTON); and

The Senator from New Jersey (Mr. CORZINE).

The Assistant to the Sergeant at Arms announced the Acting Dean of the Diplomatic Corps, His Excellency Roble Olhaye, Ambassador from Djibouti.

The Acting Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seat reserved for him.

The Assistant to the Sergeant at Arms announced the Associate Justice of the Supreme Court.

The Associate Justice of the Supreme Court entered the Hall of the House of Representatives and took the seat reserved for him in front of the Speaker's rostrum.

The Assistant to the Sergeant at Arms announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 9 o'clock and 7 minutes p.m., the Sergeant at Arms, the Honorable Wilson Livingood, announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

(Applause, the Members rising.)

The SPEAKER. Members of the Congress, I have the high privilege and the distinct honor of presenting to you the President of the United States.

(Applause, the Members rising.)

THE STATE OF THE UNION ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The PRESIDENT. Mr. Speaker, Vice President CHENEY, Members of Congress, distinguished guests, and fellow citizens:

America this evening is a Nation called to great responsibilities. And we are rising to meet them.

As we gather tonight, hundreds of thousands of American servicemen and women are deployed across the world in the war on terror. By bringing hope to the oppressed and delivering justice to the violent, they are making America more secure.

Each day, law enforcement personnel and intelligence officers are tracking terrorist threats; analysts are examining airline passenger lists; the men and women of our new Department of Homeland Security are patrolling our coasts and borders. And their vigilance is protecting America.

Americans are proving once again to be the hardest working people in the world. The American economy is growing stronger. The tax relief you passed is working.

Tonight, Members of Congress can take pride in the great works of compassion and reform that skeptics had thought impossible. You are raising the standards for our public schools; and you are giving our senior citizens prescription drug coverage under Medicare.

We have faced serious challenges together, and now we face a choice. We can go forward with confidence and resolve, or we can turn back to the dangerous illusion that terrorists are not plotting and outlaw regimes are no threat to us. We can press on with economic growth and reforms in education and Medicare, or we can turn back to old policies and old divisions.

We have not come all this way, through tragedy and trial and war, only to falter and leave our work unfinished. Americans are rising to the tasks of history, and they expect the same from us. In their efforts, their enterprise, and their character, the American people are showing that the state of our Union is confident and strong.

Our greatest responsibility is the active defense of the American people. Twenty-eight months have passed since September 11, 2001, over 2 years without an attack on American soil, and it is tempting to believe that the danger is behind us. That hope is understandable, comforting, and false. The killing has continued in Bali, Jakarta, Casablanca, Riyadh, Mombasa, Jerusalem, Istanbul, and Baghdad. The terrorists continue to plot against America and the civilized world. And by our will and courage, this danger will be defeated.

Inside the United States, where the war began, we must continue to give our homeland security and law enforcement personnel every tool they need to defend us. And one of those essential tools is the PATRIOT Act, which allows Federal law enforcement to better share information, to track terrorists, to disrupt their cells, and to seize their assets. For years, we have used similar provisions to catch embezzlers and drug traffickers. If these methods are good for hunting criminals, they are even more important for hunting terrorists. Key provisions of the PATRIOT Act are set to expire next year. The terrorist threat will not expire on that schedule. Our law enforcement needs this vital legislation to protect our citizens. You need to renew the PATRIOT Act.

America is on the offensive against the terrorists who started this war. Last March, Khalid Shaikh Mohammed, a mastermind of September 11, awoke to find himself in the custody of U.S. and Pakistani authorities. Last August 11 brought the capture of the terrorist Hambali, who was a key player in the attack in Indonesia that killed over 200 people. We are tracking al Qaeda around the world, and nearly two-thirds of their known leaders have now been captured or killed. Thousands of very skilled and determined military personnel are on a manhunt, going after the remaining killers who hide in cities and caves; and one by one, we will bring these terrorists to justice.

As part of the offensive against terror, we are also confronting the regimes that harbor and support terrorists and could supply them with nuclear, chemical or biological weapons. The United States and our allies are determined: we refuse to live in the shadow of this ultimate danger.

The first to see our determination were the Taliban, who made Afghanistan the primary training base of al Qaeda killers. As of this month, that country has a new constitution, guaranteeing free elections and full participation by women. Businesses are opening, health care centers are being established, and the boys and girls of Afghanistan are back in school. With help from the new Afghan army, our coalition is leading aggressive raids against surviving members of the Taliban and al Qaeda. The men and women of Afghanistan are building a nation that is free and proud and fighting terror, and America is honored to be their friend.

Since we last met in this Chamber, combat forces of the United States, Great Britain, Australia, Poland and other countries enforced the demands of the United Nations, ended the rule of Saddam Hussein; and the people of Iraq are free. Having broken the Baathist regime, we face a remnant of violent Saddam supporters. Men who ran away from our troops in battle are now dispersed and attack from the shadows.

These killers, joined by foreign terrorists, are a serious, continuing danger. Yet we are making progress against them. The once all-powerful ruler of Iraq was found in a hole and now sits in a prison cell. Of the top 55 officials of the former regime, we have captured or killed 45. Our forces are on the offensive, leading over 1,600 patrols a day and conducting an average of 180 raids every week. We are dealing with these thugs in Iraq, just as surely as we dealt with Saddam Hussein's evil regime.

The work of building a new Iraq is hard, and it is right. And America has always been willing to do what it takes for what is right. Last January, Iraq's only law was the whim of one brutal man. Today our coalition is working with the Iraqi Governing Council to draft a basic law with a bill of rights. We are working with Iraqis and the United Nations to prepare for a transition to full Iraqi sovereignty by the end of June. As democracy takes hold in Iraq, the enemies of freedom will do all in their power to spread violence and fear. They are trying to shake the will of our country and our friends, but the United States of America will never be intimidated by thugs and assassins. The killers will fail, and the Iraqi people will live in freedom.

Month by month, Iraqis are assuming more responsibility for their own security and their own future. And tonight we are honored to welcome one of Iraq's most respected leaders, the current president of the Iraqi Governing Council, Adnan Pachachi. Sir, America stands with you and the Iraqi people as you build a free and peaceful nation.

Because of American leadership and resolve, the world is changing for the better. Last month, the leader of Libya voluntarily pledged to disclose and dismantle all of his regime's weapons of mass destruction programs, including a uranium enrichment project for nuclear weapons. Colonel Qadhafi correctly judged that his country would be better off, and far more secure, without weapons of mass murder. Nine months of intense negotiations involving the United States and Great Britain succeeded with Libya, while 12 years of diplomacy with Iraq did not. And one reason is clear: for diplomacy to be effective, words must be credible, and no one can now doubt the word of America.

Different threats require different strategies. Along with nations in the region, we are insisting that North Korea eliminate its nuclear program. America and the international community are demanding that Iran meet its commitments and not develop nuclear weapons. America is committed to keeping the world's most dangerous weapons out of the hands of the world's most dangerous regimes.

When I came to this rostrum on September 20, 2001, I brought the police shield of a fallen officer, my reminder of lives that ended and a task that does not end. I gave to you and to all Americans my complete commitment to securing our country and defeating our enemies. And this pledge, given by one, has been kept by many. You in the Congress have provided the resources for our defense and cast the difficult votes of war and peace. Our closest allies have been unwavering. America's intelligence personnel and diplomats have been skilled and tireless.

And the men and women of the American military, they have taken the hardest duty. We have seen their skill and courage in armored charges and midnight raids and lonely hours on faithful watch. We have seen the joy when they return, and felt the sorrow when one is lost. I have had the honor of meeting our service men and women at many posts, from the deck of a carrier in the Pacific, to a mess hall in Baghdad. Many of our troops are listening tonight. And I want you and your families to know: America is proud of you. And my administration, and this Congress, will give you the resources you need to fight and win the war on terror.

I know that some people question if America is really in a war at all. They view terrorism more as a crime, a problem to be solved mainly with law enforcement and indictments. After the World Trade Center was first attacked in 1993, some of the guilty were indicted, tried, convicted, and sent to prison. But the matter was not settled. The terrorists were still training and plotting in other nations and drawing up more ambitious plans. After the chaos and carnage of September 11, it is not enough to serve our enemies with legal papers. The terrorists and their supporters declared war on the United States, and war is what they got.

Some in this Chamber, and in our country, did not support the liberation of Iraq. Objections to war often come from principled motives. But let us be candid about the consequences of leaving Saddam Hussein in power. We are seeking all the facts. Already the Kay Report identified dozens of weapons of mass destruction-related program activities and significant amounts of equipment that Iraq concealed from the United Nations. Had we failed to act, the dictator's weapons of mass destruction programs would continue to this day. Had we failed to act, Security Council resolutions on Iraq would have been revealed as empty threats, weakening the United Nations and encouraging defiance by dictators around the world. Iraq's torture chambers would still be filled with victims, terrified and innocent. The killing fields of Iraq, where hundreds of thousands of men and women and children vanished into the sands, would still be known only to the killers. For all who love freedom and peace, the world without Saddam Hussein's regime is a better and safer place.

Some critics have said our duties in Iraq must be internationalized. This particular criticism is hard to explain to our partners in Britain, Australia, Japan, South Korea, the Philippines, Thailand, Italy, Spain, Poland, Denmark, Hungary, Bulgaria, Ukraine, Romania, the Netherlands, Norway, El Salvador, and 17 other countries that have committed troops to Iraq. As we debate at home, we must never ignore the vital contributions of our international partners or dismiss their sacrifices. From the beginning, America has sought international support for operations in Afghanistan and Iraq, and we have gained much support. There is a difference, however, between leading a coalition of many nations and submitting to the objections of a few. America will never seek a permission slip to defend the security of our country.

We also hear doubts that democracy is a realistic goal for the greater Middle East, where freedom is rare. Yet it is mistaken and condescending to assume that whole cultures and great religions are incompatible with liberty and self-government. I believe that God has planted in every human heart the desire to live in freedom; and even when that desire is crushed by tyranny for decades, it will rise again.

As long as the Middle East remains a place of tyranny and despair and anger, it will continue to produce men and movements that threaten the safety of America and our friends. So America is pursuing a forward strategy of freedom in the greater Middle East. We will challenge the enemies of reform, confront the allies of terror, and expect a higher standard from our friends. To cut through the barriers of hateful propaganda, the Voice of America and other broadcast services are expanding their programming in Arabic and Persian, and soon a new television service will begin providing reliable news and information across the region. I will send you a proposal to double the budget of the National Endowment for Democracy, and to focus its new work on the development of free elections and free markets, free press, and free labor unions in the Middle East. And above all, we will finish the historic work of democracy in Afghanistan and Iraq so those nations can light the way for others and help transform a troubled part of the world.

America is a Nation with a mission, and that mission comes from our most basic beliefs. We have no desire to dominate, no ambitions of empire. Our aim is a democratic peace, a peace founded upon the dignity and rights of every man and woman. America acts in this cause with friends and allies at our side; yet we understand our special calling: this great Republic will lead the cause of freedom.

In these last 3 years, adversity has also revealed the fundamental strengths of the American economy. We have come through recession and terrorist attack and corporate scandals and the uncertainties of war. And because you acted to stimulate our economy with tax relief, this economy is strong and growing stronger.

You have doubled the child tax credit from $500 to $1,000, reduced the marriage penalty, begun to phase out the death tax, reduced taxes on capital gains and stock dividends, cut taxes on small businesses, and you have lowered taxes for every American who pays income taxes.

Americans took those dollars and put them to work, driving this economy forward. The pace of economic growth in the third quarter of 2003 was the fastest in nearly 20 years. New home construction: the highest in almost 20 years. Home ownership rates: the highest ever. Manufacturing activity is increasing. Inflation is low. Interest rates are low. Exports are growing. Productivity is high, and jobs are on the rise.

These numbers confirm that the American people are using their money far better than government would have, and you were right to return it.

America's growing economy is also a changing economy. As technology transforms the way almost every job is done, America becomes more productive, and workers need new skills. Much of our job growth will be found in high-skilled fields like health care and biotechnology. So we must respond by helping more Americans gain the skills to find good jobs in our new economy.

All skills begin with the basics of reading and math, which are supposed to be learned in the early grades of our schools. Yet for too long, for too many children, those skills were never mastered. By passing the No Child Left Behind Act, you have made the expectation of literacy the law of our country. We are providing more funding for our schools, a 36 percent increase since 2001. We are requiring higher standards. We are regularly testing every child on the fundamentals. We are reporting results to parents and making sure they have better options when schools are not performing. We are making progress toward excellence for every child in America.

But the status quo always has defenders. Some want to undermine the No Child Left Behind Act by weakening standards and accountability. Yet the results we require are really a matter of common sense: we expect third graders to read and do math at the third grade level. That is not asking too much. Testing is the only way to identify and help students who are falling behind.

This Nation will not go back to the days of simply shuffling children along from grade to grade without them learning the basics. I refuse to give up on any child, and the No Child Left Behind Act is opening the door of opportunity to all of America's children.

At the same time, we must ensure that older students and adults can gain the skills they need to find work now. Many of the fastest-growing occupations require strong math and science preparation and training beyond the high school level. So tonight I propose a series of measures called Jobs for the 21st Century. This program will provide extra help to middle- and high school students who fall behind in reading and math, expand Advanced Placement programs in low-income schools, invite math and science professionals from the private sector to teach part time in our high schools. I propose larger Pell grants for students

who prepare for college with demanding courses in high school. I propose increasing our support for America's fine community colleges. I do so so they can train workers for industries that are creating the most new jobs. By all these actions, we will help more and more Americans to join in the growing prosperity of our country.

Job training is important, and so is job creation. We must continue to pursue an aggressive, pro-growth economic agenda.

Congress has some unfinished business on the issue of taxes. The tax reductions you passed are set to expire. Unless you act, the unfair tax on marriage will go back up. Unless you act, millions of families will be charged $300 more in Federal taxes for every child. Unless you act, small businesses will pay higher taxes. Unless you act, the death tax will eventually come back to life. Unless you act, Americans face a tax increase. What Congress has given, the Congress should not take away. For the sake of job growth, the tax cuts you passed should be permanent.

Our agenda for jobs and growth must help small business owners and employees with relief from needless Federal regulation and protect them from junk and frivolous lawsuits. Consumers and businesses need reliable supplies of energy to make our economy run, so I urge you to pass legislation to modernize our electricity system, promote conservation, and make America less dependent on foreign sources of energy. My administration is promoting free and fair trade to open up new markets for America's entrepreneurs and manufacturers and farmers, and to create jobs for America's workers. Younger workers should have the opportunity to build a nest egg by saving part of their Social Security taxes in a personal retirement account. We should make the Social Security System a source of ownership for the American people.

And we should limit the burden of government on this economy by acting as good stewards of taxpayer dollars. In 2 weeks I will send you a budget that funds the war, protects the homeland and meets important domestic needs by limiting the growth in discretionary spending to less than 4 percent. This will require that Congress focus on priorities, cut wasteful spending, and be wise with the people's money. By doing so, we can cut the deficit in half over the next 5 years.

Tonight, I also ask you to reform our immigration laws so they reflect our values and benefit our economy. I propose a new temporary worker program to match willing foreign workers with willing employers when no Americans can be found to fill the job. This reform will be good for our economy because employers will find needed workers in an honest and orderly system. A temporary worker program will help protect our homeland, allowing Border Patrol and law enforcement to focus on true threats to our national security. I oppose amnesty, because it would encourage further illegal immigration and unfairly reward those who break our laws. My temporary worker program will preserve the citizenship path for those who respect the law, while bringing millions of hard-working men and women out from the shadows of American life.

Our Nation's health care system, like our economy, is also in a time of change. Amazing medical technologies are improving and saving lives. This dramatic progress has brought its own challenge, in the rising costs of medical care and health insurance. Members of Congress, we must work together to help control those costs and extend the benefits of modern medicine throughout our country.

Meeting these goals requires bipartisan effort, and 2 months ago you showed the way. By strengthening Medicare and adding a prescription drug benefit, you kept a basic commitment to our seniors. You are giving them the modern medicine they deserve.

Starting this year, under the law you passed, seniors can choose to receive a drug discount card, saving them 10 to 25 percent off the retail price of most prescription drugs, and millions of low-income seniors can get an additional $600 to buy medicine. Beginning next year, seniors will have new coverage for preventive screenings against diabetes and heart disease, and seniors just entering Medicare can receive wellness exams.

In January of 2006, seniors can get prescription drug coverage under Medicare. For a monthly premium of about $35, most seniors who do not have that coverage today can expect to see their drug bills cut roughly in half. Under this reform, senior citizens will be able to keep their Medicare just as it is, or they can choose a Medicare plan that fits them best, just as you, as Members of Congress, can choose an insurance plan that meets your needs. And starting this year, millions of Americans will be able to save money tax-free for their medical expenses in a health savings account.

I signed this measure proudly, and any attempt to limit the choices of our seniors or to take away their prescription drug coverage under Medicare will meet my veto.

On the critical issue of health care, our goal is to ensure that Americans can choose and afford private health care coverage that best fits their individual needs. To make insurance more affordable, Congress must act to address rapidly rising health care costs. Small businesses should be able to band together and negotiate for lower insurance rates so they can cover more workers with health insurance.

I urge you to pass Association Health Plans. I ask you to give lower-income Americans a refundable tax credit that would allow millions to buy their own basic health insurance. By computerizing health records, we can avoid dangerous medical mistakes, reduce costs, and improve care. To protect the doctor-patient relationship and keep good doctors doing good work, we must eliminate wasteful and frivolous medical lawsuits. And tonight I propose that individuals who buy catastrophic health care coverage as part of our new health savings accounts be allowed to deduct 100 percent of the premiums from their taxes.

A government-run health care system is the wrong prescription. By keeping costs under control, expanding access and helping more Americans afford coverage, we will preserve the system of private medicine that makes America's health care the best in the world.

We are living in a time of great change in our world, in our economy, and in science and medicine. Yet some things endure: courage and compassion, reverence and integrity, respect for differences of faith and race. The values we try to live by never change; and they are instilled in us by fundamental institutions, such as families and schools and religious congregations. These institutions, the unseen pillars of civilization, must remain strong in America, and we will defend them.

We must stand with our families to help them raise healthy, responsible children. When it comes to helping children make right choices, there is work for all of us to do.

One of the worst decisions our children can make is to gamble their lives and futures on drugs. Our government is helping parents confront this problem with aggressive education, treatment, and law enforcement. Drug use in high school has declined by 11 percent over the past 2 years. 400,000 fewer young people are using illegal drugs than in the year 2001.

In my budget, I have proposed new funding to continue our aggressive community-based strategy to reduce demand for illegal drugs. Drug testing in our schools has proven to be an effective part of this effort. So tonight I propose an additional $23 million for schools that want to use drug testing as a tool to save children's lives. The aim here is not to punish children, but to send them this message: we love you, and we do not want to lose you.

To help children make right choices, they need good examples. Athletics play such an important role in our society; but, unfortunately, some in professional sports are not setting much of an example. The use of performance-enhancing drugs like steroids in baseball, football and other sports, is dangerous; and it sends the wrong message, that there are shortcuts to accomplishment and that performance is more important than character.

So tonight I call on team owners, union representatives, coaches and players to take the lead, to send the right signal, to get tough, and to get rid of steroids now.

To encourage right choices, we must be willing to confront the dangers

young people face, even when they are difficult to talk about. Each year, about 3 million teenagers contract sexually transmitted diseases that can harm them or kill them or prevent them from ever becoming parents. In my budget, I propose a grassroots campaign to help inform families about these medical risks. We will double Federal funding for abstinence programs so schools can teach this fact of life: abstinence for young people is the only certain way to avoid sexually transmitted diseases. Decisions children now make can affect their health and character for the rest of their lives. All of us, parents, schools and government, must work together to counter the negative influence of the culture and to send the right messages to our children.

A strong America must also value the institution of marriage. I believe we should respect individuals as we take a principled stand for one of the most fundamental, enduring institutions of our civilization. Congress has already taken a stand on this issue by passing the Defense of Marriage Act, signed in 1996 by President Clinton. That statute protects marriage under Federal law as the union of a man and a woman, and declares that one State may not redefine marriage for other States. Activist judges, however, have begun redefining marriage by court order, without regard for the will of the people and their elected representatives. On an issue of such great consequence, the people's voice must be heard. If judges insist on forcing their arbitrary will upon the people, the only alternative left to the people would be the constitutional process. Our Nation must defend the sanctity of marriage.

The outcome of this debate is important, and so is the way we conduct it. The same moral tradition that defines marriage also teaches that each individual has dignity and value in God's sight.

It is also important to strengthen our communities by unleashing the compassion of America's religious institutions. Religious charities of every creed are doing some of the most vital work in our country: mentoring children, feeding the hungry, taking the hand of the lonely. Yet government has often denied social service grants and contracts to these groups, just because they have a cross or a star of David or a crescent on the wall. By executive order, I have opened billions of dollars in grant money to competition that includes faith-based charities. Tonight I ask you to codify this into law, so people of faith can know that the law will never discriminate against them again.

In the past, we have worked together to bring mentors to children of prisoners and provide treatment for the addicted and help for the homeless. Tonight I ask you to consider another group of Americans in need of help. This year, some 600,000 inmates will be released from prison back into society. We know from long experience that if they cannot find work or a home or help, they are much more likely to commit more crimes and return to prison. So tonight, I propose a 4-year, $300 million Prisoner Re-Entry Initiative to expand job training and placement services, to provide transitional housing, and to help newly released prisoners get mentoring, including from faith-based groups. America is the land of second chance; and when the gates of the prison open, the path ahead should lead to a better life.

For all Americans, the last 3 years have brought tests we did not ask for and achievements shared by all. By our actions, we have shown what kind of Nation we are. In grief, we have found the grace to go on. In challenge, we rediscovered the courage and daring of a free people. In victory, we have shown the noble aims and good heart of America. And having come this far, we sense that we live in a time set apart.

I have been a witness to the character of the people of America, who have shown calm in times of danger, compassion for one another, and toughness for the long haul. All of us have been partners in a great enterprise. And even some of the youngest understand that we are living in historic times. Last month a girl in Lincoln, Rhode Island, sent me a letter. It began, ''Dear George W. Bush. If there is anything you know I, Ashley Pearson, age 10 can do to help anyone, please send me a letter and tell me what I can do to save our country.'' She added this P.S.: ''If you can send a letter to the troops, please put, 'Ashley Pearson believes in you.'''

Tonight, Ashley, your message to our troops has just been conveyed. And, yes, you have some duties yourself. Study hard in school, listen to your mom and dad, help someone in need, and when you and your friends see a man or woman in uniform, say ''thank you.'' And, Ashley, while you do your part, all of us here in this great Chamber will do our best to keep you and the rest of America safe and free.

My fellow citizens, we now move forward with courage and faith. Our Nation is strong and steadfast. The cause we serve is right because it is the cause of all mankind. The momentum of freedom in our world is unmistakable, and it is not carried forward by our power alone. We can trust in that greater power Who guides the unfolding of the years. And in all that is to come, we can know that His purposes are just and true.

May God continue to bless America.

(Applause, the Members rising.)

At 10 o'clock and 6 minutes p.m., the President of the United States, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Assistant to the Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The Associate Justice of the Supreme Court.

The Acting Dean of the Diplomatic Corps.

JOINT SESSION DISSOLVED

The SPEAKER. The Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 10 o'clock and 12 minutes p.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

MESSAGE OF THE PRESIDENT REFERRED TO THE COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION

Mr. WILSON of South Carolina. Mr. Speaker, I move that the message of the President be referred to the Committee of the Whole House on the State of the Union and ordered printed.

The motion was agreed to.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ABERCROMBIE (at the request of Ms. PELOSI) for today and the balance of the week on account of business in the district.

Ms. BALDWIN (at the request of Ms. PELOSI) for today on account of travel problems.

Mr. CRAMER (at the request of Ms. PELOSI) for today on account of official business in the district.

Mr. REYES (at the request of Ms. PELOSI) for today and the balance of the week on account of family illness.

Mr. NADLER (at the request of Ms. PELOSI) for today on account of personal reasons.

Ms. CARSON of Indiana (at the request of Ms. PELOSI) for today and January 21 on account of official business.

Mrs. JONES of Ohio (at the request of Ms. PELOSI) for today on account of a death in the family.

Ms. DUNN (at the request of Mr. DELAY) for today on account of illness.

Mr. BURTON of Indiana (at the request of Mr. DELAY) for today on account of being detained in his district.

Mr. EVERETT (at the request of Mr. DELAY) for today and January 21 on account of having the flu.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. EMANUEL, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. MEEK of Florida, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. WU, for 5 minutes, today.

Mr. LEVIN, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

(The following Members (at the request of Ms. GINNY BROWN-WAITE of Florida) to revise and extend their remarks and include extraneous material:)

Mr. BURGESS, for 5 minutes, January 27.

Ms. GINNY BROWN-WAITE of Florida, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. PAYNE, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1172. An act to establish grants to provide health services for improved nutrition, increased physical activity, obesity prevention, and for other purposes; to the Committee on Energy and Commerce.

S. 1177. An act to prevent tobacco snuggling, to ensure the collection of all tobacco taxes, and for other purposes; to the Committee on Energy and Commerce.

S. 1267. An act to amend the District of Columbia Home Rule Act to provide the District of Columbia with autonomy over its budgets, and for other purposes; to the Committee on Government Reform; in addition to the Committee on Rules for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned; and in addition to the Committee on Appropriations for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 2000. An act to extend the special postage stamp for breast cancer research for 2 years; to the Committee on Government Reform; in addition to the Committee on Energy and Commerce for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned; and in addition to the Committee on Armed Services for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADJOURNMENT

Mr. WILSON of South Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 13 minutes p.m.), the House adjourned until tomorrow, Wednesday, January 21, 2004, at 10 a.m.

NOTICE OF PROPOSED RULEMAKING

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, December 8, 2003.

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

DEAR MR. SPEAKER:

WITHDRAWAL OF NOTICE OF PROPOSED SUBSTANTIVE RULE MAKING, AND ADVANCE NOTICE OF PROPOSED RULE MAKING

On November 13, 2001, the Board of Directors of the Office of Compliance submitted proposed substantive rules for comment, pursuant to section 4(c)(4) of the Veterans Employment Opportunities Act of 1998 (''VEOA'') (2 U.S.C. 1316a(4)), and section 304(b) of the Congressional Accountability Act of 1995 (2 U.S.C. 1384(b)). The proposed substantive rules would implement section 4(c) of the VEOA, which affords to covered employees of the legislative branch the rights and protections of selected provisions of veterans' preference law. The Notice of Proposed Rule Making was printed in the Congressional Record on December 6, 2001 at H9065, et seq., and S12539 et seq.

In response to that Notice, the Board of Directors received comments which addressed the difficulty in promulgating regulations applying substantive veterans' preference rights in the absence of formal civil service merit personnel systems in the legislative branch. In view of the comments, and upon further consideration, the Board has decided to withdraw the notice of proposed rule making of November 13, 2001, printed in the Congressional Record of December 6, 2001.

The Board of Directors has initiated a new process of drafting proposed substantive regulations which would implement section 4(c) of the VEOA. The Board invites the informal input of interested parties in advance of the Board's completion of new draft regulations and publication of a new Notice of Proposed Rule Making in the future. Interested parties are invited to contact the Executive Director of the Office of Compliance, Room LA–200, 110 2nd Street, S.E., Washington, D.C. 20540; 202–724–9250, TDD 202–426–1912.

We request that this notice be published in the Congressional Record. Any inquiries regarding this notice should be addressed to the Office of Compliance at our address above, or by telephone or TDD.

Sincerely,

SUSAN S. ROBFOGEL,
Chair.

EXECUTIVE COMMUNICATIONS, ETC.

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

5945. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Ports of Entry for Certain Plants and Plants Products [Docket No. 03–067–1] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5946. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Pine Shoot Beetle; Additions to Quarantined Areas [Docket No. 03–120–1] received January 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5947. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Golden Nematode; Regulated Areas [Docket No. 03–082–1] received January 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5948. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Karnal Bunt; Regulated Areas [Docket No. 03–047–1] received January 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5949. A letter from the Administrator, Agricultural Marketing Service, Science & Technology, Department of Agriculture, transmitting the Department's final rule—Removal of Cottonseed Chemist Licensing Program, Updating of Commodity Laboratory and Office Addresses, and Adoption of Information Symbols [Docket Number ST02–03] (RIN: 0581–AC18) received January 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5950. A letter from the Administrator, Agriculture Marketing Service, Department of Agriculture, transmitting the Department's final rule—Tomatoes Grown in Florida; Increased Assessment Rate [Docket No. FV03–966–4 FR] received January 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5951. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Fluroxypyr; Pesticide Tolerance [OPP–2003–0377; FRL–7340–5] received December 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5952. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Cyprodinil; Time-Limited Pesticide Tolerance [OPP–2003–0394; FRL–7337–5] received December 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5953. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Vinclozolin; Time-Limited Pesticide Tolerances Technical Correction [OPP–2003–0311; FRL–7337–7] received December 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5954. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Extension of Tolerances for Emergency Exemptions Multiple Chemicals [OPP–2003–0402; FRL–7339–8] received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5955. A communication from the President of the United States, transmitting the request and availability of funds for the Department of the Treasury's Counterterrorism Fund, pursuant to Public Law 106—554; (H. Doc. No. 108—148); to the Committee on Appropriations and ordered to be printed.

5956. A communication from the President of the United States, transmitting a request to make the subsidy budget authority necessary to support a $30 million Federal credit instrument for World Airways, Inc.; (H. Doc. No. 108—150); to the Committee on Appropriations and ordered to be printed.

5957. A communication from the President of the United States, transmitting in accordance with provisions of the ''1997 Emergency Supplemental Appropriations Act for Recovery from Natural Disasters, and for Overseas Peacekeeping Efforts, Including those in Bosnia'' (Public Law 105–18), a request to make available emergency funding for the Department of the Interior's National Park Service; (H. Doc. No. 108—151); to the Committee on Appropriations and ordered to be printed.

5958. A letter from the Comptroller, Department of Defense, transmitting a report

of a violation of the Antideficiency Act by the Department of the Navy, Case Number 02–11, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

5959. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 02–10, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

5960. A letter from the Chairman, National Transportation Safety Board, transmitting a report of a violation of the Antideficiency Act, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

5961. A letter from the Acting Under Secretary of Defense, Department of Defense, transmitting a report on the Evaluation of Training, Knowledge, and Resources Regarding Negotiation of Intellectual Property Arrangements, pursuant to Section 821 of the Bob Stump National Defense Authorization Act for FY 2003 (Pub. L. 107–314); to the Committee on Armed Services.

5962. A letter from the Deputy Secretary, Department of Defense, transmitting as required by 41 U.S.C. 253(c)(7) and 10 U.S.C. 2304(c)(7), notice of determination that it is in the public interest that only firms from the United States, Iraq, and Coalition partners and force contributing nations should be eligible to compete for prime contracts for Iraq relief and reconstruction; to the Committee on Armed Services.

5963. A letter from the Comptroller, Department of Defense, transmitting a notice that the Department of the Navy is pursing a multiyear procurement (MYP) for the fiscal year 2004 through fiscal year 2007; to the Committee on Armed Services.

5964. A letter from the Comptroller, Department of Defense, transmitting the Department's quarterly report as of September 30, 2003, entitled, ''Acceptance of contributions for defense programs, projects and activities; Defense Cooperation Account,'' pursuant to 10 U.S.C. 2608; to the Committee on Armed Services.

5965. A letter from the Comptroller, Department of Defense, transmitting a notice that the Department of the Navy is pursing a multiyear procurement(MYP) for the fiscal year 2005 through fiscal year 2009 with advance procurement in FY 2004; to the Committee on Armed Services.

5966. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2004–10 on Waiver of Conditions on Obligation and Expenditure of Funds for Planning, Design, and Construction of a Chemical Weapons Destruction Facility in Russia; to the Committee on Armed Services.

5967. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Home Mortage Disclosure [Regulation C; Docket No. R–1178] received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5968. A letter from the Assistant Director, Legislative and Regulatory Activities Division, Comptroller of the Currency, Department of the Treasury, transmitting the Department's final rule—Reporting and Disclosure Requirements for National Banks with Securities Registered Under the Securities Exchange Act of 1934; Securities Offering Disclsoure Rules [Docket No. 03–25] (RIN: 1557–AC12) received December 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5969. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule—Suspension of Community Eligibility [Docket No. FEMA–7823] received Janaury 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5970. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule—Changes in Flood Elevation Determinations—received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5971. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA–D–7549] received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5972. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule—Final Flood Elevation Determinations—received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5973. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule—Final Flood Elevation Determinations—received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5974. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule—Final Flood Elevation Determinations—received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5975. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule—Changes in Flood Elevation Determinations—received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5976. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA–P–7630] received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5977. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule—Changes in Flood Elevation Determinations—received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5978. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule—Final Flood Elevation Determinations—received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5979. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—FHA TOTAL Mortgage Scorecard [Docket No. FR–4835–C–02] (RIN: 2502–AI00) received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5980. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Thailand, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

5981. A letter from the Secretary, Department of Education, transmitting the Department's final rule—Title I—Improving the Academic Achievement of the Disadvantaged (RIN: 1810–AA95) received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5982. A letter from the Administrator, Energy Information Administration, transmitting a copy of the Executive Summary to the Energy Information Administration's (EIA) eleventh annual report, entitled ''Emissions of Greenhouse Gasses in the United States 2002,'' pursuant to 15 U.S.C. 790f(a)(2); to the Committee on Energy and Commerce.

5983. A letter from the General Counsel, Consumer Product Safety Commission, transmitting the Commission's final rule—Confirmation of Effective Date of Rules Declaring Metal-Cored Candlewicks Containing Lead and Candles With Such Wicks To Be Hazardous Substances and Banning Them—received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5984. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Acquisition Regulations; Conditional Payment of Fee, Profit, and Other Incentives (RIN: 1991–AB54) received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5985. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule—Skin Protectant Drug Products for Over-the-Counter Human Use; Final Monograph; Technical Amendment [Docket Nos. 78N–0021 and 78N–021P] (RIN: 0910–AA01) received December 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5986. A letter from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting the Department's final rule—Medicaid Program; Time Limitation on Recordkeeping Requirements Under the Drug Rebate Program [CMS–2175–IFC] (RIN: 0938–AM20) received December 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5987. A letter from the Secretary, Department of Health and Human Services, transmitting the report entitled ''Increasing Access to Health Care for Certain Non-elderly, Low-Income Populations Who Were Not Otherwise Qualified to Receive Medicaid Benefits,'' submitted in response to section 4745 of the Omnibus Budget Reconciliation Act (OBRA) of 1990, Public Law 101–508; to the Committee on Energy and Commerce.

5988. A letter from the Secretary, Department of Health and Human Services, transmitting the report entitled ''Study of the Impact of Boren Amendment Repeal,'' in response to the requirements of Public Law 105–33, the Balanced Budget Act of 1997; to the Committee on Energy and Commerce.

5989. A letter from the Secretary, Department of Health and Human Services, transmitting as required by Sections 913(b)(2) and Section 902(g) of the Healthcare Research and Quality Act of 1999 (Pub. L. 1066–129), reports entitled ''The National Healthcare Quality Report'' (NHQR) and ''The National Healthcare Disparities Report'' (NHDR); to the Committee on Energy and Commerce.

5990. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, San Joaquin Valley Unified, Ventura County, Santa Barbara County, and Monteray Bay Unified Air Pollution Control Districts and Yolo Solano, Bay Area, and Mojave Desert Air Quality Management Districts [CA 259–0425; FRL–7598–1] received Decemeber 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5991. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final

rule—Control of Emissions from Highway Motorcycles [AMS–FRL–7604–8] received Decemeber 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5992. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Operating Permits Program; San Diego County Air Pollution Control District [CA 110–OPPa; FRL–7603–1] received December 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5993. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Amendments to Standards of Performance for New Stationary Sources; Monitoring Requirements [OAR–2003–0009; FRL–7604–9] received Decemeber 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5994. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Delaware; MOBILE6-Based Motor Vehicle Emission Budgets for the Delaware Portion of the Philadelphia-Wilmingtion-Trenton 1-Hour Ozone Nonattainment Area [DE072–1042a; FRL–7593–5] received December 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5995. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Indiana; Oxides of Nitrogen Regulations [IN159–1a; FRL–7598–6] received December 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5996. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; State of Utah; State Implementation Plan Corrections [SIP NO. UT–001–0048, UT–001–0049, FRL–7593–2] received December 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5997. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plas; Maryland; Control of Emissions of Volatile Organic Compounds from Consumer Products [MD152–3105a; FRL–7596–4] received December 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5998. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Control of Emissions From Existing Commercial/Industrial Solid Waste Incinerator Units; Nevada [NV108–SWIa; FRL–7595–5] received December 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5999. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Final Approval of Revision of 34 Clean Air Act Title V Operating Permits Programs [CA107–OPP—FRL–7589–8] received December 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6000. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Interim Final Determination to Stay and Defer Sanctions, South Coast Air Quality Management District [CA 296–0427; FRL–7594–2] received December 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6001. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Louisiana: Final Authorization of State Hazardous Waste Management Program Revisions [FRL–7597–5] received December 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6002. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants; Delegation of Authority to New Mexico [NM–40–2–744a; FRL–7598–8] received December 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6003. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [CA255–0426; FRL–7597–4] received Decmeber 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6004. A letter from the Deputy Associate Adminstrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, South Coast Air Quality Management District [CA 259–0421; FRL–7588–7] received December 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6005. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, South Coast Air Quality Management District [CA 296–0427a; FRL–7593–9] received December 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6006. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District [CA 291–0424a; FRL–7590–7] received December 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6007. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Connecticut; Motor Vehicle Emissions Budgets for 2005 and 2007 using MOBILE6.2 for the Connecticut portion of the New York-New Jersey-Long Island nonattainment area and for 2007 for the Greater Connecticut nonattainment area [CT–057–7216e; A–1–FRL–7600–2] received December 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6008. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Significant New Uses of Certain Chemical Substances [OPPT–2002–0078; FRL–7307–3] (RIN: 2070–AB27) received December 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6009. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations) [OAR–2002–0029, FRL–7599–9] (RIN: 2060–AJ42) received December 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6010. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Memphis-Shelby County; Revised Format for Materials Being Incorporated by Reference [TN–200328; FRL–7596–6] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6011. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans for Kentucky: Permit Provisions for Jefferson County, Kentucky; Partial Withdrawl of Dierct Final Rule [KY–145–200339(w); FRL–7600–4] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6012. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Prevention of Significant Deterioration (PSD) [AD–FRL–7601–5] (RIN: 2050–AK28) received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6013. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; State of California [CARB–106–DELa; FRL–7600–5] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6014. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the Regional Haze Rule to Correct Mobile Source Provisions in Optional Program for Nine Western States and Eligible Indian Tribes Within that Geographic Area [FRL–7601–4] (RIN: 2060–AL80) received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6015. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Amendments to the Phase 2 Requirements for Spark-Ignition Nonroad Engines at or below 19 Kilowatts [AMS–FRL–7606–1] (RIN: 2060–AL80) received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6016. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Kentucky Update to Materials Incorporated by Reference [KY–200404; FRL–7601–2] received Janaury 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6017. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Iowa; Correction [IA 200–1200; FRL–7608–3] received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6018. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Kansas [KS 202–1202; FRL–7608–9] received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6019. A letter from the Deputy Associate Administrator, Environmental Protection

Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri [Mo 201–1201; FRL–7608–8] received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6020. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Disapproval of State Implementation Plan Revisions, San Joaquin Valley Unified Air Pollution Control District [CA255–0431; FRL–7607–6] received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6021. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Monterey Bay Unified Air Pollution Control District [CA 289–0418a; FRL–7600–9] received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6022. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—State Implementation Plans; States of Arizona, California, and Nevada; Correction [CA 105–CORR FRL–7609–4] received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6023. A letter from the Chief, Policy and Rules Division, OET, Federal Communication Commission, transmitting the Commission's final rule—Revision of Part 2 and 15 of the Commission's Rules to Permit Unlicensed National Information Infrastructure (U–NII) devices in the 5 GHz Band [ET Docket No. 03–122; RM–10371] received January 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6024. A letter from the Legal Advisor, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule—Elimination of Experimental Broadcast Ownership Restrictions [MM Docket No. 00–105] received January 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6025. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Springfield, Tennessee, Oak Grove and Trenton, Kentucky) [MB Docket No. 03–132; RM–10709] received January 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6026. A letter from the Senior Legal Advisor to Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Corpus Christi, Texas) [MM Docket No. 00–198; RM–9980] received January 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6027. A letter from the Senior Legal Advisor to Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Juneau, Alaska) [MB Docket No. 03–97; RM–10683] received January 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6028. A letter from the Senior Legal Advisor, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Marble Falls and Dripping Springs, Texas) [MB Docket No. 03–195; RM–10745] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6029. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Worchester and Westborough, Massachusetts) [MM Docket No. 02–49; RM–10220] received January 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6030. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Conway and Vilonia, Arkansas) [MB Docket No. 03–23; RM–10633] received January 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6031. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Ravenwood, West Virginia and Racine, Ohio) [MB Docket No. 03–22; RM–10597] received January 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6032. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Ash Fork, Chino Valley, Dolan Springs, Fredonia, Gilbert, Peach Springs, Seligman, and Tusayan, Arizona; Moapa Valley, Nevada; Beaver and Cedar City Utah) [MM Docket No. 02–12; RM–10356; RM–10551; RM–10553; RM–10554] received January 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6033. A letter from the Deputy Division Chief, WTB/Broadband Div., Federal Communications Commission, transmitting the Commission's final rule—Service Rules for Advanced Wireless Services in the 1.7 GHz and 2.1 GHz Bands [WT Docket No. 02–353] received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6034. A letter from the Deputy Division Chief, Competition Policy Div., Federal Communications Commission, transmitting the Commission's final rule—Revision of the Commission's Rules to Ensure Compatibility With Enhanced 911 Emergency Calling Systems [CC Docket No. 94–102]; Amendment of Parts 2 and 25 to Implement the Global Mobile Personal Communications by Satellite (GMPCS) Memorandum of Understanding and Arrangements; Petition of the National Telecommunications and Information Administration to Amend Parts 25 of the Commission's Rules to Establish Emissions Limits for Mobile and Portable Earth Stations Operating in the 1610–1660.5 MHz Band [IB Docket No. 99–67] Received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6035. A letter from the Chief, WTB/Broadband Division, Federal Communications Commission, transmitting the Commission's final rule—Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems Non-Initialized Phones [CC Docket No. 94–102; RM–8143] received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6036. A letter from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule—Allocation and Designation of Spectrum for Fixed-Satellite Services in the 37.5–38.5 GHz, 40.5–41.5 GHz and 48.2–50.2 Ghz Frequency Bands; Allocation of Spectrum to Upgrade Fixed and Mobile Allocation in the 40.5–42.5 GHz Frequency Band; Allocation of Spectrum in the 46.9–47.0 GHz Frequency Band for Wireless Services; and Allocation of Spectrum in the 37.0–38.0 GHz and 40.0–40.5 GHz for Government Operations [IB Docket No. 97–95] received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6037. A letter from the Deputy Chief, WCB/TAPD, Federal Communications Commission, transmitting the Commission's final rule—Schools and Libraries Universal Service Support Mechanism [CC Docket No. 02–6] received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6038. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Station. (Carrizozo, New Mexico) [MB Docket No. 03–69; RM–10664] received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6039. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Salina, Utah) [MB Docket No. 02–166; RM–10478] received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6040. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Centerville, Texas) [MB Docket No. 02–128; RM–10450] received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6041. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Hartigton, Nebraska) [MB Docket No. 02–121; RM–10443; RM–10665] received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6042. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Alpine and Presidio, Texas) [MB Docket No. 02–239; RM–10529; RM–10711] received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6043. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Silverton, Texas) [MB Docket No. 03–72; RM–10674]; (Leedey, Oklahoma) [MB Docket No. 03–73; RM–10675]; (Memphis, Texas) [MB Docket No. 03–75; RM–10677] received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6044. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations.

(Meridianville, Tuscumbia, Carrolton, and Gurley, Alabama) [MB Docket No. 02–114; RM–10426] received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6045. A letter from the Senior Legal Advisor, Chief Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Implementation of Section 304 of the Telecommunications Act of 1996 [CS Docket No. 97–80]; Commercial Availability of Navigation Devices; Compatibility Between Cable Systems and Consumer Electronics Equipment [PP Docket No. 00–67] received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6046. A letter from the Sr. Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Reexamination of the Comparative Standard for Noncommercial Educational Applicants; Association of America's Public Television Stations' Motion for Stay of Low Power Television Auction (No.81) [MM Docket No. 95–31] received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6047. A letter from the Chairman, Nuclear Waste Technical Review Board, transmitting the second report of 2003 as required by the Nuclear Waste Policy Amendments Act of 1987, Public Law 100–203, pursuant to 42 U.S.C. 10268; to the Committee on Energy and Commerce.

6048. A communication from the President of the United States, transmitting notification that the Libya emergency is to continue in effect beyond January 7, 2004, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 108—147); to the Committee on International Relations and ordered to be printed.

6049. A communication from the President of the United States, transmitting notification stating that the emergency declared with respect to foreign terrorists who threaten to disrupt the Middle East peace process is to continue in effect beyond January 23, 2004, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 108—152); to the Committee on International Relations and ordered to be printed.

6050. A communication from the President of the United States, transmitting notification to terminate the national emergency with respect to Sierra Leone in Executive Order 13194 of January 18, 2001, and expanded in scope with respect to Liberia by Executive Order 13213 of May 22, 2001, pursuant to 50 U.S.C. 1622(a); (H. Doc. No. 108—153); to the Committee on International Relations and ordered to be printed.

6051. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting the Department of the Defense's proposed lease of defense articles to the Government of Tajikistan (Transmittal No. 01–04), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

6052. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 27–03 which informs you of our intent to sign a Memorandum of Understanding (MOU) for Maritime Missile Defense Projects between the United States, Australia, Canada, Germany, Italy, Spain, The Netherlands, and the United Kingdom, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

6053. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 25–03 which informs you of our intent to sign a Memorandum of Understanding (MOU) concerning Standard Missile Upgrades and Improvements between the United States, Canada, Germany, and The Netherlands, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

6054. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 24–03 which informs you of our intent to sign a Memorandum of Understanding (MOU) between the United States and The Netherlands Concerning Test and Evaluation Program Cooperation (TEP MOU), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

6055. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 26–03 which informs of an intent to sign a Project Agreement concerning Nonacoustic Sensing Aid and Nonlinear Dynamics between the United States and Sweden, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

6056. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

6057. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

6058. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

6059. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification for FY 2003 that no United Nations organization or United Nations affiliated agency grants and official status, accreditation, or recognition to any organization which promotes, condones, or seeks the legalization of pedophilia, or which includes as a subsidiary or member anysuch organization, pursuant to Public Law 103—236, section 565(b) (108 Stat. 845); to the Committee on International Relations.

6060. A communication from the President of the United States, transmitting a report on additional steps taken with respect to the national emergency declared in Proclamation 7463 of September 14, 2001 and consistent with Executive Order 12396 of December 9, 1982, pursuant to 50 U.S.C. 1631 10 U.S.C. 603; (H. Doc. No. 108—149); to the Committee on International Relations and ordered to be printed.

6061. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report of the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on International Relations.

6062. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of June 21, 2000; to the Committee on International Relations.

6063. A letter from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting Pursuant to the Vietnam Education Foundation Act of 2000 (title II of division B of H.R. 5666, as enacted by section 1(a)(4) of Public Law 106–554 and contained in appendix D of that Act; 114 Stat. 2763A–255) as amended, a report on the financial balances of the Vietnam Education Foundation for 2003; to the Committee on International Relations.

6064. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting Report on Withdrawl of Russian Armed Forces and Military Equipment, pursuant to paragraph 5(D) of the Senate's resolution of advice and consent of the ratification of the CFE Flank Document; to the Committee on International Relations.

6065. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to Section 620C(c) of the Foreign Assistance Act of 1961, as amended, and in accordance with section 1(a)(6) of Executive Order 13313, a report prepared by the Department of State and the National Security Council on the progress toward a negotiated solution of the Cyprus question covering the period October 1 through November 30, 2003; to the Committee on International Relations.

6066. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Amendment to the International Traffic in Arms Regulations: United States Munitions List—received December 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

6067. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of intent to obligate funds for purposes of Nonproliferation and Disarmament Fund (NDF) activities, pursuant to Public Law 102—511, section 508(a) Public Law 108—7, section 515; to the Committee on International Relations.

6068. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of export of Items to Iraq in the National Interest of the United States pursuant to section 1504 of the Emergency Wartime Supplemental Appropriation Act, 2003 (Transmittal No. DTC 04IZ–03); to the Committee on International Relations.

6069. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2004–09 on Waiving Prohibition on United States Military Assistance to Parties to the Rome Statute Establishing the International Criminal Court, pursuant to Public Law 107—206; to the Committee on International Relations.

6070. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Presidential Determination No. 2004–14, Imposition and Waiver of Sanctions Under Section 604 of the Foreign Relations Authorization Act, Fiscal Year 2003; to the Committee on International Relations.

6071. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of intent to obligate funds for purposes of Nonproliferation and Disarmament Fund (NDF) activities; to the Committee on International Relations.

6072. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to the Cooperative Threat Reduction Act of 1993 and the FREEDOM Support Act; to the Committee on International Relations.

6073. A letter from the Director, Office of Personnel Management, President's Pay Agent, transmitting a report justifying the reasons for the extension of locality-based comparability payments to categories of positions that are in more than oneexecutive agency, pursuant to 5 U.S.C. 5304(h)(2)(C); to the Committee on Government Reform.

6074. A letter from the Secretary, Department of Education, transmitting the semiannual report of the activities of the Office of Inspector Generalduring the six month period ending September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6075. A letter from the Inspector General, Department of Education, transmitting a corrected semiannual report of the activities of the Office of Inspector General during the six month period ending September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6076. A letter from the Secretary, Department of Health and Human Services, transmitting a report of surplus real property transferred for public health purposes for October 1, 2002, through September 30, 2003, pursuant to Public Law 100—77, section 601 (101 Stat. 515); to the Committee on Government Reform.

6077. A letter from the Inspector General, Department of the Interior, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2003, through September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6078. A letter from the Chairman of the Board, Pension Benefit Guaranty Corporation, transmitting the semiannual report on activities of the Inspector General of the Pension Benefit Guaranty Corporation for the period April 1, 2003 through September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

6079. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–255, ''Elimination of Outdated Crimes Amendment Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6080. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–256, ''Marriage and Family Therapy Amendment Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6081. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–251, ''Income From Discrimination Exclusion Temporary Amendment Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6082. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–254, ''Certified Capital Companies Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6083. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–250, ''Charity Auction Sales Tax Exemption Temporary Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6084. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–249, ''Medical Support Establishment and Enforcement Temporary Amendment Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6085. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–247, ''Eastern Avenue Tour Bus Parking Temporary Amendment Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6086. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–248, ''Freedom of Information Legislative Records Clarification Temporary Amendment Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6087. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–246, ''Unemployment Compensation Funds Appropriation Authorization Temporary Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6088. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–245, ''Presidential Primary Petition and Filing Waiver Temporary Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6089. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–244, ''PSA Restructuring Council Review Temporary Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6090. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–243, ''Emmaus Rehabilitation Project Real Property Exemption Temporary Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6091. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–242, ''Tax Increment Financing Reauthorization Date Temporary Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6092. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–241, ''Freedom Forum Newseum Real Property Tax Exemption and Equitable Real Property Tax Relief Temporary Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6093. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–240, ''Authorization of the Spending of the Commerical Trust Fund Temporary Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6094. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–239, ''Nurse Staffing Agency Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6095. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–238, ''Comprehensive Housing Strategy Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6096. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–259, ''Utility Rate Payers Amendment Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6097. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–260, ''Closing of a Portion of a Public Alley in Square 2677, S.O. 03–0208, Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6098. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–261, ''Housing and Community Development Reform Advisory Commission Temporary Amendment Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6099. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–262, ''Washington Convention Center Authority Term Limit Temporary Amendment Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6100. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–263, ''Towing Regulation and Enforcement Authority Temporary Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6101. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–264, ''Parking Meter Fee Moratorium Temporary Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6102. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–265, ''Real Property Classification Clarification Temporary Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6103. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–266, ''National Capital Medical Center Negotiation Temporary Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6104. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–267, ''Presidential Primary State Committee Elections Temporary Amendment Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6105. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–268, ''Citizens with Mental Retardation Substituted Consent for Health Care Decisions Temporary Amendment Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6106. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–269, ''Rehabilitation Services Program Establishment Temporary Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6107. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–270, ''Procurement Practices Vendor Payment Revised Approval Authorization Temporary Amendment Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6108. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–271, ''Inspector General Appointment and Term Clarification Temporary Amendment Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6109. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–272, ''Board of Education Campaign Contribution Clarification Temporary Amendment Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6110. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–274, ''Automated Traffic Enforcement Fund Temporary Amendment Act of 2003,'' pursuant to D.C. Code section

1—233(c)(1); to the Committee on Government Reform.

6111. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-286, ''Uniform Trust Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6112. A letter from the Federal Co-Chair, Appalachian Regional Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2003, through September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

6113. A letter from the Chairman, Broadcasting Board of Governors, transmitting the semiannual report on the activities of the Office of Inspector General for the period from April 1, 2003 to September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6114. A letter from the Chairman, Consumer Product Safety Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2003 through September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6115. A letter from the Acting Chief Executive Officer, Corporation for National and Community Service, transmitting the semiannual report of the Office of the Inspector General for the period from April 1, 2003 through October 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6116. A letter from the Acting Chief Executive Officer, Corporation for National and Community Service, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6117. A letter from the Acting Chief Executive Officer, Corporation for National and Community Service, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6118. A letter from the Chair, CPB Board of Directors, Corporation for Public Broadcasting, transmitting the semiannual report of the Office of the Inspector General for the period ending September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6119. A letter from the Assistant Director, Executive & Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6120. A letter from the Secretary, Mississippi River Commission, Department of the Army, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act covering the calendar year 2003, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

6121. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6122. A letter from the Secretary, Department of Education, transmitting the twenty-ninth Semiannual Report to Congress on Audit Follow-Up, covering the period April 1, 2003 through September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6123. A letter from the Secretary, Department of Education, transmitting the annual report concerning surplus Federal real property disposed of to educational institutions, pursuant to 40 U.S.C. 484(o); to the Committee on Government Reform.

6124. A letter from the Secretary, Department of Homeland Security, transmitting the semiannual report of the Inspector General for the period April 1, 2003 through September 30, 2003, pursuant to Public Law 95—452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform.

6125. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6126. A letter from the Inspector General, Department of Justice, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2003 through September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6127. A letter from the Human Resources Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6128. A letter from the Human Resources Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6129. A letter from the Human Resources Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6130. A letter from the Human Resources Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6131. A letter from the Human Resources Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6132. A letter from the Human Resources Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6133. A letter from the Human Resources Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6134. A letter from the Human Resources Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6135. A letter from the Human Resources Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6136. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6137. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6138. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6139. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6140. A letter from the Administrator, Environmental Protection Agency, transmitting the Fiscal Year 2003 Annual Report; to the Committee on Government Reform.

6141. A letter from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Office of Management and Budget's (OMB's) review of the Equal Employment Opportunity Commission's (EEOC's) Year 2003 Inventories of Commercial and Inherently Governmental Activities in accordance with the Federal Activities Inventory Reform (FAIR) Act of 1998; to the Committee on Government Reform.

6142. A letter from the Chair, Equal Employment Opportunity Commission, transmitting the semiannual report on the activities of the Inspector General and management's report for the period ending September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6143. A letter from the Chief of Staff, Federal Mediation and Conciliation Service, transmitting the FY 2003 annual report under the Federal Managers' Financial Integrity Act (FMFIA) of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

6144. A letter from the Director, Financial Management, General Accounting Office, transmitting the FY 2003 annual report of the Comptroller General's Retirement System, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform.

6145. A letter from the Comptroller General, General Accounting Office, transmitting information concerning GAO employees who were assigned to congressional committees during fiscal year 2003, pursuant to 31 U.S.C. 719(b)(1)(C); to the Committee on Government Reform.

6146. A letter from the Administrator, General Services Administration, transmitting the FY 2003 Annual Performance and Accountability Report in accordance with the Report Consolidation Act of 2000; to the Committee on Government Reform.

6147. A letter from the Administrator, General Services Administration, transmitting notification of the new mileage reimbursement rates for Federal employees who use privately owned vehicles while on official travel, pursuant to 5 U.S.C. 5707(b)(1)(A); to the Committee on Government Reform.

6148. A letter from the President, James Madison Memorial Fellowship Foundation, transmitting the consolidated annual reports under the Federal Managers Financial Integrity Act of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

6149. A letter from the Chairman, National Credit Union Administration, transmitting the semiannual report on the activities of the Inspector General for April 1, 2003, through September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

6150. A letter from the Chairman and General Counsel, National Labor Relations Board, transmitting the semiannual report on the activities of the Office of Inspector General of the National Labor Relations Board for the period April 1, 2003 through September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

6151. A letter from the Chairman, National Mediation Board, transmitting the FY 2003 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

6152. A letter from the Chairman, National Science Board, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2003

through September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6153. A letter from the Chairman, National Science Board, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2003 through September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6154. A letter from the Chairman, National Transportation Safety Board, transmitting the FY 2003 annual report under the Federal Managers' Financial Integrity Act (FMFIA) of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

6155. A letter from the Deputy Director for Admin. & Info. Mgmt., Office of Government Ethics, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6156. A letter from the Director, Office of Transition Administration, Panama Canal Commission, transmitting the FY 2003 annual report under the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

6157. A letter from the Director, Peace Corps, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2003 through September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6158. A letter from the Inspector General, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period April 1, 2003, through September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Government Reform.

6159. A letter from the Chairman, Securities and Exchange Commission, transmitting a report on the management controls of the Commission for the fiscal year ending September 30, 2003, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

6160. A letter from the Administrator, Small Business Administration, transmitting the semiannual report of the Office of Inspector General for the period April 1, through September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6161. A letter from the Chairman, U.S. International Trade Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2003 through September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

6162. A letter from the Chair, United States Access Board, transmitting the Board's consolidated report for the Inspector General Act and the Federal Fiancial Manager's Integrity Act, pursuant to 31 U.S.C. 3512(c)(3) 5 app. #Public Law 100—504, section 104(a) (102 Stat. 2525); to the Committee on Government Reform.

6163. A letter from the Chairman, Board of Governors, United States Postal Service, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2003, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

6164. A letter from the Chair, Office of the General Counsel, Federal Election Commission, transmitting the Commission's final rule—Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files [Notice 2003–25] received December 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

6165. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the 1998, 1999, and 2000 annual reports of the Fish and Wildlife Service on the reasonably identifiable expenditures for the conservation of endangered or threatened species by Federal and State agencies, pursuant to 16 U.S.C. 1544; to the Committee on Resources.

6166. A letter from the Secretary, Department of the Interior, transmitting the Final Engineering Report (FER) and incorporated Water Conservation Plan for the Perkins County Rural Water System, pursuant to Public Law 106—136, section 4(b)(2); to the Committee on Resources.

6167. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Kentucky Regulatory Program [KY–245–FOR] received December 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6168. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Indiana Regulatory Program [IN–153–FOR; Administrative Cause No. 02–034R] received December 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6169. A letter from the Principal Deputy Assistant Secretary for Indian Affairs, Department of the Interior, transmitting a proposed plan under the Indian Tribal Judgment Funds Act, 25 U.S.C. 1401 et seq., as amended, for the use and distribution of the Mescalero Apache Tribe judgment funds in Docket 92–403L; to the Committee on Resources.

6170. A letter from the Director, Office of Hearings and Appeals, Department of the Interior, transmitting the Department's final rule—Special Rules Applicable to Public Land Hearings and Appeals (RIN: 1090–AA84) received December 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6171. A letter from the Chairman, National Indian Gaming Commission, transmitting the Commission's final rule—Amendment of fee regulations (RIN: 3141–AA16) received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6172. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Transfer [Docket No. 021122284–2323–02; I.D. 121803C] received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6173. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for New Jersey [Docket No. 021122284–2323–02; I.D. 121803A] received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6174. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone off Alaska; Shortraker/Rougheye and Northern Rockfish in the Bering Sea Subarea and ''Other Species'' in the Bering Sea and Aleutian Islands Mangement Area [Docket No. 031126295–3295–01; I.D. 121703A] received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6175. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone off Alaska; North Pacific Halibut and Sablefish IFQ Coast Recovery Program [Docket No. 991207325–0063–02; I.D. 100699A] received January 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6176. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea subarea [Docket No. 021212307–3037–02; I.D.092603C] received December 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6177. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species; Bluefin Tuna Fisheries [I.D. 120903A] received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6178. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species; Bluefin Tuna Fisheries [I.D. 122303H] received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6179. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone off Alaska; Groundfish of the Bering Sea and Aleutian Islands Area [Docket No. 021212307–3037–02; I.D. 120303A] received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6180. A letter from the Assistant Administrator, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species; Atlantic Shark Management Measures [Docket No. 030721180–3315–02; I.D. 010903D] received January 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6181. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Area; Interim 2004 Harvest Specifications for Groundfis [Docket No. 031126295–3295–01; I.D. 111703B] received December 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6182. A letter from the Assistant Administrator for Regulatory Programs, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Taking of Threatened or Endangered Species Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan [Docket No. 030221039–3309–04; I.D. 120903E] (RIN: 0648–AQ04) received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6183. A letter from the Deputy Assistant Administrator for Regulatory Programs, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico; Amendment 10 [Docket No. 030908224–3325–02; I.D. 080403B] (RIN: 0648–AM23) received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6184. A letter from the Deputy Assistant Administrator for Regulatory Programs, National Oceanic and Atmospheric Administration, transmitting the Administration's final

rule—Fisheries of the Exclusive Economic Zone (EEZ) Off Alaska; Salmon Fisheries off the Coast of Alaska [Docket No. 030314059–3326–03; I.D. 062003A] (RIN: 0648–AQ48) received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6185. A letter from the Deputy Assistant Administrator for Regulatory Programs, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; 2004 Fishing Quotas for Atlantic Surfclams, Ocean Quahogs, and Maine Mahogany Ocean Quahogs [Docket No. 031015257–3308–02; I.D. 101603A] (RIN: 0648–AQ79) received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6186. A letter from the Deputy Assistant Administrator for Regulatory Programs, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—International Fisheries; Pacific Tuna Fisheries [Docket No.; 031022265–3298–02; I.D. 092203E] (RIN: 0648–AQ93) received December 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6187. A letter from the Solicitor General, Department of Justice, transmitting Notice that the government will not intervene in Tennessee Student Assistance Corp. v. Hood, S. Ct. No. 02–1606; to the Committee on the Judiciary.

6188. A letter from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting the 2002 Annual Report of the National Institute of Justice (NIJ); to the Committee on the Judiciary.

6189. A letter from the Assistant Secretary of Legislative Affairs, Department of State, transmitting the redesignation as ''foreign terrorist organizations'' pursuant to Section 219 of the Immigration and Nationality Act, as added by the Antiterrorism and Effective Death Penalty Act of 1996, and amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and by the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) of 2001; to the Committee on the Judiciary.

6190. A letter from the Acting President and Chief of Sport Performance, Olympic Committee, transmitting the 2002 Annual Report of the United States Olympic Committee; to the Committee on the Judiciary.

6191. A letter from the Chair, Sentencing Commission, transmitting a report responding to the congressional directive on downwards departures in the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003, Pub. L. 108–21 (the PROTECT Act); to the Committee on the Judiciary.

6192. A letter from the Architect of the Capitol, transmitting In accordance with Conference Report, H. Rpt. 108–279, ''Making Appropriations for the Legislative Branch for the fiscal year 2004, and for other purposes,'' notification of intent (30 days in advance) to start the eastern portion of the Library of Congress (LOC) tunnel excavation; to the Committee on Transportation and Infrastructure.

6193. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulation Change, St. Croix River, Minnesota and Wisconsin [CGD08–02–035] (RIN: 1626–AA09) received January 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6194. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulation; Biscayne Bay, Atlantic Intracoastal Waterway, Miami River, Miami-Dade County, Florida [CGD07–03–141] (RIN: 1625–AA09) received January 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6195. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Rice Creek, Putnam County, FL [CGD07–03–094] (RIN: 1625–AA09) received January 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6196. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Port Hueneme Harbor, Ventura County, CA [COTP Los Angeles-Long Beach 01–013] (RIN: 1625–AA00) received January 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6197. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety and Security Zone; Cove Point Liquefied Natural Gas Terminal, Chesapeake Bay, MD [CGD05–03–023] (RIN: 1625–AA00) received January 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6198. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety/Security Zone; Cove Point Liquefied Natural Gas Terminal, Chesapeake Bay, Maryland [CGD05–03–204] (RIN: 1625–AA00) received January 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6199. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Suisan Bay, Concord, California [COTP San Francisco Bay 03–027] (RIN: 1625–AA00) received January 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6200. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Lockwood Folly Inlet, NC [CGD05–03–199] (RIN: 1625–AA00) received January 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6201. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Gulf Intracoastal Waterway, Mile 134 West of the Harvey Locks, Louisa, LA [COTP Morgan City–03–011] (RIN: 1625–AA00) received January 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6202. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Suisan Bay, Concord, California [COTP San Francisco Bay 03–030] (RIN: 1625–AA00) received January 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6203. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zones; Charleston Harbor, Cooper River, SC [COTP CHarleston–03–171] (RIN: 1625–AA00) received January 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6204. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Renaissance Center, Cobo Hall, North American International Auto Show, Detroit River, Detroit, MI [CGD09–03–289] (RIN: 2115–AA00) received January 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6205. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Rates for Pilotage on the Great Lakes [USCG–2002–11288] (RIN: 1625–AA38) received December 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6206. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Anchorage Grounds; Delaware Bay and River [CGD05–03–195] (RIN: 1625–AA01) received December 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6207. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operations; Inner Harbor Navigation Canal, New Orleans, LA [CGD08–03–030] (RIN: 1625–AA09) received December 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6208. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulation; Mississippi River, Dubuque, Iowa [CGD08–03–048] (RIN: 1625–AA09) received January 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6209. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Validation of merchant mariners' vital information and issuance of Coast Guard Merchant Mariner's Documents (MMDs) [USCG–2003–14500] (RIN: 1625–AA81) received January 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6210. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Deepwater Ports [USCG–1998–3884] (RIN: 1625–AA20) received January 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6211. A letter from the Secretary, Department of Transportation, transmitting a report on the results of a study on the effects of Motor Carrier Safety Assistance Program (MCSAP) grant reductions, pursuant to Public Law 105—178, section 4032; to the Committee on Transportation and Infrastructure.

6212. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330–301, –321, –322, –341, and –342 Airplanes [Docket No. 2001–NM–353–AD; Amendment 39–13341; AD 2003–21–06] (RIN: 2120–AA64) received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6213. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Manokotak, AK [Docket No. FAA–2003–16083;

Airspace Docket No. 03–AAL–19] received December 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6214. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model AS332C, C1, L, L1, AS350B, BA, B1, B2, B3 and D, and AS355E, F, F1, F2 and N Helicopters [Docket No. 2003–SW–15–AD; Amendment 39–13384; AD 2003–25–01] (RIN: 2120–AA64) received December 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6215. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce Corporation (Formerly Allison Engine Company) AE 3007A1, AE 3007A1/1, AE 3007A1/3, AE 3007A3, AE 3007 A1E, and AE 3007A1P Turbofan Engines [Docket No. 2003–NE–19–AD; Amendment 39–13391; AD 2003–25–08] (RIN: 2120–AA64) received December 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6216. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; York, PA; Correction [Docket No. FAA–2003–16291; Airspace Docket No. 03–AEA–08] received December 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6217. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Gettysburg, PA; Correction [Docket No. FAA–2003–15228; Airspace Docket No. 03–AEA–04] received December 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6218. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Charlottesville, VA; Correction [Docket No. FAA–2003–15789; Airspace Docket No. 03–AEA–09] received December 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6219. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; New York, NY [Docket No. FAA–2003–16180; Airspace Docket No. 03–AEA–14] received December 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6220. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; New York, and New Jersey [Docket No. FAA–2003–16614; Airspace Docket No. 03–AEA–17] received December 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6221. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Mentasta Lake/Mountains Area, AK [Docket No. FAA–2003–16075; Airspace Docket No. 03–AAL–18] received December 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6222. A letter from the Secretary, Department of Transportation, transmitting the Federal Transit Administration's Study and Report to Congress: Applicability of Maximum Axle Weight Limitations to Over-the-Road and Public Transit Buses, submitted pursuant to Section 339 of Senate Report No. 107–38 regarding the Department of Transportation's appropriations for FY 2002; to the Committee on Transportation and Infrastructure.

6223. A letter from the Senior Attorney, RSPA, Department of Transportation, transmitting the Department's final rule—Pipeline Safety: Hazardous Liquid Pipeline Operator Annual Reports [Docket No. RSPA–01–9832; Amdt. 195–80] (RIN: 2137–AD59) received January 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6224. A letter from the Trial Attorney, Department of Transportation, transmitting the Department's final rule—Computer Reservations System (CRS) Regulations [Dockets Nos. OST–97–2881, OST–97–3014, OST–98–4775, and OST–99–5888] (RIN: 2105–AC65) received January 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6225. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Greenfield, IA [Docket No. FAA–2003–16504; Airspace Docket No. 03–ACE–88] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6226. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace, Kingman, KS [Docket No. FAA–2003–16081–; Airspace Docket No. 03–ACE–73] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6227. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Great Bend, KS [Docket No. FAA–2003–16080; Airspace Docket No. 03–ACE–72] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6228. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class D and E Airpsace; Ormond Beach, FL [Docket No. FAA–2003–15466; Airpsace Docket No. 03–ASO–9] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6229. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Cherokee, IA [Docket No. FAA–2003–16505; Airspace Docket No. 03–ACE–89] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6230. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Aging Airplane Safety [Docket No. 1999–5401; Amendment No. 135–92] (RIN: 2120–AE42) received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6231. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Winterset, IA [Docket No. FAA–2003–16503; Airspace Docket No. 03–ACE–87] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6232. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Gettysburg, PA [Docket No. FAA–2003–15228; Airspace Docket No. 03–AEA–04] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6233. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class D Airspace; Minot, ND [Docket No. FAA–2003–16057; Airspace Docket No. 03–AGL–07] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6234. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; New Richmond, WI [Docket No. FAA–2003–16056; Airspace Docket No. 03–AGL–08] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6235. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT9D–3A, –7, –7A, –7F, –7H, –7AH, and –7J Turbofan Engines [Docket No. 2003–NE–52–AD; Amendment 39–13381; AD 2003–24–12] (RIN: 2120–AA64) received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6236. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; The New Piper Aircraft, Inc. Models PA–31, PA–31–300, PA–31–325, PA–31–350, PA–31P, PA–31T, PA–31T1, PA–31T2, PA–31T3, and PA–31P–350 Airplanes [Docket No. 2003–CE–03–AD; Amendment 39–13376; AD 2003–24–07] (RIN: 2120–AA64) received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6237. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model EC120B Helicopters [Docket No. 2003–SW–07–AD; Amendment 39–13358; AD 2003–22–10] (RIN: 2120–AA64) received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6238. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; MD Helicopters, Inc. Model 369A, H, HE, HM, HS, D, and E Helicopters [Docket No. 2003–SW–16–AD; Amendment 39–13370; AD 2003–24–01] (RIN: 2120–AA64) received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6239. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney PW4074, PW4074D, PW4077, PW4077D, PW4084, PW4084D, PW4090, PW4090D, PW4090–3, and PW4098 Turbofan Engines [Docket No. 2003–NE–40–AD; Amendment 39–13357; AD 2003–22–09] (RIN: 2120–AA64) received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6240. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce plc Trent 556–61 Turbofan Engines [Docket No. 2003–NE–42–AD; Amendment 39–13349; AD 2003–22–02] (RIN: 2120–AA64) received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6241. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model AS350B, B1, B2, B3, BA, C, D, D1, and AS355E, F, F1, F2, and N Helicopters [Docket No. 2003–SW–18–AD; Amendment 39–13359; AD 2003–22–11] (RIN: 1220–AA64) received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6242. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce plc Trent 768–60 and Trent 772–60 Turbofan Engines [Docket No. 2003–NE–37–AD; Amendment 39–13350; AD 2003–22–03] (RIN: 2120–AA64) received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6243. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model AS350B, B1, B2, B3, BA, C, D, D1, and AS355E, F, F1, F2, and N Helicopters [Docket No. 2000–SW–12–AD; Amendment 39–13354; AD 2003–22–06] (RIN: 2120–AA64) received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6244. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Hartzell Propeller Inc. Model HC–A6A–3 Series Propellers. [Docket No. 2003–NE–47–AD; Amendment 39–13352; AD 2003–22–05] (RIN: 2120–AA64) received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6245. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Mitsubishi Heavy Industries, Ltd., MU–2B Series Airplanes [Docket No. 2003–CE–22–AD; Amendment 39–13355; AD 2003–22–07] (RIN: 2120–AA64) received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6246. A letter from the Senior Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule—Hazardous Materials Regulations; Compatibility with the Regulations of the International Atomic Energy Agency [Docket No. RSPA–99–6283(HM–230)] (RIN: 2137–AD40) received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6247. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Notice of Request for Initial Porposals (IPs) for Projects to be Funded from the Water Quality Coorperative Agreement Allocation (CFDA 66.463—Water Quality Coorperative Agreements)—received December 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6248. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Effluent Limitations Guidelines, Pretreatment Standards, and New Sources Performance Standards for the Centralized Waste Treatment Point Source Category [FRL–7601–3] (RIN: 2040–AD95) received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6249. A letter from the Chair, Barry Goldwater Scholarship and Excellence in Education Foundation, transmitting the annual report of the activities of the Goldwater Foundation, pursuant to 20 U.S.C. 4710(b); to the Committee on Science.

6250. A letter from the Secretary, Department of Health and Human Services, transmitting the interim report on the Implementation of the Performance-Based Incentive System, submitted in compliance with Section 201 of the Child Support Performance and Incentive Act of 1998 (CSPIA); to the Committee on Ways and Means.

6251. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a semi-annual report concerning emigration laws and policies of Armenia, Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, Ukraine, and Uzbekistan, as required by Sections 402 and 409 of the 1974 Trade Act, as amended; to the Committee on Ways and Means.

6252. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 2004–3] received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6253. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Guidance Under Section 1502; Application of Section 108 to Members of a Consolidated Group [TD 9098] (RIN: 1545–BC77) received December 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6254. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Hedging Transactions—received December 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6255. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Disclosure of Relative Values of Optional Forms of Benefit [TD 9099] (RIN: 1545–BA78) received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6256. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2004–2) received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6257. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters (Rev. Proc. 2004–9) received December 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6258. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters (Rev. Proc. 2004–10) received December 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6259. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Guidance Necessary to Facilitate Business Electronic Filing [TD 9100] (RIN: 154–BC62) received December 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6260. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Interpretation of Section 301.6109(d)(3)(ii) of the Procedures and Administration Regulations [Notice 2004–1] received December 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6261. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Information Statements for Certain Substitute Payments [TD 9103] (RIN: 1545–BC97) received January 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6262. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Awards of attorney's fees and other costs based upon qualified offers [TD 9106] (RIN: 1545–AW99) received January 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6263. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Confidential Transactions [TD 9108] (RIN: 1545–BC76) received January 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6264. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Information Reporting Relating to Taxable Stock Transactions [TD 9101] (RIN: 1545–BC79) received January 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6265. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Establishing Defenses to the Imposition of the Accuracy-Related Penalty [TD 9109] (RIN: 1545–AY97) received January 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6266. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Political Organizations (Rev. Rul. 2004–6) received January 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6267. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural, and Miscellaneous [Notice 2004–2] received January 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6268. A letter from the SSA Regulations Officer, Social Security Administration, transmitting the Administration's final rule—Federal Old-Age, Survivors, and Disbility Insurance and Supplemental Security Income; Collection of Overdue Program and Administrative Debts Using Administrative Wage Garnishment (RIN: 0960–AE92) received December 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6269. A letter from the Chairman, Advisory Panel to Assess Domestic Response Capabilities For Terrorism Involving Weapons of Mass Destruction, transmitting the Panel's fifth annual report entitled, ''America's New Normalcy''; jointly to the Committees on Armed Services and Transportation and Infrastructure.

6270. A letter from the Regulations Coordiator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting the Department's ''Major'' final rule—Medicare Program; Changes to Medicare Payment for Drugs and Physician Fee Schedule Payments for Calendar Year 2004 [CMS–1372–IFC] (RIN: 0938–AM97) received December 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

6271. A letter from the Assistant Secretary for Legislative Affairs, Department of State,

transmitting a report entitled, ''Suspension of Limitations Under the Jerusalem Embassy Act'' (Presidential Determination No. 2004–12), pursuant to Public Law 104—45, section 6 (109 Stat. 400); jointly to the Committees on International Relations and Appropriations.

6272. A letter from the Chair, Office of Compliance, transmitting a Notice for publication in the Congressional Record withdrawing notice of proposed substantive rule making, and advance notice of proposed rule making, pursuant to 2 U.S.C. 1384(b), 2 U.S.C. 1316a(4); jointly to the Committees on House Administration and Education and the Workforce.

6273. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Pursuant to Section 428 of the Homeland Security Act of 2002, a report of the status of implementation of that section of the law, which related to the Department of State and Department of Homeland Security's joint role in the visa process; jointly to the Committees on the Judiciary and Homeland Security (Select).

6274. A letter from the Chairman, National Transportation Safety Board, transmitting a copy of the Board's appeal letter to OMB regarding the initial determination of the FY 2005 budget request, pursuant to 49 U.S.C. 1113; jointly to the Committees on Transportation and Infrastructure and Appropriations.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. ANDREWS (for himself and Ms. JACKSON-LEE of Texas):

H.R. 3701. A bill to amend the Immigration and Nationality Act to extend the provisions governing nonimmigrant status for spouses and children of permanent resident aliens awaiting the availability of an immigrant visa, and for other purposes; to the Committee on the Judiciary.

By Mr. CARDIN:

H.R. 3702. A bill to amend title XVIII of the Social Security Act, as amended by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, to provide additional beneficiary protections; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY:

H.R. 3703. A bill to protect the civil rights of victims of gender-motivated violence and to promote public safety, health, and regulate activities affecting interstate commerce by creating employer liability for negligent conduct that results in an individual's committing a gender-motivated crime of violence against another individual on premises controlled by the employer; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCMINNIS:

H.R. 3704. A bill to amend the Internal Revenue Code of 1986 to repeal the 7.5 percent threshold on the deduction for medical expenses and to allow that deduction to taxpayers whether or not they itemize deductions; to the Committee on Ways and Means.

By Mr. GEORGE MILLER of California:

H.R. 3705. A bill to amend the Federal Meat Inspection Act to enhance the safety of beef and beef food products originating in the United States by requiring the testing of cattle for bovine spongiform encephalopathy (commonly known as mad cow disease) at the time of slaughter, and for other purposes; to the Committee on Agriculture.

By Mr. GEORGE MILLER of California:

H.R. 3706. A bill to adjust the boundary of the John Muir National Historic Site, and for other purposes; to the Committee on Resources.

By Mr. MOORE (for himself, Mrs. EMERSON, Mr. DAVIS of Florida, Mr. BURTON of Indiana, Mr. EMANUEL, and Mr. WAMP):

H.R. 3707. A bill to amend title XVIII of the Social Security Act to authorize the Secretary of Health and Human Services to negotiate fair prices for Medicare prescription drugs on behalf of Medicare beneficiaries; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PITTS (for himself, Mr. ENGLISH, Mr. PAUL, Mr. TANCREDO, and Mr. CROWLEY):

H.R. 3708. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Kazakhstan; to the Committee on Ways and Means.

By Mr. ROHRABACHER:

H.R. 3709. A bill to restore the Federal electoral rights of the residents of the District of Columbia, and for other purposes; to the Committee on House Administration, and in addition to the Committees on Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEXLER:

H.R. 3710. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs; to the Committee on Energy and Commerce.

By Mr. WEXLER (for himself, Mr. FRANK of Massachusetts, Mr. OWENS, and Mr. JEFFERSON):

H.R. 3711. A bill to amend the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173) to eliminate the comparative cost adjustment program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GIBBONS (for himself, Mr. MCCOTTER, Mr. COX, Mr. CRANE, Mr. TANCREDO, Mr. PICKERING, Mr. GALLEGLY, Mr. CANNON, Mr. PENCE, Mr. DOOLITTLE, Mr. DREIER, Mr. FOLEY, Mr. REHBERG, Mr. MANZULLO, Mr. ROHRABACHER, Mr. BONNER, Mr. WAMP, Mr. OXLEY, Mr. MILLER of Florida, Mr. ROGERS of Michigan, Mr. WELDON of Pennsylvania, Mr. COLE, Mr. WILSON of South Carolina, Mr. SOUDER, Mr. CALVERT, Mr. OTTER, Mr. REYNOLDS, Ms. ROS-LEHTINEN, Mr. TOOMEY, Mr. KINGSTON, Mr. LEWIS of California, Mrs. BLACKBURN, Mr. SIMPSON, Mr. PETERSON of Pennsylvania, Mr. SENSENBRENNER, Mr. GUTKNECHT, Mr. AKIN, Mr. DEMINT, Mr. KING of Iowa, Ms. HART, Mr. PORTER, Mr. CANTOR, Mr. BARTLETT of Maryland, Mr. JOHNSON of Illinois, Mr. POMBO, Mr. ROGERS of Alabama, Mr. CHOCOLA, Mr. BACHUS, Mrs. MYRICK, Mr. GARY G. MILLER of California, Mr. TURNER of Ohio, Mrs. CUBIN, Mr. HERGER, Mr. VITTER, Mr. CARTER, Mr. ISSA, Mr. NORWOOD, Mr. TERRY, Mr. BOEHNER, Mr. GREEN of Wisconsin, Mr. FOSSELLA, Mr. WELDON of Florida, Mr. BROWN of South Carolina, Mr. HAYWORTH, Mr. COLLINS, Mr. SWEENEY, Mr. GRAVES, Mr. BEAUPREZ, Mr. BALLENGER, and Mr. WOLF):

H.J. Res. 84. A joint resolution recognizing the 93d birthday of Ronald Reagan; to the Committee on Government Reform.

By Mr. MICHAUD:

H.J. Res. 85. A joint resolution proposing an amendment to the Constitution of the United States relating to the maintenance of a system of social insurance that provides Social Security for its citizens; to the Committee on the Judiciary.

By Mr. COSTELLO (for himself, Mr. HASTERT, Ms. SCHAKOWSKY, Mr. SHIMKUS, Mr. MANZULLO, Mr. JACKSON of Illinois, Mr. JOHNSON of Illinois, Mr. EVANS, Mr. EMANUEL, Mr. CRANE, Mr. KIRK, Mr. LAHOOD, Mr. LIPINSKI, Mr. DAVIS of Illinois, Mr. GUTIERREZ, Mr. STENHOLM, Mr. DAVIS of Alabama, Mr. ACEVEDO-VILA, Mrs. CHRISTENSEN, Mr. WAXMAN, Mr. LEVIN, Ms. DELAURO, Mr. PAYNE, Mr. NORWOOD, Mr. KUCINICH, Mr. HASTINGS of Florida, Mr. MCGOVERN, Mr. FOLEY, Mr. SNYDER, Mr. CLAY, Ms. KILPATRICK, Mr. SKELTON, Ms. MCCARTHY of Missouri, Mr. HINCHEY, Ms. BORDALLO, Mr. SERRANO, Ms. CARSON of Indiana, Mr. TOWNS, Mr. FARR, Mr. LANTOS, Ms. KAPTUR, Mr. GALLEGLY, Mr. FROST, Mr. UDALL of Colorado, Mr. TANNER, Mr. PETRI, Mr. HOUGHTON, Mr. WOLF, and Mr. OBERSTAR):

H. Res. 489. A resolution stating the agreement of the House of Representatives with the sentiment expressed by the Senate in Senate Resolution 281; to the Committee on House Administration.

By Mr. DREIER (for himself, Mr. SCHIFF, Mr. ROHRABACHER, Mr. GORDON, Mr. BOEHLERT, Mr. LAMPSON, Mr. WALSH, Mr. MOLLOHAN, Mr. FEENEY, Mr. MCDERMOTT, Ms. JACKSON-LEE of Texas, Mr. COSTELLO, Ms. LOFGREN, Mr. MORAN of Virginia, Mr. EHLERS, Mr. HOLT, Mr. CULBERSON, Mr. ALEXANDER, Mr. CALVERT, Mr. BERMAN, Mrs. CAPPS, Mr. UDALL of Colorado, Mrs. JONES of Ohio, Mrs. TAUSCHER, Ms. HARMAN, Mr. HINCHEY, Mr. SHERMAN, Mr. BILIRAKIS, and Ms. ROYBAL-ALLARD):

H. Res. 490. A resolution recognizing and commending the achievements of the National Aeronautics and Space Administration, the Jet Propulsion Laboratory, and Cornell University in conducting the Mars Exploration Rover mission, and recognizing the importance of space exploration; to the Committee on Science.

By Mr. OSBORNE (for himself, Mr. BOEHNER, Mr. PETRI, Mr. MCKEON, Mr. PLATTS, Mr. KELLER, Mrs. DAVIS of California, Ms. MCCOLLUM, Mr. OWENS, Mr. SCHIFF, Mr. BEREUTER, Mr. WAXMAN, Mrs. JONES of Ohio, Mr. CRENSHAW, Mr. CARSON of Oklahoma, Mr. LAHOOD, Mr. TERRY, and Mr. KING of Iowa):

H. Res. 491. A resolution honoring individuals who are mentors and supporting efforts to recruit more mentors; to the Committee on Education and the Workforce.

By Mr. VITTER (for himself, Mr. BOEHNER, Mr. HOEKSTRA, Mr. CASTLE, Mr. TIBERI, Mr. GINGREY, Mr. FOLEY,

Mr. KING of New York, Mr. HAYWORTH, Mr. KENNEDY of Minnesota, Mr. BAKER, Ms. ESHOO, Mr. LANTOS, Mr. BACHUS, Mr. MCCOTTER, Mr. MURPHY, Ms. KAPTUR, Mr. PASCRELL, Mr. NUSSLE, and Mr. BISHOP of New York):

H. Res. 492. A resolution honoring the contributions of Catholic schools; to the Committee on Education and the Workforce.

By Mr. KENNEDY of Minnesota (for himself, Mr. KLINE, Mr. SABO, Mr. GUTKNECHT, Mr. OBERSTAR, Mr. RAMSTAD, and Mr. PETERSON of Minnesota):

H. Res. 493. A resolution congratulating the St. John's University, Collegeville, Minnesota, football team on winning the 2003 NCAA Division III Football National Championship; to the Committee on Education and the Workforce.

By Mr. LEACH:

H. Res. 494. A resolution to create a select committee to investigate the awarding and carrying out of contracts to conduct activities in Afghanistan and Iraq and to fight the war on terrorism; to the Committee on Rules.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

240. The SPEAKER presented a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 103 memorializing the United States Congress to improve the enforcement of food import restrictions on seafood imports; to the Committee on Agriculture.

241. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 520 expressing its support for the National Defense Authorization Act for FY 2004 (H.R. 1588) and the protections it confers on certain noncitizen military personnel; to the Committee on Armed Services.

242. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 183 memorializing the United States Congress to amend the Fair Credit Reporting Act to provide that the statute of limitations for an identity theft suit is two years from the time the fraud was discovered; to the Committee on Financial Services.

243. Also, a memorial of the General Assembly of the State of Ohio, relative to Senate Concurrent Resolution No. 8 encouraging the International Joint Commission to maintain its participation in developing feasible and defensible strategies and policies that protect the Great Lakes waters from out-of-basin diversions and to continue to support the Annex 2001 process; to the Committee on International Relations.

244. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 510 the House of Representative of the Commonwealth of Pennsylvania urging the President and Congress of the United States to enact legislation reenacting the Abandoned Mine Reclamation Fund; to the Committee on Resources.

245. Also, a memorial of the General Assembly of the State of Ohio, relative to Senate Joint Resolution 2 memorializing the Congress of the United States to provide for the ratification of the Fourteenth Amendment to the United States Constitution to guarantee equal protection and due process to all persons born or naturalized in the United States; to the Committee on the Judiciary.

246. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 136 memorializing the United States Congress to enact legislation to grant a federal charter to the Korean War Veterans Association; to the Committee on the Judiciary.

247. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 187 memorializing the United States Congress to enact legislation to grant a federal charter to the Korean War Veterans Association; to the Committee on the Judiciary.

248. Also, a memorial of the Legislature of the State of New Jersey, relative to Senate Joint Resolution No. 16 revoking Joint Resolution No. IV of 1868 which attempted to withdraw New Jersey's ratification of the Fourteenth Amendment; to the Committee on the Judiciary.

249. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 186 memorializing the United States Congress to enact legislation to prohibit the use of a person's Social Security number as an identification number beyond its original purpose; to the Committee on Ways and Means.

250. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 514 the House of Representative of the Commonwealth of Pennsylvania urging the President and the Congress of the United States to continue to support the revitalization of the American steel industry by reinstating the steel tariffs under Section 201 of the Trade act of 1974 or providing support to the steel industry for the entire three-year duration regardless of the World Trade Organization's November 10, 2003 ruling; to the Committee on Ways and Means.

251. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 486 of the House of Representatives of the Commonwealth of Pennsylvania memorializing the President and the Congress of the United States to support efforts to increase LIHEAP funding over last year's funding; jointly to the Committees on Energy and Commerce and Education and the Workforce.

252. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 141 memorializing the United States Congress to enact the Great Lakes environmental restoration act; jointly to the Committees on Transportation and Infrastructure and Resources.

253. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 182 memorializing the United States Congress to enact legislation to provide greater protections against identity theft; jointly to the Committees on Ways and Means and Financial Services.

254. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 182 memorializing the United States Congress to enact measures that support venture capital activities in Michigan; jointly to the Committees on Ways and Means and Small Business.

ADDITIONAL SPONSORS

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

H.R. 80: Mr. CUMMINGS.

H.R. 218: Mr. DAVIS of Alabama, Mr. JEFFERSON, and Mr. KLINE.

H.R. 284: Mr. GILLMOR, Mrs. NAPOLITANO, and Mr. CANNON.

H.R. 299: Mr. REYNOLDS.

H.R. 328: Mr. CUMMINGS.

H.R. 378: Mr. LUCAS of Kentucky.

H.R. 527: Mr. SOUDER.

H.R. 548: Mr. CLYBURN.

H.R. 583: Mrs. MILLER of Michigan.

H.R. 594: Mr. LEWIS of Georgia, Mr. KIRK, Mr. YOUNG of Florida, Mr. MEEK of Florida, Mr. GOODLATTE, Mr. WEINER, and Mr. FATTAH.

H.R. 623: Mr. CUMMINGS.

H.R. 645: Mr. SIMMONS.

H.R. 677: Mr. STARK.

H.R. 687: Mr. GERLACH and Mr. FOSSELLA.

H.R. 713: Mr. BELL, Mrs. MILLER of Michigan, Mr. TURNER of Texas, Mr. INSLEE, and Mr. LAHOOD.

H.R. 716: Mr. HOLT.

H.R. 717: Mr. GRIJALVA.

H.R. 745: Mr. RAHALL.

H.R. 776: Mr. SHAYS and Mr. OWENS.

H.R. 886: Mr. LEVIN.

H.R. 898: Mr. LINCOLN DIAZ-BALART of Florida and Mr. MARIO DIAZ-BALART of Florida.

H.R. 970: Mr. MCINTYRE and Mr. KENNEDY of Minnesota.

H.R. 972: Mr. MCHUGH.

H.R. 1029: Mr. MEEHAN, Mr. OWENS, and Mr. STARK.

H.R. 1043: Mr. GILCHREST and Mr. BARTLETT of Maryland.

H.R. 1061: Mr. DOOLEY of California.

H.R. 1111: Mr. SIMPSON.

H.R. 1117: Mr. HEFLEY and Mr. PITTS.

H.R. 1160: Mr. THOMPSON of Mississippi and Mr. HOEFFEL.

H.R. 1179: Mr. SMITH of Washington.

H.R. 1191: Mr. LYNCH.

H.R. 1196: Ms. HOOLEY of Oregon.

H.R. 1205: Mr. MCGOVERN and Ms. BORDALLO.

H.R. 1206: Mr. OTTER.

H.R. 1214: Ms. MCCARTHY of Missouri and Mr. QUINN.

H.R. 1258: Mrs. MALONEY, Mr. WEINER, and Mr. MEEHAN.

H.R. 1268: Mr. MCINTYRE and Mr. SHAYS.

H.R. 1285: Mr. SMITH of Washington, Mr. ABERCROMBIE, Mr. BROWN of Ohio, Ms. DELAURO, Mr. LARSON of Connecticut, Mr. MENENDEZ, and Mr. PALLONE.

H.R. 1321: Mr. FILNER.

H.R. 1345: Mr. GEORGE MILLER of California, Mr. BLUMENAUER, Mr. MARKEY, and Mr. HOLDEN.

H.R. 1349: Mr. LANTOS.

H.R. 1359: Mr. MURPHY, Mr. CUMMINGS, and Mr. RAMSTAD.

H.R. 1385: Mr. LOBIONDO and Mr. TAYLOR of North Carolina.

H.R. 1414: Mr. ALLEN.

H.R. 1434: Mr. WYNN, Mr. BLUMENAUER, and Mr. ABERCROMBIE.

H.R. 1472: Mr. VISCLOSKY.

H.R. 1508: Mr. MOORE.

H.R. 1626: Mr. HERGER.

H.R. 1628: Mr. KIND.

H.R. 1695: Ms. SCHAKOWSKY.

H.R. 1700: Mr. HASTINGS of Florida, Mr. WEINER, Mr. CUMMINGS, Mr. OWENS, and Ms. BORDALLO.

H.R. 1708: Mr. SCHROCK.

H.R. 1713: Mr. HINOJOSA.

H.R. 1863: Ms. KAPTUR and Mr. NORWOOD.

H.R. 1873: Mr. SHUSTER, Mr. SULLIVAN, and Mr. TURNER of Ohio.

H.R. 1874: Ms. HOOLEY of Oregon.

H.R. 1943: Mr. WAMP.

H.R. 2038: Mr. RUPPERSBERGER.

H.R. 2079: Mr. GUTKNECHT.

H.R. 2192: Mr. ANDREWS.

H.R. 2213: Ms. ESHOO.

H.R. 2217: Mr. STUPAK and Mr. CUMMINGS.

H.R. 2239: Mr. TURNER of Texas, Mr. WAXMAN, Ms. NORTON, Mr. RYAN of Ohio, Mr. PETRI, Mr. MCNULTY, Mr. CARDOZA, Mr. STENHOLM, Mr. WILSON of South Carolina, Mr. RANGEL, Mr. SHERMAN, Mr. PASCRELL, and Mr. SABO.

H.R. 2295: Ms. MILLENDER-MCDONALD.

H.R. 2318: Mr. SCHIFF and Ms. KILPATRICK.

H.R. 2323: Mr. FROST and Mr. PAYNE.
H.R. 2379: Mr. KIND.
H.R. 2391: Mr. HYDE.
H.R. 2404: Mr. MEEHAN, Mr. ENGEL, Mr. OWENS, Mr. HERGER, and Mr. ENGLISH.
H.R. 2440: Mr. SULLIVAN.
H.R. 2527: Mr. HOLT and Mr. SIMMONS.
H.R. 2626: Mr. SPRATT.
H.R. 2664: Mr. ANDREWS.
H.R. 2665: Mrs. MILLER of Michigan and Mr. DEFAZIO.
H.R. 2727: Mr. WEINER.
H.R. 2759: Ms. BALDWIN.
H.R. 2768: Mr. WAMP, Mr. MILLER of North Carolina, Mr. SANDLIN, Mr. EDWARDS, Mr. HALL, Mr. ETHERIDGE, Mr. HAYES, Mr. HOLDEN, Mr. GUTIERREZ, Mr. CRAMER, Mr. ABERCROMBIE, Mr. CASTLE, Mr. DAVIS of Illinois, Mr. EVANS, Mr. HILL, Mr. JACKSON of Illinois, Mr. JEFFERSON, Ms. KAPTUR, Ms. LEE, Mr. SHERMAN, Ms. MILLENDER-MCDONALD, Mr. BRADLEY of New Hampshire, Mr. OWENS, Mr. KLECZKA, Mr. PRICE of North Carolina, Mr. RUSH, Mr. GRIJALVA, Mr. HASTINGS of Florida, Ms. CORRINE BROWN of Florida, Mr. YOUNG of Alaska, and Mr. CARDOZA.
H.R. 2823: Mr. MATHESON, Mr. PLATTS, Mr. GORDON, Mr. WEINER, Mr. RUPPERSBERGER, Mr. HERGER, and Mr. MCDERMOTT.
H.R. 2832: Mr. HILL.
H.R. 2853: Mr. MARKEY.
H.R. 2945: Ms. SCHAKOWSKY, Mr. FARR, and Mr. MCGOVERN.
H.R. 3015: Mrs. BIGGERT.
H.R. 3048: Mr. WEINER.
H.R. 3069: Mrs. MUSGRAVE and Mr. LAHOOD.
H.R. 3085: Mr. FATTAH, Mr. ANDREWS, and Mr. DAVIS of Illinois.
H.R. 3111: Mr. ALLEN, Mr. LANTOS, Mr. BERMAN, Mr. SCHIFF, Mr. WAXMAN, Mr. MATSUI, Mr. SHERMAN, and Mr. TERRY.
H.R. 3139: Mr. BELL and Mr. JONES of North Carolina.
H.R. 3178: Mr. WEINER, Mr. MCCOTTER, and Mr. HINCHEY.
H.R. 3184: Mr. VAN HOLLEN.
H.R. 3190: Mr. JONES of North Carolina, Mr. TIBERI, Mr. DEAL of Georgia, Mr. OTTER, Mrs. BLACKBURN, Mr. VITTER, Mr. RAHALL, Mr. CARTER, and Mr. PLATTS.
H.R. 3194: Mr. GRIJALVA and Mr. TERRY.
H.R. 3204: Mr. FATTAH, Mr. OLVER, Mr. GUTIERREZ, Mr. CROWLEY, Ms. HOOLEY of Oregon, and Mrs. MALONEY.
H.R. 3270: Mr. SIMMONS.
H.R. 3352: Mr. DEFAZIO and Mr. STARK.
H.R. 3359: Mr. VISCLOSKY.
H.R. 3362: Mr. CUMMINGS.
H.R. 3416: Mr. FROST and Mr. BROWN of Ohio.
H.R. 3424: Mr. FROST, Mr. ACEVEDO-VILA, Mr. MICHAUD, Mr. SNYDER, and Mr. GUTIERREZ.
H.R. 3425: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FROST, Mr. ACEVEDO-VILA, Ms. MCCOLLUM, Mr. MICHAUD, and Mr. OWENS.
H.R. 3429: Mr. SIMMONS, Mr. ROGERS of Michigan, Mr. CRANE, and Mr. MANZULLO.
H.R. 3432: Ms. LINDA T. SANCHEZ of California.
H.R. 3473: Mrs. NAPOLITANO, Mrs. BIGGERT, Mr. TURNER of Ohio, Mr. GILCHREST, Mr. COBLE, Mr. ALLEN, Mr. KIND, Mr. EVERETT, and Mr. MEEKS of New York.
H.R. 3474: Mr. TURNER of Ohio, Mr. CONYERS, Mr. MCINTYRE, Mr. BALLANCE, Mr. SMITH of Washington, Mrs. EMERSON, Mr. TOWNS, Mr. LUCAS of Kentucky, Mr. GOODE, Mr. WAMP, Mr. OWENS, Mr. PRICE of North Carolina, Mr. EMANUEL, Mr. DEUTSCH, Mr. WU, Mr. THOMPSON of California, Mr. KIND, Mr. ROSS, Mr. HAYES, Mr. PICKERING, Mr. WEXLER, Mr. WICKER, Mr. BACA, Mrs. WILSON of New Mexico, Mr. HASTINGS of Florida, Mr. WEINER, Mr. SERRANO, Mrs. CAPITO, Mr. MICHAUD, Ms. KILPATRICK, Mr. MEEKS of New York, Ms. KAPTUR, Ms. SLAUGHTER, Ms. SCHAKOWSKY, Mr. PEARCE, Mr. FRANKS of Arizona, and Mr. OBERSTAR.
H.R. 3484: Ms. SCHAKOWSKY.
H.R. 3488: Mr. FILNER.
H.R. 3492: Mrs. MUSGRAVE.
H.R. 3539: Mr. OWENS.
H.R. 3550: Mr. RUSH, Mr. ENGEL, Mr. RANGEL, Ms. SCHAKOWSKY, Mr. WU, Mr. GRIJALVA, Mr. ALEXANDER, Mr. EMANUEL, and Mr. FRANK of Massachusetts.
H.R. 3582: Mr. SMITH of Washington and Mr. OWENS.
H.R. 3632: Mrs. BLACKBURN.
H.R. 3643: Mr. ROTHMAN.
H.R. 3676: Mr. SPRATT, Mr. MARKEY, Mr. BAIRD, and Mr. WEXLER.
H.R. 3677: Mr. BROWN of Ohio, Mr. CASE, and Mr. FROST.
H.R. 3688: Mr. TURNER of Texas.
H.J. Res. 22: Mr. RUPPERSBERGER.
H.J. Res. 38: Mr. BROWN of South Carolina.
H.J. Res. 62: Ms. ROS-LEHTINEN.
H. Con. Res. 3: Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mr. SNYDER, Mr. FROST, Mr. GRIJALVA, Mr. BISHOP of Georgia, Mr. SANDERS, Ms. KILPATRICK, Mr. CUMMINGS, Mr. RANGEL, Mrs. EMERSON, and Mr. OWENS.
H. Con. Res. 87: Mr. RADANOVICH.
H. Con. Res. 182: Ms. LINDA T. SANCHEZ of California.
H. Con. Res. 218: Mr. WELDON of Florida, Mr. ROTHMAN, and Mr. PALLONE.
H. Con. Res. 226: Mr. GEORGE MILLER of California, Ms. NORTON, and Mrs. NAPOLITANO.
H. Con. Res. 247: Mr. CALVERT, Mr. PAYNE, Mr. GRIJALVA, Mr. WEINER, and Mr. ALLEN.
H. Con. Res. 275: Mr. WEINER.
H. Con. Res. 298: Mr. DEAL of Georgia, Mr. PETRI, Mr. MANZULLO, Mr. DAVIS of Tennessee, Mr. JENKINS, and Mr. HAYWORTH.
H. Con. Res. 332: Mr. WEXLER, Mr. FROST, Mr. BRADLEY of New Hampshire, Mr. GORDON, and Mr. WEINER.
H. Con. Res. 343: Mr. MEEHAN, Mr. WEINER, Mr. COSTELLO, Mr. KLECZKA, Mr. SABO, Mr. DOOLEY of California, Mr. SCHIFF, Mr. STUPAK, Mr. PALLONE, Mr. GREEN of Texas, Mr. ROTHMAN, Ms. BERKLEY, Mr. WAXMAN, Mr. INSLEE, Mr. CUMMINGS, Mr. SPRATT, and Mr. BERMAN.
H. Res. 38: Ms. SCHAKOWSKY.
H. Res. 103: Mr. ANDREWS, Mr. OLVER, and Mr. DAVIS of Tennessee.
H. Res. 320: Ms. WATERS.
H. Res. 363: Ms. PELOSI.
H. Res. 419: Mr. RYAN of Ohio.
H. Res. 461: Mr. HOEFFEL.
H. Res. 466: Mr. SMITH of New Jersey, Mr. CARDOZA, Mr. GRIJALVA, Ms. SCHAKOWSKY, Mr. SHIMKUS, Mr. PAYNE, Mr. FARR, and Mr. OWENS.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

51. The SPEAKER presented a petition of the Common Council of the City of Buffalo, New York, relative to resolution No. 3 petitioning the Department of Strategic Planning to release all Year 29 Community Development Block Grant funds; to the Committee on Financial Services.

52. Also, a petition of James J. Kearney, Plantation, Florida, relative to a notice of fraud and demand for redress; to the Committee on Ways and Means.

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PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150 WASHINGTON, TUESDAY, JANUARY 20, 2004 No. 1

Senate

The 20th day of January being the day prescribed by House Joint Resolution 80 for the meeting of the 2d session of the 108th Congress, the Senate assembled in its Chamber at the Capitol at 12 noon.

The Senate 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.

Almighty and Everlasting God, You are the meaning and mystery of all that is, was, and is to be. Thank You for Your constant love and for the opportunities to learn from each other. Thank You also for challenges and difficulties that test and refine us.

Lord, help us to make respect for You our first priority, and give our leaders the wisdom to trust the unfolding of Your will. May we embrace a humility that seeks first to understand instead of striving to be understood. Deliver us from a false patriotism that would render unto Caesar what belongs to You. Guide us with Your powerful hand until the kings of this world acknowledge Your sovereignty and might.

We pray this in Your Holy Name.

Amen.

PLEDGE OF ALLEGIANCE

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

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, first of all, I should welcome everybody back because this is the formal convening of the second session of the 108th Congress. As everyone knows, we have a fairly short legislative session this year. I know in our leadership meeting this morning, and I am sure in the Democrats' leadership meeting this morning, we both began to outline the agenda for the year. When you look at the calendar and you look at the amount that we will be addressing, it is going to be challenging. We all recognize the challenge that is before us. Everybody is returning rested and ready to go, and I am delighted to have everybody back once again.

Under the order entered into on December 9, the Senate will resume consideration of the conference report to accompany H.R. 2673, the Omnibus appropriations measure. A cloture vote will occur today on that conference report at 3 p.m., and that will be the first rollcall vote of this session. The consent agreement allows for equally divided debate until that vote on invoking cloture.

As a reminder, the Senate will be in recess from the hours of 12:30 today to 2:15 for the weekly party conferences to meet.

I also want to remind my colleagues that this evening at 9 p.m. the President will deliver the State of the Union Address and therefore Senators should assemble in the Senate Chamber at 8:35 so that the Senate may proceed at approximately 8:45 this evening to the Hall of the House of Representatives for that address.

I do thank all Members for their attention and I look forward to a productive second session.

CONSOLIDATED APPROPRIATIONS

Mr. FRIST. Mr. President, we will be having a cloture vote today at 3 o'clock and thus I would like to use my leadership time over the next 10 or 12 minutes, rather than to state the goals and planning for this session, which I will try to do at some point tomorrow, to address the issue before us and that is to finish up the unfinished work of the first session. The question before us, as I mentioned, is the Consolidated Appropriations Act of 2004. It is important legislation, and I think how we handle that legislation will in large part set the tone for the remainder of this Congress. I just want to spend a few minutes on that.

First, I thank the distinguished chairman, who is occupying the Chair, and the ranking member of the Senate Appropriations Committee, and their staff, for the tremendous work, hard work, dedicated work last year. We asked a great deal of that Appropriations Committee. They produced. They delivered. Today it is my hope we will be able to bring an end to that work with the passage of the seven remaining appropriations bills.

As you look back over the last 12 months, you see the committee completed action on 27 regular appropriations bills, completed action on 3 major supplemental bills, completed action on 4 continuing resolutions, and now finally the 7 remaining regular appropriations bills for 2004.

One thing is certain, that people have had sufficient time to review what is in this Omnibus appropriations bill, to review the legislation. It has been available now for 57 days. It was filed on November 25, 2003.

It is obvious that the legislation is not such that everybody is pleased; some people want more projects; some people want more spending; some people want less spending. There are many provisions in there that I personally would have liked to see turn out differently. But it is a product of months of work last fall and last winter, and it is the nature of all legislation, as we in this body know, that compromises are in order—compromises with the House

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

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of Representatives, compromises with the administration.

But now, today, at 3 o'clock, is the time to move ahead and complete action on this legislation and thereby start that critical funding. I am sure as we discuss this over the next several hours it will become apparent that every single Senator in this body has a stake in passage of this legislation.

I did write to each of the Senators last week that no Senator should be under any illusion as to what will happen if we were to fail to pass this legislation. It is a clear, it is a stark alternative to a continuing resolution of the seven outstanding appropriations bills. Failure to pass this Omnibus appropriations bill, to approve this legislation, would really shortchange—it would curtail our efforts in fighting terrorism. It would weaken our food security system. It would create hardships for millions of veterans. It would put at risk millions of lives of those who suffer HIV and AIDS overseas. It would shortchange the needs of our schools and of our States and needy Americans.

I do also want to add, in addition to stating the importance of passing this Omnibus bill, that the legislation itself adheres to the agreement, the general agreement between Congress and the executive branch in terms of spending limits. I have set aside the emergency spending for the Iraq war supplemental. As I mentioned, some would wish there was more spending and some would wish that there was less spending. Whatever the arguments that people put forth, what it is important for people to understand, I believe, is that the spending under these appropriations bills is consistent with the budget blueprint that we adopted last April for this fiscal year.

It is a fact that, excluding the expenditures of the major supplementals for the operations in Iraq—one last April and most recently in October—appropriations funding authority between 2003 and 2004 is held to slightly less than a 3-percent increase.

Second, while remaining within this agreed-to spending restraint, the legislation funds important bipartisan priorities. A number of examples will be talked about on the floor, but let me cite just a few.

Education funding for title I programs would be funded at $12.4 billion, and special education—or IDEA—would be funded at $10.1 billion. These two programs combined would increase funding by $2 billion for education over last year. Both increases are necessary to truly see that we leave no child behind. If we had to resort to a full year of a continuing resolution, these education programs would lose $2 billion.

In education, we have a wonderful program—the Pell Grant Program—for needy college students. Under this bill, they would receive $12.1 billion. If we had to take that stark alternative of a continuing resolution, funding would be reduced for these Pell grant recipients by $700 million. That is clearly unacceptable.

Head Start spending in this bill would increase to $6.8 billion—a $150 million increase that would be forgone if we resorted to that stark alternative of a continuing resolution.

In the field of health, if you look at the area of research, NIH would receive $28 billion—an increase in this bill, once it is passed, of over $1 billion. Under a full year of a continuing resolution, this increase would be zero. Veterans' medical care spending would receive $28.6 billion—an increase of over $3 billion over last year—if, and only if, we pass this bill.

The list continues in terms of highway funding, the Millennium Challenge Account, and election reform. Global HIV/AIDS funding—with a strong bipartisan policy in this body—would reach $2.4 billion. But failure to pass this legislation would clearly jeopardize that 5-year commitment of $15 billion in funding to which Congress and the President have agreed.

The Small Business Administration, through the Guaranteed Loan Program, would receive $9.5 billion. These are critical loans to small businesses that create jobs out of this increasingly strong economy.

FBI funding would increase by $423 million once we pass this bill. If we don't pass the bill, the new FBI agents, who we know are needed, would not be funded; AmeriCorps, USDA's Animal Plant and Health Inspection Service—the list goes on.

I address only a few of the critical funding items. People will talk about the others.

There are other provisions in the bill such as providing a 4.1-percent Federal pay increase that is important to all of our Federal workers listening to me now.

There is over $200 million in assistance to Southern California for last winter's disastrous forest fires that will not occur without this bill.

I am sure the chairman of the committee can list many other important funding items in this legislation needed for the basic functioning of government.

But the time has come to pass this legislation and to move forward into next year's budget—the fiscal year 2005 budget, which I remind all of my colleagues will arrive in less than 2 weeks. It is time for us to move ahead in 2004 rather than remain stuck in 2003.

I ask my colleagues to weigh their votes on this legislation very carefully this afternoon.

Again, I thank Chairman STEVENS and Senator BYRD for their tremendous work this past year, and particularly their staff for their dedication and long hours expended.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

Mr. DASCHLE. Thank you, Mr. President.

I join in welcoming back our colleagues and staff, and I wish our majority leader a happy new year. I hope his holidays were as enjoyable as ours.

I express my good wishes to the Presiding Officer and to the distinguished assistant Democratic leader and others with whom I have already had the opportunity to talk personally.

I hope this will be a productive session because there is so much that ought to be done. I believe much can be done if we work in a constructive and bipartisan way for legislation that will create opportunities for all Americans.

AN OPPORTUNITY SOCIETY

Mr. DASCHLE. Mr. President, Senate Democrats have set as our goal the passage of legislation that we call an ''Opportunity Society'' for all Americans—not just the privileged few. It includes proposals for more jobs—especially in manufacturing where we have lost nearly 2.5 million jobs just in the past 3 years—8,000 in my State of South Dakota. Nothing could create those jobs faster than early passage of a highway bill. We have already lost 90,000 jobs by the failure to take up the bill last year when the last bill expired. We can create over 800,000 jobs this year if we act expeditiously.

Not only do we believe in the need to create jobs but we want those jobs to pay a decent wage. Nothing can be more critical in that regard than to increase the minimum wage for the first time in 7 years.

Democrats also believe this Senate should address the cost and availability of health care which is fast becoming the preeminent issue in our country. I have vivid recollections of my hundreds of conversations with South Dakotans throughout my State last year, conversations which revealed the anxiety and the physical and financial pain now experienced by so many with and without health insurance. We believe one of the very first steps in reaching this goal should be the passage of legislation which authorizes the Government to negotiate lower prices for all seniors on prescription drugs as we already do for veterans and military retirees.

We will also advocate that this country devote far more attention to education, from preschool to higher education, with more resources and greater priority to fully funding childcare, title I, special education, and the No Child Left Behind Act.

We are determined to see that the Senate addresses retirement security for all Americans by protecting our seniors' pensions and providing them with the confidence that their retirement income will not be squandered or lost because of corporate mismanagement. It is imperative that Social Security be protected, and we will continue to fight this year to see that it is.

We also seek to provide opportunities here at home, and we ask that we not

forget we are a nation at war and are asking a great deal of the men and women in our Armed Forces as well as their families. Democrats want to ensure that all of our Nation's reservists have access to quality health care. Democrats will try to make certain that no veteran has to choose between his disability pay and his retirement pay. We will seek to provide additional resources to end the lengthy waits at VA hospitals that are a fact of life for too many of our veterans today.

It is also our hope that this session will allow us the opportunity early on to address a good energy bill. I have said on several occasions, should the MTBE liability immunity provisions be stricken from the provisions in the energy bill, there would be sufficient votes to pass it on the Senate floor. The decision is up to the majority.

It is also our goal this year to pass the Mental Health Parity Act, welfare reform reauthorization, and the legislation to outlaw hate crimes.

As I said, we hope we can do this and much more on a bipartisan basis.

It is with sadness that I note the way the last session ended. The majority didn't seek consensus or cooperation of the Democratic caucus on either the Medicare bill or the energy legislation. It was a process designed to find agreement among those who already agreed not to bridge the differences or broaden support. It was marked by procedural abuses.

Many Americans are still dismayed that the House kept the Medicare vote open for 3 hours while one Member actually admitted he was offered a bribe from another Member on the House floor to support the bill. That isn't how the American people expect us to do their work. We can do better. This year we must.

While I am on matters that cause Democrats very grave concern, I am compelled to note the onerous recess appointment of Judge Charles Pickering. The President could not have started off this session of Congress in a worse way. The Senate has repeatedly rejected this nomination. The timing, during the Martin Luther King, Jr., weekend, also could not have been worse. It was a deplorable decision and one that is deeply regrettable on several levels.

As we begin this session, our first order of business will be the consideration of the Omnibus appropriations bill. The Omnibus appropriations bill was once a good bill. In the Senate we were able to work out compromises. We accomplished many things and the process worked. But the administration intervened at the eleventh hour and demanded changes, laid down an ultimatum, and even forced the conference to take positions in direct conflict with earlier positions taken on rollcall votes in both the House and the Senate.

Its insistence on provisions affecting the mad cow decision, overtime regulations, and media concentration made the bill unsupportable to many Senators. We should take the time to fix the bill's problems because they affect millions of American families. We owe it to them to take the time to do it right.

I take a moment for some additional comments on matters unrelated to our legislative agenda. First, I know I speak for all Senators in expressing praise for our troops in Iraq for their inspiring demonstration of bravery and patriotism. Nearly 500 soldiers have died and 3,000 have been wounded since the war began. Our country owes them our debt of gratitude. I am particularly mindful of the sacrifices made by thousands of South Dakotans, including 800 who departed for Iraq during the recent holiday season.

Recently, I attended a funeral for Chris Soelzer, a young man from Sturgis who lost his life in Iraq on Christmas Eve. He was a remarkable role model, a leader, and soldier. The agony felt by his family, friends, and his community is another poignant reminder of the horrific sacrifice that war demands.

We honor those who are there and express our heartfelt gratitude for the job they continue to do under the most difficult of circumstances. While we praise them for finding Saddam Hussein and for continuing the effort to ensure democracy for the 23 million people of Iraq, we remain concerned that our troops face violent attacks daily and our troops and our taxpayers are bearing a disproportionate share of the burden.

Second, I note the decision made by our colleague, Senator JOHN BREAUX, to retire at the end of this session. I have had the good fortune to work with Senator BREAUX now for 25 years, 17 in the Senate. I am proud to call him a close friend.

He will leave the Senate with many accomplishments, many admirers, and many good friends. He has earned our respect and affection by his manner, his work, and his never-ending desire to seek consensus and bipartisan achievement. For that reason, he will also leave a hole in this institution, one that will be very hard to fill. We thank JOHN BREAUX for his service to his country, his remarkable leadership, and his friendship. I wish Lois and JOHN well in the months and years ahead.

In the spirit of JOHN BREAUX, let me close by reiterating our desire to work in a constructive, bipartisan way for legislation that will truly create an ''opportunity society'' for all Americans. I look forward to the coming months and the challenges that we will confront as they unfold.

I yield the floor.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004—CONFERENCE REPORT

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2673, which the clerk will report.

The assistant legislative clerk read as follows:

A conference report to accompany H.R. 2673 to make appropriations for agriculture, rural development, Food and Drug Administration, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

RECESS

Mr. REID. Mr. President, with the two leaders having spoken, I ask unanimous consent we recess now for our luncheons.

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

Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:24 p.m., recessed until 2:16 p.m and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004—CONFERENCE REPORT—Continued

The PRESIDING OFFICER. Under the previous order, the time between 2:15 p.m. and 2:50 p.m. shall be equally divided for debate only.

Who yields time?

The Senator from Alaska.

Mr. STEVENS. Mr. President, the time is equally divided between now and 2:50; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Mr. President, if the Senator would yield, why 2:50? I have missed something. That is fine. That means we have about 15 minutes.

Mr. STEVENS. Seventeen minutes apiece.

Mr. REID. On this side, if it is OK, I will yield 5 minutes to Senator KENNEDY, 5 minutes to Senator JACK REED, and 5 minutes to Senator JOHNSON.

Mr. STEVENS. I thank the Senator.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I apologize for my voice. I hope I can keep it long enough to make this statement.

Republicans and Democrats worked together to adopt this omnibus conference report that is before the Senate today. It contains seven appropriations bills. It was my hope that the Senate would pass this bill last December, and it was a great disappointment to me that we did not pass it then.

Now, however, we still have the opportunity to send this report to the President, and I do urge all Senators to vote for cloture now.

The Senate should pass 13 separate appropriations bills each session. Senator BYRD also favors that approach. An omnibus bill is an option of last resort. Unfortunately, once again this fiscal year, this was our only way to do our duty to provide funding for essential services of our national Government.

Throughout his life, Ben Franklin reminded his colleagues that compromise was an essential part of government. He said:

Both sides must part with some of their demands.

That spirit is important when we must join the work product of several Appropriations subcommittees in an omnibus bill like the one before us now.

Are there provisions in this bill to which either the majority or the minority object? Yes. Does the White House endorse each of the provisions in this bill? Absolutely not. Are there parts of this bill I would rather not support at this time? Yes.

But the conference has concluded. The conference no longer exists, and a majority of the members on the conference agreed to this compromise that is before the Senate now.

The report before the Senate funds critical programs and services. Countless Americans have already been affected adversely because it has been delayed so far.

Already the Department of Housing and Urban Development has had to suspend all activities related to the FHA General Insurance and Special Risk Insurance Funds. Since January 14, HUD has been unable to fund programs related to the construction and rehabilitation of multifamily apartment projects, health care facilities, Hawaiian homelands mortgages under section 247, and home equity conversion loans that benefit elderly homeowners.

Our failure to pass this bill prevented key Government programs and agencies from fully responding to our Nation's crises and challenges. The recent bovine spongiform encephalopathy, BSE—mad cow—diagnosis will require a significant increase in animal health surveillance and food safety inspections. This bill contains $29.5 million over the fiscal year 2003 budget for the Animal and Plant Health Inspection Service and an additional $36.6 million for the safety inspection service.

That funding will go a long way in helping these agencies respond to this recent crisis.

The impact of this delay has been felt throughout the country in a wide range of programs and services. This report includes a $38 million funding increase for the Health and Human Service Department's domestic AIDS drug assistance program and $2.4 billion to combat AIDS, tuberculosis, and malaria around the world. That money is needed right now to purchase medications for people suffering with AIDS, but instead, because this report is stalled here on the Senate floor, many human beings continue to go without our humanitarian aid.

Our veterans have also suffered from the delay because new funding, not previously available, has been withheld. Because we are operating under a continuing resolution the VA was forced to curtail the hiring of new physicians and nurses. It has been unable to open 48 high priority community-based outpatient clinics. As pharmacy costs continued to rise, the VA was forced to strip funds from other priority areas because it could not meet the increasing demand for prescription drugs without new funds.

Several important new education programs do not have the funds needed. This bill includes $1.26 billion in new funding for State programs to help children with learning disabilities and physical and mental challenges, $57 million in new funds for reading programs, $50 million for our Nation's colleges, and $148 million in additional funds to expand and improve Head Start programs. Those funds did not reach our Nation's children because this conference report was delayed.

There are many more programs that remain underfunded while operating under the continuing resolution. The continuing resolution provides funds we believed in fiscal year 2002 were sufficient for fiscal year 2003, but that does not mean they are sufficient for this year—fiscal year 2004. Many Americans will continue to be denied benefits needed in 2004 if we do not support this omnibus bill. I ask the Senate to come together to demonstrate we will respond to these needs now by voting for cloture and in favor of this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask to be notified when 4½ minutes are up. I am entitled to 5 minutes.

This bill shows the widening gulf between this administration's words and its deeds.

No doubt tonight, the President will talk about healthy families. But this bill weakens our clean air laws. And it postpones steps we need right now to protect our food supply from mad cow disease.

The President will talk about education. But this bill fails the test when it comes to funding for schools. And it diverts scarce public education dollars to private schools.

The President will talk about the safety of our communities. But this bill weakens our gun laws.

The President will talk about fairness. But there is nothing fair about giving away good jobs of dedicated government workers to the cheapest bidder that may even send those jobs abroad.

So it is a Dr. Jekyll, Mr. Hyde Presidency, where what you see is not what you get.

But the greatest outrage in this bill is that it denies the right to overtime pay to 8 million hard-working Americans.

We may be fighting a war in Iraq, but this President and this administration are also waging a war on workers here at home.

Majorities in both the Senate and the House agreed that the Bush administration was wrong to deny overtime protections to workers. By a vote in the U.S. Senate of 54 to 45 and the U.S. House of Representatives of 221 to 203, we said to the President, ''You are wrong.''

But here it is, in this bill.

I know who I am fighting for.

I am fighting for the nurse who burns the midnight oil day in and day out caring for our sick and elderly with no extra pay.

I am fighting for the firefighter and first responder, the heroes of homeland security, standing watch and working nights and weekends to protect our liberty. They are our generations Paul Reveres—prepared to act when called to arms. They deserve fair compensation.

I am fighting for our veterans and our men and women serving so bravely now in Iraq and across the world, who return to civilian life only to find that the training they earned in the military is cruelly used to deny them their right to overtime pay.

Under current regulations, workers can be denied overtime protection if they fall within the category of what they call professional employees, workers with a 4-year degree in a professional field. It is changed this year under the Bush administration. The plan would do away with the standard and allow equivalent training in the Armed Forces. You go and serve in Iraq and get the training to serve in Iraq, and come back here and you are ineligible, under these regulations, for overtime pay.

I ask unanimous consent that the relevant statute be printed in the RECORD.

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

SUBPART D, PROFESSIONAL EMPLOYEES, §§541.300–.304

The current regulations pertaining to the professional exemption contain four separate categories of exempt employees: learned professionals, artistic professionals, teachers, and computer professionals. As with the executive and administrative exemptions, the regulations contain both ''short'' and ''long'' duties tests, depending upon the salary level of the employee. The long test contains a separate primary duty requirement for each of the four categories of employees. The long test for learned professionals requires that the primary duty consist of work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study, as distinguished from a general academic education and from an apprenticeship, and from training in the performance of routine mental, manual, or physical processes. For creative professionals, the primary duty must consist of

work that is original and creative in character in a recognized field of artistic endeavor (as opposed to work which can be produced by a person endowed with general manual or intellectual ability and training), and the result of which depends primarily on the invention, imagination, or talent of the employee. For teachers, the primary duty must consist of teaching, tutoring, instructing, or lecturing in the activity of imparting knowledge by an employee who is employed and engaged in this activity as a teacher in the school system or educational establishment or institution by which the person is employed. The duties tests for computer employees are discussed in subpart E. The long test also requires that an exempt employee: Perform work requiring the consistent exercise of discretion and judgment; do work that is predominantly intellectual and varied in character, such that the output produced or the result accomplished cannot be standardized in relation to a given period of time; and devote no more than 20 percent of work hours in a week to activities that are not an essential part of and necessarily incident to exempt work. The short test in the current regulations for both learned professionals and teachers contains the specific primary duty requirement discussed above, and requires that the employee perform work requiring the consistent exercise of discretion and judgment. For artistic professionals, the work must require invention, imagination or talent in a recognized field of artistic endeavor.

The proposed regulations pertaining to the professional employee exemption would make changes similar to those we propose for the executive and administrative exemptions. The goal is to clarify and simplify the regulations defining the professional employee exemption, while remaining consistent with the purposes of the FLSA. For ease of reference, and making no substantive changes, we propose to move the provisions pertaining to computer professionals to new subpart E, which will contain all information pertinent to such employees. We also propose to simplify the regulations by eliminating the separate short and long tests for each of the remaining three categories and substituting a single standard duties test for each. This restructuring and simplification would eliminate the percentage limitation on nonexempt work and the consistent exercise of discretion and judgment requirement. As discussed above in connection with similar proposed changes to the executive and administrative exemptions, we are proposing to eliminate these subsections because they have proven difficult standards to apply uniformly.

For learned professionals, the proposed new standard test in §541.301 would provide that employees qualify for exemption as a learned professional if they have a primary duty of performing office or non-manual work requiring advanced knowledge in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction, but which also may be acquired by an equivalent combination of intellectual instruction and work experience. This proposed standard test for learned professionals would focus on the knowledge of the employee and how that knowledge is used in everyday work, not on the educational path followed to obtain that knowledge. Although some flexibility to focus on the worker's knowledge exists in the current regulation, it is very limited and rarely used. The clarified test reflects changes in the 21st century workplace in how some ''knowledge workers'' acquire specialized learning and skills: in the modern workplace, some employees acquire advanced knowledge through a combination of formal college-level education, training and work experience, even where other employees in that field customarily acquire advanced knowledge by obtaining a baccalaureate or advanced degree. The proposed changes would clarify that, so long as such an employee's level of advanced knowledge is equivalent to the knowledge possessed by an employee with the typical academic degree generally required by the profession, the employee may qualify as an exempt professional. Thus, for example, an employee who obtained advanced knowledge by completing college courses in a field such as engineering, and who worked in that field for a number of years, could qualify for exemption if the knowledge acquired was equivalent to that of an employee with a baccalaureate degree in engineering. We have not proposed any specific formula in the regulations for determining the equivalencies of intellectual instruction and qualifying work experience, although some examples from the current rule have been included and expanded. Public comments are invited on whether the regulations should specify such equivalencies.

The view that several years of specialized training plus intensive on-the-job training for a number of additional years may be equated with a college degree in certain fields has found support in reported judicial decisions. For example, the professional exemption has been applied to employees with a combination of training and academics in *Leslie* v. *Ingalls Shipbuilding, Inc.*, 899 F. Supp. 1578 (D. Miss. 1995). In Leslie, the court concluded that an employee who had completed three years of engineering study at a university and had many years of experience in the field of engineering was properly classified as a professional employee, even though the employee did not satisfy one of the usual minimum qualifications for an engineering position of having a bachelor's degree in an engineering discipline. The court considered the employee's combination of education and experience as satisfying the requirement for a prolonged course of specialized intellectual instruction and study.

For creative professionals, we propose to adopt the current short test, slightly modified, as the new standard test in proposed §541.302. This new standard test would apply the creative professional exemption to any employee with the primary duty of ''performing work requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor.'' This language, although simplified, is not intended to make any material changes from the existing regulations. This standard was applied in the case of *Freeman* v. *National Broadcasting Company, Inc.*, 80 F.3d 78 (2nd Cir. 1996), in which employees who researched facts, developed story elements, interviewed subjects, wrote scripts, and supervised the editing of videotape were deemed to have been correctly classified as artistic professional employees. On the other hand, employees of small news organizations who spent their time gathering facts about routine community events such as municipal, school board, and city council meetings, and gathering information from the police blotter and real estate transaction reports, and then reporting those facts in a standard format were deemed not to be artistic professional employees in *Reich* v. *Newspapers of New England*, 44 F.3d 1060 (1st Cir. 1995) and *Reich* v. *Gateway Press, Inc.*, 13 F.3d 685 (3d Cir. 1994).

The standard test for teachers in proposed section 541.303 would be unchanged from the current short test, with the exception of the deletion of the requirement that the employee's work require the consistent exercise of discretion and judgment, a requirement that, as discussed above, has engendered significant confusion. Provisions on teachers from current §§541.3, 541.301(g), and 541.314 have been consolidated into proposed new §541.303. The minor editorial changes are not intended to cause any substantive changes.

In addition, the proposed regulations utilize objective, plain language that can be easily understood by employees, small business owners and human resource professionals, and eliminate outdated and uninformative examples. The proposed regulations also would address a number of specific occupations that have been the subject of ambiguity and litigation. For example, we propose to update and clarify the circumstances under which employees working as newspaper journalists or as radio or television commentators are exempt, because the case law regarding such employees has been evolving over the years, and the existing regulations discussing such employees are outdated.

Provisions of the current regulations in §§541.3 and 541.314 that provide an exception to the salary or fee requirements for physicians and lawyers have been consolidated and moved to proposed §541.304. Current §541.307 entitled ''Essential part of and necessarily incident to'' has been combined with current §541.108 (''Work directly and closely related''), 541.202 (''Categories of work''), and §541.208 (''Directly and closely related''), and moved to proposed new §541.702 (''Directly and closely related''), for a streamlined discussion of the principles for distinguishing exempt and nonexempt work. Although these sections have been consolidated and simplified, we do not intend any substantive changes.

Finally, we propose to move sections that pertain to salary issues (§§541.311, 541.312 and 541.313) to subpart G, where all such issues will be consolidated. Other sections relevant to several or all of the exemption categories (such as the definition of primary duty, a section regarding application of the exemption to trainees, and a section discussing nonexempt work generally) would move to the proposed subpart H (Definitions and Miscellaneous Provisions) to eliminate unnecessary repetition. Current §541.305 entitled ''Discretion and judgment'' and current §541.309 entitled ''20-percent nonexempt work limitation'' have been deleted from the proposed regulations for the same reasons similar changes are being proposed in the executive and administrative exemptions as discussed above.

Mr. KENNEDY. The Senate should reject this bill and demand that the right to overtime pay be restored; we should demand that our schools be properly funded and that private school vouchers be rejected; we should demand that illegal guns be removed from our streets; and we should demand a food supply safe from mad cow disease.

Finally, Americans work more than workers in any other industrial society in the world. This chart shows that. We are working about 500 hours more than any other society in the world. American workers are working harder, and now this administration is trying to deny them at least the fairness of being compensated for it.

This chart shows what happens if you have overtime protection or if you don't have overtime protection. For all the overtime that is used in this country today, only 19 percent of it is applicable to those who get paid for the overtime while 44 percent for those

who don't get the overtime. That is 3 to 1 with regard to individuals who work 50 hours a week. We know what this is all about because the administration has given a guide to employers about how they can avoid paying overtime. I ask that those regulations be printed in the RECORD.

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

METHODOLOGY FOR ESTIMATING COSTS

The principal database used in the PRIA is the 2001 Current Population Survey (CPS). A complete description of the methodology used for determining the employees who are potentially exempt and nonexempt from the overtime requirements of the current and proposed rule is contained in the PRIA available by contacting the Wage and Hour Division at the address and telephone number provided above.

The economic impact of the proposed rule includes two components: One-time implementation costs; and recurring incremental payroll costs incurred by employers for those employees presently treated as exempt from overtime under the current rule, who become nonexempt.

The implementation costs contain two parts. The first part includes the amount of time employers would take to: (1) Read and understand the proposed rule; (2) update and formulate their overtime policies; (3) notify employees of any changes; and (4) all other time taken to implement the proposed rule. The second part of the implementation costs is the amount of time employers would take to review their job categories to determine (1) whether or not a particular job category is exempt or nonexempt under the proposed rule, and (2) how to adjust to the new salary levels and duties tests. To estimate the implementation costs of the proposed rule, the department contacted six human resource specialists from around the country to obtain information on the amount of time small and large businesses would take for each of these activities. High and low estimates of the implementation costs were estimated by varying the amount of time taken to review job categories and other time taken to implement the proposed rule.

The second component of the economic impact of the proposed rule is the recurring incremental payroll costs incurred by employers for those employees presently treated as exempt from overtime under the current rule, who become nonexempt as a result of raising the salary levels and revising the duties tests.

Affected employers would have four choices concerning potential payroll costs: (1) Adhering to a 40-hour work week; (2) paying statutory overtime premiums for affected workers' hours worked beyond 40 per week; (3) raising employees' salaries to levels required for exempt status by the proposed rule; or (4) converting salaried employees' basis of pay to an hourly rate (no less than the federal minimum wage) that results in virtually no (or only a minimal) changes to the total compensation paid to those workers. Employers could also change the duties of currently exempt and nonexempt workers to comply with the proposed rule.

For the second choice above, paying overtime premium pay, employers typically have two options, with differing cost implications, for meeting their statutory overtime obligations. For example, assume an employer paid an employee a fixed salary of $400 per week with no overtime premium pay, for which the employee worked 45 hours per week, and the employer must now begin to pay this employee overtime pay. As one option, the employer could assume that the former weekly salary of $400 represents compensation for a standard 40-hour workweek, and pay this employee in the future time-and-one-half the $10 hourly rate for any overtime hours worked beyond 40 per week. For a 45-hour workweek, total compensation due, including overtime, would equal $475 ((40 hours x $10/hour) + (5 hours x $15/hour) = $475), compared to $400 formerly. As a second option, the employer could pay the fixed salary of $400 per week as total straight time pay for all hours worked in the week (provided it equals or exceeds the federal minimum wage), and pay additional ''half-time'' for each hour worked beyond 40 in the week. This method of payment is known as a ''fixed salary for fluctuating hours'' (*see* 29 CFR 778.114). For a 45-hour workweek, total compensation due under this method, including overtime, would equal $422.22 ($400 + (($400 ÷ 45) x ½ x 5) = $422.22).

The third choice above is straightforward—an employer could simply raise the salary level for currently exempt salaried workers earning less than $22,100 to at least the new proposed salary level or more and have them remain exempt salaried workers.

Nothing in the FLSA would prohibit an employer affected by the proposed rule, or under the current rule, from implementing the fourth choice above that results in virtually no (or only a minimal) increase in labor costs. For example, to pay an hourly rate and time and one-half that rate for 5 hours of overtime in a 45-hour workweek and incur approximately the same total costs as the former $400 weekly salary, the regular hourly rate would compute to $8.421 ((40 hours x $8.421) + (5 hours x (1.5 x $8.421)) = $399.99).

Most employers affected by the proposed rule would be expected to choose the most cost-effective compensation adjustment method that maintains the stability of their work force, pay structure, and output levels. Given the range of options available to an employer confronted with paying overtime to employees previously treated as exempt, the actual payroll cost impact for individual employers could range from near zero to up to the maximum cost impacts estimated in the Department's PRIA. However, for the PRIA it is was assumed that, for any nonexempt employee who satisfies the pertinent duties test, the employer will choose to pay the smaller of either the additional weekly salary required to qualify the employee exemption or the usual weekly overtime payment for the employee.

The PRESIDING OFFICER. The Senator has used 4½ minutes.

Mr. KENNEDY. Finally, this is the list of the individuals who will be affected. Who are those individuals? Police officers, nurses, firefighters; those are the home guard personnel. You talk about safety and security in our communities and in our neighborhoods; these are the individuals who stand watch for all Americans. Why is this administration fighting decent fair pay for these hard-working Americans who represent the best of our country and are involved in homeland security? This legislation should be defeated.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, the Omnibus appropriations bill contains elements that contradict the express votes of this body and the other body, bipartisan votes that in fact protected workers against losing their overtime, that insisted upon country-of-origin labeling, that dealt with media ownership. And at the last moment, at the direction of the administration, these provisions were overridden and contradicted. There are other provisions that have been included in this measure that should not stand a fair vote on the Senate floor.

There is a provision, inserted in this bill by the House Republican leadership over the objection of the Republican subcommittee chairman of the Commerce-State-Justice and Judiciary Committee, that would require the FBI to destroy records of gun sales within 24 hours. They have now, under the law, the Brady bill, the authority to keep these records for 90 days to conduct audits of the system of instant checks.

A study analyzing just 6 months' activity conducted by the General Accounting Office showed that the FBI was able to retrieve 235 firearms that had been sold to illegal purchasers, prohibited purchasers, wife beaters, murderers, the whole parade of perpetrators. If this legislation passes and the 24-hour rule stands, then instead of recovering 235 of these weapons, 7,228 firearms will be in the hands of murderers, wife beaters, robbers, those people who endanger the American public.

This provision should not be allowed, without a vote, to become the law of the land. In the words of Los Angeles Police Chief William J. Bratton:

> I'm very opposed to this effort to make the Brady law toothless, and I just don't understand how Members of Congress can even consider it. Obviously, they haven't shown up at the scene of enough officer shootings.

What we hear from the NRA and their allies is ''just enforce the laws.'' How can you enforce the law if you don't have the information on the sale?

This provision should be stricken. In addition to that, there are provisions about vouchers for public schools in the District of Columbia. We don't have enough resources to fix the public schools of this country, and diverting them to private schools is a mistake. It is passing out parachutes; it is not fixing the airplane. We can do better.

Indeed, these vouchers go to schools that don't have to stand up to the rigors of the No Child Left Behind Act. Those people who go about this country saying that critics of the No Child Left Behind Act—those people who will not embrace these provisions—are somehow undermining education reform but they say, let's give money to schools that don't even have to follow the No Child Left Behind Act. That is also wrong.

As my colleague Senator KENNEDY pointed out, this bill strips away overtime protections for Americans who work very hard. These workers depend on overtime to support their families. Costs go up, hours of work are going up, and still families find themselves stretched terribly thin. We are in a position now not only to override both the sense of the House and Senate but

the common sense of the American people. They understand that without adequate overtime people cannot support their families.

In addition to this provision that would strip away overtime pay for firefighters, nurses, and police officers, the Department of Labor had the audacity to suggest ways in which overtime can be prevented from applying to everyone. That is not a Department of Labor that is working in the best interest of the American workers.

We understand something else, too, which is that the great economic crisis of this country at this moment is the fact that we cannot produce jobs. Employers are not willing to hire, so they require more overtime. Well, if they have less incentives, less requirements to pay overtime pay, they will make the current workers work even harder, and there will not be the opportunity to hire more Americans for these jobs. This provision goes right to the heart of what we all should be about: getting more work for Americans, not penalizing workers by taking away their overtime pay.

These are just a handful of provisions that are not only contradictory to what we did on a bipartisan basis—Republicans and Democrats in both the House and Senate—but they are fundamentally against the interests of safe streets, opportunities to work, and opportunities to educate the children of this country.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mrs. BOXER. I yield myself 1 minute, Mr. President.

President Bush is supporting this bill that will be before us. He is going to sign it. I want to speak to my colleagues and any and all who are watching this debate. Understand with that signature 8 million Americans will lose their guarantee to overtime pay. Eight million Americans—those earning roughly over $24,000 a year in my State—just like that, with President Bush's signature, people will lose their overtime pay.

What does that mean? It means that an employer can work you harder and you don't get any more money; you are pulled away from your family and not getting fair pay. You could be spending more time with them, at a minimum.

This is a harmful bill. Not only does it do this, but it turns the clock back in many other areas.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. JOHNSON. Mr. President, I rise to voice my concern over secret riders that were jammed into the Omnibus appropriations bill behind closed doors, in the dark of night, that are contrary to the bipartisan wishes of the Senate and, in some instances, both the House and Senate. It is an abomination of a process that has taken place. It has very real negative consequences.

The bill, as a whole, does some good things. I commend Chairman STEVENS for his hard work in that regard. But there are these riders that were stuck in the bill that make no sense. Some have been alluded to already, such as the allowance of greater media concentration than this Senate wanted; the privatization of FAA air traffic control personnel; the question of vouchers, at a time when we are $9 billion short of funding No Child Left Behind as it is, and that funding is further undermined by subsidization of private schooling.

The question of overtime pay is perhaps the most outrageous of all. Eight million American workers are going to be denied overtime pay under this rider that was stuck into the bill. There was no conference in a meaningful sense. They were simply done behind closed doors. The deliberations were, frankly, the Republican leadership working with the White House, and they stuck the provisions in and came back to this body and said: Take it or leave it.

I believe we can have the merits of the larger portion of the Omnibus bill and simply have these provisions struck. It would be simple to do.

One of the provisions that is most troubling in my State of South Dakota, and in rural areas, is a provision that would delay country-of-origin meat labeling for 2 years—probably beyond that—at a time when we are struggling with BSE, mad cow disease.

Our consumers should understand that our Nation has the safest, highest quality meat in the world, bar none. Canada has struggled with the BSE issue. One of their cows showed up in the U.S. We need to see to it that we respond aggressively to make sure Americans have confidence in our meat supply, and that the world community also understands the quality product that comes from the United States.

Right now Japan, Korea, and the rest of the buyers of American beef abroad have told the United States: We like your beef, the meat products you produce, but we don't want to buy it if you cannot certify to us that it is, indeed, an American product.

We are one of the few industrialized democracies in the world not to have country-of-origin labeling. We don't have it. It is long overdue that we join the rest of the industrialized world in allowing our consumers to know the origin of the meat products they buy so they can buy an American product if they choose, and when it comes time to exporting our product, that the Japanese, Koreans, and the rest of the world will know it is an American product they are buying, as opposed to being a mingling of U.S., Canadian, and Heaven knows what else that goes through the U.S. into the export market.

So for the sake of our domestic confidence and of our export markets, the time is overdue that we join the rest of the world—the EU and the Canadians—in identifying the origins of these meat products.

What has happened is that this 2-year delay, which would lead to still further delay, ironically at a time when the USDA is telling us they want to implement an electronic tracking system for every animal in the U.S., which is a far more expensive, far-reaching proposal than country-of-origin labeling ever was; every country has been able to do it without expense, without bureaucracy, or any problem for the producers. There is no reason the U.S. cannot do it as well.

So what we have is a convergence of those who are profiting by not allowing American consumers to know the difference in what they are buying, along with those in the White House who have a philosophy of a global agricultural market with no borders whatever, which leads, of course, to that race to the bottom, where whoever can sell the product for the cheapest price wins. American producers deserve better. This Congress deserves a better bill than what we have before us.

I yield the floor.

The PRESIDING OFFICER. The minority's time has expired.

Mr. REID. Mr. President, the President pro tempore of the Senate has agreed to allow Senator HARKIN 3 minutes of his time. I ask unanimous consent that that be the case.

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

The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President how much time do I have?

The PRESIDING OFFICER. The Senator has 3 minutes.

Mr. HARKIN. Mr. President, 5 months ago the Senate voted in support of my amendment to block the administration's effort to kill overtime pay for millions of American workers. The bipartisan vote of the Senate was 54 to 45. The House followed suit with a 221-to-203 vote.

The Congress spoke up clear as a bell and said: No, the administration must not strip overtime rights from 8 million American workers. But as we all know, the administration refused to accept the clear will of Congress. The administration ordered the conferees to strip this provision from the omnibus bill.

Senator SPECTER and I fought to keep it in, but the administration refused any cooperation or compromise. In the end, with a snap of its fingers, the administration nullified the clear will of both Houses of Congress and the American people.

This is just another example of the brazen abuse of power by the administration. The administration seems to believe in Government by one branch: the executive branch. Time and again, we see this administration running roughshod over the will of Congress.

The administration's new overtime rule is a stealth attack on the 40-hour workweek, pushed by the White House without a single public hearing.

There was one positive part of the proposal that would raise the basic income that guarantees overtime pay for low-income workers from $8,000 to

$22,100. My amendment did not touch that part of the proposal. But now we find that the Labor Department is advising employers on how to get around it.

The Labor Department example suggests cutting workers' hourly wages and making them work longer. That means there will be no net gain by the worker. This is disgraceful.

Here is what they have done: ''How to Avoid Paying Your Employees Overtime,'' courtesy of the Department of Labor. Lower existing wages so when workers accrue overtime, their net pay will not grow. In other words, pay them less; work them longer.

Change workers' duties so they are exempt from the overtime rules.

Raise workers' wages to levels required to be exempt, $22,100.

Don't let them work more than 40 hours a week.

This is what is in the Bush proposal. This is like the IRS giving advice to tax cheats on how to avoid paying their taxes. This is a direct violation of the Fair Labor Standards Act of 1938 that established the 40-hour workweek for American workers.

Right now, Americans work longer hours than workers in other industrialized nations. This is a slap in the face to workers who give up their premium time with their families to work overtime, and we are not talking about spare change here. We are talking about taking away some 25 percent of the income of many American workers.

Congress did the right thing in voting to block this new rule.

The PRESIDING OFFICER. The Senator has used his 3 minutes.

Mr. HARKIN. But Congress voice and vote were nullified.

Mr. President, I ask unanimous consent that a New York Times article dated January 20, 2004, and a letter to the President signed by several Senators dated January 16, 2004, be printed in the RECORD.

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

[From the New York Times, Jan. 20, 2004]

GAMING OVERTIME

Some ominous fine print has turned up in the Bush administration's promise to help long-suffering low-wage workers get the overtime pay they have long been denied. As initially presented, the White House estimated that its new rules governing nonunion workers would mean $895 million in guaranteed time-and-a-half pay for 1.3 million of the nation's poorest-paid workers. That inviting proposal was coupled with a far more controversial plan to allow employers greater leeway to close out overtime pay for a midrange of white-collar professionals by designating them as managers.

That part was questionable enough—critics warned that it could cut earnings and force unpaid overtime on millions of workers, and even the Republican-led Congress became leery. But now, in delving into the sweetener half of the plan covering the lowest-paid, The Associated Press has discovered that the Labor Department's advisory includes suggestions to employers about ways they can keep their costs from actually going up.

One tip from those helpful bureaucrats theoretically protecting struggling breadwinners is that an employer could consider ''the most cost-effective compensation adjustment method.'' This translates into cutting a worker's hourly wage so the new overtime requirement will produce the old net salary, not an actual boon.

To be fair, the Labor Department also suggests that employers are free to raise workers' salaries to the new higher threshold of $22,100 a year, the level at which eligibility for time and a half ends. Still, those helpful hints to anxious employers only compound suspicions about the plan.

U.S. SENATE,
Washington, DC, January 16, 2004.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: As you know, bipartisan majorities in both the House and Senate voted to oppose the Department of Labor's proposal to deny overtime protections to more than 8 million hard-working men and women—regulations that actually provided instructions on ways for employers to avoid paying overtime to their workers. This is shocking, given that the Department of Labor's mission is to promote ''the welfare of the job seekers, wage earners, and retirees of the United States.''

Instead of accepting the clear will of bipartisan majorities in the Congress and the American people on this issue, your Administration used its leverage to threaten vital funding for cancer research, fighting AIDS, job training for millions of out-of-work Americans, and financial aid for children to attend college unless the provision protecting workers was removed. We believe that protecting workers' pay should not come at the expense of funding these vital programs.

We call on you to rescind the overtime regulation and instruct your Labor Department to require all employers to meet their obligations to pay workers for the overtime they have earned. At a minimum, we ask you to call on the Republican leadership to reinstate the Senate-passed and House-endorsed provision to protect overtime.

Sincerely,

EDWARD M. KENNEDY,
TOM HARKIN,
TOM DASCHLE.

Ms. COLLINS. Mr. President, I rise today to discuss a provision that was added to the omnibus appropriations bill at my request. The provision is designed to halt temporarily the implementation of amendment 13 to the Northeast groundfish fishery management plan. With this 5-month delay, which will be in effect for the remainder of the fiscal year, a more equitable form of amendment 13 can be developed. Without this delay, amendment 13 would devastate the fishing industry of my home State. Amendment 13 would deny at least a quarter of Maine's fishermen their traditional access to fish stocks, and would jeopardize the ability of many related small businesses to survive financially.

Amendment 13 would impose a series of regulatory changes to New England's groundfish management system. These new regulations would reduce the number of fishing days allocated to most Maine fishermen. The average Maine fishing vessel that received any fishing days would be allocated roughly 52 fishing days each year that they could use off Maine's shores. These, of course, are the most fortunate of Maine's fishermen, as many would receive smaller allocations of fishing days under amendment 13. Imagine trying to make ends meet practicing your profession only 1 day per week.

There are further problems with amendment 13 in its current form. The plan relies on targeting healthy fish stocks in order to mitigate economic impacts while less abundant fish stocks rebuild. This has led to the creation of two classes of fishing days: A and B days. On ''A'' days, a fisherman may target any fish stock. On ''B'' days, fishing is restricted to a handful of healthy species in designated areas.

Unfortunately, Maine's small boats will have difficulty using any of their B days due to safety concerns. These B fisheries are restricted to areas far out to sea that small boats cannot fish safely. There is simply no B fishery that Maine's smaller fishing boats can access.

Further, Maine's large boats will penalized under amendment 13 because they are forced to lose valuable fishing time in transit to fish stocks located far to the south of Maine. Groundfish regulations would count transit time, ''steaming time,'' as fishing time, putting Maine's fishermen at a severe disadvantage to fishermen located in southern New England. Fishermen based in southern New England could operate at a considerable competitive advantage, as they are able to spend more time fishing and less time steaming to and from fertile grounds, such as the Georges Bank. The result could well be the migration of Maine's fishing industry south to Massachusetts. In fact, we have already seen some large boats relocate from Portland to Gloucester.

Under amendment 13, Maine's larger fishing boats will continue to experience problems with steaming time. Fishermen from Portland, ME, who chose to take part in the cod exemption program and fish on stocks located on Georges Bank must travel 18 hours before they can put their nets in the water. In contrast, fishermen leaving from Gloucester, MA, can begin fishing after traveling for only 3 hours. Therefore, it makes perfect economic sense for vessels to relocate to southern ports, and some already have and more will do so. Maine suffers as these landings of fish and the revenues generated from these fish move south.

Furthermore, Maine's small-boat fishermen took drastic cuts in days-at-sea allocations. In fact, amendment 13 would allocate zero days-at-sea to 57 Maine groundfish fishermen; this is over 30 percent of Maine's groundfishing fleet that would be denied access to this resource. Maine's share of the groundfish resource has only diminished in recent years, and denying 30 percent of our fleet access to groundfish will only accelerate this trend. A larger portion of Maine's fleet

will be denied access to groundfish than in any other New England State.

Amendment 13 would also harm Maine's fishing-related businesses such as gear manufacturers, ice suppliers, and small boat repair shops. Maine's fishing infrastructure, which already is at a critical minimum, would lose revenue due to restricted access to the resource and due to the southward migration of Maine's groundfish fleet. If the current form of amendment 13 were implemented, Maine's working waterfront could vanish, to be replaced by coastal development. These regulations may well mean that Maine would have neither the fishermen nor the fishing infrastructure needed for a healthy groundfish fishery.

In response to concerns regarding loss of fishing infrastructure, inequities in steaming time, and the immense social and economic costs of amendment 13, the Portland City Council unanimously passed a resolution addressing amendment 13 on September 15, 2003. This resolution called on Maine's congressional delegation to ''root out all provisions of regional groundfish management which discriminate against vessels fishing from the State of Maine in general and, in particular, from the Port of Portland.'' Amendment 13, in its current form, discriminates against Maine's fishermen. The delay in implementation will provide the time needed to ''root out'' the unfair aspects of amendment 13.

Anyone who has followed the amendment 13 process has been confronted with a litany of bad news; bad for New England, and especially bad for my home State of Maine. Newspapers throughout the State of Maine have detailed how amendment 13 would devastate Maine's fishermen and related businesses.

Maine's groundfishing industry has already suffered in recent years. Since 1995, Maine's groundfishing fleet has shrunk by roughly 40 percent. In the past two decades, Maine has lost nearly 50 processing companies. Amendment 13 would only accelerate this trend. In fact, analysis by the National Marine Fisheries Service shows that amendment 13 would allocate so few days-at-sea to Maine's fishermen, that few, if any, of Maine's boats would be able to break even.

I want the New England groundfish fishery to be sustainable. But that goes for fish and fishermen alike. If fishermen cannot make a living at sea, they will have no choice but to turn to other businesses.

As part of the National Marine Fisheries Service's economic analysis of amendment 13, a break-even analysis is performed. This analysis makes a number of assumptions. First, this break-even analysis assumes a boat owner makes no profit, a grim prospect for any business. Second, this analysis assumes standard overhead and crew costs that must be overcome for a vessel to break even. By paying crew members the bare minimum pay of $25,000, most boats will need well over 60 days-at-sea to break even. Unfortunately, the average Maine fishermen will be allocated only 52 days-at-sea that they can actually use. Only a very small portion of Maine's fleet will be able to break even under amendment 13.

Amendment 13 is fundamentally unfair to Maine's fishing community. Yet, it was scheduled to be implemented by May 1, 2004, which marks the start of the next fishing season. Surely, we need a better, fairer approach. The amendment I included in the omnibus spending bill is meant to halt implementation of amendment 13 in the current fiscal year in order to provide an opportunity for the council to reconvene to find a management plan that is fair to all New England States; not a plan that ties the laboring oar of rebuilding the fisheries to the hands of just one State, Maine.

I have also sought this delay because we need time to make sure we do develop an equitable management plan before one is put into place. The groundfish fishery is recovering. Fish stocks have tripled in recent years; more important, they continue to rebuild under current regulations. This delay is not irresponsible; fish stocks are not declining. The condition of the fishery will continue to improve while a fair set of regulations are developed. The strict regulations that are currently in place, and that will stay in place because of my funding restriction, are undeniably working.

Because this matter is so important to so many people in Maine and throughout New England, I want to take a moment to make my intent in drafting this amendment perfectly clear.

My amendment prohibits funds in the omnibus from being used to implement a fisheries management plan for New England other than the final emergency rule published by the Department of Commerce in the Federal Register on June 27, 2003, at page 38234. According to the Department of Commerce, the final emergency rule was promulgated ''to ensure that there exist measures to reduce overfishing until implementation of amendment 13.'' This is still the goal under my amendment—the timeframe has just been extended.

I intend, through my amendment, to keep the final emergency rule in place through the end of the fiscal year. This is the case in spite of any provisions of law—including, but not limited to, 16 U.S.C. §1855(c)—that might otherwise limit the duration of the provisions of the final emergency rule. Indeed, my amendment is intended to suspend the application of provisions such as 16 U.S.C. §1855(c) to the final emergency rule. And, in any event, my amendment would not prohibit the terms of the final emergency rule from being implemented, again, were they found by the court to have expired.

My amendment restricts the use of funds appropriated in the omnibus. Hence, the restrictions apply only through fiscal year 2004. Practically speaking, this means that no new management plan for New England can be implemented by the Department of Commerce before October 1, 2004. My amendment imposes this delay in order to provide time for the council to develop a plan that, unlike amendment 13, is fair to each of the New England States. The court, of course, is free to set a new implementation date that falls later than October 1, 2004, and might consider setting the new date at May 1, 2005, to coincide with the start of the fishing season.

In addition, my amendment in no way prevents the National Marine Fisheries Service from implementing regulations to allow the east coast scallop fleet and tuna purse seine fleet to access special management areas. I encourage the National Marine Fisheries Service to move forward and address these issues separate from the overfishing and rebuilding requirements in amendment 13.

It is my expectation that the New England Fishery Management Council will use the additional time my amendment will provide to develop a plan that all States can support. It is particularly encouraging that, after I announced that I would be pursuing this amendment, the New England Fishery Management Council's Groundfish Committee agreed to convene an emergency meeting in January to examine the concerns that I have raised. The Groundfish Committee did, indeed, address some of the issues that are important to Maine's fishermen, and I encourage the full council to follow the committee's lead and take positive steps toward resolving these critical issues.

The delay afforded by my amendment is so important because it provides time for the council to correct the inequities of amendment 13. The council was under severe, and in many ways artificial, time pressure to develop a new management plan. Moreover, much of what has been included in amendment 13 was brought to the council at a very late hour.

My amendment will provide time for the council to consider necessary changes that must be made to amendment 13. I do not expect the council to go back to the drawing board entirely. I believe that amendment 13 can be altered so that it is fair to all New England States. Problems with steaming time must be addressed by the council. Also, the council must deal with minimum days-at-sea allocations in a fair manner. There is room to improve the conservation tax on days-at-sea transfer to make this program viable, and the Groundfish Committee has forwarded a recommendation to the council that provides welcome relief. Finally, I believe that the leasing program should be extended to provide a measure of certainty to New England fishermen.

I am very pleased that, just last week, the Groundfish Committee forwarded several positive recommendations to the council for its consideration. The recommendations address many of the issues I have raised on behalf of Maine fishermen; issues that caused me to seek a delay in the implementation of amendment 13 in the first place. The council is scheduled to consider these recommendations next week. If the council makes similar, positive progress, I will happily reconsider the need for my amendment, and act accordingly.

In the end, I believe that the council can come up with a consensus product. That is not to say it will be a product that fishermen applaud. No one appreciates the Government taking away the livelihood families have relied upon for generations. But, until the inadequacies of our fisheries laws are addressed head on, we owe it to our fishermen to administer them, such as they are, with an even hand. That is precisely the goal of my amendment.

Ms. SNOWE. Mr. President, I rise today in opposition to the omnibus. This bill contains several objectionable items that deeply concern me, as chair of the Ocean, Fisheries and Coast Guard Subcommittee, because the language drastically and fundamentally changes U.S. fisheries policy, including authorization language for Individual Processor Quotas, a prohibition on implementing a groundfish management plan, and other new fishing quota authorizations. These provisions have serious consequences for our National fisheries policy and the natural resources upon which America's fishermen depend.

Allow me to explain my concerns in detail. I have many concerns about the language in this bill that would authorize what is being called the ''Crab Plan'' for the Bering Sea/Aleutian Island crab fishery. This plan contains provisions for establishing a system of Individual Processor Quotas, or IPQs, which would allocate the right to process crab among a group of predetermined processors. IPQs are not allowed under current law—without express authorization IPQs would violate our antitrust laws—and that is why this plan has come before Congress in an appropriations bill.

I must make it perfectly clear, up front, that I have worked consistently and forcefully, to reach an agreement with the advocates for IPQs. Twice I scheduled a markup in June for a comprehensive bill which would have created uniform national standards for fishing quotas. The bill was withdrawn from the first markup the evening before it was scheduled to occur because, regrettably the prior existing agreement on the bill fell through. I withdrew the bill from the second markup after I was not able to reach consensus to preserve the original intent of uniform national standards for fishing quota plans in the hopes of finding a future agreement.

As chair of the Subcommittee on Oceans, Fisheries and Coast Guard, I have worked hard to address fisheries policy in a consistent basis that is national in scope but flexible enough to allow for regional differences, which is the underlying tenet of the Magnuson-Stevens Act. Therefore I am adamantly opposed to another circumvention of the authorization and fishery management process.

This provision circumvents the Magnuson-Stevens Act and provides North Pacific processors and fishermen special treatment under the law. If we allow this provision to proceed, we will set a national precedent that has the potential to further undermine the regional fishery management system established under the Magnuson-Stevens Act. This provision will send us further down the road of having Congress directly managing fisheries—something Congress expressly decided not to do under the landmark 1976 law. Why should we have an established fishery management system if we only follow it in part of the country?

Under existing law, if a Fisheries Management Council wants to create a safer fishery with fishing quotas, they already have the option of doing so. However, it appears this legislation will only allow fishing quotas if processors get a separate quota system. Because of my great interest in encouraging fishermen's safety, I find it deeply disturbing to make a fishing quota plan approval contingent on a processor quota plan. Essentially, these fishermen are being told that they must continue to fish in the current, unsafe, derby-style manner unless Congress approves this processor quota plan.

The processor quota system proposed in the omnibus would work by requiring that crab fishermen deliver 90 percent of all future catch, indefinitely, to predetermined processors. This effectively divides market share so that processors are guaranteed a certain amount of crabs to process, thereby removing competition from the dock-side price setting process. Would we tell any other business that they had to sell 9 out of every 10 products to only one buyer, regardless of what price is offered? Not in this country.

Another effect of the processor quota program is that it would constrain new businesses from entering and competing in the processing sector. Technically, under this plan a new processor could try to start a business by buying another company's share of processing quota, but at what price? What processor would want to sell their guaranteed market share?

The greatest concern I have, however, is that processor quotas do not improve fishermen's safety or conservation. Fishing quotas can help achieve these goals, but the only purpose of processor quotas is to channel market share and bargaining power into processing companies. We must not forget that the whole point of fishery management is to promote a safe and orderly fishery, and processor quotas do nothing to make a fishery safer or better conserve their fishing stocks. It just lets the big processing companies get richer.

Nevertheless, those who want IPQs often claim that my attempts to simply question this plan is preventing a safer plan from ever happening. This could not be further from the truth. To suggest that IPQ opponents are putting fishermen at risk is completely unacceptable and inaccurate. As long as IPQs remain part of the crab plan, however, Congress must properly address the very serious economic and public policy questions they present.

So let's get to the heart of the matter. The Congress is being asked to grant individual companies a guaranteed share of the crab market, in perpetuity. Should Congress also put similar limits on to whom processors can sell their product? Shall we legislate to which fish markets and restaurants this seafood can then go?

Those who want IPQs claim that processors need these quotas to protect their investment if a fishing quota system is allowed. They think that their processing plants would sit unused if a fishing quota system brings fish in at different times, and that they would lose money. The problem is, all these claims are based on speculation. How do we know what economic harm would occur? Even if processors were to lose money, how do we know that IPQs are the best or only answer?

The fact is, the in-depth studies needed to answer these questions have not been done. The sensitive economic data necessary for these studies have not even been released by processors. What has been offered as the ''analysis'' for this plan is incomplete and its accuracy cannot be verified through independent reviewers. In short, processor quotas are a very broad and costly response to a speculated problem.

Clearly, I have a lot of questions about this plan, as do fishermen around the country, several branches of the Federal Government, and the editorial boards of at least 11 major newspapers. I have been seeking answers for more than a year, and I have yet to receive satisfactory responses. As chair of the Subcommittee on Oceans, Fisheries, and Coast Guard, I take my fisheries oversight and authorization responsibility very seriously. Proper oversight demands answers to these very basic questions.

Make no mistake—the proposed IPQ plan is indeed precedent setting. Because of this, processors and fishermen around the country are watching our actions in the Senate very carefully. Already processors are pursuing an IPQ system for other west coast fisheries, and some are even advocating processor quotas for the entire country.

Fishermen's concerns about IPQs are justified, according to the Department of Justice. As chart I shows, on August 27, 2003, the Assistant Attorney General's Antitrust Division wrote a letter

to the Department of Commerce General Counsel, stating that the IPQ plan would, and I quote, ''likely reduce beneficial competition among processors with no countervailing efficiency benefit.'' They also said that the National Oceanic and Atmospheric Administration, which manages our fisheries, should oppose IPQs. This is a very strong condemnation of the proposed IPQ plan and validates many of the fishermen's concerns.

In addition, as two other charts illustrate, the National Research Council and the General Accounting Office studied the impacts of fishing quota systems on the processing sector in other fisheries, and they found that impacts of other fishing quota plans on processors was inconclusive; some processors were adversely impacted while other processors clearly benefited. As such, these studies determined that there is no compelling reason to authorize a processor quota system. They recommend that if a fishing quota system does result in economic damage for processors, then more directed remedial action should be pursued based on what harms actually occur.

Most notably, however, the administration has gone on record as saying that they do not support IPQs as proposed for the crab plan. Dr. Bill Hogarth, NOAA's Assistant Administrator for Fisheries, testified at the October 22 fisheries management hearing which I chaired, and he stated that the administration only supports the idea that processors could buy fishing quota—not processing quota—if a fishery management council deemed it appropriate. It is clear that the administration does not support the IPQ system.

Beyond my grave concerns with this language, I also have many concerns about the language added only days before the House voted on this package, that threatens to send New England groundfish management into a tailspin. This is a fishery that has existed for more than 400 years, and has struggled to survive through years of significant reductions in fishing.

In 2001, several environmental groups sued the administration for not following the rebuilding requirements of the 1996 Sustainable Fisheries Act. They won this suit, and ever since this ruling the U.S. District Court for the District of Columbia has been overseeing the creation of a new groundfish management plan that adheres to the law and will help this fishery—which has already made substantial recovery in the last several years—be further restored. On November 6, 2003, the New England Fishery Management Council proposed a new plan, known as ''amendment 13,'' for this fishery. The Secretary of Commerce is now in the final phases of improving this plan before it is approved and implemented this coming May.

This plan, as proposed, incorporates a great deal of input from fishermen and fishing communities throughout New England, and many members of the industry support the key elements of this plan. It is true that, as originally proposed, the plan would have shifted much of the effort toward Massachusetts and have drastic economic impacts on Maine, and that is why I have secured commitments from the Secretary of Commerce to ameliorate these impacts in the final version of the plan.

For these reasons, New England groundfish managers have made progress in moving fisheries management out of the courtroom. This whole process, however, would likely be derailed by the language in this bill. Instead of allowing the Secretary to complete work on a plan that follows the law and helps fish and fishermen, this language would prevent the administration from spending any money on implementing the new plan.

In fact, this language would outlaw any plan from being implemented, other than a specific set of interim regulations that were put in place while the new plan was being developed. The problem is, these interim regulations do not follow the conservation requirements of the Magnuson-Stevens Act, they unfairly keep the small-boat groundfishing fleet throughout New England at an economic disadvantage, and they expire in a few short months.

If this language passes, it will be illegal for the Secretary of Commerce to follow the very requirements of the Magnuson-Stevens Act. This language does not lift the requirements that this Federal fisheries law be followed, but it simply makes it impossible for the law to be followed and makes it impossible for the Secretary to assist in its implementation even if it is to ensure the law is being followed. If this passes, Secretary Evans could be held in contempt of court, and the future of the New England groundfishery may revert to court order, indefinitely.

Moreover, according to this language, the only regulations that could be implemented maintain crippling cuts on the small boat, inshore groundfishing fleet. This sector of the groundfishery forms the economic backbone of small coastal communities throughout New England, and many of these fishermen have worked diligently to contribute to the new management plan that the Secretary is now refining. The small-boat sector employs thousands of independent fishermen and fishing-related businesses throughout New England, and most of them do not support this language—and for good reason.

Proponents of the rider try to make a compelling case that the Secretary's proposed rebuilding plan is flawed because it relies on unreasonably high fish population rebuilding goals and that the groundfish stocks are already rebuilding, so a new plan is not needed. Both of these statements are true, and that is why I have been working with the administration to refine the council's plan in ways that better take these facts into account and asked it to conduct an independent socioeconomic analysis of the potential impacts of the new regulations. Also, as chair of the subcommittee with oversight of fisheries I am actively working to address the problems with the underlying law and change fisheries management so our nation truly benefits. I will be pushing a reauthorization of the act during this session of Congress that will address the existing problems in fisheries management.

The bill language in question does nothing to change these facts, and it does nothing to factor them into a more reasonable rebuilding plan or change the underlying law. The fishing rules that this language would in fact allow simply try to ignore the reality that rebuilding targets do exist. This language will not lead to any management system that complies with the law, and it will not change the reality facing our small-boat groundfishermen. Let me be clear: this language risks putting the management of the New England groundfish industry back before the court, allowing the judge to make any and all subsequent management decisions.

In short, this language undercuts years of hard work, sacrifice, and compromise that have gotten the New England groundfishery back on track. It forces the Secretary of Commerce to break the law, and it risks further damaging the hardworking men and women who want to continue to move forward on groundfish sustainability. This language risks harming Maine, New England, and our entire Nation's fisheries policy. If this provision becomes law it has the potential to lead to the downfall of the council-based fishery management process, and risks ending a way of life that has sustained New England fishermen for centuries.

The omnibus contains other undesirable fisheries policy changes, such as authorization language for Alaskan rockfish processor quotas and Aleut corporation quotas. These other two quota programs have never been presented to the authorizing committee in any form—nor have they gone through the Fisheries Management Council process—so I must object to fisheries policy authorization language that has circumvented all proper review channels.

Because of these highly objectionable authorizations, I see no other choice than to oppose any bill that contains these provisions. I urge those of my colleagues who have an interest in proper fisheries management and sound economic policy to oppose this as well. We, in Congress, are entrusted with the great responsibility to thoughtfully review such policy matters; we owe no less to our fisheries constituents. Those that support this bill would be responsible for creating a cartel that would effectively control an entire market, and for undermining the basis of council-based fisheries management

in the United States as well as the very foundation of our Nation's free market system.

I ask unanimous consent to print the above-referenced charts in the RECORD.

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

EXECUTIVE SUMMARY

The Department supports implementation of a new fishery management plan that would end the ''race to fish'' inherent in the current derby-style management plan. Under the current derby-style program, the season ends as soon as the total allowable catch has been fished, producing an undesirable ''race to fish'' among harvesters. The race to fish is economically inefficient for both harvesting and processing and likely dangerous to the participants. The Department therefore recommends that NOAA support individual fishing quotas (''IFQ'') for harvesters, a reform that will end the race to fish. Provided that IFQ are easily transferable, the gains in efficiency from ending the race to fish—reducing overcapitalization and improving safety—are likely to outweigh the harm of any loss of competition among harvesters. The Department recommends that the plan allow easy transferability of IFQ shares; otherwise the incentive for market participants to make efficient investment decisions will be reduced.

The Department further recommends that NOAA oppose individual processor quotas (''IPQ''), because IPQ will likely reduce beneficial competition among processors with no countervailing efficiency benefit. This lost competition could deter the development of new processed crab products, reduce the incentives for processors to make efficient investment decisions and reduce welfare for consumers of processed crab products. While harvester quotas should eliminate the harmful race to fish, processor quotas are not justified by any such beneficial competitive purpose.

If the goal of using IPQ is to compensate processors for overcapitalization, we urge NOAA to consider advocating more direct solutions, such as a program to buy excess processor equipment. We also understand that there are concerns with social goals such as preserving jobs in historic fishing villages. To the extent NOAA agrees with these goals, we recommend it consider advocating more direct solutions.

The Department also urges NOAA to oppose any form of sanctioned price arbitration. Allowing an arbitrator, rather than the market, to set price may distort the incentive of processors and harvesters to make efficient investments. Further, processors and harvesters must be cautious not to use the arbitration program as a way to agree on price with their competitors, which could violate the antitrust laws.

Mr. FEINGOLD. Mr. President, I will oppose the omnibus appropriations bill that the Senate is voting on today. It is the latest example of the annual breakdown in the congressional appropriations process. Once again, instead of considering appropriations bills individually, the Senate today is voting on a massive spending bill that includes many—in this case, seven—of the annual appropriations bills.

This process just invites the kind of problems—unauthorized spending, special interest provisions and legislative riders that go against the will of a majority in Congress—that we see in this Omnibus bill. Take, for example, the Bush administration's proposed sweeping changes to regulations governing overtime pay for white-collar workers. These proposed changes would weaken overtime protections for these workers by changing the way that eligibility for overtime is determined. Both the House and the Senate are on record in favor of a provision that would block these changes from going into effect. Nonetheless, that provision was dropped in conference after the administration exerted tremendous pressure on those negotiating the final bill.

Similarly, language that would have prevented the Federal Communications Commission from moving forward with its plan to loosen the national cap on television ownership was badly weakened. And, of course, there are numerous bad provisions in the bill, including one that would create a voucher program in Washington, DC, public schools and another that would prevent country of origin labeling on many agricultural products.

I wish I could support this bill as there are a few worthy things in it, such as funding for global AIDS programs and for the rural AED Act, a program I created with Senator SUSAN COLLINS to increase access to defibrillators in rural areas. I am pleased that the bill contains language I fought for that would require Federal agencies to report on their purchases of foreign-made goods. As manufacturing jobs continue to disappear across the country, particularly in my home State of Wisconsin, the Federal Government should be doing everything it can to support American manufacturers. I am also pleased that the bill includes a provision I fought for to prohibit the Department of Veterans Affairs from enforcing its policy of prohibiting VA employees from taking proactive steps to let veterans know about the health care benefits for which they may be eligible.

Those provisions do not outweigh the many bad ones in this bill, however. This is simply no way to fund the Federal Government. I regret that this ''must-pass'' bill is being used as a platform for bad funding decisions and for bad policy decisions, many of which override the will of a bipartisan majority of Congress. We need to go back to taking up and passing appropriations bills one by one, rather than throwing everything but the kitchen sink into a single, bloated piece of legislation.

I am deeply disturbed that the Omnibus appropriations bill that is before the Senate today does not include a provision previously approved by the Senate that would have prevented the Bush administration from rewriting Federal labor law to roll back regulations that guarantee millions of workers overtime pay.

I am dismayed that a small number of Members of Congress and the administration were able to run roughshod over the will of a bipartisan majority of the Senate and the House to resuscitate the administration's ill-conceived overtime proposal. And I regret that the administration resorted to veto threats and backroom negotiations to save a proposal that will rob millions of workers of badly needed overtime pay.

This is the latest in a series of assaults on working Americans that have been perpetrated by this administration. Right out of the gate, the President made it his first legislative priority to overturn a Federal ergonomics standard that was more than 10 years in the making. In addition, this administration has launched a campaign to aggressively contract out Federal jobs, systematically dismantle the Federal civil service system, gut worker protections, and undermine collective bargaining rights.

In March of last year, the Bush administration proposed a regulation that builds upon these efforts to tear down worker protections by denying millions of Americans vital overtime pay.

This proposed rule would change the process by which a worker can be declared to be exempt from the wage and hour protections of the Fair Labor Standards Act—FLSA, thus opening the door to denial of overtime benefits to more than 8 million workers who currently are entitled to this extra pay for working more than 40 hours per week.

In essence, this rule, that apparently will move forward despite broad opposition from the Senate and the House, will create a larger force of employees who can be required to work longer hours for less pay. This could also mean fewer opportunities for paid overtime for the workers who would remain eligible for it, and fewer new jobs for those looking for employment.

I am deeply disturbed that, in its attempts to sell its new rule, the administration actually provided tips to employers who wanted to get around paying overtime to 1.3 million employees who would become eligible for benefits under the new rule. The administration advised employers to require employees to strictly adhere to a 40-hour work week, to raise employees' salaries to the $22,100 annual threshold to make them ineligible for overtime pay, or to decrease hourly wages so that those plus overtime wages equal the employee's original salary.

Time and again, the administration has said that this rule is about modernizing overtime regulations and not about taking overtime away from workers. But the administration's actions run counter to their words. The administration has fought tooth and nail to block the Harkin language, which simply states that any new overtime rule cannot take overtime away from workers who are currently eligible for it. And the Administration is offering advice to employers on how to avoid paying overtime. From these actions, it is pretty clear to me, and to millions of workers, that the goal of this proposed rule is to make fewer

workers eligible for overtime benefits and to require more employees to work longer hours for less pay.

Who are the 8 million workers who will be affected by this rule change? According to the Economic Policy Institute—EPI, 257 ''white collar'' occupational groups could be impacted. EPI did a detailed analysis of the effect of this rule on 78 of those occupational groups, and found that 2.5 million salaried employees and 5.5 million hourly workers would lose their overtime protections under the proposed rule. That is less than half of the occupational groups that will be covered by this rule change.

By broadening the FLSA wage and hour exemptions, the administration is seeking to deny overtime benefits to a wide range of workers, including police officers, fire fighters, and other first responders, nurses and other health care workers, postmasters, preschool teachers, and social workers, just to name a few.

I am deeply troubled that the administration would propose a rule that would deny overtime benefits to the people who put their lives on the line each and every day to protect our communities and to those who work in health care professions, which already face severe staffing shortages.

I am also troubled that the administration has pulled out all of the stops to make this rule a reality, despite broad opposition from members of both parties. I regret that the Omnibus appropriations bill—and the process in which it was drafted—has been used as a vehicle to move this rule forward. With so many long-term unemployed workers and with others working more than one job and depending on overtime just to make ends meet, it is unfortunate that the administration dug in its heels on a proposal to deny overtime to many of those who need it most.

Mr. AKAKA. Mr. President, I rise to speak on the conference report to the Omnibus appropriations bill that the Senate has been considering. Without question, we have a duty to ensure the continuing operations of our Government, and the package before us would enable this for a majority of the agencies and programs of the U.S. Government. I thank the appropriators on both sides of the aisle, including the senior Senator from Hawaii, Mr. INOUYE, for their efforts in crafting this massive funding package, and particularly for their agreement on several provisions significant to the people of Hawaii that will meet urgent needs in transportation, education, agriculture, and juvenile justice. For example, funds included for the Juvenile Justice Information System will significantly enhance efforts by law enforcement officials and child-serving agencies in Hawaii to address the root causes of juvenile criminal behavior. This promises to have a tremendous impact on Hawaii's efforts to address juvenile crime.

I am also pleased that this package includes $1.5 million to initiate programs under the Excellence in Economic Education Act, to increase financial and economic literacy in our country. I also am a strong proponent of the $100 million in funding for the Mentoring and Mentoring Children of Prisoners programs, to ensure that young people in Hawaii and the Nation have access to the support, guidance, and assistance they need to help them through life's difficult and varied situations. These are a couple of the many initiatives that I feel very strongly about and worked on with my colleagues during the fiscal year 2004 appropriations process.

However, on balance, the flaws in this Omnibus package overshadow its favorable provisions. It is important to remember that we are here to serve in the best interest of our Nation. While differences in philosophy will always exist, as Members of Congress, we still have an obligation to work together, to look beyond those differences and find solutions. I do not believe that the Omnibus contains solutions that best serve all who live in our great Nation.

For example, as the ranking member of the Senate Governmental Affairs Financial Management Subcommittee, and the Armed Services Readiness and Management Support Subcommittee, I object to the elimination of two key measures from the Senate-passed Transportation-Treasury-General Government appropriations bill that would have improved fairness and cost-efficiency in Federal contracting. The Omnibus deletes a provision which would promote equity by granting Federal workers the same rights as private contractors to appeal decisions to contract out Government jobs. The Omnibus also strikes a requirement for minimal cost savings before decisions are made to contract out Federal work. To ensure accountability and transparency, Government contracting policies must achieve the best return on the dollar and be fair to Federal workers. These two goals are complementary.

The measure before us today fails to ensure diversity of our airwaves and deprives millions of workers of their right to overtime pay. In both cases, the other body and the Senate were in agreement on how to rectify these matters. However, the conferees, in working with the administration, determined that there should be a limit on the Federal Communications Commission's ability to grant licenses to only those stations that reach more than 39 percent instead of 35 percent of a market. In addition, the package before us will allow the U.S. Department of Labor to continue working on and finalizing its proposed rule to modernize and redefine exemptions from the Fair Labor Standards Act, which many employees have said will take away their right to be fairly compensated for work performed above their normal work schedule. The majority in Congress rejected the DOL proposal and urged the leadership to maintain the Senate approved provision that would have prohibited the DOL from using funds to promulgate or implement its proposed rule.

The conference report fails not only in the case of worker's rights and consumer rights, but also in consumer safety. During consideration of the Agriculture appropriations bill, I offered an amendment that would have prohibited the U.S. Department of Agriculture from using any funds to approve for human consumption any meat products from downed animals. This amendment was agreed to in the Senate. While the other body defeated a similar amendment offered by Representative GARY ACKERMAN of New York, many of his colleagues later indicated that they were unable to vote that day and would have supported his amendment. The support would have been enough to accept the amendment. It is unfortunate that Congress, in earlier legislative vehicles, and the conferees in this package, chose not to be proactive in protecting our food supply. For more than 12 years, I have been working to address this matter, and my amendment was the most recent example of that. While the USDA is making some strides to now address mad cow disease in cattle, we need to codify their efforts and expand the ban to all downer livestock that may pose a risk to human health, the importance of which was highlighted recently with the discovery of a diseased downer cow in the Pacific northwest.

Related to the Commerce Department, the provisions funding ocean exploration activities, marine aquaculture development, and coral reef research are disappointing. At the proposed levels, our country will not be able to promote an economically viable and environmentally feasible aquaculture industry to address the $7 billion seafood trade deficit. Activities exploring the deep ocean, one of the last scientific frontiers on Earth, need to be a greater priority in order for us to properly manage and protect these fragile marine communities. I am also concerned that an estimated 25 percent of the world's coral reefs have been lost and at least 30 percent are threatened by human activities. Funding levels in this conference report are insufficient to support research and monitoring activities for coral reefs, one of the most biologically diverse ecosystems on Earth that is worth hundreds of billions of dollars in marine services for our country and is certainly very important for Hawaii.

Although important education priorities are provided for, this conference report continues to fall short on major programs, particularly those that help disadvantaged and special education students. Public schools in every State are struggling to comply with the No Child Left Behind Act. However, budget shortfalls at the State level resulting from a fragile economy have restricted the resources available to our

classrooms. Our failure to fully fund the Federal commitment Congress made when it enacted the No Child Left Behind Act further strains the situation and sets even more schools up for ''failure'' and more teachers unable to become ''highly qualified.'' The same goes for the commitment that we made even earlier in our history to fund the Federal portion of the Individuals with Disabilities Education Act. It may have been many years since I led a classroom as a teacher or a school as its principal, but I remember the support that we needed to ensure that all of our children receive a top-notch education.

Everything that I have recounted here—sentiments echoed by several of my colleagues—leads me to conclude that I am unable to support the package before us, in its current form. I urge the appropriators in both bodies of Congress to improve this package so that it can be something that all of us can support.

Mr. BIDEN. Mr. President, Americans believe in fair play: the right for everyone to have his say, the opportunity to get a job and make your own way in the world, a fair wage for a day's work.

This is not just idealism—we figure we are all better off if the system we live in is open and fair.

That belief in fair play is the foundation of this Senate and indeed of our constitutional system itself.

My father worked hard and he taught me that fairness is our most fundamental value. He taught me that we always have to stand up against the abuse of power at every level. Whenever someone uses their advantage, be it wealth, education, size, strength, whatever it may be, against someone else, it is wrong, and it goes against everything we stand for, everything we are as a nation and a people.

Not just the process is flawed. The product of that process, the Omnibus appropriations bill before us today, is flawed, too. It is unfair.

That back-room, unrepresentative process has produced legislation that deserves to be defeated, not just because of the way it was cobbled together, but because of what will happen if it becomes law.

Here is one result of that process: millions of men and women who will lose their right to time and a half overtime pay, a cornerstone of our workers' rights for over half a century.

Both the House and the Senate, with bipartisan majorities, voted last year to block new Labor Department rules that weaken overtime protections. But this bill cancels out that decision, allowing those rules to go forward.

The latest news from the jobs front—that hundreds of thousands of Americans have given up looking for work after we have gone through 3 years of job losses—sent a shock through financial markets. It should worry us all.

Now is not the time to be cutting the pay of those Americans who have jobs. But that is just what weakening overtime pay will do.

While recent economic news has been positive, there is little hope for sustained, healthy economic growth without solid, good-paying jobs. Consumer confidence and consumer spending—the keys to our economy—ultimately depend on Americans' confidence that they have a secure job, a job that pays a fair wage for a fair day's work.

For over half a century, American workers have known what that meant—a 40-hour workweek, and time and a half if you worked overtime. You could count on that extra pay in exchange for the extra burden of working more than 40 hours a week.

Many workers often have no choice about working overtime—it is up to their boss. But if they have to work those extra hours, their employer is required to pay them time and a half. This has been a cornerstone of the social contract between labor and management, between workers and employers.

But despite the key role of the 40-hour workweek, despite the widespread reliance on time and a half pay for work past those 40 hours, this administration has proposed radical changes in the regulations governing overtime pay.

When I spoke here as a cosponsor of Senator HARKIN's amendment here on the floor of the Senate back in September, we heard from some supporters of the rule changes that they would not decrease the number of workers eligible for overtime pay.

But if there was any doubt about the real motivation behind these regulations, just look at the regulations themselves. They provide explicit instructions to employers on methods they could use to avoid increasing the pay of employees who, we are told, will become eligible for overtime pay.

So all of those workers we were told would benefit, who would ''automatically'' qualify for time-and-a-half overtime pay, if their pay is under $425 a week, could easily see not one dime of new pay.

Employers are coached on ways to avoid any new costs and still comply with the regulations. So don't tell me this is going to add to workers wages—that claim is refuted in the regulations themselves.

And for other workers, with pay over that threshold, the regulations clearly threaten to take away overtime protections. They want to make it easier for employers to reclassify as many as eight million hourly workers who now get overtime pay, to make them ineligible for overtime pay.

Right now, if you are not ''white collar''—working in management, essentially—your boss has to pay you time and a half for all the work you do over 40 hours a week. The idea is that more highly educated workers, who participate in management, who have significant authority over the workplace, are more properly classified as salaried, not hourly workers. They get a fixed amount of pay, no matter how many hours they may put in a week.

Hourly workers, on the other hand, who do not manage the conditions under which they work, who have less to say about how the workweek is organized, must be compensated if they work more than the basic 40 hours. That has been the definition of a fair day's work for a fair day's pay for more than half a century, and its basic fairness still makes sense today.

But the administration's new regulations would make it easier—would actually create an incentive—for employers to classify workers who have little advanced education and little or no authority, to classify those workers as white collar workers.

Overnight, under these new regulations, millions of workers could lose the right to overtime pay. These rules are designed not only to make it easier to reclassify workers, but to make it pay for employers who do so. They will save money, since they will no longer be required to pay workers the time and a half rate that they are now guaranteed.

No change in the number of hours they could be required to do, no change in their education, no change in their responsibilities—just a change in the regulations in Washington, and they are out overtime pay.

That is one of the many reasons this legislation should be defeated, but it is not the only one.

Right now we have a law on the books that makes sure everyone who buys a gun is checked to see if they have a criminal record—or if they are on our terrorist watch list.

Those records are kept for 90 days—long enough to find out if a gun was sold to a criminal or terrorist, someone who initially may have appeared to have no criminal record or other ''red flag'' that would signal he is a bad guy.

Ninety-seven percent of the times that the reporting system discovered that a bad guy—a terrorist, a wife-beater, whatever—had mistakenly been sold—a weapon, it took more than 24 hours to figure it out. Destroying those records in 24 hours will destroy our chances of catching bad guys.

The change in this legislation will mean that 97 percent of the criminals or others who are mistakenly sold a weapon will go undetected by a system that was supposed to make us safer. Does the public know about this? I don't think so. That is because of the closed-door, backroom deal making that cobbled this massive bill together. This provision has never previously been considered by the House or the Senate.

Bad process, bad product.

And that is true for what the leadership did with the issue of media ownership.

Last year, the FCC decided to abandon its long-standing limitation that said no company or person could own television stations reaching more than

35 percent of the Nation's viewing audience. The FCC raised that limit to 45 percent, threatening harmful consolidation among media outlets that could undermine competition and diversity among broadcast voices.

The FCC's actions were met with consternation from all sides of the political spectrum, and both the House and Senate voted with bipartisan majorities to forestall this change. But the will of the Congress was cast aside.

The leadership of the Congress—mind you, not the Members of the House and Senate—under pressure from an administration eager to take care of large corporate interests, removed the 1-year restriction on the FCC's changes and replaced it with a new permanent 39 percent cap.

The list of bad provisions goes on. When we wrote the farm bill in the last Congress, with the support of both parties, we included a requirement that when we shop at the grocery store, we know what country our produce and meats come from.

That rule—requiring labeling that indicates the country of origin—was to go into effect this year. But this legislation delays that rule for 2 years.

It rewrites the farm bill to delay that rule—something neither the House nor the Senate voted to do.

Since that change was put into this bill, we have now found out that mad cow disease made its way into our country from Canada. Not a major cause for alarm, but certainly a lot of folks would now want to know where their beef comes from. But it will be 2 years before they get that information, if this bill passes.

There is one other thing that has to be mentioned here today. We have come through the last 3 years, including several months of strong economic growth, but we are still not creating new jobs.

For the first time since the Great Depression, we have gone 3 straight years without creating a single new job. Not one. The unemployment rate has come down recently, but that is because the job picture is so bleak that over 300,000 people just stopped looking.

Long-term unemployment is a much bigger problem these days, especially in our hard-hit manufacturing sector.

The kinds of changes we have gone through in recent years means that many of those jobs just won't be coming back. Those that will come back will return slowly. That leaves hundreds of thousands of Americans running out of their long-term unemployment benefits.

But we went out of session last fall and let the extended unemployment compensation program just expire, at the worst possible time. And we come back today with this appropriations bill, leaving that program expired and those Americans without benefits.

There are now 2.4 million fewer jobs overall than there were when the last recession began. Every month, about 100,000 more workers exhaust their existing benefits. The most recent report of people dropping out of the job hunt altogether is all the proof we need that long-term unemployment is a key feature of this economy right now.

This is not the time to let the program expire, but this bill, which covers so many programs and so many policies in so many parts of our Government, fails to address this problem.

That is unacceptable.

For the bad policies that are in it, and for the good policies that have been dropped from it or simply ignored, I urge my colleagues to join me in voting against cloture on this bill.

This conference report continues the administration's attempt to undo the equation we put in place when I wrote the 1994 Crime Bill: more police equals less crime. The conference report cuts COPS by 24 percent, and cuts the Local Law Enforcement Block Grant program almost in half. These are proven programs that help local police departments beef up their staffs and modernize their equipment, and the cuts couldn't be coming at a worse time.

There is only $756 million for COPS in the conference report, a drastic cut from the fiscal year 2003 level of $978 million. COPS' core program—the initiative that helps local police departments hire new community police officers—is funded at just $120 million, a 30-percent cut from last year and a far cry from the late nineties when the hiring program regularly received over a billion dollars per year.

These cuts are shortsighted, ill-conceived, and I fear they will significantly hurt local law enforcement's ability to fight crime. In a time of color-coded alerts, a rising murder rate, and an FBI increasingly focused on counterterrorism and away from violent crime, we are inexplicably asking the men and women of law enforcement to do much more with much less.

When asked to justify this approach, the administration responds that Federal resources for ''first responders'' are way up. Respectfully, that simply is not an adequate answer, and it reflects a fundamental misunderstanding of the needs of local law enforcement. Defending the homeland against a terrorist attack and preventing a woman from being raped are simply two different problems that require different solutions and different sets of contributions from the Federal Government.

I think Massachusetts Public Safety Secretary Edward Flynn is on the right track when he says, ''terrorism is the monster that ate criminal justice''.

We need to dedicate sufficient resources to fight international terrorism and local crime at the same time, but this conference report falls far short in this regard.

I recently received a letter from the International Association of Chiefs of Police where they express ''grave concern'' over the funding levels for COPS and the Local Law Enforcement Block Grant contained in this conference report. In their letter, the IACP states their ''belief that at this crucial time in our history, we cannot afford to reduce the effectiveness of our nation's state and local law enforcement agencies by cutting vital federal assistance programs.''

The Nation's police chiefs are not alone in their concern. According to the U.S. Conference of Mayors:

> too many families are still being ravaged by illegal drugs, too many citizens and law enforcement officers are put in danger due to drug and gun related crimes, and property and violent crimes are still a major issue in too many communities.

They also strongly oppose the cuts in this conference report.

The National Association of Police Organizations wrote me to say that this conference report ''does not sufficiently address the needs of America's police officers in their dual fight against terrorist threats and domestic crime.'' I cannot support the cuts this conference report proposes, and I encourage my colleagues to listen to their mayors and police officers before casting their vote.

Mr. MCCAIN. Mr. President, because of time constraints, my comments will be brief. I will, however, make extensive remarks about the omnibus bill at a later time.

We are nearly 4 full months into fiscal year 2004 and we are still without 7 of the 13 annual appropriations bills. For the second time in less than a year, we are considering a massive omnibus appropriations bill, with this one totaling a whopping $820 billion. Sadly, this conference report is loaded with over $11 billion in special interest pork-barrel projects and legislative riders that have no business in this or any other spending bill.

This omnibus appropriations bill has received considerable and justifiable criticism in the press and it should serve as an alarming wake up call. We are facing a $500 billion deficit. That's half of a trillion dollars—the largest ever. And what do we do when faced with such a problem? We spend even more. An article in Sunday's Washington Post pointed out what really drives the agenda here on Capitol Hill. The article states:

> Today, the country still faces serious problems—oil dependence, child poverty, new gaps in health care coverage, deteriorating rural communities and failing public schools. One doesn't have to be an advocate of big government to believe Congress has a role in crafting pragmatic solutions to these problems. Yet as Congress returns this week, none of these issues is on the agenda. What is on the agenda? Why, things Congress has always excelled in: dispensing pork barrel projects and using taxpayer's money to reward supportive lobbies.

Additionally, an editorial in today's Wall Street Journal states:

> The bottom line is truly shocking. Passage of the omnibus would raise total discretionary spending to more than $900 billion in 2004. The editorial goes on to note that this increase should not be blamed on the war. It states that, At 18.6 percent, the increase in non-defense discretionary spending under the 107th Congress, 2002–2003, is far and away the

biggest in decades. In 2003, total Federal spending topped an inflation-adjusted $20,000 per household for the first time since World War II. Let me point out just a few of the things that are included in this bill: $450,000 for the Johnny Appleseed Heritage Center in Ohio; $200,000 to the Rock and Roll Hall of Fame and Museum in Cleveland, OH for the Rockin' the Schools education program; $175,000 to paint a mural on a flood wall in a city in Missouri; $325,000 for construction of a swimming pool in Salinas, CA.

In addition to literally thousands of earmarks, this conference report contains major policy changes. Some of these provisions include legislative language authorizing the Bering Sea and Aleutian Islands crab fisheries rationalization plan, which would divide 90 percent of that crab market among just a small group of processors. Fishermen could only sell to those processors and only those processors would sell to consumers. This proposal has not been considered by the authorizing committees of jurisdiction, nor requested by the Administration.

Another legislative item included in this bill include media ownership provisions to undo a June 2 FCC regulation. Further, language is included mandating that the background check approval records issued after the purchase of a firearm be destroyed within 24 hours instead of the current policy of 90 days. This omnibus legislation also contains an environmental rider meant to benefit Briggs and Stratton, a major manufacturer of small engines. There is also language that redirects $40 million for construction of a cargo terminal at the Port of Philadelphia that is designed to support high speed cargo vessels for a private venture. Today, not only do the vessels not exit, but their design is based on unproven technology.

We have to change the way we do business around here. Through our wasteful spending practices, we have succeeded in tying a millstone of debt around the necks of future generations of Americans. Today, we have on opportunity to make serious and substantial change in the way we treat the American taxpayer. Let's rise to the challenge. Let's not squander this opportunity. I urge my colleagues to vote against cloture on this horrendous piece of legislation.

CONSTRUCTION OF A PORT OF PHILADELPHIA MARINE CARGO TERMINAL

Mr. SPECTER. Mr. President, I rise today to engage in a brief colloquy with the distinguished chairman of the Appropriations Committee regarding the designation and use of funds from the National Defense Sealift Fund for the construction of a marine cargo terminal in the Port of Philadelphia. These funds were previously made available through prior appropriations bills. Specifically, these funds are to be used to complement funds being made available by State and local authorities in Pennsylvania and New Jersey for the construction of a new, dedicated, state-of-the-art marine cargo terminal for use by FastShip, Inc., in Philadelphia.

These funds were originally designed to provide for vessel loan guarantees for the construction of high-speed vessels capable of providing additional sealift capacity consistent with the existing vessel Title XI loan guarantee program of the Maritime Administration. As part of this program, certain equipment and infrastructure items can also be included in the scope of the loan guarantee that would enhance and facilitate the use of the vessels to be constructed. Some of the funds were to be used for equipment needed to load and unload the vessels and for state-of-the-art information technology and container and terminal security at FastShip's marine cargo terminal.

Specifically, these funds were intended to be used to support guarantees for the construction in a U.S. shipyard of vessels for FastShip to establish a high-speed cargo service operating out of a new, state-of-the-art terminal in the Port of Philadelphia. These vessels will now be constructed without the benefit of this loan guarantee program, leaving a funding shortfall for infrastructure improvements. Since the amounts to be made available through the vessel loan guarantee program for infrastructure improvements needed to complement state and local funding for the terminal are now not forthcoming, the reallocation of these previously appropriated funds specifically for infrastructure at the FastShip marine cargo terminal is consistent with, and is a replacement for, the source of funding that is no longer available. The Department of Defense should direct these funds through the Philadelphia Regional Port Authority to ensure that these funds are made available for this purpose.

Mr. SANTORUM. Mr. President, I rise to join the senior Senator from Pennsylvania, Mr. SPECTER, to reinforce the importance of this program. The development of high-speed sealift capacity is critical to national security and efforts like the one you have described are key to attaining this important objective.

I would inquire of the Senator if my understanding of the use of these funds is correct and that the reallocation of these previously appropriated funds specifically for infrastructure at the FastShip marine cargo terminal is to be directed through the Philadelphia Regional Port Authority to ensure that these funds are made available for this purpose.

Mr. SPECTER. I thank my colleague for his inquiry and would respond that his understanding is correct. Further, I thank my distinguished colleague for his support of this important project for the Port of Philadelphia and indeed for the development of enhanced sealift capability that will provide the necessary support for our service personnel who serve our country overseas.

Mr. SANTORUM. Mr. President, thank you for the clarification regarding the purpose and use of these funds for a state-of-the-art marine cargo terminal in Philadelphia. I reiterate, this is an important project not only for the economic activity that will be generated for the Port of Philadelphia but also for the advancements in fast sealift in support of our national security interests.

Mrs. MURRAY. Mr. President, today I am voting to help Washington State restart our economy, create new jobs, and invest in our future by voting to move this Omnibus appropriations bill forward.

I am deeply angry that the White House and the Congressional Majority are trying to use this must-pass bill to sneak through some atrocious policies that the Senate has already rejected, but I know that this bill is not the last word.

Since the first days of this administration, I have fought attempts to threaten workers, undermine our environment and weaken consumer protections, and I'm not going to stop now.

While I continue my fight against the bad things that are in this bill, I will not let my State lose out on the many good things I worked to include. In fact, my experiences over the past few weeks have shown me just how big a difference these investments will make throughout my State.

I have spent the past month meeting with people in every corner of Washington—from teachers and students in Pasco, to farmers in the Skagit Valley, veterans in North Central Washington, and seniors in Aberdeen and Ballard. I sat down with the people who grow our produce, run our ports and operate our public utility districts. Together we celebrated our victory in landing the Boeing 7E7 and in opening new centers for research and tourism.

No matter where I went or with whom I met, one thing was clear. In every corner of Washington, neighbors are coming together to create jobs, rebuild our economy and create a better future. They are working to help our children, assist our seniors, and support our veterans and military families. They are working hard to turn things around, and they need the investments this bill will make in our schools, our infrastructure, our economy, and our people.

Washington State is talking about moving forward. We have been hit hard by the recession and lost 75,000 jobs over the last 3 years, but we are making progress. We had some great news in December when Boeing decided that Washington workers would build the 7E7, the next generation airliner. We are moving forward on transportation investments that will create jobs and improve our productivity, economy and quality of life. And we're moving forward with new growth industries from biotechnology to wine.

All across my State, I heard the message loud and clear. Washingtonians want to get our economy moving again and create new jobs. They're concerned about our men and women serving in

the Armed Forces in Iraq and Afghanistan and throughout the world, and want to make sure we provide for our veterans and military families. So, as we begin the second session of the 108th Congress, I'm working here in the Senate to help us move forward, and it starts with our economy.

I am not satisfied with the economy and particularly job creation in my State. I am disappointed that this administration's economic policy created just 1,000 jobs in the month of December while hundreds of thousands of unemployed workers abandoned job searches altogether.

I am outraged that the majority in Congress and the administration allowed 85,000 unemployed workers, including 7,500 in Washington State, to lose unemployment compensation just before the holidays. Over the next few weeks, an additional 37,000 unemployed workers in Washington State will lose their extended unemployment benefits.

I am not satisfied with the Omnibus Appropriations measure now before the Senate. The fiscal year started more than 3 months ago, and we still haven't finished the important business of passing appropriations bills to fund some of the most important functions of our Government.

We are unanimous in support of our troops fighting the war on terrorism, yet we haven't passed the VA–HUD bill with its critical increase in funding for veterans' health care.

The President travels the country celebrating the second anniversary of the No Child Left Behind legislation, but the funding we fought so hard to secure is still not at work on behalf of our kids. The money contained in this bill is not nearly enough to allow schools to make the reforms needed for our students to succeed.

Important transportation projects are stuck in neutral—jeopardizing their ability to move forward and create construction jobs now and to support long-term economic recovery. We should be talking about reauthorizing the 6-year highway bill rather than finally approving the long overdue funding measure for one fiscal year.

As a member of the Appropriations Committee, I am outraged that the hard work of the committee has been delayed and compromised by the Majority and the administration who are jamming Senators to force through bad policies.

I want to commend Chairman STEVENS and Senator BYRD for their hard work to pass the appropriations bill. We are here to debate an omnibus appropriations bill that the Appropriations Committee worked so hard to avoid.

I understand why many of my Democratic colleagues have chosen to oppose this bill. I share their anger at the administration's role in this process and our Republican colleagues' willingness to abandon issues like overtime protections that they voted for right here on the Senate floor. I seriously considered voting against this measure.

But I am a realist, and I am passionate about the needs of Washington State. People need jobs, transportation improvements need to move forward, veterans need health care, our students need support, and that is what I am voting for today.

As awful as some of the administration-backed provisions in this bill are, defeating the Omnibus appropriations bill will put our economy, our schools and our health care system at even greater risk.

It is a horrible choice the majority is forcing us to make. But today, I am voting for the jobs, security and growth that this bill will bring to the people of Washington State. I will vote for cloture and final passage of the Omnibus because I know my State needs the investments in this bill, and I do not want to deny or delay important Federal assistance to my State.

Before I close, I want to talk about some of the harmful and hurtful provisions that Republicans have inserted into this bill—particularly those targeting workers and consumers.

The only reason they attached them to this must-pass bill is because they know these horrible policies cannot stand on their own. In fact, with my support the Senate has defeated the administration's plans to erode overtime pay for workers and to increase media concentration. And we led the fight in the last Farm Bill to give consumers important country of origin information about our food supply. Despite the Republicans' maneuvers, this bill is not the last word on these policies. The fight is not over.

I am particularly outraged that the administration and the Republican leadership ignored the will of the majority of Members in both Chambers by removing the Harkin overtime amendment from the Labor/HHS Appropriations bill.

The Harkin amendment would have protected hard-working Americans who rely on overtime pay, like our first responders—our police, firefighters and nurses. One international police association estimates that 200,000 midlevel police officers will lose about $150 million in overtime pay if the new draft overtime regulations are implemented. The Bush administration will also prevent more than 230,000 licensed practical nurses from getting overtime pay.

According to the Economic Policy Institute, the Bush overtime rule will mean a pay cut for up to 10 million working Americans.

Even more astounding, the Bush administration had the gall to actually give employers detailed suggestions on how they could cut workers' pay. To me it is unbelievable that our Government would proactively look for ways to hurt American workers.

These families are working hard, they are playing by the rules, they are trying to make ends meet, but the Bush administration and the Republican majority in this Congress are squeezing them once again.

Apparently, it wasn't enough for this administration to preside over a dramatic loss of manufacturing jobs. It wasn't enough for this administration to let out-of-work Americans lose their unemployment benefits before the holidays. Now this White House is attacking the take-home pay of those Americans who are lucky enough to even have jobs. It's appalling, it's wrong, and I'm going to keep fighting this administration's attacks on working families.

I am deeply disappointed that this bill diverts taxpayer dollars away from struggling public schools and spends them on a vouchers scheme in the District of Columbia. I will continue my fight against vouchers and my efforts to give our public schools the resources our students need.

In the end, I am confident that we will win because these awful Republican policies cannot stand up to public scrutiny. We will have more votes on the overtime issue. We will have more votes on the country of origin labeling and important food safety issues, and we will have more votes on vouchers and media concentration.

I vote for this bill today because of the many programs funded in this Omnibus bill.

Throughout my State, people are working hard to get our economy moving, and I am voting for this bill to give them the Federal support they deserve.

Mr. KOHL. Mr. President, I rise today in strong opposition to cloture on the Omnibus appropriations bill. I cannot fathom why the Senate would agree today to cut off debate on a measure that is fundamentally flawed precisely because it was put together without the input of the full House and Senate. We have before us a bill that allocates billions of dollars through a plan clabbered together behind closed doors by the White House a very few Republican Members. It was a partisan, undemocratic process and the result is a bill that both thwarts the will of our constituents and makes a mockery of Congress's obligation to control this Nation's purse strings.

A vote for cloture today is a vote to rubberstamp the administration's wish list of policies and spending they couldn't get passed through the regular legislative process. And when you take a good look at what is in this bill—or what was forced out by the White House—you can understand why they had to put it together in a back room and why they want to push it through the Senate with little opportunity for debate.

The issues of concern in this massive bill are numerous—let me just highlight a few of the worst.

This Omnibus bill drops a provision to block a change in the rules that determine which workers are eligible for overtime pay. Both the House and the Senate voted in favor of maintaining the current rules. Both Houses agreed on a policy that would protect overtime for millions of working families—

but White House insisted on going ahead with their changes regardless of the bipartisan will of Congress.

Overtime is crucial to helping families make ends meet. In an economy that has lost 3 million jobs, those that have managed to hold onto their livelihood need the extra money that overtime provides more than ever. On average, workers who receive overtime receive almost 25 percent of their pay that way. And the President pushed for, and won, a policy of cutting that vital income for 8 million workers. Lowering wages for working people is not the way to stimulate this economy. Sending as many as 8 million people home with less money in their pocket is not going to spur investment and boost productivity.

And while the backroom negotiators chose to ignore the needs and concerns of workers with their overtime policy, they turned their backs on countless more consumers when they scuttled the country-of-origin labeling provisions passed by the Senate. If one thing comes through loud and clear from the BSE/mad cow experience, it's that consumers want basic information about the food they eat. To deny them such information takes from them a fundamental right to make decisions about their purchases, and their families' health.

I had hoped that we might discuss country-of-origin labeling—along with several other issues—during the conference on the Agriculture appropriations bill. Unfortunately, the conference didn't work that way. Rather than bridge the difference between the House and the Senate on labeling, the conference went behind closed doors and chose another direction entirely. It dismissed the Senate resolution in support of labeling, then went on to embrace and even expand on the House's ill-advised rider. The result, a public kept in the dark by the Government about where and how the food they eat is made.

The Omnibus also inappropriately compromises what Congress enacted regarding broadcast ownership rules. Both the House and Senate passed measures that would have reimposed the 35 percent national TV ownership cap, undoing a misguided FCC regulation that raised the cap to 45 percent. However, a deal with White House negotiators flouts Congressional intent and instead establishes a 39 percent limit—which seems less like a compromise and more like a favor to certain networks that currently own close to 39 percent of the Nation's broadcast stations.

Overtime pay, FCC rules, country-of-origin labeling—all policies inserted into this bill by the administration and against the will of Congress and numerous constituencies we were sent here to represent. Beyond these glaring flaws, there are many—too many—funding and policy decisions that are just plain wrong—and need further debate, further votes, further negotiation.

One obvious example is the administration's decision to slash funding for the Manufacturing Extension Partnership to a fraction of its past level. The Manufacturing Extension Partnership is one of the most successful Federal/State partnerships in Government. This program targets small and medium sized manufacturing firms, boosting productivity and increasing competitiveness as these firms face increasing pressure from global markets. The manufacturing sector has suffered devastating job losses during this past term, and the recent upturn in the economy left the manufacturing sector lagging far behind the rest of the country. MEP is a sound investment: MEP clients reported sales of $2.2 billion, nearly 24,500 new or retained workers during fiscal year 2001.

Manufacturing is vital to building a strong economy, creating good jobs that contribute to a better standard of living for American families and a critical rung on the ladder of opportunity for those working toward a better life. The MEP has a proven record of preserving jobs and stimulating productivity in those firms utilizing MEP services. This vital program will be unable to maintain its public mission to serve small manufacturers without adequate Federal support. MEP has enjoyed wide bipartisan support due to the effectiveness of its programs and fine record of achievement, and failure to adequately fund this program is a disservice to our struggling manufacturing industry.

I am also very disappointed that this bill includes inadequate funding for education. When we passed the No Child Left Behind Act, we made a deal with our State and local partners in education. We insisted on real reform and accountability for results from States, school districts and teachers. And we authorized large increases in Federal funding to help them succeed. This was a bipartisan bargain that acknowledged that reform and resources must go hand in hand if we expect our Nation's public schools to improve.

But once again the appropriations bill before us falls far short of Congress' commitment. It is $8 billion short of the authorized funding levels in No Child Left Behind. It provides only $12.4 billion for title I, which serves disadvantaged, low-income students and was authorized at $18.5 billion for fiscal year 2004. It provides only level funding for afterschool programs, which give students a safe and educational place to go during afterschool hours. The list goes on and on; this bill provides inadequate or reduced funding for many other programs under No Child Left Behind, leaving our schools—which are already struggling with budget shortfalls at the State and local level—with even greater challenges. In addition, while this bill provides an increase for Special Education, it is far short of meeting the Federal Government's promise to fund 40 percent of the costs.

This bill also shortchanges our most vulnerable youth by inadequately funding juvenile justice programs for the second straight year. The title V At-Risk Children's Program, which provides juvenile crime prevention funding to local communities, will only net $25 million in this bill—this program should be funded about three or four times that amount. Overall, juvenile justice funding will receive more than $100 million less in fiscal year 2004 than last year. This is unacceptable and we must do better.

If we are serious about our youth in this country, this bill certainly doesn't show it. We need to make their education and their well-being a top priority. Instead this bill cuts corners.

We can and should do better than this. We have done better than this in the bills and policies we put together on a bipartisan basis last year. I cannot support this bill or any motion to speed its passage. Not when it—against the will of Congress—steals necessary overtime income from over 8 million workers. Not when it—against the advice of the Senate—trashes a program that lets consumers make informed decision about the safety of the food they eat. Not when it overturns the clear decision of Congress to limit concentration in the media industry. Not when it violates common sense, common decency and the common good by slashing funding for programs that educate our children and nurture our manufacturing industries. I will vote against cloture today and against the bill if it comes to a vote. I urge my colleagues to do the same.

Mr. ENZI. Mr. President, I rise to speak about a specific provision in the Omnibus Appropriations bill. The bill before the Senate includes a 2-year delay in the implementation of country of origin labeling for all products except fish. I am highly frustrated with this delay because the conference committee went beyond the scope of its conference. The House bill only had a 1-year delay for implementation of country of origin labeling for meat and meat products. The Senate bill included an amendment indicating the strong support that country of origin labeling had in the Senate. The discovery of bovine spongiform encephalopathy, BSE, within our borders this holiday season was a wake-up call to the urgency of country of origin labeling implementation and the detriments of further delays.

After the announcement of a ''presumptive positive'' BSE cow in the U.S. domestic herd, the national and international response was immediate. Domestic markets plunged and our international trading partners slammed their doors shut to our meat products. Exports account for almost 10 percent of total U.S. beef production. Our largest export markets are refusing our product and bloating the domestic market. We've already lost a majority of our export market, a void that other beef exporting countries are

eager to fill. Unless we act now to restore the confidence of those markets, the relationships we have built for many years will be lost for good. In this situation, our trading partners need to be reassured that meat they purchase is ''born, raised, and slaughtered'' in the U.S. American consumers deserve this assurance, too. Country of origin labeling does this.

We have already paid for this lack of country of origin labeling. Exhaustive traceback and research by the U.S. Department of Agriculture has shown that the cow infected with BSE was imported from Canada. The rules that govern whether a country maintains ''BSE Free'' status are found in the Terrestrial Animal Health Code of 2003 generated by the Office of International Epizootics, OIE. The code say that a country can maintain its BSE-free status despite the discovery of a diseased animal if the animal was imported and all progency—calves—of the diseased animal are disposed of. With country or origin labeling in place, the United States could have begun the fight for ''BSE-free'' status immediately. Instead, we were forced to wait weeks until it was confirmed beyond doubt that the diseased cow was born Canada.

I understand that some people say that we don't need to have country of origin labeling with the USDA is already pursing a national animal identification program. This is simply not the case. A national ID program will be useful for health safety reasons. It will help pinpoint and track the spread of disease, but this informatin will not be passed on to the consumer. Tracking disease is not the only concern. Rebuilding consumer confidence should also be a high priority, and the only consumer-focused program is country of origin labeling.

Clearly, the answer to bolstering consumer confidence is country of origin labeling. We would do a great disservice to American consumers if the Senate suppressed country of origin labeling when the need for labeling is heightened.

The regulations for country of origin labeling were intended to be completed and implemented this year. I urge my colleagues to take the necessary steps to make sure this is the case. Now more than ever, we must stabilize the confidence of our consumers and let them enjoy the privilege of knowing that they are eating from the safest food supply in the world.

The PRESIDING OFFICER. Who yields time? The remaining time is controlled by the Senator from Alaska.

Mr. STEVENS. Mr. President, I say to my friends, I have no request for time, and there are 6 minutes remaining.

Mr. REID. Mr. President, we have no more requests for time. So for 5 minutes, I suggest the Senate be in a quorum call.

Mr. STEVENS. We will notify the two leaders. They still have reserved time, Mr. President.

Mr. REID. Until 10 till.

Mr. STEVENS. I suggest the absence of a quorum with the time coming out of our time.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. 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. DASCHLE. Mr. President, I will use my leader time to comment on the pending legislation.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, we are all eager to hear the President's agenda for the year. Before we move on, the Senate has some unfinished business from last year. This time last year Republicans promised a smooth appropriations process. In fact, it broke down to an unprecedented degree. It didn't have to be this way. Chairman STEVENS and Senator BYRD steered this process in an open, bipartisan fashion. Working together, they produced 12 appropriations bills that passed with broad, bipartisan support. As the majority leader noted this morning, we owe both of them a debt of thanks.

I am confident, had they been able to conclude the process they began, this debate would not have been needed. But because of the hubris of the White House and House Republican leadership, bipartisanship ended at the door to the conference negotiations. Hidden from the light of day, the White House hijacked the appropriations process, excluded Democrats, and wrote a bill to satisfy little more than special interest wish lists.

Today we are already 4 months into the fiscal year. We cannot undo the entire process, nor do we seek to. Democrats are united in our support for the vast majority of what is contained in this bill. But we should fix this bill before we finish it.

We want to give the majority a few days to work with the administration and the House to fix the most egregious provisions in this bill, provisions that have already been rejected by both Houses of Congress and bipartisan majorities. I have discussed our plans with Chairman STEVENS and the majority leader, and I believe they understand that we have no intention to block this bill. There is no reason to consider a full year continuing resolution and absolutely no risk of any interruption to the operation of the Government. The existing CR does not expire until January 31.

We could fix this bill with a simple correcting resolution and pass the Omnibus bill with broad, bipartisan support this very day. If we fail to do so today, all we ask is a few days to reconsider their actions. In doing so, we hope to salvage this process and begin this year on a note of bipartisanship, openness, and cooperation.

Three provisions demand particular attention.

American ranchers and farmers meet the highest safety standards in the world. But the discovery of mad cow disease in one imported Canadian cow has cast an unfair shadow of uncertainty over the American food industry.

There is a simple fix—implement the country of origin labeling law Congress has already passed.

This rule would put a ''100% American Beef'' sticker only on meat that was born, raised, and slaughtered in the United States.

Consumers want and deserve the right to make informed choices. In a recent poll, 85 percent said they would be more likely to buy food if it's American.

At a time when the rural community is struggling, the economic benefit of COOL to farmers and ranchers could be pivotal. That is why COOL is supported by 167 farm organizations representing 50 million Americans.

The Senate passed rule on two occasions with strong bipartisan support, in May 2002 as part of the farm bill, as well as in November.

It is time to enforce the will of the Senate and respond to the wishes of the American people.

The second issue is overtime. This bill would allow the White House to end overtime protection for American workers. This plan has already been rejected by the Senate by 54–45 and the House 221–203.

There is a simple reason why: It is bad for working families, bad for the economy. It would deliver a pay cut to 8 million workers, including emergency medical personnel, criminal investigators, nurses, physician assistants, teachers, agriculture inspectors, and more. Overtime pay accounts for nearly a quarter of take-home pay. For millions of families, it represents college savings, down payment for a house, medical bills.

At a time when manufacturing jobs continue to be shipped overseas and families are anxious about their finances, it would be cruel to end this vital protection that workers have depended upon for 70 years.

Finally, as to media ownership, when a few companies control the vast majority of media outlets in our country, our national discourse suffers and the vitality of our democracy is undermined.

There has been broad bipartisan support for maintaining limits. Last year, these limits won wide majorities in both the House and the Senate.

After first agreeing to retain language passed by the House and Senate to limit the number of stations a network can own, conferees bowed to White House pressure and included language that helps media conglomerates consolidate control over the airwaves.

This is special interest giveaway that directly harms the national interest, and it should be stopped.

There is more in this bill that could be improved. Provisions hidden within this 1,200 page bill would also threaten the education of Washington D.C. children through an untested vouchers scheme, undermine gun enforcement laws and allow more dangerous criminals to get their hands on guns, and contract out Federal jobs in key areas of government, leaving both Federal workers and citizens less safe and secure.

There are many more shortcomings. My colleagues could certainly point to other issues that deserve attention.

The Senate should not look the other way while a small minority overrides the will of the majority merely in order to reward one special interest after another.

We ask just a few days to improve this legislation. Let us fix this bill before we finish it. A few extra days of debate could prevent this bill from causing enduring damage to the Senate, our government, and our Nation.

Last year, with the White House and House Republican leadership at the controls, the appropriations process jumped the tracks. We have a chance to set things right and establish a tone of bipartisanship and cooperation for the coming year. I urge the Senate to make the most of this opportunity.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The majority leader is recognized.

Mr. FRIST. Mr. President, on leader time, I would like to make some closing statements on the importance of this bill, especially in light of the fact that although we have had 57 days for people to study the particular bill and what is in this bill, I want to put in a larger perspective why it is important to vote for cloture today and for us to bring to closure the unfinished business from several months ago so we can move ahead with the Nation's business this year.

I think first and foremost, every Senator has a real stake in passage of this legislation. Indeed, not just every Senator but the country has a stake in passage of this legislation. If we don't invoke cloture and subsequently pass this legislation, we will be shortchanging our diligent efforts and dedicated efforts in the fight against terrorism. We will be weakening funding for our food security and for our food safety system. We will be directly impacting in this vote millions of veterans. Those people who suffer from HIV/AIDS all over the world—our vote both today and subsequently for or against this appropriations package will affect them, whether it is in the prevention phase or in the treatment phase of HIV/AIDS. If we don't vote for cloture, if we don't vote for passage of this Omnibus bill—this collection of seven bills that addresses so many of the needs—we will be shortchanging the needs of schools in terms of Pell grants and in terms of Head Start. We will be shortchanging the lives of millions of Americans.

Many people have argued for a lot more spending in these bills, and many people have argued for a lot less spending. Whatever the merits of these arguments, again the whole process is a part of negotiations and, yes, compromise with the Senate, within the Senate, the House of Representatives, and the administration. But this is the product before us. Whatever the merits of those arguments for spending more or spending less, it is important that everyone understand the bill does abide by those spending limits that were agreed on between Congress and the executive branch, once you include the two emergency supplemental bills enacted last year, the ones enacted for the conflict in Iraq.

The appropriations spending authority will increase slightly—barely over 3 percent from 2003–2004—once this bill is enacted.

I spelled out briefly this morning the alternative to the bill. It is important for people to understand the alternative to passing this Omnibus appropriations bill. No Senator should be under any illusion, especially with regard to the fact that we are already one-quarter of the way through the fiscal year. One-quarter of it has already been completed. The alternative to a defeat of this appropriations package—this Omnibus package—is a full year of continuing resolution for the seven remaining appropriations bills.

I have to remind Senators because it has been a while since we have come back on the floor, and we haven't spent all day today going through all of the programs and what is in this bill in terms of education, title I, and special education programs, if we don't pass this package, will be cut by $2 billion. The National Institutes of Health, if we don't pass this bill, would be cut by $1 billion. Veterans health care—the health care for our veterans—would be reduced by $3.1 billion if we don't pass this bill; highway funding by $2.2 billion.

I mentioned global HIV/AIDS funding—people right now who are looking to America for that leadership—which would be reduced by nearly $1 billion.

States would not receive the $1.5 billion for the Help America Vote Act so we can increase funding for our election system.

The FBI's domestic terrorism fight would be curtailed by over $400 million.

AmeriCorps would not be fully funded at the $313 million level in this bill.

Agencies within the Department of Agriculture charged with animal health and food security would be reduced by $80 million.

I just close by showing this chart. I know it can't be read clearly by my colleagues. Here you see scores and scores of organizations that have let us know over the last 48 hours of their strong support for this Omnibus bill. Again, I will not go through the list, but in the list you will find everything from the Public Lands Council, to the Veterans of Foreign Wars of the United States, to the Disabled American Veterans, who say let's pass this bill, and let's pass this bill now. You see the Alzheimers Foundation, the American Foundation for AIDS Research, and you see the National Association for Biomedical Research. You see the International Association of Bridge, Structural, Incremental and Reinforcing Iron Works—again, scores of organizations that say pass this bill now.

What we all know is there is no perfect bill on this floor. All bills come as a product of compromise. That is a requirement of the legislative process.

It is now time to invoke cloture, to pass this bill, and to move on. I urge Senators to vote for cloture now—to vote for this bill and give children, veterans, schools, States, and needy Americans what they deserve.

CLOTURE MOTION

The PRESIDING OFFICER. By unanimous consent, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk reads as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the conference report to accompany H.R. 2673, a bill making appropriations for the Department of Agriculture and Related Agencies for fiscal year 2004, and for other purposes:

Bill Frist, Rick Santorum, George Allen, Robert F. Bennett, Jon Kyl, Ted Stevens, Kay Bailey Hutchison, Ben Nighthorse Campbell, Mitch McConnell, Judd Gregg, Orrin G. Hatch, John Cornyn, Christopher Bond, Saxby Chambliss, Sam Brownback, Larry E. Craig, Richard Shelby.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the conference report to accompany H.R. 2673, a bill making appropriations for the Department of Agriculture and related agencies for fiscal year 2004, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Georgia (Mr. CHAMBLISS) is necessarily absent.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from Minnesota (Mr. DAYTON), the Senator from North Carolina (Mr. EDWARDS), the Senator from Hawaii (Mr. INOUYE), 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. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 48, nays 45, as follows:

[Rollcall Vote No. 1 Leg.]

YEAS—48

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

NAYS—45

Akaka	Dorgan	Levin
Bayh	Durbin	Lincoln
Biden	Ensign	McCain
Bingaman	Feingold	Mikulski
Boxer	Feinstein	Nelson (FL)
Breaux	Frist	Nelson (NE)
Byrd	Graham (FL)	Pryor
Campbell	Harkin	Reed
Cantwell	Jeffords	Reid
Carper	Johnson	Rockefeller
Clinton	Kennedy	Sarbanes
Conrad	Kohl	Schumer
Corzine	Landrieu	Snowe
Daschle	Lautenberg	Stabenow
Dodd	Leahy	Wyden

NOT VOTING—7

Baucus	Edwards	Lieberman
Chambliss	Inouye	
Dayton	Kerry	

The PRESIDING OFFICER. On this vote the yeas are 48, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. FRIST. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked.

The PRESIDING OFFICER. The motion is entered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there be a period for morning business until the hour of 4:30 today, with the time equally divided between both sides, and that Senators be limited to 5 minutes each.

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

SCHEDULE

Mr. FRIST. Mr. President, for the information of Senators, it is my intent to close the Senate at about 4:30 today to allow for us to prepare for the events surrounding tonight's State of the Union Address. I will be talking to the Democratic leader about tomorrow's schedule. I will return in about 40 minutes to announce tomorrow's agenda.

PROVIDING FOR A JOINT SESSION OF CONGRESS TO RECEIVE THE PRESIDENT'S STATE OF THE UNION ADDRESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 349, which is at the desk.

The PRESIDING OFFICER. The clerk will state the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 349) providing for a joint session of Congress to receive the message from the President on the state of the Union.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the concurrent resolution be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 349) was agreed to.

The PRESIDING OFFICER. The Senator from Delaware.

COMMEMORATING THE LIFE OF FORMER SENATOR WILLIAM V. ROTH, JR.

Mr. BIDEN. Mr. President, TOM CARPER and I have a resolution at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 284) commemorating the life of William V. Roth, Jr., former Member of the United States Senate from the State of Delaware:

S. RES. 284

Whereas William V. Roth, Jr. was born on July 22, 1921 in Great Falls, Montana, was raised in Helena, Montana, graduated from the University of Oregon, and earned law and business degrees from Harvard University;

Whereas William V. Roth, Jr. was decorated with a Bronze Star for meritorious service with Army military intelligence in the South Pacific during World War II;

Whereas William V. Roth, Jr. moved to Delaware in 1955 and resided in Delaware until his death;

Whereas William V. Roth, Jr. was elected to the House of Representatives in 1966, and served the State of Delaware with distinction until his election to the United States Senate in 1970;

Whereas William V. Roth, Jr. continued to serve the State of Delaware and the United States in the Senate from 1971 to 2001, where he personified the title ''Honorable'';

Whereas William V. Roth, Jr. championed tax and savings reforms and deficit reduction as Chairman and a member of the Senate Committee on Finance;

Whereas William V. Roth, Jr. worked tirelessly to control government spending as Chairman and a member of the Senate Committee on Governmental Affairs and to shape foreign policy as president of the North Atlantic Treaty Organization (NATO) Parliament Assembly and chairman of the Senate NATO Observer Group;

Whereas William V. Roth, Jr. was a man of integrity, decency, and character who was committed to his family and to the people of Delaware; and

Whereas William V. Roth, Jr. was a trusted friend and colleague and a dedicated public servant: Now, therefore, be it

Resolved, That—

(1) the Senate has learned with profound sorrow and deep regret of the death of the Honorable William V. Roth, Jr., formerly a Senator from the State of Delaware;

(2) the Secretary of the Senate shall communicate this resolution to the House of Representatives and transmit an enrolled copy of this resolution to the family of William V. Roth, Jr.; and

(3) upon adjournment today, the Senate shall stand adjourned as a further mark of respect to the memory of William V. Roth, Jr.

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I thank the Chair. I thank the clerk for reading the resolution in its entirety.

Mr. President, my friend, our colleague, Bill Roth, died while the Senate was out of session. Otherwise, I am certain there would have been a profuse outpouring of sentiment on the floor, as when any person of consequence dies.

Bill Roth was a man of the Senate and a man of consequence. He was also, even though we were on opposite sides of the aisle, one of my closest friends in the Senate. We had the honor, as my friend and colleague, Senator CARPER, and I do, of riding Amtrak together. In Bill's case and my case, we rode the train together almost every day for 28 years. Literally, for the first 24 years probably every day the Senate was in session.

You can't have that kind of proximity with a man or a woman without getting to know them pretty darn well. I got to know Bill very well. I got to know his family. I got to know his hopes, his dreams, his fears, and his concerns, as he did mine, my family, my hopes, dreams, and concerns.

An unusual thing developed: a bond of trust. I can and will say for the record that there is no person in public life I came to trust more than Bill Roth. I trusted him with my concerns. I trusted him with family issues. I trusted him with personal issues. And I trusted his judgment on political issues, even when he and I disagreed.

We would ask each other questions: What do you think would happen if I do the following? What do you think the consequence would be? Even though we were in opposing parties, neither hesitated to give our friend the best advice we could.

I once said that running against Bill Roth was like running against a wheat thrasher: big, gobbles up everything in his way, and he was very silent. Before it was all over, everything was harvested.

Bill Roth, I think, was the most underestimated man with whom I have served going into my sixth term as a Senator.

I might note for the record that Bill Roth's family is incredibly talented. His wife, Jane Roth, is one step away from the Supreme Court as a Third Circuit Court of Appeals judge. None of us

who know her ever hesitated to support her. We pushed her. She is highly regarded and, as my friend from Pennsylvania, Senator SPECTER, knows—and no one knows the Third Circuit better than he does; literally no one knows it better than he does—is one of the most respected jurists on that venerable circuit.

His son, Bud, is a lawyer who is an extremely talented young man, and his daughter, Katie, is a doctor. I might note that Bill finally had a namesake. Just shortly before he died, he got to see his daughter's son who they named William. Bill actually died here in Washington visiting Katie.

This is a man who lived a full life, raised a great family, and will be missed not just by his family, but by our entire State and all those who knew Bill.

I can say without equivocation that I would have been honored, quite frankly, to have any one of his senior staff members work on my staff. One of the ways I think you measure the mark of a national leader is to look at the people with whom he or she surrounds himself or herself. Look at the people who they pick to represent them. Look at the people who they choose to be their alter ego.

Without exception, Bill Roth chose administrative assistants and senior staff members out of the same mold as himself: always totally honorable, balanced, straightforward, not at all ideological.

I have close friendships, personal friendships, with Bill's former staff directors, people who still live in Delaware and, I might add—I don't want to ruin their reputations—support me politically, support me in my races. It is hard, as I said, in a State as small as ours—I see my friend from Utah, which has grown to be a very large State relative to us, but when I first arrived here, when his dad was here, with whom I served, I think we were a little bit bigger than Utah at the time.

In small States, everyone knows everyone. Everyone has a sense of who everyone else is. It is hard in a State as small as ours, when you are in close proximity to people you respect, not to let it show, and that is exactly what happened in Delaware.

We went through 28 years of serving together, and I cannot think of one single solitary time—not one single occasion—where Bill Roth had or I ever had even a negative inference asserted about the other guy. We have a tradition in Delaware of not being very negative and partisan. I can tell you with the single exception of one highly contested political race, you never heard TOM CARPER, you never heard our sole Congressman and former Governor, MIKE CASTLE, you never heard in my State any of us criticizing the other. It has been a wonderful State to represent.

Bill Roth set the pattern. He surrounded himself with people of character such as himself, and that is something that should be strived for.

Bill, as I said, was known on the Senate floor, known in the country like few of us will be for the Fulbright scholarships, for the Roth IRAs. Everybody knows that Bill Roth was a man who promoted savings. He was a man who was tight with the taxpayers' money, which is a great asset. We used to kid. Every once in a while we would go to a function here in Washington and we would take a cab together. I remember once Bill leaning in to talk to the cab driver.

I said: What are you doing?

He said: I gave him a dime tip and told him to vote Democrat.

He also had a sense of humor, which most people on the floor never got a chance to see.

I don't know anybody who worked with Bill Roth who ever suggested that you could not work with Bill Roth; that he would not weigh in.

One of the things I want to mention about Senator Roth, though—and I am trying to move through this in the interests of time because I know we have the State of the Union and I know matters are going to be brought up today—is that one of the hallmarks of his career is he had a real sense of proportion, a sense of proportion that is missing today in much of public life. He fully understood that the Federal Government was both dangerous and necessary, that it is of value and sometimes part of the problem. He never had any trouble distinguishing between when it should be proactive and when it should not be active at all. He was not driven by ideology that blinded him to the needs of the people of my State, the Nation, or blinded him to civil liberties and civil rights.

He used to always surprise many of my Democratic colleagues because Bill was always so conservative on tax policy. I hope I don't get my friend from Utah in trouble, but one of the things about him is he is a man of independence. I think it surprised some of my colleagues when he voted against the constitutional amendment on the flag.

They said: Wait a minute, this guy is a conservative. It is because he is a conservative, I might add, that he did vote against it. But it would always surprise my colleagues on the Democratic caucus. They would say: Wait a minute, Bill Roth is a strong proponent of Title IX. That is the title that says you have to spread a proportionate amount of money on women in sports and colleges and universities. Bill Roth was very strong on women's rights.

To the chagrin of his colleagues and some of mine, he is in large part a reason there is no drilling in ANWR. Bill Roth is a Republican leader of the effort to see there was no drilling in ANWR. We have the Tongass Forest in Alaska, which is multiple times the size of my State, because of Bill Roth. Bill Roth had an environmental record that could easily have been associated with a liberal Democrat. Bill Roth's views on women's rights, civil rights, was moderate to liberal.

It always used to surprise people on this side of the aisle when they would say, whoa, was that Bill Roth who just voted on this, that, or the other thing?

Bill Roth was a complex man, a man who could not be pigeonholed or characterized by a single label. But he was ultimately a practical guy, a man who knew what he thought, what he believed, and very quietly and unhesitatingly never, never ceased or backed off from what he thought was a right thing to do.

On a personal note, like all of you in these cynical times—I would like you all to know that Bill Roth was anything but cynical. Bill Roth was not only an honorable man, Bill Roth was a noble man. The word ''nobility'' comes to mind, to me. When I learned of his death—and I was caught off guard as I was asked by the press about it—the first thing that came to mind was: He's a noble man. He's a noble man.

Let me explain what I mean by that. It is the way he dealt with people. It is the way he acted. Name someone for me in contemporary politics who was a winner of the Bronze Star and never once mentioned it. You cannot find a single piece of campaign literature that I am aware of. I never heard him speak of it. I never heard his campaign use it. Who, today, would not be out there talking about having been the recipient of a Bronze Star—to prove their patriotism, to prove their bravery? Bill Roth never, never mentioned it.

This is a politician who was not afraid to use gimmicks. This is a guy who rode an elephant to make a point, out here in front of the Capitol. This is a guy who talked about the $3,000 toilet seats and would hoist up toilet seats. He was a bit of a showman in that regard. But when it came to talking about himself, Bill Roth never did. He had this sense of nobility about him.

The other thing I loved about Bill Roth, in an environment where—I guess it has always been this case in politics—where money is king, campaigns cost so much money—Bill Roth was the chairman of the Finance Committee. Bill Roth could have raised more money than the Lord Almighty. But he always used to drive his chiefs of staff crazy when he wouldn't do what other people legally would do. He wouldn't call in the heads of the corporation and the business community and others who had great interest in what went on before the Finance Committee. He wouldn't do it. Bill Roth had trouble raising money. He was uncomfortable. I loved him for it. I loved the fact that he was uncomfortable doing it.

The other thing that used to drive me crazy sometimes, to show you how he was, I remember we had a little fight on the floor here about a thing most people don't know much about but in Delaware it is a big ticket item financially for the State—escheatment. Escheatment means when somebody dies and leaves no heir and owns a security, under the rules that exist now,

that money reverts to the State of incorporation.

So let's say you owned 1,000 shares of stock of General Motors and you passed away, you had no heirs, the estate was left—the State gets the estate. But which State gets it? Historically it has been the State where you are incorporated. So if General Motors is incorporated in Delaware, even though its business is in Michigan, the money goes to Delaware. That is a big amount in their budget.

There was a suit filed in the Supreme Court but the Supreme Court said, no, it is OK to do it that way, but it is up to the Congress to change it if they wanted to.

Mr. President, 78 Senators said let's change that, and 370-some Congressmen said let's change that. I didn't think it was a good idea to change it. I have a simple rule. I say it straightforward. I think I never take personally the competition for highway funds or bridges or programs. We all compete, each of our States, for that. I take it very personally when my colleague or a colleague in the Senate decides to take an action that would benefit his State only marginally, but would do great damage to my State. I take that very personally.

Changing law on escheatment would have been marginally beneficial to 47 other States but a gigantic detriment to my State. So I went to Daniel Patrick Moynihan; New York was affected by this. I went to my friend, my friend who is no longer here, Al D'Amato—affectionately referred to as pothole Al. And I went to my friend Senator KENNEDY from Massachusetts, and we said we are going to do what we can to see this doesn't change.

I will tell you the end of the story. We ended up winning. Even though over three-quarters of the Senate cosponsored the change and more than that in the House, we ended up winning in the end of the day. That was because our colleagues realized we took it personally, it didn't affect their States very positively, and they in fact saw the better part of valor here and were willing to help us.

I remember standing in the well of the Senate saying to Bill: Bill, you are chairman of the Finance Committee. Let your colleagues know this is important to you.

He said: I don't know. You tell them. You tell them.

He was even uncomfortable saying that. He was one of the most powerful men in the Senate and he wouldn't say: Hey, look, Bennett, this is important to me. Please help me. He wouldn't even do that.

Although he had all this power, the thing that was so beautiful about him, he was uncomfortable with power. I think it is always healthy when people are uncomfortable with wielding power. But he never hesitated to wield it when he thought it was absolutely clear cut.

So this was a guy who was a noble man. I just watched him. I watched him operate for over 28 years.

Mr. President, I ask unanimous consent to proceed for 3 more minutes.

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

Mr. BIDEN. Mr. President, there is a quotation engraved on the wall at Union Station. It goes like this:

> Be noble, and the nobleness that lies in other men sleeping but never dead will rise in majesty to meet thine own.

Bill Roth also brought out the humility in those who worked with him and those who were around him.

There is much more to say about him. I have said too much.

I apologize. I did not realize that time was controlled. My colleague from Delaware, a cosponsor of this resolution, Senator CARPER, would like to speak. I ask whether my colleagues would object if Senator CARPER is able to proceed.

Mr. SPECTER. Mr. President, I have already talked to the Senator from Delaware. The junior Senator expects to speak 5 minutes, and I would like to be recognized to speak very briefly about Senator Roth and then introduce a bill. May I put that in the form of a unanimous consent request?

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

Mr. BENNETT. Mr. President, I would like to be allowed to speak very briefly about Senator Roth as well. I don't have a prepared statement. Could I go for 1 minute between Senator CARPER and Senator SPECTER?

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

The Senator from Delaware.

Mr. CARPER. Mr. President, I am pleased to join my colleague, Senator BIDEN, in offering this resolution commemorating Senator Roth. I thank Senator SPECTER for his willingness to let me slip in ahead of him.

I recall any number of times visiting the Senate when I was Governor. I have had the privilege of testifying before the Senate Finance Committee that Senator Roth chaired. I remember revisiting him in his office in the Hart Building from time to time.

It is not uncommon when you walk into the office of Senators that you see their pictures on the wall. There were, I am sure, a few pictures of Senator Roth and his family and others on the wall of his office. It is less common to walk into a Senate office today as a person who succeeded in a case where you ran against an incumbent, as I did against Senator Roth, and find the photograph of the Senator who was defeated, in this case in my race against Bill Roth.

We have a tradition in Delaware called ''Return Day.'' Every Thursday a few days after the election of even numbered years, winners and losers gather in our county seat in southern Delaware, Georgetown, DE, and have a great breakfast at the Delaware Technical Community College. Then the winners and losers ride together in a horse-drawn carriage throughout the streets of Georgetown. Thousands of people come from all over the State to cheer those who won. The town crier comes out on the balcony of the White House in Georgetown in the circle and calls out the results from the election 2 days earlier.

On that Thursday after the election in November of 2000, I rode in a horse-drawn carriage with Senator Roth and members of his family, and some members of my own family. It was an open-air carriage. It was a beautiful day. I asked if he would like to stand. We stood. The driver and the horses were ahead of us as we started down the parade route sitting there with our hands on the seat behind the driver.

I said to him: Why don't we do something else? Let me hold your hand. I held his hand up in the air as one does at the end of a prizefight holding up the hand of a winner. We went through the entire parade that day holding up the hand of the winner who won so many elections during 34 years as if there really wasn't a loser but only a winner in this situation—a real winner. That picture of us holding hands is still in my office today. It is a great picture. It tells a lot about the spirit of politics in Delaware and about the respect for Senator Roth as well.

Senator BIDEN talked about some of the legislative accomplishments and the work that Senator Roth did with respect to NATO and the reorganization of the Federal Government.

While those issues are important and what he did legislatively with respect to NATO and others is important, in Delaware, a State with about 800,000 people, you also have an extraordinary opportunity to help people with problems in their lives. For folks who are trying to grapple with the IRS on issues that need to be resolved or on Social Security issues and veterans issues, you can quite literally every year change the course of about 1,000 or 2,000 families who come to your office for help.

That day as we went through Georgetown, DE, on ''Return Day'' in the parade, I am sure Senator Roth got bigger cheers than I did. They were from Democrats and Republicans and Independents. In part, those cheers were the result of the kind of staff he put around him. He hired excellent people. They set the gold standard for constituent service in our State. If you were a Democrat or Republican or Independent and you called his office for help, you got it. They did a terrific job.

Bill Roth understood that we are servants of the people. They pay our salaries. We have an obligation to give our very best effort. He made sure that was what his staff provided—and he provided it during the 34 years he served in the Congress.

I said to him after the election: You set the gold standard. The challenge for me and my staff is to try very hard

to match that standard. Maybe eventually, through new technology and training and services experience, we can even exceed it.

I have won statewide in Delaware 11 times. I have been fortunate 11 times. I have run against very good people but none more decent than Bill Roth.

At his memorial service at the University of Delaware a week after his death, we were joined by Senator SPECTER and others. Hundreds of thousands of people came from all over our State. One of the speakers said Bill Roth was a gentleman and a gentle man—a gentleman and a gentle man. He treated his staff, the folks who work in the cafeteria here, and the folks who run the elevators here with the same kind of respect as with his colleagues and his peers. I doubt that you can every day find that in a person who rises to the kind of power he enjoyed in this city and in this country. It says a whole lot about the man he was.

One of the persons who spoke at Senator Roth's memorial service was his former chief of staff, John Duncan, who is now Assistant Secretary of Legislative Affairs at the Department of the Treasury. I ask unanimous consent that excerpts of the very eloquent comments of John Duncan be printed in the RECORD. He said it certainly better than I could. It is the kind of tribute that belongs in the CONGRESSIONAL RECORD.

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

SENATOR WILLIAM V. ROTH, JR., MEMORIAL SERVICE, CLAYTON HALL, DECEMBER 21, 2003

Today we celebrate a unique man whose legacy will live on for us, our children and our grandchildren.

As the representative of the Roth staff, I appreciate this opportunity to honor the man who had such a significant impact on our country and the lives of so many people.

Just a few weeks ago, the Senator was in Washington and some of us got together for lunch. After an hour or so of laughter and story telling we all returned to our jobs.

On my way back to the office, I couldn't help but reflect on what a big influence Bill Roth has had on those of us who worked with him over the years.

Some had started working for him as interns, others as subject matter experts. Some were form Delaware and knew about the Senator before they went to work for him. Others were from outside Delaware and came to know the uniqueness of this man only after they came within his orbit. All, in their subsequent careers, had gone on to great success in business, government and academia.

One participant at lunch that day was a very high ranking official in the Commerce Department who had been the Senator's top trade advisor. He had the best of jobs. He traveled the world working on trade agreements that would shape the future of our country in the world economy.

For twenty minutes in great animation he regaled us with stories about the exciting thing he was doing. Listening, you couldn't help but be envious that any job should be so important and so much fun.

But at the end he paused and, in serious vein, told the Senator ''This job is great. But the best job I ever had was working for you.''

The reason I tell this story is that Bill Roth is known for many accomplishments. But his biggest impact was on the lives of the people who did things with him, many of whom are in this hall today.

Whenever we reflect on the nature of a person's life we experience an interesting problem. We want, in our reflections, to capture ''who'' they were. But with every effort to describe ''who'' they were we inevitably end up describing ''what'' they were and the uniqueness we experienced and are trying to express escapes us.

This difficulty in no way lessens the importance of what we are doing here as we remember the life of Senator Roth. For it is at the end of a person's life that the uniqueness that God gave each of us becomes most apparent.

Though the uniqueness of individual personality will always escape being captured in words, I am pleased to join with the others on this stage to add my contribution to the appreciation of this highly unusual man.

I'd like to start my remarks by focusing on some of the ideas the Senator brought to his work and how they led to the achievements we so much associate with him.

Though those ideas were many and varied they all focused on the concerns and worries of regular people—the people, from all walks of life, who work hard, pay their taxes, and care for their families.

Senator Roth believed that government exists to serve the people. He started first with his own office.

Over the years he employed a number of fine and talented caseworkers that citizens could turn to when the bureaucracy became overwhelming. It's difficult to travel very far in Delaware without meeting a person assisted by his office or seeing something he helped fund, from Amtrak, to the Dover Air Force Base to land set aside for conservation.

One of his first legislative accomplishments was the creation of a source book for citizens that catalogued available grant and assistance programs. How could the government serve the people, he reasoned, if the people had no idea what was available to them?

Years later he authored the Government Performance and Results Act which set performance standards for government agencies and held managers accountable for results. It was this program, you may remember, that Al Gore adopted as his central task as Vice President.

Evidence that the IRS had slipped beyond the control of the Congress and was in danger of becoming a rogue bureaucracy was what prompted the Senator to conduct hearings on the IRS.

To understand the importance of what he did you need to know, that at the time of his hearings, a congressional commission to modernize the IRS had finished its work and legislation implementing its recommendations had been introduced.

That legislation, though, was going nowhere. The IRS opposed it. The Treasury Department opposed it. President Clinton opposed it. But within months of Senator Roth's dramatic hearings the Congress passed the restructuring bill and the President swiftly signed it. Reform that normally takes years was accomplished in months—all because of the determination and timely leadership of Bill Roth.

It was as Chairman of the Governmental Affairs Committee that the Senator first disclosed his thinking that competition, so much a force for good in the private sector, might be useful in government administration.

The principle that competition ensures innovation and lowest cost operations was first applied by the Senator to government procurement where he was an ardent opponent of the practice of sole-source contracting.

Later, in interesting and artful ways, the Senator would apply this principle to other areas of government.

He teamed-up with his friend and colleague Joe Biden to expand NATO's membership and mission. Because of their successful work, there are choices available for dealing with international hot-spots and freedom and security are more than just a dream for millions of people.

In the area of transportation, the Senator's vigorous support of Amtrak, the Wilmington Trolley, and alternative fuels was based on his belief that we are better off with alternative modes of transportation and energy.

The Senator was best known for his work on tax policy. He though that every person who wanted a job should have one.

While he never thought we would ever be free from the business cycle, it upset him that the tax code—something we did control—discouraged the creation of jobs. The best thing to do, he reasoned, was to change the tax code in a way that encouraged people to work, save and invest.

That was the principle behind the Roth-Kemp tax cuts. Radical at the time, today the connection between low marginal tax rates and jobs is conventional wisdom, not only in America, but a good part of the world.

With tax policy moving in the direction of lower rates, the Senator turned his attention to changing retirement policy from income maintenance to asset ownership. He used his committee leadership positions to develop savings accounts as part of the Civil Service Retirement system and then created the highly popular Roth IRA.

As you can tell from the variety of things I've mentioned, Bill Roth was driven by big ideas and left a legacy of big accomplishments.

Success in Washington, though, doesn't just happen on its own. Anyone who knows the nature of public life can tell you that having a vision of a preferred future is not enough for success.

Abraham Lincoln, in one of his State of the Union Messages to the Congress, summarized it best when he wrote, ''it is not 'can any of us imagine better?' but, 'can we all do better?' ''

There are as many visions of the future as there are Members of Congress. The central task and art of political leadership is gaining the consent of a majority of Members to do the things that need to be done.

You can't get that consent, though, if don't know how to work with your colleagues. Just as Bill Roth had a core set of beliefs that guided him in what he did, the Senator had a firm set of ideas about the conduct of business.

The Congress can be a complicated and difficult place in which to act. The rules are complex. People are unpredictable, emotions run high and the best of human nature is often absent.

The legislative process can too easily become a game in which each political party tries to score points at the expense of the other. Relationships can too easily descend into acrimony and bitterness.

Senator Roth avoided all that. To him, the conduct of politics came down to a set of straightforward activities: Express . . . Discuss . . . Persuade . . . Negotiate . . . Compromise. It was primarily through these activities that he gained consent and advanced his goals.

His basic technique was to carefully craft an initial proposal that reflected common interests. He'd then bring the Committee together and would not let anyone leave the

room until they reached agreement. His goal was agreement by consent. And nobody knew how to build consensus like Bill Roth.

He preferred persuasion to voting. But if the Senator needed votes, he knew how to get them. He knew when to negotiate. He knew how to compromise while remaining true to his principles. And, most importantly from the standpoint of his colleagues, he could be counted on to defend the products of joint decision.

I learned a secret from Bill Roth. In politics, as in life itself, means and ends are the same. To the Senator, how things were done was as important as what was done.

To him political power flowed from treating each colleague in a way that, as a group, they would never lose the ability to do things together. That understanding served him well and, in large measure, accounted for his success.

To the Senator the purpose of our political institutions is to move us forward as a nation, and keep us together as individuals.

Though he was a Republican and proud of his party's heritage, Bill Roth did not see the world in partisan terms. There is a nice irony here, because the ideas Bill Roth worked for have transformed the Republican Party.

Bill Roth felt that any important undertaking had to be done in a bipartisan manner. He had many friends on the other side of the aisle.

One of his closest friends was Joe Biden. The attentiveness and courtesies they showed each other convinced me that there was, in reality, a third political party that might best be called the Delaware Party.

As Senator Biden has often observed, Bill Roth led, but he led quietly. He didn't hog the spotlight, intimidate or run roughshod over his colleagues. In advancing his interests, Bill Roth rarely played hard bill. It was not in his personality to do so.

But if he had to, he could. I remember one time when he did.

The Senate was considering an extension of unemployment benefits. The legislation had been written in a way that excluded Delaware and some other states under the notion that their economies weren't suffering enough and didn't need the help.

Senator Roth's view was that Delaware's unemployed deserved to be treated just as well as the unemployed in other states. The states that benefited from the legislation had the votes to get it passed, but it was unclear whether they would break a filibuster.

I remember Senator Roth calling me from the Senate floor with a fire in his voice that I had never heard before and would never have occasion to hear again. He instructed me to locate a multi-volume history of the state of Delaware. I knew immediately that he and Senator Biden were prepared to read the entire history of Delaware to the U.S. Senate, if they had to, in order to stop this unfair treatment.

After a short but tense period of time the leadership backed off. The legislation was altered to include the unemployed from all states and passed by unanimous consent.

When the standoff was over, the Senator returned from the floor. The history of Delaware went back to the library. And I developed a new appreciation for the use of history in the development of public policy.

The Senator's personality was creative and fun-loving. He was always game for the unusual. He had a live elephant at a press conference when he was fighting to get attention for his tax cut proposals.

He hung spare parts from a Christmas tree to dramatize military procurement practices that were over-charging the taxpayer.

And on the first anniversary of the Roth-Kemp tax cuts, he wanted to celebrate everyone getting a bigger piece of the economic pie. So he had prepared and served a giant baked apple pie—a pie so large that it qualified for the Guinness Book of World Records.

And as everyone in Delaware knew, the Senator campaigned with a Saint Bernard. He told me about the Saint Bernard once. He said it was his secret weapon.

People might resist a politician he told me, but nobody could resist a dog—especially if that dog was a big and happy Saint Bernard.

But even if parents could resist the dog, children couldn't. When the children came so did their parents. And there he'd be with his ''HI, I'm Bill Roth'' button ready to greet and converse.

Hokey by some people's standards, but, when he told me that story, I knew why he became Delaware's longest-serving statewide lawmaker.

The Senator's love of his dogs was legendary in Delaware. But it wasn't as well known in Washington until a prominent local magazine did a profile on the Senator in which he listed his dog Sweet Pea as his closest advisor.

When people talk about Bill Roth as an individual one hears words like ''kind . . . shy . . . gracious . . . thoughtful . . . considerate . . . humble . . . respectful.''

These words accurately reflect Bill Roth's personality. But they need to be leavened with some additional qualities. Bill Roth was a demanding leader. You couldn't do what he did in Washington without focused drive and ambition.

Bill Roth came to Washington with grand purposes. As with all big efforts there were setbacks, disappointments and failures. But they never stopped him or even slowed him down.

Senator Roth had great expectations and desired to do well. They were expectations he put on himself and the organization. And they came, I think, at least to some degree from Delaware's special role in America's founding and its long history of quality political leadership.

No matter what he was working on or where he was in the world, Delaware was never far from his mind. When crafting important trade and tax legislation, he always considered its effects on Delaware products and businesses. When traveling abroad he pressed his hosts to open their borders to products from Delaware.

Poultry was always prominent in those discussions. The efficiency of the industry was astonishing to him. That Delaware poultry could be grown, processed and shipped to markets in foreign lands at prices competitive with local producers had a big impact on his thinking about trade and his confidence in America's ability to compete in a global economy.

It was important to the Senator that he employ the best talent. He insisted that everyone who worked for him have a clear understanding of what was expected at work and that they have the resources to do their jobs.

But the important element that stood out in Bill Roth's office was the way he treated his employees. He did not use and discard people. He cared about each of us as individuals. His interest went beyond the workplace to family and career.

Though he was a very busy man pursuing important objectives, he always had time—time to counsel, time to celebrate and time to console.

He brought out the best in his employees and launched them on their careers and took great satisfaction in everyone's achievements.

This is very unusual. It is in our families that we expect to be cared about for who we are. By treating his employees as individuals and caring about their personal success, Senator Roth made each of us a part of his family.

I'd like to close my remarks by relating a small incident that I think says a lot about Bill Roth and his chosen profession of politics.

One day Neil Messick, the person who preceded me in my job, drove the Senator to a meeting. They parked in a large garage and went to their destination. When they returned to the garage Neil realized he had forgotten where he had parked the car.

He took a guess at the right floor but he chose wrong. Neil was new to the job and worried about the kind of impression he must be making on his new employer.

After some initial wandering around Neil turned to the Senator and said ''You wait here and I'll go find the car.''

The Senator, who had already sized-up the situation, said ''Neil you've already lost the car, you're not going to lose me, too.'' And off they went in laughter to find the car.

This little incident says a lot about the Senator's quick humor and his desire to put people at ease. But it also says something about the nature of the political experience itself.

Politicians enter the public realism alone but they never travel it alone. They travel it with the family who supports them at home, the voters and friends who support them in the state, and the staff who support them at work.

Bill Roth made the journey with the support of all of you. He was a good man doing a tough job—a job he loved. You were the source of his energy.

The Senator confided in me one time that he viewed himself as a plodder. That self-assessment was accurate. But he was a plodder with a vision.

As your Congressional delegation can attest, success, as a legislator, requires the sustained and focused activity of small steps over a long period of time. And, with each step, elected representatives face unique and difficult challenges.

But, as Bill Roth's life has shown, if you have a vision, stay on course, and are attentive to relationships, then small steps lead to big accomplishments.

Last January, during a graduation ceremony at the University of Delaware, the Senator was described as a dedicated public servant, an esteemed leader on foreign policy, an acknowledged leader of reform, and a respected environmentalist. This is ''what'' Bill Roth was.

Later, in that same ceremony, a former employee and long time political advisor, Pete Hayward, used a different terminology to describe the Senator: ''caring employer, patient teacher, supportive mentor, and trusted friend.'' This is ''who'' Bill Roth was.

Today we bring both together—what he did and who he was—and can appreciate the full measure of the man.

Thank you.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I will not take a great deal of time. I don't need to because all that needs to be said about Bill Roth has been said.

My wife and I had the privilege of going with Bill and his wife to Romania. We traveled with them to other countries throughout Europe talking about NATO and other issues. In that process, we became well acquainted with two of America's finest public servants. But on that occasion, they became two of our best friends.

I join with all of the people from Delaware and all of the colleagues in the Senate in paying tribute to Bill Roth, saying goodbye to him for his service, and extending my warmest sympathy and condolences to Jane for the loss of her husband as well as recognition of her service to this country. What a remarkable couple. America, as well as the State of Delaware, has been very well served for their willingness to participate in the public arena.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I join my colleagues in paying tribute to Senator Roth. I had the privilege of working with Bill Roth in the Senate for some 20 years.

On the route from Washington to Philadelphia I frequently road with Bill Roth as far as Wilmington. Frequently when I would catch the train in Philadelphia, I would see him board in Wilmington. During the course of 20 years, we had very many long and fascinating discussions.

Bill Roth was an outstanding Senator. He served in the House of Representatives in advance of coming to the Senate and was a native of the State of Montana. He was Harvard Law School educated. He was chairman of the Finance Committee. He had very deep insight into finances and taxes. He was a coauthor of the famous Roth-Kemp bill or Kemp-Roth bill—it depends on whether you accentuate the House or the Senate—with very substantial tax cuts in the early days of the Reagan administration. He later served as chairman of the Finance Committee, known for the Roth IRAs, so people could set aside funds and make a real contribution to the Nation.

My wife and I had the occasion to attend the memorial service for Senator Roth in Wilmington recently. As noted, his wife Jane is a very distinguished judge of the Court of Appeals for the Third Circuit, the circuit which covers Pennsylvania as well as Delaware and also New Jersey.

When Senator Roth finished his term at about his 80th birthday, it marked a very outstanding contribution to the Senate.

The PRESIDING OFFICER. Is there further debate on the pending resolution?

The resolution (S. Res. 284) was agreed to.

The preamble was agreed to.

Mr. SPECTER. 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. SPECTER. I ask unanimous consent the next remarks be in morning business under the introduction of legislation.

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

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 2008 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

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

NOTICE OF PROPOSED RULEMAKING

Mr. STEVENS. Mr. President, I ask unanimous consent that the attached statement from the Office of Compliance be printed in the RECORD today pursuant to section 4(c)(4) of the Veterans Employment Opportunities Act of 1998 (''VEOA'') (2 U.S.C. 1316a(4)), and section 304(b) of the Congressional Accountability Act of 1995 (2 U.S.C. 1384(b)).

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

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, December 8, 2003.

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

DEAR MR. SPEAKER:

WITHDRAWAL OF NOTICE OF PROPOSED SUBSTANTIVE RULE MAKING, AND ADVANCE NOTICE OF PROPOSED RULE MAKING

On November 13, 2001, the Board of Directors of the Office of Compliance submitted proposed substantive rules for comment, pursuant to section 4(c)(4) of the Veterans Employment Opportunities Act of 1998 (''VEOA'') (2 U.S.C. 1316a(4)), and section 304(b) of the Congressional Accountability Act of 1995 (2 U.S.C. 1384(b)). The proposed substantive rules would implement section 4(c) of the VEOA, which affords to covered employees of the legislative branch the rights and protections of selected provisions of veterans' preference law. The Notice of Proposed Rule Making was printed in the Congressional Record on December 6, 2001 at H9065, et seq., and S12539 et seq.

In response to that Notice, the Board of Directors received comments which addressed the difficulty in promulgating regulations applying substantive veterans' preference rights in the absence of formal civil service merit personnel systems in the legislative branch. In view of the comments, and upon further consideration, the Board has decided to withdraw the notice of proposed rule making of November 13, 2001, printed in the Congressional Record of December 6, 2001.

The Board of Directors has initiated a new process of drafting proposed substantive regulations which would implement section 4(c) of the VEOA. The Board invites the informal input of interested parties in advance of the Board's completion of new draft regulations and publication of a new Notice of Proposed Rule Making in the future. Interested parties are invited to contact the Executive Director of the Office of Compliance, Room LA–200, 110 2nd Street, SE., Washington, DC 20540; 202–724–9250, TDD 202–426–1912.

We request that this notice be published in the Congressional Record. Any inquiries regarding this notice should be addressed to the Office of Compliance at our address above, or by telephone or TDD.

Sincerely,

SUSAN S. ROBFOGEL,
Chair.

TRIBUTE TO LEE LEIGHTON

Mr. REID. Mr. President, I rise today to congratulate a man who is a husband, a father, a grandfather, a friend, and a hero.

Chief Lee Leighton is retiring after a remarkable career of 34 years with the fire department of Sparks, NV.

From the time Lee was born in Lynn, MA, he can never remember a time when he did not want to follow in his father's footsteps as a public servant. After the family moved to Nevada, his father joined the Washoe County Sheriff's office, and he showed Lee through example how important a job and a life's work can be.

Lee looked up to his dad. And as he looked toward his own future, he hoped to become either a policeman or a firefighter. As fate would have it, the fire department called him first, so he became a fireman.

Being the oldest of four children, Lee has always been a leader. He began his career in the fire department in August of 1969, and a few years later became the pump operator driver. The department, recognizing his ambition, promoted him to Captain in 1977. Over the years, Lee's dedication to the fire department was acknowledged and he was appointed battalion chief and then department chief. For the past 3½ years he has been the fire chief of the Sparks Fire Department.

When Lee joined the department, it had about 30 people. Now there are almost 100. He is leaving the department in good shape, with response times that are as good as any in the Nation.

His commitment to Nevada is evident not only through the years he spent working for the Sparks Fire Department, but through his passion and love for his job and life. This passion has also inspired his four sons to become firemen. They are serving Nevada through the Reno Fire Department, Storey County Fire Department, and Nevada Division of Forestry.

Lee's life as a public servant went beyond the Fire Department. He served 6 years in the Marine Corps Reserve, and Nevada Governor Kenny Guinn appointed him as a member of the Board of Fire Services. In addition, Lee participated as a member of the Department's Honor Guard, former chairman of the Sparks Fire Department Commendation Review Committee, and chairman of the Sparks Fire Department History Book Committee.

Sixteen years ago he met his future wife, Roberta Leighton. Roberta, or ''Bobbi,'' was working as a police and fire dispatcher. Lee with his four sons, and Bobbi with two daughters and one son, became good friends. Over 8 years,

that friendship evolved into love, and they married in March of 1996. This March they will celebrate their eighth anniversary.

Lee and Bobbi plan to spend a few well-deserved months in Mexico, relaxing and enjoying the life they have established together. Of course, they will spend a lot of time with their seven children and six grandchildren. And Lee will now have more time to ride his Harley, possibly in the upcoming Street Vibrations festival, an annual celebration for motorcycle enthusiasts in Sparks and nearby Reno.

As they look forward to retirement, Lee and Bobbi can also look back on a job well done, a life well lived, and the important role they played in Sparks, NV.

So today, on behalf of all Nevadans, I offer congratulations and gratitude to Lee and Bobbi Leighton.

HONORING OUR ARMED FORCES

Mr. JOHNSON. Mr. President, I rise today to pay tribute to CPT Chris Soelzer, a resident of Sturgis, SD who died on December 24, 2003, while serving in Operation Iraqi Freedom.

Captain Soelzer was a member of the Headquarters Company of the 5th Engineer Battalion, which was based out of Fort Leonard Wood, MO. He was among three soldiers killed when a roadside bomb hit a military convoy near Samarra.

Answering America's call to the military, Captain Soelzer wasn't sure he was going to make a career out of the Army. However, according to his brother, ''he was a soldier, that is what he lived for.'' A born soldier, he had attended Kemper Military School and College after graduating from Sturgis High School. A member of the school band, chorus group, and the track team, friends remember him as a quiet and gentle person. Captain Soelzer's former principal recalls that ''he was a real gentleman, a real nice kid who was involved in a lot of things.'' Dave Mueller, a friend from high school remembers Captain Soelzer as a bright individual and remarked that ''Academics was his big thing. I think he was close to straight A's.''

Captain Soelzer served our country and, as a hero, died fighting for it. He served as a model example of the loyalty and dedication in the preservation of freedom. The thoughts and prayers of my family as well as the rest of the country's are with his family during this time of mourning. Our thoughts continue to be with all those families with children, spouses, and loved ones serving overseas.

Captain Soelzer led a full life, committed to his family, his Nation, and his community. It was his incredible dedication to helping others that will serve as his greatest legacy. Our Nation is a far better place because of Captain Soelzer's contributions, and, while his family, friends, and Nation will miss him very much, the best way to honor his life is to emulate his commitment to service and community. In the words of Dave Mueller, ''He was also a person who you'd barely have to know him and he would do everything for you.''

I join with all South Dakotans in expressing my sympathies to the family of Captain Soelzer. I know that he will always be missed, but his service to our Nation will never be forgotten.

SERGEANT DENNIS A. CORRAL

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of Dennis A. Corral, a fellow Nebraskan and Sergeant in the U.S. Army. Sergeant Corral was killed on January 1 in Baghdad, Iraq. He was 33 years old.

Sergeant Corral served as a supply sergeant in Company C, 1st Engineer Battalion, 1st Brigade, 1st Infantry Division, based in Fort Riley, KS.

A resident of Kearney, NE, Sergeant Corral was a dedicated soldier who was committed to his family and country. Sergeant Corral volunteered to deploy early so that another soldier with a wife and children could spend more time at home, his mother, Yolanda, said. She described her son as always willing to ''step forward if they need help.''

In addition to his mother, Sergeant Corral is survived by his father, Victor, and brothers, Peter, Christopher, and Rodney. Our thoughts and prayers are with each of them at this difficult time.

Sergeant Corral and thousands of brave American service men and women confront danger every day in Iraq and their tremendous sacrifices must never be taken for granted or forgotten. For his service, bravery, and sacrifice, I ask my colleagues to join me and all Americans in honoring Sergeant Dennis Corral.

DR. MARTIN LUTHER KING, JR. DAY, 2004

Mrs. BOXER. Mr. President, throughout California and across America, millions of people gathered yesterday to celebrate the 75th anniversary of Dr. Martin Luther King, Jr.'s birth. Each year, thanks to a 1983 Federal law that I was proud to vote for, we take the third Monday of January to commemorate Dr. King's birthday.

In his immortal ''I Have a Dream'' speech, Dr. King shared his vision of a land where people of every religion, race, and creed could realize the American dream of freedom and opportunity. In the words of his wife, Coretta Scott King, we honor Dr. King's dream of ''a vibrant, multiracial nation that has a place at the table for children of every race and room at the inn for every needy child.'' On Martin Luther King Day, we take this opportunity to reflect on the dream of an inclusive society in which all people are truly created equal.

On this day and all year long, Americans share in Dr. King's extraordinary commitment to improving the lives of others. We remember his dream and take an active role in making it a reality. Throughout our Nation, people help those in need: they feed the hungry, house the poor, heal the sick, and offer a guiding hand to at-risk youth.

This week, as we mark the national celebration of Dr. King's birthday, let us not merely reflect on his work, let us live his legacy. On this Martin Luther King, Jr. Day, I ask you to join me in vowing to make Dr. King's dream a reality. Let us come together to take positive—yes, affirmative—action to give every American a real shot at the dream.

Mr. SMITH. Mr. President, yesterday, we celebrated Martin Luther King Day. For many of us, this day was a time to reflect on the progress we have made in protecting civil rights and the work that remains. Dr. King once said:

> Injustice anywhere is a threat to justice everywhere.

No matter how far our Nation has come, we must never rest contented with the mistaken notion that we have done enough to protect our fellow citizens.

In 1998, a young man named Matthew Shepard was brutally beaten and left for dead simply because he was gay. He lived for 6 days in the hospital, just long enough for his family to gather and say goodbye. Matthew's story, and the heinous dragging murder of James Byrd 6 months earlier, brought hate crimes to the forefront of the national discourse. It taught us a profound lesson about the hatred that still lives in some of our citizens.

Hate crimes are violent acts intended by their perpetrators to send a message of animus and intimidation towards those whose religion, race, or sexual orientation might differ from their own. They are a violation of everything our country stands for. As Attorney General Ashcroft has said:

> Criminal acts of hate run counter to what is best in America—our belief in equality and freedom.

Sadly, the number of reported hate crimes continues to grow at an alarming rate. The FBI catalogued over 9,700 hate crimes in 2001. That is an average of 26 hate crimes a day. At that pace, in the last 5 years, more than 47,000 hate crimes have been committed.

The current hate crimes law was enacted after the assassination of Dr. King, and it is woefully outdated. It does not apply to hate crimes based on sexual orientation, gender, or disability. Even in cases of crimes based on race, religion, or ethnic background, the law only protects victims who were attacked when engaged in ''federally protected activities'' such as jury service, interstate travel, or voting.

It is time to update this law, and I believe we have finally developed compromise legislation that can pass Congress. The Local Law Enforcement Enhancement Act, LLEEA, is a bipartisan bill that will provide support to local authorities investigating and prosecuting hate violence.

LLEEA requires the Attorney General to appoint a Federal prosecutor to promote cooperation between Federal and local law enforcement. In addition, the bill recognizes that not all violence constitutes a hate crime, and provides that only those motivated by bias, with the intent to terrorize the victim, may be prosecuted as hate crimes.

LLEEA has been endorsed by more than 175 law enforcement, civil rights, and religious organizations, including attorneys general for 22 States, the National Sheriffs' Association, the International Association of Chiefs of Police; and the U.S. Conference of Mayors.

Nobody should live in fear because of who they are. Congress cannot continue to sit silently by while hatred spreads. And as Americans, it is time for us to send a message that we are prepared to confront this national plague and take another step closer to making Dr. King's dream a reality.

Mr. PRYOR. Mr. President, yesterday we celebrated the life and legacy of a great man, a bold leader who inspired courage, unity and compassion. He changed the path of America's conscience, and he left his mark on Arkansas in so many ways. Dr. King time and time again came to the aid of Arkansans and supported others who were making significant sacrifices for civil rights.

In May of 1958, Dr. King stood in the audience at Central High School to witness the graduation ceremony of Ernest Green from Little Rock Central High. Ernest was the first of the nine black teenagers who integrated Central High School in 1957. Ernest, along with Elizabeth Eckford, Gloria Ray Karlmark, Carlotta Walls LaNier, Minnijean Brown Trickey, Terrence Roberts, Jefferson Thomas, Thelma Mothershed Wair and Melba Pattillo Beals shaped history by valiantly attending a previously all-white school.

Of her experience, Melba Pattillo Beals recalls:

> I had to become a warrior. I had to learn not how to dress the best but how to get from that door to the end of the hall without dying.

These students' selfless act of courage changed history for all Americans in a tale that continues to have immediacy today.

As a student of Central High, I can tell you the impact of the Little Rock Nine is felt in the halls and in the hearts of its student body and teachers today.

Central High was designated as a unit of the national park system in 1998. In 2002, over 24,000 people visited the historic site with estimates of a potential 60,000 visitors by 2007. Incidentally, 2007 will be the 50th anniversary of the 1957–1958 Little Rock desegregation crises.

Dr. King was a man of eloquent and powerful words, and he exemplified his principles of love, tolerance, reconciliation and equality. As we all know, he sacrificed his life to usher in opportunity and freedom for all individuals. I remind my colleagues that we must do more than quote the empowering words of Dr. King. We must do more walking and less talking. As we honor Dr. King, I must approach a subject that has been so heavy on my mind.

I am disappointed to learn that the $267,000 that I requested for planning the National Park Service's Little Rock Central High School Visitors Center was not funded in the Interior Appropriations bill, as I and other members of the Arkansas congressional delegation had hoped it would be.

The conference report notes that Central High was authorized in 1998 and that the general management plan was completed in 2002 and recommended a visitor facility. But then it goes on to say generally that this project is not a construction priority.

I am putting my colleagues on notice that I am going to fight for funds for not only planning but building this visitors center in this year's budget, and I urge my colleagues to join me in supporting a proposal that will complete the Little Rock Central High Visitors Center in time for the 50th anniversary in 2007.

The Little Rock Nine brought us closer to realizing Dr. King's dream of ''the promised land,'' but we are not there yet. The visitors center will remind us where we once were, but also how much farther we need to go if we are to truly open the doors of opportunity for all individuals. Join me in supporting a message that is as important today as it was in 1957. Join me in supporting Dr. King's teachings and the bravery of nine black children.

HONORING THE LIFE OF FORMER SENATOR PAUL SIMON

Mr. FEINGOLD. Mr. President, today I wish to commemorate the distinguished life and career of my friend and former colleague, Senator Paul Simon.

Paul will forever be remembered for the great respect he earned during his 40 years of public service, thanks to his sharp intellect and tremendous leadership. These traits were as much a signature for him as his famous bow tie.

Paul's life is a testament to the fact that public service truly can be a noble calling. His service to his constituents was an inspiration. His office often handled more cases than any other Senate office. During his tenure he held over 600 town meetings in his home State of Illinois. Senator Simon's dedication to those he represented made him a role model to many, including myself. That is why I am proud to have campaigned for Senator Simon during his 1988 run for the Democratic nomination for the presidency.

Paul Simon was dedicated to education. He played a vital role in improving literacy and supporting adult education. His hard work on making student loans more affordable allowed many Americans the chance to go to college. He was also committed to helping working Americans and, throughout his long career, he never lost touch with their concerns.

Senator Simon's dedication to public service and the education of others continued after his retirement when he founded the Southern Illinois University Public Policy Institute.

I was fortunate enough to serve with Senator Simon on both the Judiciary and Foreign Relations Committees. We worked together on many issues, but I will especially remember him for his commitment to campaign finance reform. His support during the early days of campaign finance reform was invaluable. I truly regret that he passed just 1 day before the Supreme Court's historic decision to uphold the Bipartisan Campaign Finance Reform Act.

During a time when many feel that political partisanship is on the rise, Paul Simon remains an example of decency and integrity. He was a mentor to me and so many others who were fortunate enough to have known and worked with him. He will be deeply missed. I will remain forever grateful for the work he did, for the example he set, and for his friendship, which I will always treasure.

BUDGET SCOREKEEPING REPORT

Mr. NICKLES. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of Section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the First Concurrent Resolution on the Budget for 1986.

This report shows the effects of congressional action on the 2004 budget through December 9, 2003. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 2004 Concurrent Resolution on the Budget, H. Con. Res. 95, as adjusted.

The estimates show that current level spending is below the budget resolution by $2.1 billion in budget authority and by $7.2 billion in outlays in 2004. Current level for revenues is $227 million below the budget resolution in 2004.

Since my last report, dated November 21, 2003, the Congress has cleared and the President has signed the following acts that changed budget authority, outlays, or revenues for 2004: Fourth continuing resolution, 2004, P.L. 108–135; An act to authorize salary adjustments for justices and judges of the United States, P.L. 108–167; Medicare Prescription Drug, Improvement and Modernization Act of 2003, P.L. 108–173; Flight 100—Century of Aviation Reauthorization Act, P.L. 108–176; Hometown Heroes Survivors Benefits Act of 2003, P.L. 108–182; Veterans Benefits Act of 2003, P.L. 108–183; Fifth continuing resolution, 2004, P.L. 108–185;

Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003, P.L. 108–187; Compact of Free Association Amendments of 2003, P.L. 108–188; and, Mental Health Parity Reauthorization Act of 2003, P.L. 10–197.

I ask unanimous consent to print the following information in the RECORD.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, January 15, 2003.

Hon. DON NICKLES,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed table show the effects of Congressional action on the 2004 budget and are current through December 9, 2003 (the last day that the Senate was in session). This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2004, as adjusted.

Since my last letter dated November 20, 2003, the Congress has cleared and the President has signed the following acts which changed budget authority, outlays, and revenues for 2004:

The fourth continuing resolution (Public Law 108–135);

An act to authorize salary adjustments for justices and judges of the United States (Public Law 108–167);

The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173);

The Flight 100—Century of Aviation Reauthorization Act (Public Law 108–176);

The Hometown Heroes Survivors Benefits Act of 2003 (Public Law 108–182);

The Veterans Benefits Act of 2003 (Public Law 108–183);

The fifth continuing resolution (Public Law 108–185);

The Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 (Public Law 108–187);

The Compact of Free Association Amendments of 2003 (Public Law 108–188); and

The Mental Health Parity Reauthorization Act of 2003 (Public Law 108–197).

In addition, a correction was made to the final scoring of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136). The estimates of budget authority and outlays were each decreased by $14 million for fiscal year 2004.

The effects of these actions are detailed in table 2.

Sincerely,

ELIZABETH M. ROBINSON
(For Douglas Holtz-Eakin, Director).

Enclosures.

TABLE 1.—SENATE CURRENT-LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2004, AS OF DECEMBER 9, 2003

[In billions of dollars]

	Budget resolution	Current level [1]	Current level over/under (−) resolution
On-budget:			
Budget Authority	1,873.5	1,871.3	−2.1
Outlays	1,897.0	1,889.7	−7.2
Revenues	1,331.0	1,330.8	−0.2
Off-budget:			
Social Security Outlays	380.4	380.4	0
Social Security Revenues	557.8	557.8	*

[1] Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made.

Note.—*=less than $50 million.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2004, AS OF DECEMBER 9, 2003

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous sessions:			
Revenues	n.a.	n.a.	1,466,370
Permanents and other spending legislation[1]	1,081,649	1,054,550	n.a.
Appropriation legislation	0	345,754	n.a.
Offsetting receipts	−366,436	−366,436	n.a.
Total, enacted in previous sessions	715,213	1,033,868	1,466,370
Enacted this session:			
Authorizing Legislation:			
American 5-Cent Coin Design Continuity Act of 2003 (P.L. 108–15)	−1	−1	0
Postal Civil Service Retirement System Funding Reform Act of 2003 (P.L. 108–18)	2,746	2,746	0
Clean Diamond Trade Act (P.L. 108–19)	0	0	*
Prosecutorial Remedies and Other Tools To End Exploitation of Children Today Act (P.L. 108–21)	0	0	*
Unemployment Compensation Amendments of 2003 (P.L. 108–26)	4,730	4,730	145
Jobs and Growth Tax Relief Reconciliation Act of 2003 (P.L. 108–27)	13,312	13,312	−135,370
Veterans' Memorial Preservation and Recognition Act of 2003 (P.L. 108–29)	0	0	*
Welfare Reform Extension Act of 2003 (P.L. 108–40)	99	108	0
Burmese Freedom and Democracy Act (P.L. 108–61)	0	0	−10
Smithsonian Facilities Authorization Act (P.L. 108–72)	1	1	0
Family Farmer Bankruptcy Relief Act of 2003 (P.L. 108–73)	0	0	*
An act to amend Title XXI of the Social Security Act (P.L. 108–74)	1,325	100	0
Chile Free Trade Agreement Implementation Act (P.L. 108–77)	0	0	−5
Singapore Free Trade Agreement Implementation Act (P.L. 108–78)	0	0	−55
First continuing resolution, 2004 (P.L. 108–84)	−2,222	1	−2
Surface Transportation Extension Act of 2003 (P.L. 108–88)	6,405	0	0
An act to extend the Temporary Assistance for Needy Families block grant program (P.L. 108–89)	15	−36	33
An act to amend chapter 84 of title 5 of the United States Code (P.L. 108–92)	1	1	0
An act to amend the Immigration and Nationality Act (P.L. 108–99)	0	0	2
Check Clearing Act for the 21st Century (P.L. 108–100)	0	0	*
An act to amend Title 44 of the United States Code (P.L. 108–102)	0	0	*
Second continuing resolution, 2004 (P.L. 108–104)	1	0	*
Partial-Birth Abortion Act of 2003 (P.L. 108–105)	0	0	*
Third continuing resolution, 2004 (P.L. 108–107)	0	0	−1
Military Family Tax Relief Act of 2003 (P.L. 108–121)	−599	−599	−169
An act to amend Title XXI of the Social Security Act (P.L. 108–127)	0	9	0
District of Columbia Military Retirement Equity Act of 2003 (P.L. 108–133)	1	1	1
An act to reauthorize certain school lunch and child nutrition programs (P.L. 108–134)	7	7	0
Fourth continuing resolution, 2004 (P.L. 108–135)	0	0	−5
National Defense Authorization Act for Fiscal Year 2004 (P.L. 108–136)	4,404	946	4
An act to authorize salary adjustments for justices and judges of the United States (P.L. 108–167)	3	3	0
Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (P.L. 108–173)	4,800	3,800	−167
Flight 100—Century of Aviation Reauthorization Act (P.L. 108–176)	19	−2	1
Hometown Heroes Survivors Benefits Act of 2003 (P.L. 108–182)	10	10	0
Veterans Benefits Act of 2003 (P.L. 108–183)	−77	−77	0
Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 (P.L. 108–187)	0	0	3
Compact of Free Association Amendments Act of 2003 (P.L. 108–188)	28	28	0
Mental Health Parity Reauthorization Act of 2003 (P.L. 108–197)	0	0	−2
Total, authorizing legislation	35,008	25,088	−135,597
Appropriation Acts:			
Emergency Wartime Supplemental Appropriations Act, 2003 (P.L. 108–11)	215	27,349	0
Legislative Branch Appropriations (P.L. 108–83)	3,539	3,066	0
Defense Appropriations (P.L. 108–87)	368,694	251,486	0

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON–BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2004, AS OF DECEMBER 9, 2003—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Homeland Security Appropriations (P.L. 108–90)	30,216	18,192	0
Emergency Supplemental Appropriations Act for Defense and Reconstruction of Iraq and Afghanistan (P.L. 108–106)	3,555	1,133	0
Interior Appropriations (P.L. 108–108)	19,673	13,202	0
Military Construction Appropriations (P.L. 108–132)	9,316	12,567	0
Energy and Water Appropriations (P.L. 108–137)	27,328	18,143	0
Total, appropriation acts	462,536	335,138	0
Continuing Resolution Authority:			
Continuing Resolution, 2004 (P.L. 108–185)	300,166	157,548	0
Difference between enacted levels and budget resolution estimates for appropriated entitlements and other mandatory programs	358,395	338,102	n.a.
Total Current Level [1, 2]	1,871,318	1,889,744	1,330,773
Total Budget Resolution	1,873,459	1,896,973	1,331,000
Current Level Over Budget Resolution	n.a.	n.a.	n.a.
Current Level Under Budget Resolution	2,141	7,229	227

[1] Per section 502 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2004, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current level excludes the following items: outlays of $262 million from funds provided in the Emergency Supplemental Appropriations for Disaster Relief Act of 2003 (P.L. 108–69); outlays of $456 million from funds provided in the Legislative Branch Appropriations Act, 2004 (P.L. 108–83); budget authority of $400 million and outlays of $67 million provided in the Interior Appropriations Act, 2004 (P.L. 108–108); and budget authority of $83,992 million and outlays of $35,970 million provided in the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (P.L. 108–106).

[2] Excludes administrative expenses of the Social Security Administration, which are off-budget.

Notes:—n.a. = not applicable; P.L. = Public Law; * = less than $500,000.

SOURCE: Congressional Budget Office.

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.

In early May 2003, Jessica Mercado, a Latina transgender woman was found dead in her apartment. According to police reports, Mercado was stabbed twice in the neck in her New Haven, CT apartment which was then set on fire in a possible attempt to cover up the crime.

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.

TROUBLING PRE-ELECTION DEVELOPMENTS IN UKRAINE

Mr. CAMPBELL. Mr. President, as co-chairman of the Helsinki Commission and the sponsor of the 2002 Senate-passed resolution urging the Ukrainian Government to ensure a democratic, transparent and fair election process in advance of their parliamentary elections, I find recent developments relating to upcoming presidential elections in Ukraine deeply troubling.

Ten months before these critical elections, a constitutional amendment is making its way through the Ukrainian parliament designed to ensure that the current, corruption riddled powers-that-be retain their grip on power, neutralizing the leader of the biggest democratic fraction in parliament and Ukraine's most popular politician, Victor Yushchenko. The amendment calls for abbreviating the presidential term for the October 2004 elections to 2 years, with the election of a president by the parliament in 2006, notwithstanding opinion pools indicating that the overwhelming majority of Ukrainians support preserving direct presidential elections. This amendment had been approved by Ukraine's Constitutional Court in a decision which has led many observers both within and outside of Ukraine to question the independence of the court. The court's decision a few weeks ago to allow President Kuchma to run for a third term, despite the 1996 constitution's 2-term limit, has only raised more questions.

Media repression continues, including the issuance of directives sent to media by the presidential administration on what and how issues and events should be covered, especially in the electronic media. A recent Freedom House report concludes that:

> The current state of affairs of Ukraine's media raises serious questions as to whether a fair and balanced electoral contest can be held.

Newspapers critical of the authorities are subjected to various methods of repression, including attacks against journalists, arrests of publishers, ''special attention'' via tax inspections, administrative controls over distribution and pressure on advertisers.

At the same time, administrative measures are being taken to prevent lawful political activity, the most stark example of which was the disruption—instigated by the authorities—of a national congress of the Yushchenko-led Our Ukraine bloc in Donetsk last November. Most recently, a presidential decree dismissed the elected Our Ukraine mayor of Mukachevo, despite a ruling by the Supreme Court which confirmed that he had been elected in a legitimate way. In a telling twist, an acting mayor from the political party led by the head of the presidential administration, Victor Medvedchuk, has been installed.

As co-chairman of the Helsinki Commission, I share the concern of colleagues on both sides of the aisle that the presidential elections in Ukraine scheduled for October be free, fair, open and transparent and conducted in a manner consistent with Ukraine's freely undertaken commitments as a member of the Organization for Security and Cooperation in Europe—OSCE. The Helsinki Commission, consistent with our mandate to monitor and encourage compliance with OSCE agreements by all participating states, will continue to follow the situation in Ukraine closely.

I ask unanimous consent that the text of a recent Washington Post editorial on troubling pre-election developments in Ukraine be printed in the RECORD.

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

[From the Washington Post, Jan. 12, 2004]

A RESOLUTION FOR UKRAINE

According to Secretary of State Colin L. Powell, the Bush administration's first foreign policy resolution for 2004 is ''to expand freedom.'' And not only in Iraq and the Middle East: In an op-ed article published in the New York Times, Mr. Powell promised to support ''the consolidation of freedom in many new but often fragile democracies . . . in Latin America, Europe, Asia and Africa.'' We hope that support will extend beyond the rhetoric that too often has substituted for genuine democratic advocacy during President Bush's first three years—and that it will be applied even where the United States has interests that make toleration of autocracy tempting.

One region where such U.S. engagement, or its absence, might prove decisive is the band of former Soviet republics to the west and south of Russia. Several are struggling democracies; others are ruled by autocrats. Almost all are under threat from Moscow's resurgent imperialism. As the tiny state of Georgia recently demonstrated, democracy is the best defense against Russian President Vladimir Putin's attempts to create a Kremlin-dominated sphere of influence. Countries that have held free and fair elections have tended to gravitate toward strengthening their independence and seeking good relations with the West, while unstable autocrats are more likely to yield to Mr. Putin.

The country closes to a tipping point may be Ukraine. Like Russia, Ukraine has an electoral democracy tainted by corruption and strong-arm tactics and an economy warped by clans of oligarchs. Much of its population, however, aspires to integration with the West. President Leonid Kuchma has been linked to corruption and serious human rights violations. In recent months he has

been moving steadily closer to Mr. Putin, allowing a Russian takeover of much of Ukraine's energy industry and signing an economic integration treaty.

Now Mr. Kuchma appears to be looking for ways to curtail Ukraine's democracy so that he can prolong his own hold on power when his term expires this year. Last month his allies in Parliament pushed through the first draft of a constitutional amendment that would cut short the term of the president due to be elected in October and provide that future presidents be chosen by Parliament—where Mr. Kuchma's forces retain control. Then the judges he appointed to the supreme court ruled that the constitution's two-term limit does not prevent Mr. Kuchma from serving again. The president's cronies protest that they are only moving the country toward a more parliament-centered system, and Mr. Kuchma coyly says he has not ''yet'' decided to seek another term. But the effect of his moves would be to neutralize the country's most popular leader, Viktor Yushchenko, who, polls say, would win the next presidential election if it were fairly held.

More than Mr. Kuchma's quest for continued power is at stake, Mr. Yushchenkjo is popular precisely because he is associated with those Ukrainians who seek to consolidate an independent democracy and move the country toward integration with Europe. Mr. Putin surely will be sympathetic to Mr. Kuchma's subversion of the system. The question is whether the Bush administration will work with Western Europe to mount an effective counter. Freedom could be consolidated this year in Ukraine or slip away. The outcome may just depend on how well Mr. Powell keeps his resolution.

ADDITIONAL STATEMENTS

POEMS FROM RUSTON ELEMENTARY SCHOOL

● Ms. LANDRIEU. Mr. President, each year I try and take advantage of the opportunity to visit some of the high performing schools in my State. This past year, I had the privilege of spending time with the students of Ruston Elementary School in Ruston, LA. I was very impressed by them and their level of achievement. The fifth grade students had just spent the semester studying the U.S. Senate and its role in American democracy. They were eager to learn about our work and the many traditions that make the Senate one of the most deliberative bodies in the world. I asked some of the students if they would mind sharing some of their work with me so that I may bring it back to Washington and enter it into the RECORD. I would like to thank their teacher, Sonja Walker, for all of her good work. In these poems, the children tell us that they are proud to be an American. I, for one, think America should be proud of them.

I ask that the following poems be printed in the RECORD.

The poems follow:

I'M PROUD TO BE AMERICAN POEM

(By Alhira)

I'm proud to be an American today.
We have rules here in the USA.
Rules that we love, rules that we hate.
I'm proud to be an American in the USA.
We have nice, kind, and sweet in the USA.
I love to be an American.

FLOWERS

(By Sabrina Bowden)

Some flowers are red,
Some flowers are blue,
Some are yellow, green, and purple,
Like Mardi Gras masks
Worn on children's smiling faces,
While others are orange or white.
But one thing they all have in common
Are the big green stems
And leaves that support the petals
And carry fresh, clean water to the leaves.

BUTTERFLIES

(By Pymir Brown)

They swirl around in my stomach.
It feels like I'm going dizzy.
They're playing volleyball.
Hitting the ball over the net,
Back and forth
To each other.
Don't you just love butterflies?

BUSY

(By Jasmine Calloway)

Busy.
Busy yesterday,
Busy today.
Busy tomorrow,
Busy everyday.
Busy and work,
Must be the same.
Work today,
Busy tomorrow.
If you think about it,
It's all the same.

REMEMBERING ABE

(By Travis Carter)

America seems so beautiful,
When I see the flag wave,
But the most thing I think
Of is when Abe freed the slaves.
He brought everyone freedom
And stopped segregation.
He let everybody work together
To form a nation.
Abe helped us greatly
Through our troubled days,
So now we have love
In all sorts of ways.

LOVE

(By Crystal Harris)

Love,
Love is something you can't make or take,
It just comes on a regular basis.
But sometimes your love could be taken away.
It might be the one you never even cared for, your love.
You just tricked your love.
Its hard to say goodbye to your love and it never comes back.
Don't just dangle over a haystack, go find another love,
And love him like you never loved any one before.
Love,
Love,
Love.

I'M PROUD TO BE AN AMERICAN

(By Jamakia Hatter)

I'm proud to be an American,
I'm proud to do what I do, aren't you?
I'm proud to stand for what I stand for,
Especially when you're number one.
I'm proud of what I believe,
I'm proud to be in a country that's free.
My country tis of thee and its sweet land of liberty.
This is why I'm proud to be an American.

FEELINGS

(By Judy Huynh)

Feelings, hopes, dreams
Treasured so beautifully
Like a butterfly flying across the meadow.
Feelings, sorrows, madness
Swirling so painfully
Like a tornado.
Your hopes and dreams sink
Your heart is so cold and pure of darkness
Like a vacuum feeding on your sorrows and madness.
Feelings, feelings, feelings.

IF I WERE PRESIDENT

(By Kevin Jackson)

If I were President, it would be fun. I could do all kinds of things.
I know I would have to do a lot of work, but in my free time, I would do this.
First, I would go and meet Michael Jackson.
He is my favorite singer and he would teach me how to do the moon walk.
Next, I would go meet my favorite actor, Chris Tucker.
He was in my favorite movie, Rush Hour 2.
I would ask him about the movie.
Last, but not least, I would get my groove on by going to China.
I would do all kinds of things. I would eat Chinese Food everyday.
This is what I would do.

IF I WERE THE SENATOR

(By Randall Loyd)

If I were the Senator,
I would make a law about recess,
Or even school.
I would make a law of pizza.
There would be free pizza.

AMERICA THE VACUUM CLEANER

(By Ben McFatridge)

Like a giant vacuum
America
Sucking all of the evil and terrorists
Out of the world,
Until it is clean,
And rid of terrorists.

FROM CHAOS TO COURAGE

(By Matthew Rich)

We watched them fall,
With unbelieving eyes.
We saw it burn,
With staring eyes.
We saw the rubble,
With teary eyes.
Then we saw the flag,
With its brilliance,
Shining through the dust.
Now we see it
With courage in our eyes.

PLEASE REMEMBER

(By Samantha Rich)

Remember when time was ours to enjoy.
Sometimes you wish you could turn around,
And live it again,
But you can't.
So remember,
Remember what happened.
How we were there for each other,
Singing Christmas music,
Cheering for each other,
Hoping for each other to win.
So remember all that happened,
Back when things were the same,
And I'll always remember you and smile.
Though memories last, time goes on.
Although it is hard,
We always have to say goodbye.
So please remember,
Please remember me.

WHY

(By Shane Rich)

Sometimes I wish I could just ask why, and that why would be answered.
If I had that opportunity this is what I'd ask.
Why can't we have world peace, where terrorists didn't exist, and bombs, and guns, and wars were unheard of?

Why can't we come together to join and be a nation?
And why can't it be that no one was prejudice or racist?
And why can't we take out all the bad and use truth and kindness to fill it in?
But if I could change it I wouldn't, because I'm going to leave that to God!●

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

DECISION TO LEAVE SENATE

● Mr. BREAUX. Mr. President, 35 years ago Lois and I, along with John Jr. and Bill Breaux, rented a U-Haul truck and headed north to Washington, D.C.

Lois tells the story about Bill the night before we left saying his prayers and concluding with ''Good-bye God, we are moving to Washington.'' And, we had to pull John Jr. from under the house.

Well, today, John Jr. is 38 years old. Bill is 37, and Beth is married to Jeff Shepherdson and has three children—Anna Kate, 6, Campbell, 4, and C.J., 2 years old, and Julie, our youngest is now 28, works in New Orleans, and is here with us today.

I'll always remember that trip. My mother, who is deceased, and my father, followed us to D.C. We got there at night. I had never even visited Washington, so we drove right to the Capitol, and that evening the Marine Corps band was in concert on the Capitol steps. It was beautiful, and I thought they were playing just for us.

It's been a great 35 years—a few years as a staff person, 14 years as a Member of the Congress, representing southwest Louisiana, and it will be 18 years as a U.S. Senator, representing our State of Louisiana. I had the privilege of serving with five Governors and seven Presidents.

I have said for a year now that I would announce my decision whether to seek another term as U.S. Senator after the governor's election this year. I further said that I would make that announcement between November 15 and December 15. The difficulty of that decision is shown by the fact that today is December 15.

Lois and I have spent a lot of time discussing this decision—not formally, but, ''what do you think?'' type discussions. Although one time she actually sat up in bed, drew a line down the middle of a page, and listed the pros and cons of running—not surprisingly, they came out just about even.

We have received lots of advice—from my staff, from family and supporters here in Louisiana, and from around the country. Some of the letters from total strangers were so touching and heartfelt that we will forever treasure them.

My colleagues in the Congress, especially in the Senate, spoke to both Lois and me frequently with their thoughts and suggestions. Colleagues, actually from both sides of the aisle, urged me to run again, and for their encouragement and friendship I cannot begin to say how much Lois and I appreciate them. My special appreciation also goes to TOM DASCHLE, HARRY REID and MARY LANDRIEU.

The citizens of Louisiana have greatly honored my family and me by allowing me to serve these 30-plus years as their Congressman and U.S. Senator. I can honestly say I enjoyed every moment and appreciated the opportunity that I have had to serve.

But there comes a time in every career when it is time to step aside, and let others step up and serve. And for my family and me that time has arrived. I will not seek re-election to the U.S. Senate.

Throughout my years in Congress I have been guided by a simple philosophy to make government work for everyone. I did not go to Washington to get nothing done other than argue about whose fault it was when we failed to make government work.

My sincere hope is that future Congresses will be able to pursue the center- out coalitions that I have advocated. It is my hope that cooperation and legitimate compromise between our political parties will not be seen as political failure, but rather as a means of building a stronger democracy that better serves our Nation.

To my wife Lois, we started this journey together many years ago and you have been there every step of the way—through the good times, and there were many, and through the not so good times, and there a were a few. I could not have asked for a more helpful and supportive partner and friend. No one has been more lucky and fortunate than me in finding you.

To my staff here in Louisiana and in Washington, let me say I could not have accomplished anything without you. Our office has the greatest of reputations and all of you are truly part of our family—and will always be.

To my father Ezra and to Lois' mom, Doris, I say thank you for putting up with all the things we dragged you through, whether you wanted to be there or not. And to our children, John, Bill, Beth and Jeff, and Julia, I say thank you for being there—you have made us very proud every step of the way.

I am not leaving today. There is still a lot to get done this Congress. We have to get the energy bill passed, and I want to get started on legislation for the 40 million Americans who have no health insurance. I look forward to co-chairing with Governor-elect Kathleen Blanco the very important summit meeting on healthcare in Louisiana.

So this is not goodbye. After working more than half my life on issues important to Louisiana, I intend to continue that involvement in the future, but in a different capacity. But for now, thank you for the privilege and honor of serving Louisiana and our country.●

HONORING MARCIA COGGS

● Mr. FEINGOLD. Mr. President, today I want to remember Marcia Coggs, a trailblazer in Wisconsin politics and a dear friend, who passed away in December.

Words cannot fully express the impact Marcia Coggs had on the lives of the people of Wisconsin. She was the first African-American woman elected to the State's legislature and was widely known as ''the Conscience of the State of Wisconsin.'' Marcia also became the first African-American to sit on the State legislature's joint finance committee. Better housing, the best in public education, integration and human rights were just some of the causes Marcia championed during her 16 years in the Wisconsin Legislature.

First elected to the State assembly from Milwaukee in 1976, she forced the State to listen and pay attention to the troubling issues people in her district often faced. Civil rights, both in Wisconsin and throughout the world, were always at the forefront of her mind. Those who knew her were not surprised when she protested against apartheid in South Africa, even joining a demonstration outside that nation's Washington, DC, embassy in 1985.

I had the honor and privilege of working with Marcia on several issues, including a successful effort to make Martin Luther King Jr. Day a legal holiday in Wisconsin. We also joined together in fighting to establish a private cause of action for civil rights violations.

I am honored to have been associated with her and proud to have called her both a mentor and a friend. Marcia made an outstanding contribution to the lives of countless Wisconsinites and left a legacy that the people of my State will honor for many years to come.●

RETIREMENT OF PETTY OFFICER FIRST CLASS FREDERICA MONIQUE WILLIAMS

● Mr. SESSIONS. Mr. President, I rise today to recognize a great American a true patriot: Hospital Corpsman, First Class Petty Officer Frederica Monique Williams, a resident of Selma, AL. Petty Officer Williams began her career as a deck Seaman Recruit at Naval Hospital Great Lakes as an administrative clerk. There she was selected for Hospital Corpsman ''A'' School at Great Lakes in October 1984, and upon graduation, she was assigned to Naval Hospital Camp Lejeune as a general duty corpsman where she refined her exceptional patient care and organizations skills, and developed into a strong leader and manager.

Petty Officer Williams served overseas on numerous occasions to include a tour at Naval Hospital Rota, Spain. While in Rota, she worked on a busy Labor and Delivery Unit. Once again her proven clinical experience, caring demeanor, organizational ability and ''can-do'' leadership style allowed her to excel. While assigned to National Naval Medical Center Bethesda, Maryland, Petty Officer Williams deployed

on the Hospital Ship USNS *Comfort*, T–AH–20, during Desert Shield/Desert Storm as member of the Surgical Directorate. There she cared for hundreds of reservists that sustained orthopaedic injuries. For her final assignment, she was assigned as the Administrative Department Head at the TRICARE Mid-Atlantic, Lead Agent Office Norfolk, VA.

In every assignment, First Class Petty Officer Williams met the challenge, and was rewarded with greater responsibilities and opportunities. Her talent for teaching and mentoring junior personnel about the delivery of quality patient care, customer service, and administrative attention to detail was instrumental in providing Navy Medicine, the fine cadre of hospital corpsman serving today. She is a hospital corpsman and leader who always put the welfare of her staff and patients first. Petty Officer William's performance reflects greatly on herself, the United States Navy, and our country. I extend my deepest appreciation to Hospital Corpsman First Class Petty Officer Frederica Monique Williams for her 20 years of dedicated military service and wish her and her family all the best in the years to follow. I am glad to hear that she expects to be returning to Selma. Our State will greatly benefit from her return.●

CONGRATULATIONS TO MR. LEON OWENS

● Mr. BUNNING. Mr. President, I pay tribute and congratulate Mr. Leon Owens of Paducah, KY, on his dedication and leadership as president of Local 5–550 of Paper, Allied-Industrial, Chemical and Energy, PACE, Workers International at the Paducah Gaseous Diffusion Plant during the past 2 years.

Mr. Owens works at the Paducah Gaseous Diffusion Plant in Paducah, KY, where he has demonstrated his caring and leadership for years. He was chosen by the more than 500 union members who work at that plant to be their voice. During his tenure as president, Mr. Owens fought for his fellow workers and led them through an important, but difficult, 5-month strike in 2003. His leadership on this issue helped to protect the jobs and interests of the people of Paducah.

Aside from this highly publicized event, Mr. Owens worked tirelessly on plant cleanup, worker health and economic development issues. He shared his expertise and time with me and my colleagues in Congress, testifying most recently at the Energy Committee field hearing in Paducah in December and at a hearing here in November.

Mr. Owens also serves on the Advisory Board on Radiation and Worker Health which advises the Secretary of Health and Human Services on the implementation of NIOSH's responsibilities under the Energy Employees Occupational Illness Compensation Program Act. This important and complicated issue is just another example of Mr. Owens's dedication to the workers in Paducah.

The working people of Kentucky are fortunate to have had the leadership of Mr. Owens. His example of dedication, hard work and compassion should be an inspiration to all throughout the Commonwealth.

Thank you, Leon, for your leadership during a difficult period of history for the Paducah Plant. You have shown fortitude and compassion and I have sincere appreciation for your work. I wish you and your family the best.●

THE STATE BANK OF LINCOLN CELEBRATES 100 YEARS OF SERVICE

● Mr. DURBIN. Mr. President, as the Senate convenes for its first session of the new year, I would like to call attention to a milestone reached 4 days ago by a financial institution with a long history in Lincoln, IL: the State Bank of Lincoln.

On Friday, January 16, 2004, the State Bank of Lincoln celebrated the completion of 100 years of financial service to the community of Lincoln and the people of Logan County. The bank first opened its doors for business on January 16, 1904, and it has operated as an independent bank ever since.

When the bank began to serve the people of Lincoln, it had $50,000 in starting capital. By the end of its first year, the bank's assets had nearly doubted to $93,000. That growth has continued through the years. Today, the bank has total assets in excess of $170 million, serves the community in four locations, and has received an A+ rating from the Weiss Rating Service.

The State Bank of Lincoln has more than $140 million in local deposits, and has provided more than $100 million in loans to businesses, farmers, and other individuals, to help them achieve their goals and dreams. The bank also has invested in the bonds of local school districts, colleges, and public entities.

As the State Bank of Lincoln passes this important milestone in its history, I would like to extend my congratulations to all who have helped this financial institution serve the community for so many years, along with my best wishes for another 100 years of committed service to the people of Lincoln and Logan County.●

HONORING SPRING LAKE HEIGHTS, NJ MAYOR FRANK ADAMS

● Mr. LAUTENBERG. Mr. President, I rise today to pay tribute to Frank Adams who has served the Borough of Spring Lake Heights, NJ, for the past 32 years. Mayor Adams served as councilman with distinction for 12 years and has spent the last 20 years as the borough's mayor.

Besides admirably serving Spring Lake Heights for more than 30 years, Frank served as a member of the United States Naval Reserves and was called to active duty during the Korean War.

Mayor Adams is about to retire and he leaves behind an enviable legacy of public service to the community he loves, including accomplishments such as the construction of Ocean Road Park, the construction of the current Borough Hall, and the installation of the borough sewer system.

I ask my colleagues to join me in paying tribute to Mayor Frank Adams, a man who has led by example, worked tirelessly for the benefit of all the residents of Spring Lake Heights, and will leave office having made an indelible mark on the borough.●

NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for 2003 fourth quarter mass mailings is Monday, January 26, 2004. If your office did no mass mailings during this period, please submit a form that states ''none.''

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116.

The Public Records office will be open from 9 a.m. to 5:30 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224–0322.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE STATE OF THE UNION DELIVERED TO A JOINT SESSION OF CONGRESS ON JANUARY 20, 2004—PM 59

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was ordered to lie on the table:

To the Congress of the United States:

Mr. Speaker, Vice President Cheney, Members of Congress, distinguished guests, and fellow citizens:

America this evening is a Nation called to great responsibilities. And we are rising to meet them.

As we gather tonight, hundreds of thousands of American service men and women are deployed across the world in the war on terror. By bringing hope to the oppressed, and delivering justice

to the violent, they are making America more secure.

Each day, law enforcement personnel and intelligence officers are tracking terrorist threats; analysts are examining airline passenger lists; the men and women of our new Homeland Security Department are patrolling our coasts and borders. And their vigilance is protecting America.

Americans are proving once again to be the hardest working people in the world. The American economy is growing stronger. The tax relief you passed is working.

Tonight, Members of Congress can take pride in great works of compassion and reform that skeptics had thought impossible. You are raising the standards of our public schools; and you are giving our senior citizens prescription drug coverage under Medicare.

We have faced serious challenges together—and now we face a choice. We can go forward with confidence and resolve—or we can turn back to the dangerous illusion that terrorists are not plotting and outlaw regimes are no threat to us. We can press on with economic growth, and reforms in education and Medicare—or we can turn back to the old policies and old divisions.

We have not come all this way—through tragedy, and trial, and war—only to falter and leave our work unfinished. Americans are rising to the tasks of history, and they expect the same of us. In their efforts, their enterprise, and their character, the American people are showing that the state of our Union is confident and strong.

Our greatest responsibility is the active defense of the American people. Twenty-eight months have passed since September 11, 2001—over 2 years without an attack on American soil—and it is tempting to believe that the danger is behind us. That hope is understandable, comforting—and false. The killing has continued in Bali, Jakarta, Casablanca, Riyadh, Mombassa, Jerusalem, Istanbul, and Baghdad. The terrorists continue to plot against America and the civilized world. And by our will and courage, this danger will be defeated.

Inside the United States, where the war began, we must continue to give homeland security and law enforcement personnel every tool they need to defend us. And one of those essential tools is the PATRIOT Act, which allows Federal law enforcement to better share information, to track terrorists, to disrupt their cells, and to seize their assets. For years, we have used similar provisions to catch embezzlers and drug traffickers. If these methods are good for hunting criminals, they are even more important for hunting terrorists. Key provisions of the PATRIOT Act are set to expire next year. The terrorist threat will not expire on that schedule. Our law enforcement needs this vital legislation to protect our citizens—you need to renew the PATRIOT Act.

America is on the offensive against the terrorists who started this war. Last March, Khalid Shaikh Mohammed, a mastermind of September 11th, awoke to find himself in the custody of U.S. and Pakistani authorities. Last August 11th brought the capture of the terrorist Hambali, who was a key player in the attack in Indonesia that killed over 200 people. We are tracking al-Qaida around the world—and nearly two-thirds of their known leaders have now been captured or killed. Thousands of very skilled and determined military personnel are on a manhunt, going after the remaining killers who hide in cities and caves—and, one by one, we will bring the terrorists to justice.

As part of the offensive against terror, we are also confronting the regimes that harbor and support terrorists, and could supply them with nuclear, chemical, or biological weapons. The United States and our allies are determined: We refuse to live in the shadow of this ultimate danger.

The first to see our determination were the Taliban, who made Afghanistan the primary training base of al-Qaida killers. As of this month, that country has a new constitution, guaranteeing free elections and full participation by women. Businesses are opening, healthcare centers are being established, and the boys and girls of Afghanistan are back in school. With help from the new Afghan Army, our coalition is leading aggressive raids against surviving members of the Taliban and al-Qaida. The men and women of Afghanistan are building a nation that is free, and proud, and fighting terror—and America is honored to be their friend.

Since we last met in this chamber, combat forces of the United States, Great Britain, Australia, Poland, and other countries enforced the demands of the United Nations, ended the rule of Saddam Hussein—and the people of Iraq are free. Having broken the Baathist regime, we face a remnant of violent Saddam supporters. Men who ran away from our troops in battle are now dispersed and attack from the shadows.

These killers, joined by foreign terrorists, are a serious, continuing danger. Yet we are making progress against them. The once all-powerful ruler of Iraq was found in a hole, and now sits in a prison cell. Of the top 55 officials of the former regime, we have captured or killed 45. Our forces are on the offensive, leading over 1,600 patrols a day, and conducting an average of 180 raids every week. We are dealing with these thugs in Iraq, just as surely as we dealt with Saddam Hussein's evil regime.

The work of building a new Iraq is hard, and it is right. And America has always been willing to do what it takes for what is right. Last January, Iraq's only law was the whim of one brutal man. Today our coalition is working with the Iraqi Governing Council to draft a basic law, with a bill of rights. We are working with Iraqis and the United Nations to prepare for a transition to full Iraqi sovereignty by the end of June. As democracy takes hold in Iraq, the enemies of freedom will do all in their power to spread violence and fear. They are trying to shake the will of our country and our friends—but the United States of America will never be intimidated by thugs and assassins. The killers will fail, and the Iraqi people will live in freedom.

Month by month, Iraqis are assuming more responsibility for their own security and their own future. And tonight we are honored to welcome one of Iraq's most respected leaders: the current President of the Iraqi Governing Council, Adnan Pachachi. Sir, America stands with you and the Iraqi people as you build a free and peaceful nation.

Because of American leadership and resolve, the world is changing for the better. Last month, the leader of Libya voluntarily pledged to disclose and dismantle all of his regime's weapons of mass destruction programs, including a uranium enrichment project for nuclear weapons. Colonel Qadhafi correctly judged that his country would be better off, and far more secure, without weapons of mass murder. Nine months of intense negotiations involving the United States and Great Britain succeeded with Libya, while 12 years of diplomacy with Iraq did not. And one reason is clear: for diplomacy to be effective, words must be credible—and no one can now doubt the word of America.

Different threats require different strategies. Along with nations in the region, we are insisting that North Korea eliminate its nuclear program. America and the international community are demanding that Iran meet its commitments and not develop nuclear weapons. America is committed to keeping the world's most dangerous weapons out of the hands of the world's most dangerous regimes.

When I came to this rostrum on September 20, 2001, I brought the police shield of a fallen officer, my reminder of lives that ended, and a task that does not end. I gave to you and to all Americans my complete commitment to securing our country and defeating our enemies. And this pledge, given by one, has been kept by many. You in the Congress have provided the resources for our defense, and cast the difficult votes of war and peace. Our closest allies have been unwavering. America's intelligence personnel and diplomats have been skilled and tireless.

And the men and women of the American military—they have taken the hardest duty. We have seen their skill and courage in armored charges, and midnight raids, and lonely hours on faithful watch. We have seen the joy when they return, and felt the sorrow when one is lost. I have had the honor of meeting our service men and women at many posts, from the deck of a carrier in the Pacific, to a mess hall in Baghdad. Many of our troops are listening tonight. And I want you and

your families to know: America is proud of you. And my Administration, and this Congress, will give you the resources you need to fight and win the war on terror.

I know that some people question if America is really in a war at all. They view terrorism more as a crime—a problem to be solved mainly with law enforcement and indictments. After the World Trade Center was first attacked in 1993, some of the guilty were indicted, tried, convicted, and sent to prison. But the matter was not settled. The terrorists were still training and plotting in other nations, and drawing up more ambitious plans. After the chaos and carnage of September 11th, it is not enough to serve our enemies with legal papers. The terrorists and their supporters declared war on the United States—and war is what they got.

Some in this chamber, and in our country, did not support the liberation of Iraq. Objections to war often come from principled motives. But let us be candid about the consequences of leaving Saddam Hussein in power. We are seeking all the facts—already the Kay Report identified dozens of weapons of mass destruction-related program activities and significant amounts of equipment that Iraq concealed from the United Nations. Had we failed to act, the dictator's weapons of mass destruction programs would continue to this day. Had we failed to act, Security Council resolutions on Iraq would have been revealed as empty threats, weakening the United Nations and encouraging defiance by dictators around the world. Iraq's torture chambers would still be filled with victims—terrified and innocent. The killing fields of Iraq—where hundreds of thousands of men, women, and children vanished into the sands—would still be known only to the killers. For all who love freedom and peace, the world without Saddam Hussein's regime is a better and safer place.

Some critics have said our duties in Iraq must be internationalized. This particular criticism is hard to explain to our partners in Britain, Australia, Japan, South Korea, the Philippines, Thailand, Italy, Spain, Poland, Denmark, Hungary, Bulgaria, Ukraine, Romania, the Netherlands, Norway, El Salvador, and the 17 other countries that have committed troops to Iraq. As we debate at home, we must never ignore the vital contributions of our international partners, or dismiss their sacrifices. From the beginning, America has sought international support for operations in Afghanistan and Iraq, and we have gained much support. There is a difference, however, between leading a coalition of many nations, and submitting to the objections of a few. America will never seek a permission slip to defend the security of our people.

We also hear doubts that democracy is a realistic goal for the greater Middle East, where freedom is rare. Yet it is mistaken, and condescending, to assume that whole cultures and great religions are incompatible with liberty and self-government. I believe that God has planted in every heart the desire to live in freedom. And even when that desire is crushed by tyranny for decades, it will rise again.

As long as the Middle East remains a place of tyranny, despair, and anger, it will continue to produce men and movements that threaten the safety of America and our friends. So America is pursuing a forward strategy of freedom in the greater Middle East. We will challenge the enemies of reform, confront the allies of terror, and expect a higher standard from our friends. To cut through the barriers of hateful propaganda, the Voice of America and other broadcast services are expanding their programming in Arabic and Persian—and soon, a new television service will begin providing reliable news and information across the region. I will send you a proposal to double the budget of the National Endowment for Democracy, and to focus its new work on the development of free elections, free markets, free press, and free labor unions in the Middle East. And above all, we will finish the historic work of democracy in Afghanistan and Iraq, so those nations can light the way for others, and help transform a troubled part of the world.

America is a Nation with a mission—and that mission comes from our most basic beliefs. We have no desire to dominate, no ambitions of empire. Our aim is a democratic peace—a peace founded upon the dignity and rights of every man and woman. America acts in this cause with friends and allies at our side, yet we understand our special calling: This great Republic will lead the cause of freedom.

In these last 3 years, adversity has also revealed the fundamental strengths of the American economy. We have come through recession, and terrorist attack, and corporate scandals, and the uncertainties of war. And because you acted to stimulate our economy with tax relief, this economy is strong, and growing stronger.

You have doubled the child tax credit from $500 to $1,000, reduced the marriage penalty, begun to phase out the death tax, reduced taxes on capital gains and stock dividends, cut taxes on small businesses, and you have lowered taxes for every American who pays income taxes.

Americans took those dollars and put them to work, driving this economy forward. The pace of economic growth in the third quarter of 2003 was the fastest in nearly 20 years. New home construction: the highest in almost 20 years. Home ownership rates: the highest ever. Manufacturing activity is increasing. Inflation is low. Interest rates are low. Exports are growing. Productivity is high. And jobs are on the rise.

These numbers confirm that the American people are using their money far better than Government would have—and you were right to return it.

America's growing economy is also a changing economy. As technology transforms the way almost every job is done, America becomes more productive, and workers need new skills. Much of our job growth will be found in high-skilled fields like health care and biotechnology. So we must respond by helping more Americans gain the skills to find good jobs in our new economy.

All skills begin with the basics of reading and math, which are supposed to be learned in the early grades of our schools. Yet for too long, for too many children, those skills were never mastered. By passing the No Child Left Behind Act, you have made the expectation of literacy the law of our country. We are providing more funding for our schools—a 36 percent increase since 2001. We are requiring higher standards. We are regularly testing every child on the fundamentals. We are reporting results to parents, and making sure they have better options when schools are not performing. We are making progress toward excellence for every child.

But the status quo always has defenders. Some want to undermine the No Child Left Behind Act by weakening standards and accountability. Yet the results we require are really a matter of common sense: We expect third graders to read and do math at third grade level—and that is not asking too much. Testing is the only way to identify and help students who are falling behind.

This Nation will not go back to the days of simply shuffling children along from grade to grade without them learning the basics. I refuse to give up on any child—and the No Child Left Behind Act is opening the door of opportunity to all of America's children.

At the same time, we must ensure that older students and adults can gain the skills they need to find work now. Many of the fastest-growing occupations require strong math and science preparation, and training beyond the high school level. So tonight I propose a series of measures called Jobs for the 21st Century. This program will provide extra help to middle- and high school students who fall behind in reading and math, expand Advanced Placement programs in low-income schools, and invite math and science professionals from the private sector to teach part-time in our high schools. I propose larger Pell Grants for students who prepare for college with demanding courses in high school. I propose increasing our support for America's fine community colleges, so they can train workers for the industries that are creating the most new jobs. By all these actions, we will help more and more Americans to join in the growing prosperity of our country.

Job training is important, and so is job creation. We must continue to pursue an aggressive, pro-growth economic agenda.

Congress has some unfinished business on the issue of taxes. The tax reductions you passed are set to expire. Unless you act, the unfair tax on marriage will go back up. Unless you act, millions of families will be charged $300 more in Federal taxes for every child. Unless you act, small businesses will pay higher taxes. Unless you act, the death tax will eventually come back to life. Unless you act, Americans face a tax increase. What the Congress has given, the Congress should not take away: For the sake of job growth, the tax cuts you passed should be permanent.

Our agenda for jobs and growth must help small business owners and employees with relief from needless Federal regulation, and protect them from junk and frivolous lawsuits. Consumers and businesses need reliable supplies of energy to make our economy run—so I urge you to pass legislation to modernize our electricity system, promote conservation, and make America less dependent on foreign sources of energy. My Administration is promoting free and fair trade, to open up new markets for America's entrepreneurs, and manufacturers, and farmers, and to create jobs for America's workers. Younger workers should have the opportunity to build a nest egg by saving part of their Social Security taxes in a personal retirement account. We should make the Social Security system a source of ownership for the American people.

And we should limit the burden of Government on this economy by acting as good stewards of taxpayer dollars. In 2 weeks, I will send you a budget that funds the war, protects the homeland, and meets important domestic needs, while limiting the growth in discretionary spending to less than 4 percent. This will require that Congress focus on priorities, cut wasteful spending, and be wise with the people's money. By doing so, we can cut the deficit in half over the next 5 years.

Tonight I also ask you to reform our immigration laws, so they reflect our values and benefit our economy. I propose a new temporary worker program to match willing foreign workers with willing employers, when no Americans can be found to fill the job. This reform will be good for our economy—because employers will find needed workers in an honest and orderly system. A temporary worker program will help protect our homeland—allowing border patrol and law enforcement to focus on true threats to our national security. I oppose amnesty, because it would encourage further illegal immigration, and unfairly reward those who break our laws. My temporary worker program will preserve the citizenship path for those who respect the law, while bringing millions of hardworking men and women out from the shadows of American life.

Our Nation's healthcare system, like our economy, is also in a time of change. Amazing medical technologies are improving and saving lives. This dramatic progress has brought its own challenge, in the rising costs of medical care and health insurance. Members of Congress, we must work together to help control those costs and extend the benefits of modern medicine throughout our country.

Meeting these goals requires bipartisan effort—and 2 months ago, you showed the way. By strengthening Medicare and adding a prescription drug benefit, you kept a basic commitment to our seniors: You are giving them the modern medicine they deserve.

Starting this year, under the law you passed, seniors can choose to receive a drug discount card, saving them 10 to 25 percent off the retail price of most prescription drugs—and millions of low-income seniors can get an additional $600 to buy medicine. Beginning next year, seniors will have new coverage for preventive screenings against diabetes and heart disease, and seniors just entering Medicare can receive wellness exams.

In January of 2006, seniors can get prescription drug coverage under Medicare. For a monthly premium of about $35, most seniors who do not have that coverage today can expect to see their drug bills cut roughly in half. Under this reform, senior citizens will be able to keep their Medicare just as it is, or they can choose a Medicare plan that fits them best—just as you, as Members of Congress, can choose an insurance plan that meets your needs. And starting this year, millions of Americans will be able to save money tax-free for their medical expenses, in a health savings account.

I signed this measure proudly, and any attempt to limit the choices of our seniors, or to take away their prescription drug coverage under Medicare, will meet my veto.

On the critical issue of health care, our goal is to ensure that Americans can choose and afford private healthcare coverage that best fits their individual needs. To make insurance more affordable, Congress must act to address rapidly rising healthcare costs. Small businesses should be able to band together and negotiate for lower insurance rates, so they can cover more workers with health insurance—I urge you to pass Association Health Plans. I ask you to give lower-income Americans a refundable tax credit that would allow millions to buy their own basic health insurance. By computerizing health records, we can avoid dangerous medical mistakes, reduce costs, and improve care. To protect the doctor-patient relationship, and keep good doctors doing good work, we must eliminate wasteful and frivolous medical lawsuits. And tonight I propose that individuals who buy catastrophic healthcare coverage, as part of our new health savings accounts, be allowed to deduct 100 percent of the premiums from their taxes.

A Government-run healthcare system is the wrong prescription. By keeping costs under control, expanding access, and helping more Americans afford coverage, we will preserve the system of private medicine that makes America's health care the best in the world.

We are living in a time of great change—in our world, in our economy, and in science and medicine. Yet some things endure—courage and compassion, reverence and integrity, respect for differences of faith and race. The values we try to live by never change. And they are instilled in us by fundamental institutions, such as families, and schools, and religious congregations. These institutions—the unseen pillars of civilization—must remain strong in America, and we will defend them.

We must stand with our families to help them raise healthy, responsible children. And when it comes to helping children make right choices, there is work for all of us to do.

One of the worst decisions our children can make is to gamble their lives and futures on drugs. Our Government is helping parents confront this problem, with aggressive education, treatment, and law enforcement. Drug use in high school has declined by 11 percent over the past 2 years. Four hundred thousand fewer young people are using illegal drugs than in the year 2001. In my budget, I have proposed new funding to continue our aggressive, community-based strategy to reduce demand for illegal drugs. Drug testing in our schools has proven to be an effective part of this effort. So tonight I propose an additional $23 million for schools that want to use drug testing as a tool to save children's lives. The aim here is not to punish children, but to send them this message: We love you, and we don't want to lose you.

To help children make right choices, they need good examples. Athletics play such an important role in our society, but, unfortunately, some in professional sports are not setting much of an example. The use of performance-enhancing drugs like steroids in baseball, football, and other sports is dangerous, and it sends the wrong message—that there are shortcuts to accomplishment, and that performance is more important than character. So tonight I call on team owners, union representatives, coaches, and players to take the lead, to send the right signal, to get tough, and to get rid of steroids now.

To encourage right choices, we must be willing to confront the dangers young people face—even when they are difficult to talk about. Each year, about three million teenagers contract sexually transmitted diseases that can harm them, or kill them, or prevent them from ever becoming parents. In my budget, I propose a grassroots campaign to help inform families about these medical risks. We will double Federal funding for abstinence programs, so schools can teach this fact of life: Abstinence for young people is the only certain way to avoid sexually

transmitted diseases. Decisions children make now can affect their health and character for the rest of their lives. All of us—parents, schools, government—must work together to counter the negative influence of the culture, and to send the right messages to our children.

A strong America must also value the institution of marriage. I believe we should respect individuals as we take a principled stand for one of the most fundamental, enduring institutions of our civilization. Congress has already taken a stand on this issue by passing the Defense of Marriage Act, signed in 1996 by President Clinton. That statute protects marriage under Federal law as the union of a man and a woman, and declares that one State may not redefine marriage for other States. Activist judges, however, have begun redefining marriage by court order, without regard for the will of the people and their elected representatives. On an issue of such great consequence, the people's voice must be heard. If judges insist on forcing their arbitrary will upon the people, the only alternative left to the people would be the constitutional process. Our Nation must defend the sanctity of marriage.

The outcome of this debate is important—and so is the way we conduct it. The same moral tradition that defines marriage also teaches that each individual has dignity and value in God's sight.

It is also important to strengthen our communities by unleashing the compassion of America's religious institutions. Religious charities of every creed are doing some of the most vital work in our country—mentoring children, feeding the hungry, taking the hand of the lonely. Yet government has often denied social service grants and contracts to these groups, just because they have a cross or Star of David or crescent on the wall. By Executive Order, I have opened billions of dollars in grant money to competition that includes faith-based charities. Tonight I ask you to codify this into law, so people of faith can know that the law will never discriminate against them again.

In the past, we have worked together to bring mentors to the children of prisoners, and provide treatment for the addicted, and help for the homeless. Tonight I ask you to consider another group of Americans in need of help. This year, some 600,000 inmates will be released from prison back into society. We know from long experience that if they can't find work, or a home, or help, they are much more likely to commit more crimes and return to prison. So tonight, I propose a 4-year, $300 million Prisoner Re-Entry Initiative to expand job training and placement services, to provide transitional housing, and to help newly released prisoners get mentoring, including from faith-based groups. America is the land of the second chance—and when the gates of the prison open, the path ahead should lead to a better life.

For all Americans, the last 3 years have brought tests we did not ask for, and achievements shared by all. By our actions, we have shown what kind of Nation we are. In grief, we found the grace to go on. In challenge, we rediscovered the courage and daring of a free people. In victory, we have shown the noble aims and good heart of America. And having come this far, we sense that we live in a time set apart.

I have been a witness to the character of the American people, who have shown calm in times of danger, compassion for one another, and toughness for the long haul. All of us have been partners in a great enterprise. And even some of the youngest understand that we are living in historic times. Last month a girl in Lincoln, Rhode Island, sent me a letter. It began, ''Dear George W. Bush.'' ''If there is anything you know, I Ashley Pearson age 10 can do to help anyone, please send me a letter and tell me what I can do to save our country.'' She added this P.S.: ''If you can send a letter to the troops . . . please put, 'Ashley Pearson believes in you.'''

Tonight, Ashley, your message to our troops has just been conveyed. And yes, you have some duties yourself. Study hard in school, listen to your mom and dad, help someone in need, and when you and your friends see a man or woman in uniform, say ''thank you.'' And while you do your part, all of us here in this great chamber will do our best to keep you and the rest of America safe and free.

My fellow citizens, we now move forward, with confidence and faith. Our Nation is strong and steadfast. The cause we serve is right, because it is the cause of all mankind. The momentum of freedom in our world is unmistakable—and it is not carried forward by our power alone. We can trust in that greater power Who guides the unfolding of the years. And in all that is to come, we can know that His purposes are just and true.

May God bless the United States of America. Thank you.

GEORGE W. BUSH.

THE WHITE HOUSE, *January 20, 2004.*

MESSAGE FROM THE HOUSE

At 2:16 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests that concurrence of the Senate:

H. Con. Res. 349. Concurrent resolution providing for a joint session of Congress to receive a message from the President on the State of the Union.

The message also announced that the House of Representatives has agreed to (H. Res. 487) that the Clerk of the House inform the Senate that a quorum of the House is present and that the House is ready to proceed with business.

MESSAGES FROM THE HOUSE DURING ADJOURNMENT

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Under the authority of the order of December 9, 2003, the Secretary of the Senate, on December 9, 2003, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

S. 811. An act to support certain housing proposals in the fiscal year 2003 budget for the Federal Government, including the downpayment assistance initiative under the HOME Investment Partnership Act, and for other purposes;

S. 877. An act to regulate interstate commerce by imposing limitations and penalties on the transmission of unsolicited commercial electronic mail via the Internet;

S. 1680. An act to reauthorize the Defense Production Act of 1950, and for other purposes;

S. 1683. An act to provide for a report on the parity of pay and benefits among Federal law enforcement officers and to establish an exchange program between Federal law enforcement employees and State and local law enforcement employees;

S. 1929. An act to amend the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to extend the mental health benefits parity provisions for an additional year;

S. 1947. An act to prohibit the offer of credit by a financial institution to a financial institution examiner, and for other purposes;

H.R. 622. An act to provide for the exchange of certain lands in the Coconino and Tonto National Forests in Arizona, and for other purposes;

H.R. 1006. An act to amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species; and

H.R. 1012. An act to establish the Carter G. Woodson Home National Historic Site in the District of Columbia, and for other purposes.

Under the authority of the order of December 9, 2003, the enrolled bills were subsequently signed by the President pro tempore (Mr. STEVENS).

Under the authority of the order of December 9, 2003, the Secretary of the Senate, on December 10, 2003, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills and joint resolution:

S. 686. An act to provide assistance for poison prevention and stabilize the funding of regional poison control centers;

H.R. 100. An act to restate, clarify, and revise the Soldiers' and Sailors' Civil Relief Act of 1940;

H.R. 2620. An act to authorize appropriations for fiscal years 2004 and 2005 for Trafficking Victims Protection Act of 2000, and for other purposes; and

H.J. Res. 82. Joint resolution making further continuing appropriations for the fiscal year 2004, and for other purposes.

Under the authority of the order of December 9, 2003, the enrolled bills were subsequently signed by the President pro tempore (Mr. STEVENS).

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2006. A bill to extend and expand the Temporary Extended Unemployment Compensation Act of 2003, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–5353. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–100, 200, and 200C Series Airplanes Doc. No. 2002–NM–150'' (RIN2120–AA64) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5354. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Aerospace Technologies of Australia Pty Ltd. Models N22B and N24A Airplanes Doc. No. 2003–CE–21'' (RIN2120–AA64) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5355. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Rolls-Royce Deutschland Ltd & Co KG Models Tay 650–15 and Tay 651–54 Turbofan Engines Doc. No. 98–ANE–68'' (RIN2120–AA64) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5356. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Cessna Model 560 Airplanes Doc. No. 2003–NM–225'' (RIN2120–AA64) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5357. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Restricted Area R23iE Ajo East, AZ; and R–2304, and 2305 Gila Bend, AZ Doc. No. 03–AWP–4'' (RIN2120–AA66) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5358. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Various Boeing and McDonnell Transport Category Airplanes Doc. No. 2003–NM–91'' (RIN2120–AA64) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5359. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Rocky Mount, NC Doc. No. 03–ASO–15'' (RIN2120–AA66) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5360. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Smithfield, NC Doc. No. 03–ASO–14'' (RIN2120–AA66) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5361. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 757–200 Series Airplanes Doc. No. 2002–NM–95'' (RIN2120–AA64) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5362. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Titeflex Corporation Doc. No. 2002–NE–22'' (RIN2120–AA64) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5363. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747–400, 400D, and 400F Series Airplanes Doc. No. 2003–NM–173'' (RIN2120–AA64) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5364. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Kotlik, AZ Doc. No. 03–AAL–08'' (RIN2120–AA66) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5365. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Akiak, AK Doc. No. 03–AAL–13'' (RIN2120–AA66) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5366. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E4 Airspace and Modification of Class E5 Airspace; Goodland, KS Doc. No. 03–ACE–71'' (RIN2120–AA66) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5367. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Kivalina, AK Doc. No. 03–AAL–17'' (RIN2120–AA66) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5368. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E5 Airspace; Johnson, KS Doc. No. 03–ACE–77'' (RIN2120–AA66) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5369. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (36) Amendment No. 3082'' (RIN2120–AA65) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5370. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Chevak, AK Doc. No. 03–AAL–112'' (RIN2120–AA66) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5371. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (1) Amendment No. 3083'' (RIN2120–AA65) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5372. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Jacksonville, NC Doc. No. 03–ASO–12'' (RIN2120–AA66) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5373. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Rolls-Royce plc Rb211 Series Turbofan Engines Doc. No. 2003–NE–33'' (RIN2120–AA64) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5374. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model C1–600–1A11 (CL–600), CL–600–2A12 (CL–601) and C1–600–2B16 (CL–601–3A, CL–6013R, and CL–604) Series Airplanes Doc. No. 2002–NM–157)'' (RIN2120–AA64) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5375. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Charlottesville, VA Doc. No. 03–AEA–09'' (RIN2120–AA66) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5376. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Viroqua, WI Doc. No. 03–AGL–06'' (RIN2120–AA66) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5377. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class D Airspace and Modification of Class E Airspace; St. Joseph, MO Doc. No. 03–ACE–70'' (RIN2120–AA66) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5378. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class D Airspace and Modification of Class E Airspace; Topeka, Phillip Billard Municipal Airport, KS'' (RIN2120–AA66) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5379. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Aerostar Aircraft Corporation Models PA–60–600, PA–60–601P, PA–60-602P, and PA–60–700P Airplanes Doc. No. 2003–CE–44'' (RIN2120–AA64) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5380. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Correction McDonnell Douglas Model DC–10–10F, 15, 30, 30F (KC–10A and KDC–10), 40, and 40F Airplanes and Model MD 10–10F, and 30F Airplanes Doc. No. 2002–NM–164'' (RIN2120–AA64) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5381. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Recission Cessna Model 750 Citation X Series Airplanes Doc. No. 99–NM–229'' (RIN2120–AA64) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5382. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model MD–11, and 11F Airplanes Doc. No. 2001–NM–52'' (RIN2120–AA64) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5383. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Maxton, NC Doc. No. 03–ASO–13'' (RIN2120–AA66) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5384. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–135, and -145 Airplanes Doc. No. 2002–NM–88'' (RIN2120–64) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5385. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model MD–11 and 11F Airplanes Doc. No. 2001–NM–52'' (RIN2120–AA64) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5386. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Eurocopter France Model AS335E, F, F1, F2, and N Helicopters Doc. No. 2003–SW–10'' (RIN2120–AA64) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5387. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Eurocopter France Model AS332C, AS332L , AS332L1, and AS332L2 Helicopters Doc. No. 2002–SW–58'' (RIN2120–AA64) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5388. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: The Cessna Aircraft Company Model 525 Airplanes Doc. No. 2003–CE–46'' (RIN2120–AA64) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5389. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Rolls-Royce plc RB211–524 Series Turbofan Engines Doc. No. 2003–NE–36'' (RIN2120–AA64) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5390. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (4) Amendment No. 3080'' (RIN2120–AA65) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5391. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Chariton, IA Doc. No. 03–ACE–67'' (RIN2120–AA66) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5392. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class D Airspace; Ramona, CA Doc. No. 03–AWP–11'' (RIN2120–A66) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5393. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Corning, IA Doc. No. 03–AC–69'' (RIN2120–AA66) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5394. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Raleigh, NC Doc. No. 03–ASO–11'' (RIN2120–AA66) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5395. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Digital Flight Data Recorder Requirements Changes to Recording Specifications and Additional Exceptions; CORRECTION; Doc. No. FAA–2003–15682'' (RIN2120–AH89) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5396. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Flightdeck Security on Large Cargo Airplanes; Request for Comments; CORRECTION Doc. No. FAA–2003–15653'' (RIN2120–AH96) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5397. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Lower Deck Service Compartments on Transport Category Airplanes; CORRECTION Doc. No. FAA–2002–11346'' (RIN2120–AH38) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5398. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Part 145 Review: Repair Stations; Final Rule; Delay of Effective Date; Doc. No. FAA–1999–5836'' (RIN2120–AC38) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5399. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''DOD Commercial Air Carrier Evaluators; Request for Comments; Correction Doc. No. FAA–2003–15571'' (RIN2120–AI00) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5400. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Digital Flight Data Recorder Requirements Changes to Recording Specifications and Additional Exceptions; Correction; CORRECTION TO CORRECTION Doc. No. FAA–2003–15682'' (RIN2120–AH89) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5401. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Air Tour Operators in the State of Hawaii; Doc. No. FAA–2003–14830'' (RIN2120–AH02) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5402. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Reduced Vertical Separation Minimum in Domestic United States Airspace; Doc. No. FAA–2002–12261'' (RIN2120–AH68) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5403. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regulation of Fractional Aircraft Ownership Programs and On Demand Operations; Doc. No. FAA–2001–10047'' (RIN2120–AH06) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5404. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Digital Broadcast Content Protection'' (MB Doc. No. 02–230) received on December 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5405. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Wickenburg, Bagdad, and Aguila, AZ)'' (MM Doc. No. 00–166) received on December 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5406. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.2–2(b), Table of Allotments, FM

Broadcast Stations (Alamo Community, New Mexico)'' (MM Doc. No. 01–158) received on December 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5407. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations, Fort Walton Beach, FL'' (MM Doc. No. 00–233) received on December 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5408. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Apopka, Maitland, and Homosassa Springs, FL)'' (MB Doc. No. 03–24) received on December 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5409. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Encino, TX)'' (MB Doc. No. 02–341) received on December 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5410. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Marathon and Mertzon, TX)'' (MB Doc. No. 02–243) received on December 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5411. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Tallapoosa, GA)'' (MB Doc. No. 03–161) received on December 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5412. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Mount Pleasant and Bogata, TX)'' (MM Doc. No. 00–54) received on December 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5413. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, DTV Broadcast Stations (Corpus Christi, TX)'' (MM Doc. No. 99–277) received on December 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5414. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Conformance with Federal Acquisition Circulars 2001–15 and 2001–14'' (RIN2700–AC92) received on December 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5415. A communication from the Director for Acquisition Management, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Governmentwide Debarment and Suspension (Nonprocurement) and Requirements for Drug-Free Workplace (grants)'' (RIN0605–AA16) received on December 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5416. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: (Including 3 Regulations); [CGD08–03–180], [CGD08–03–046]'' (RIN1625–AA09) received on December 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5417. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Allowing Alternatives to Incandescent Lights, and Establishing Standards for New Lights, in Private Aids to Navigation'' (RIN1625–AA55) received on December 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5418. A communication from the Attorney Advisor, Department of Transportation, transmitting, pursuant to law, the report of a vacancy and designation of acting officer for the position of Assistant Secretary for Budget and Programs/CFO, Department of Transportation, received on December 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5419. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Vehicle Safety Standards; Tire Pressure Monitoring Systems'' (RIN2127–AJ22) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5420. A communication from the Assistant Administrator, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''NOAA Office of Ocean Exploration Announcement of Funding Opportunity, Fiscal Year 2004'' received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5421. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures; Trip Limit Adjustments'' (ID100303B) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5422. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Closure of the Fishery for Pacific Sardine North of Pt. Arena, California'' (ID102003A) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5423. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; Fraser River Sockeye and Pink Salmon Fisheries; Inseason Orders'' (ID101603B) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5424. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Vehicle Safety Standards; Child Restraint Systems; Interim Final Rule on Seat Mounted Vests'' (RIN2127–AI88) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5425. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Improved Flammability Standards for Theral/Acoustic Insulation Materials Used in Transport Category Airplanes; CORRECTION Doc. No. FAA–200–7909'' (RIN2120–AG91) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5426. A communication from the Senior Legal Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Allocations and Service Rules for the 71–76 GHz, 81–86 GHz, and 92–95 GHz Bands; Loea Communications Corporation Petition for Rule Making'' (FCC03–248) received on December 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5427. A communication from the Legal Advisor and Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Promoting Efficient Use of Spectrum Through Elimination of Barriers to the Development of Secondary Markets'' (FCC03–113) received on December 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5428. A communication from the Deputy Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz for Use by the Mobile Satellite Service'' (FCC03–280) received on December 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5429. A communication from the Deputy Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Part 5 of the Commission's Rules to Require Electronic Filing Applications for Experimental Radio Licenses and Authorizations'' (FCC03–207) received on December 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5430. A communication from the Deputy Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Revisions to Broadcast Auxiliary Service Rules in Part 74 and Conforming Technical Rules for Broadcast Auxiliary Service, Cable Television Relay Service and Fixed Services in Parts 74, 78, and 101 of the Commission's Rules'' (FCC03–246) received on December 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5431. A communication from the Deputy Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Parts 2, 25, and 87 of the Commission's Rules to Implement Decisions from World Radiocommunication Conferences Concerning Frequency Bands Between 28 MHz and 36 GHz and to Otherwise Update the Rules in this Frequency Range'' (FCC03–269) received on December 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5432. A communication from the Deputy Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Rural Health Care

Support Mechanism in WC Docket No. 02–60'' (FCC03–288) received on December 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5433. A communication from the Senior Procurement Executive, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants); Department of Transportation Implementation'' (RIN2105–AD07) received on December 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5434. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tuberculosis in Cattle and Bison; State Designations; California'' (Doc. No. 03–005–2) received on December 3, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5435. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tuberculosis in Cattle and Bison; State Designations; New Mexico'' (Doc. 03–044–2) received on December 3, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5436. A communication from the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–5437. A communication from the Principal Deputy, Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the Annual Report of the Armed Forces Retirement Home for Fiscal Year 2002; to the Committee on Armed Services.

EC–5438. A communication from the Chairman, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Board's Semiannual Report to Congress for the six-month period ending September 30, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–5439. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, a report relative to plutonium storage at the Department of Energy's Savanna River Site; to the Committee on Armed Services.

EC–5440. A communication from the Assistant Director, Executive and Political Personnel, transmitting, pursuant to law, the report of a change in previously submitted reported information for the position of Assistant Secretary of the Army for Civil Works, Department of the Army, received on December 3, 2003; to the Committee on Armed Services.

EC–5441. A communication from the Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Changes Included in the National Defense Authorization Act for Fiscal Year 2003'' (RIN0720–AA85) received on December 3, 2003; to the Committee on Armed Services.

EC–5442. A communication from the Assistant Director, Executive and Political Personnel, transmitting, pursuant to law, the report of a nomination for the position of Secretary of the Navy, received on December 3, 2003; to the Committee on Armed Services.

EC–5443. A communication from the Assistant Director, Executive and Political Personnel, transmitting, pursuant to law, the report of Under Secretary of Defense for Acquisition, Technology, and Logistics, received on December 3, 2003; to the Committee on Armed Services.

EC–5444. A communication from the Chairman and President of the Export-Import Bank of the United States, a report relative to a transaction involving U.S. exports to Azerbaijan, Georgia, and Turkey; to the Committee on Banking, Housing, and Urban Affairs.

EC–5445. A communication from the Chairman and President of the Export-Import Bank of the United States, a report relative to a transaction involving U.S. exports to Algeria; to the Committee on Banking, Housing, and Urban Affairs.

EC–5446. A communication from the Assistant Secretary, Divisions of Corporate Finance and Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Disclosure Regarding Nominating Committee Functions and Communications Between Security Holders and Boards of Directors'' (RIN3235–AI90) received on December 1, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–5447. A communication from the Chairman, Federal Housing Finance Board, transmitting, pursuant to law, the semi annual report of the Board for the period from April 1, 2003 to September 30, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–5448. A communication from the Secretary of the Treasury, transmitting, pursuant to the National Emergencies Act, a six-month periodic report on the national emergency with respect to the Development Fund for Iraq; to the Committee on Banking, Housing, and Urban Affairs.

EC–5449. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''List of Communities Eligible for the Sale of Flood Insurance'' (48 CFR 64) received on December 1, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–5450. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (44 CFR 67) received on December 1, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–5451. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (44 CFR 67) received on December 1, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–5452. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' (44 CFR 65) received on December 1, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–5453. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' (44 CFR 65) received on December 1, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–5454. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' (44 CFR 64) received on December 1, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–5455. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Rescission of Final Flood Elevation Determination'' (Doc. No. FEMA–7772) received on December 1, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–5456. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (44 CFR Part 67) received on December 1, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–5457. A communication from the Secretary of the Treasury, transmitting, pursuant to the National Emergencies Act, a report relative to the national emergency declared with respect to Burma that was declared in Executive Order 13047 of May 20, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–5458. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''West Virginia Regulatory Program'' (WV–091–FOR) received on December 1, 2003; to the Committee on Energy and Natural Resources.

EC–5459. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''North Dakota Regulatory Program'' (ND–044–FOR) received on December 1, 2003; to the Committee on Energy and Natural Resources.

EC–5460. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''West Virginia Regulatory Program'' (WV–095–FOR) received on December 1, 2003; to the Committee on Energy and Natural Resources.

EC–5461. A communication from the Acting General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Update of the Federal Energy Regulatory Commission's Fee Schedule for Annual Charges for the Use of Government Lands'' received on December 3, 2003; to the Committee on Energy and Natural Resources.

EC–5462. A communication from the Assistant Secretary, Policy, Management and Budget, Department of the Interior, transmitting, pursuant to law, the Department's annual report to Congress on streamlining and standardization; to the Committee on Energy and Natural Resources.

EC–5463. A communication from the Assistant Secretary, Land and Minerals Management, Minerals Management Service, transmitting, pursuant to law, the report of a rule entitled ''Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Civil Penalties'' (RIN1010–AD07) received on December 1, 2003; to the Committee on Energy and Natural Resources.

EC–5464. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Delaware; Revisions to Delaware's Motor Vehicle Emissions Inspection Program and Low Enhanced Inspection and Maintenance Program'' (FRL#7590–9) received on December 1, 2003; to the Committee on Environment and Public Works.

EC–5465. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Nebraska Update to Materials Incorporated by Reference'' (FRL#7592–1) received on December 1, 2003; to the Committee on Environment and Public Works.

EC–5466. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Implementation Plans; State of Missouri'' (FRL#7591–4) received on December 1, 2003; to the Committee on Environment and Public Works.

EC–5467. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clean Air Act Approval of Revision to Operating Permits Program in Ohio'' (FRL#7588–9) received on December 1, 2003; to the Committee on Environment and Public Works.

EC–5468. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, the Commission's latest monthly report on the status of its licensing and regulatory duties; to the Committee on Environment and Public Works.

EC–5469. A communication from the Assistant Secretary, Fish, Wildlife, and Parks, Fish and Wildlife Service, transmitting, pursuant to law, the report of a rule entitled ''Marine Mammals; Incidental Take During Specific Activities'' (RIN1018–AH92) received on December 4, 2003; to the Committee on Environment and Public Works.

EC–5470. A communication from the Assistant Secretary, Fish, Wildlife, and Parks, Fish and Wildlife Service, transmitting, pursuant to law, the report of a rule entitled ''Joint Counterpart Endangered Species Act Section 7 Consultation Regulations'' (RIN1018–AJ02) received on December 4, 2003; to the Committee on Environment and Public Works.

EC–5471. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Coverage and Payment of Ambulance Services; Inflation Update for CY 2004'' (RIN0938–AM44) received on December 3, 2003; to the Committee on Finance.

EC–5472. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare and Medicaid Programs; Religious Nonmedical Health Care Institutions and Advance Directives'' (RIN0938–AI93) received on December 3, 2003; to the Committee on Finance.

EC–5473. 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 2003–80) received on December 4, 2003; to the Committee on Finance.

EC–5474. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Information Reporting for Distributions with Respect to Securities Issued by Foreign Corporations'' (Notice 2003–79) received on December 4, 2003; to the Committee on Finance.

EC–5475. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, a report relative to Medicare payment policies for medical education; to the Committee on Finance.

EC–5476. A communication from the Chairman, Occupational Safety and Health Review Commission, transmitting, pursuant to law, a report relative to the Agency's compliance with the Inspector General Act of 1978; to the Committee on Governmental Affairs.

EC–5477. A communication from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled ''Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug–Free Workplace (Grants)'' (RIN3095–AB04) received on December 1, 2003; to the Committee on Governmental Affairs.

EC–5478. A communication from the Chairman, Board of Governors, United States Postal Service, transmitting, pursuant to law, the report of the Office of Inspector General for the period ending September 30, 2003; to the Committee on Governmental Affairs.

EC–5479. A communication from the Secretary of Labor, transmitting, pursuant to law, the report of the Office of Inspector General for the period ending September 30, 2003; to the Committee on Governmental Affairs.

EC–5480. A communication from the Chairman, Railroad Retirement Board, transmitting, pursuant to law, the report of the Office of Inspector General for the period ending September 30, 2003; to the Committee on Governmental Affairs.

EC–5481. A communication from the Auditor of the District of Columbia, transmitting, a report entitled ''Fiscal Year Annual Report On Advisory Neighborhood Commissions''; to the Committee on Governmental Affairs.

EC–5482. A communication from the Director, Management and Chief Financial Officer, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Reflect Change of Address of the Interior Board of Contract Appeals'' (RIN3206–AK07) received on December 1, 2003; to the Committee on Governmental Affairs.

EC–5483. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period ending September 30, 2003; to the Committee on Governmental Affairs.

EC–5484. A communication from the Special Assistant to the President and Director, Office of Administration, Executive Office of the President, transmitting, pursuant to law, a report relative to personnel employed in the White House, the Executive Residence at the White House, the Office of the Vice President, the Office of Policy Development, and the Office of Administration; to the Committee on Governmental Affairs.

EC–5485. A communication from the Chairman, Federal Housing Finance Board, transmitting, pursuant to law, a report of the Office of Inspector General for the period ending September 30, 2003; to the Committee on Governmental Affairs.

EC–5486. A communication from the Secretary of Energy, transmitting, pursuant to law, the report of the Office of Inspector General for the period ending September 30, 2003; to the Committee on Governmental Affairs.

EC–5487. A communication from the Deputy Assistant Secretary for Administration, Department of Transportation, transmitting, pursuant to law, copies of the inventories of commercial and inherently governmental positions in the Department of Transportation; to the Committee on Governmental Affairs.

EC–5488. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Part A Premium for 2004 for the Uninsured, Aged, and for Certain Disabled Individuals Who Have Exhausted Other Entitlement'' (RIN0938–AM33) received on December 1, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–5489. A communication from the Director, Regulations and Forms Services, Immigration and Customs Enforcement, transmitting, pursuant to law, the report of a rule entitled ''Suspending the 30-Day and Annual Interview Requirements From the Special Registration Process for Certain Nonimmigrants'' (RIN1653–AA29) received on December 4, 2003; to the Committee on the Judiciary.

EC–5490. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts for 2004'' (RIN0938–AM31) received on December 1, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–5491. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Debarment and Suspension (Nonprocurement) and Drug-Free Workplace (Grants)'' (RIN0991–AB12) received on December 1, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–5492. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Reduction in Medicare Part B Premiums As Additional Benefits Under Medicare Plus Choice Plans'' (RIN0938–AL49) received on December 1, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–5493. A communication from the Division of Acquisition Management Services, Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug–Free Workplace'' (RIN1291–AA33) received on December 3, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–5494. A communication from the Assistant General Counsel for Regulatory Services, Office of the Chief Financial Officer, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Governmentwide Requirements for Drug–Free Workplace (Financial Assistance); Governmentwide Debarment and Suspension (Nonprocurement); Student Assistance General Provisions; and Federal Family Education Loan Program'' (RIN1890–AA07) received on December 4, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–5495. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single–Employer Plans; Allocation of Assets in Single–Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' received on December 3, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–5496. A communication from the Assistant Secretary for Indian Affairs, Division of Transportation, Bureau of Indian Affairs, transmitting, pursuant to law, the report of a rule entitled ''Partial Distribution of Fiscal Year 2004 Indian Reservation Roads Funds'' (RIN1076–AE50) received on December 3, 2003; to the Committee on Indian Affairs.

EC–5497. A communication from the Secretary of the Interior, transmitting, pursuant to law, a proposed plan for the use and distribution of the Pueblo of Isleta judgment funds; to the Committee on Indian Affairs.

EC–5498. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Monthly Actuarial Rates and Monthly Supplementary Medical Insurance Premium Beginning January 1, 2004'' (RIN0938–AM91) received on December 1, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–5499. A communication from the Vice Chairman, Office of the General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled ''Leadership PACs'' (Notice 2003–22) received on December 1, 2003; to the Committee on Rules and Administration.

EC–5500. A communication from the Vice Chairman, Office of the General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled ''Leadership PACs'' (Notice 2003–22) received on December 1, 2003; to the Committee on Rules and Administration.

EC–5501. A communication from the Director, Regulations Management, Veterans Benefits Administration, transmitting, pursuant to law, the report of a rule entitled ''Veterans Education: Increased Allowances for the Educational Assistance Test Program'' (RIN2900–AL52) received on December 1, 2003; to the Committee on Veterans' Affairs.

EC–5502. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Inflation-Adjusted Items for 2004'' (Rev. Proc. 2003–85) received on December 1, 2003; to the Committee on Finance.

EC–5503. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''General Electric Co. and Subs. V. Commissioner, T.C. Memo. 1995–306 Rev'd in Part Vacated in Part and Remanded 245 f.3. 149 (2d Cir.200100'' received on December 1, 2003; to the Committee on Finance.

EC–5504. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''2004 Annual Covered Compensation Tables'' (Rev. Rule 2003–124) received on December 1, 2003; to the Committee on Finance.

EC–5505. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Tenant Income Certifications for Acquisition/Rehabilitation'' (Rev. Proc. 2003–82) received on December 1, 2003; to the Committee on Finance.

EC–5506. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Professional Employer Organizations'' (Rev. Proc. 2003–86) received on December 1, 2003; to the Committee on Finance.

EC–5507. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Photocopying Reimbursement Methodology'' (RIN0938–AK68) received on December 3, 2003; to the Committee on Finance.

EC–5508. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A330, 301, 321, 322, 341, and 342 Airplanes; Doc. No. 2001–NM–353'' (RIN2120–AA64) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5509. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Mitsubishi Heady Industries, Ltd MU–2B Series Airplanes; Doc. No. 2003–CE–22'' (RIN2120–AA64) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5510. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Hartzell Propeller Inc. Model HC A6A 3 Series Propellers; Doc. No. 2003–NE–47'' (RIN2120–AA64) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5511. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Eurocopter France Model AS350B, B1, B2, BA, C, D, D1, and AS355E, F, F1, F2 and N Helicopters; Doc. No. 2000–SW–12'' (RIN2120–AA64) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5512. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Rolls Royce plc Tent 768–60 Turbofan Engines; Doc. No. 2003–NE–37'' (RIN2120–AA64) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5513. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Rolls Royce plc Trent 556–61 Turbofan Engines; Doc. No. 2003–NE–42'' (RIN2120–AA64) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5514. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Eurocopter France Model AS350B, B1, B2, B3, BA, C, D, D1, and F1, F2, and N Helicopters; Doc. No. 2003–SW–18'' (RIN2120–AA64) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5515. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Pratt and Whitney PW4074, 4074D, 4077, 4077D, 4084, 4084D, 4090, 4090D, 4090–3, and PW 4098 Turbofan Engines; Doc. No. 2003–NE–40'' (RIN2120–AA64) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5516. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: MD Helicopters Inc. Model 369A, H, HE, HS, D, and E Helicopters; Doc. No. 2003–SW–16'' (RIN2120–AA64) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5517. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Eurocopter France Model EC120B Helicopters; Doc. No. 2003–SW–07'' (RIN2120–AA64) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5518. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: The New Poper Aircraft Models PA 31, 31–300, 31–325, 31–350, 31P, 31T, 31T1, 31T2, 31T3, and 31P–350 Airplanes; Doc. No. 2003–CE–03'' (RIN2120–AA64) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5519. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Pratt and Whitney JT9D–3A, 7, 7A, 7F, 7H, and 7J Turbofan Engines; Doc. No. 2003–NE–52'' (RIN2120–AA64) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5520. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (83); Amdt. No. 3079'' (RIN2120–AA65) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5521. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (83); Amdt. No. 3079'' (RIN2120–AA65) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5522. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (50); Amdt. No. 3081'' (RIN2120–AA65) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5523. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Clarion, IA; Doc. No. 03–ACE–68'' (RIN2120–AA66) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5524. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; New Richmond, WI; Doc. No. 03–AGL–08'' (RIN2120–AA608) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5525. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class D Airspace; Minot, ND; Doc. No. 03–AGL–07'' (RIN2120–AA66) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5526. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Kingman, KS; Doc. No. 03–ACE–73'' (RIN2120–AA66) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5527. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Winterset, IA; Doc. No. 03–ACE–87'' (RIN2120–

AA66) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5528. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model MD–11 Airplanes; Doc. No. 2003–NM–68'' (RIN2120–AA64) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5529. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas MD–11 and 11F Airplanes; Doc. No. 2003–NM–70'' (RIN2120–AA64) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5530. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model DC–9–81 (MD–81), DC–9–87 (MD–87), and MD–88 Airplanes; Doc. No. 2000–NM–150'' (RIN2120–AA64) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5531. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Cessna Aircraft Company Models 172R, 172S, 182S, 182T, T182T, 206H, and T206H Airplanes; Doc. No. 2003–CE–28'' (RIN2120–AA64) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5532. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model DC–10–10, –10F , –15, –30, –30F, –40, –40F, MD–10–40F, –10F, –30F, MD–11, and MD–11F Airplanes; Doc. No. 2001–NM0297'' (RIN2120–AA64) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5533. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Eurocopter France Model AS332C, Ci, L, L1, AS350B, BA, B1, B3, and D, and AS355E, F, F1, F2, and N Helicopters; Doc. No. 2003–SW–15'' (RIN2120–AA64) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5534. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Rolls-Royce Corporation (Formerly Allison Engine Company) AE3007A1/1, –A1/3, –A3, –A1E, and –A1P Turbofan Engines; Doc. No. 2003–NE–19'' (RIN2120–AA64) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5535. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Great Bend, KS; Doc. No. 03–ACE–72'' (RIN2120–AA66) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5536. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Gettysburg, PA; Doc. No. 03–AEA–04'' (RIN2120–AA66) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5537. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Oskalloas, IA; Doc. No. 03–ACE–84'' (RIN2120–AA66) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5538. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Osceola, IA; Doc. No. 03–ACE–83'' (RIN2120–AA66) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5539. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Waverly, IA; Doc. No. 03–ACE–86'' (RIN2120–AA66) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5540. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Mount Pleasant, IA; Doc. No. 03–ACE–82'' (RIN2120–AA66) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5541. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Tipton, IA; Doc. No. 03–ACE–85'' (RIN2120–AA66) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5542. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Mentasta Lake Mountains Area, AK; AK Doc. No. 03–AAL–18'' (RIN2120–AA66) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5543. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; York, PA; Doc. No. 03–AEA–08'' (RIN2120–AA66) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5544. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Gettysburg, PA; Correction Doc. No. 03–AEA–04'' (RIN2120–AA66) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5545. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Manokotak, AK; Doc. No. 03–AAL–19'' (RIN2120–AA66) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5546. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Ormond Beach, FL; Doc. No. 03–ASO–9'' (RIN2120–AA66) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5547. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E4 Airspace; and Modification of Class E5 Airspace; Goodland, KS; Doc. No. 03–ACE–71'' (RIN2120–AA66) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5548. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Buckhannon, WV; Doc. No. 03–AEA–05'' (RIN2120–AA66) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5549. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Cherokee, IA; Doc. No. 03–ACE–89'' (RIN2120–AA66) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5550. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Greenfield, IA; Doc. No. 03–ACE–88'' (RIN2120–AA66) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5551. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments 3085 Doc. No. 30399'' (RIN2120–AA65) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5552. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Charlottesville, VA; Correction Doc. No. 03–AEA–09'' (RIN2120–AA66) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5553. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; New York, NY; Doc. No. 03–AEA–14'' (RIN2120–AA66) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5554. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; New York and New Jersey; Doc. No. 03–AEA–17'' (RIN2120–AA66) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5555. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments 3084 Doc. No. 30398'' (RIN2120–AA65)

received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5556. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Aging Aircraft Safety Doc. No. 1999–5401'' (RIN2120–AA6) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5557. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Regatta and Marine Parade Regulation; Special Local Reg'' (RIN1625–AA08) received on December 8, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5558. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations'' (RIN1625–AA00) received on December 8, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5559. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Regulated Navigation Area'' (RIN1625–AA11) received on December 8, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5560. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Ravenswood and Racine, Ohio)'' (MB Doc. No. 03–22) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5561. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Conway and Vilonia, AK)'' (MB Doc. No. 03–23) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5562. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Worcester and Westborough, Massachusetts)'' (MB Doc. No. 02–49) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5563. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Marble Falls and Dripping Springs, TX)'' (MB Doc. No. 03–195) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5564. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Ash Fork, Chino Valley, Dolan Springs, Fredonia, Gilbert, Peach Springs, Seligman, and Tusayan, AZ; Moapa Valley, NV; Beaver and Cedar City, UT)'' (MM Doc. No. 02–12) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5565. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations (Corpus Christi, TX)'' (MM Doc. No. 00–198) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5566. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Elimination of Experimental Broadcast Ownership Restrictions'' (FCC01–99) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5567. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Oak Grove and Trenton, KY; Springfield, TN)'' (MB Doc. No. 03–132) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5568. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations, Juneau, Alaska'' (MB Doc. No. 03–97) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5569. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Bluefin Tuna Fisheries, Quota Transfer; Fishery Closure'' (ID#111303B) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5570. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures; Trip Limit Adjustments'' (ID#111903C) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5571. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Reallocation of Projected Unused Amounts of Bering Sea Subarea Pollock from the Inicidental Catch Account to the Directed Fisheries'' received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5572. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Trip Limit Reduction for the Commercial Fishery for Gulf Group King Mackerel in the Northern Florida West Coast Subzone'' received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5573. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Implelemt Approved Measures Contained in the Framework Adjustment 3 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan'' (RIN0648–AR43) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5574. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Interim 2004 Total Allowable Catch (TAC) Amounts for Each Category of Groundfish, Community Development Quota (CDQ) Reserve Amounts, American Fisheries Act (AFA) Pollock Allocations and Sideboard Amounts, and Prohibited Species Catch (PSC) Allowances and Prohibited Species Quota (PSQ) Reserves for the Groundfish Fisheries of the Bering Sea and Aleutian Islands Management Area (BSAI)'' received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5575. A communication from the Attorney Advisor, CFO, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Budget and Programs, CFO, received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5576. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''NASA Grant and Cooperative Agreement Handbook—Public Acknowledgments'' (RIN2700–AC75) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5577. A communication from the General Counsel, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled ''Requirements for Bicycles—Tests and Test Procedures; Correction'' (68 FR 52690) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5578. A communication from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Revision of Parts 2 and 15 of the Commission's Rules to Permit Unlicensed National Information Infrastructure Devices in the 5 GHz Band'' (FCC03–287) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5579. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Use of Locomotive Horns at Highway-Rail Grade Crossings'' (RIN2130–AA71) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5580. A communication from the Office of the Chairman, National Transportation Safety Board, transmitting, pursuant to law, a report of a violation of the Antideficiency Act relative to the scoring analysis described in Appendix B of OMB Circular A–11; to the Committee on Commerce, Science, and Transportation.

EC–5581. A communication from the Fishery Biologist, Office of Protected Resources, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Endangered and threatened Species; Final Rule Governing Take of Four Threatened Evolutionary Significant Units of West Coast Salmonids'' (RIN0648–AP17) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5582. A communication from the Secretary of Transportation, transmitting, a report from the Federal Transit Administration relative to maximum axle weight limitations; to the Committee on Commerce, Science, and Transportation.

EC–5583. A communication from the Attorney Advisor, Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Deputy Secretary, Department of Transportation, received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5584. A communication from the Chief, Regulations and Administrative Law, Coast

Guard, transmitting, pursuant to law, the report of a rule entitled ''Rates for Pilotage on the Great Lakes'' (RIN1625–AA38) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5585. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Civil Monetary Penalties—Adjustments for Inflation'' (RIN1625–AA01) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5586. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Inner Harbor Navigation'' (RIN1625–AA09) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5587. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Charleston Harbor, Cooper River, SC; San Francisco Bay, Morgan City'' (RIN1625–AA00) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5588. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: Los Angeles Beach'' (RIN1625–AA00) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5589. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Technical Amendment to Update and Correct Office of Management and Budget Control Numbers and Related Regulatory Citations for NMFS Information Collection'' (RIN0648–AR71) received on December 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5590. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the National Emergency declared in Executive Order 13313 of July 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5591. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Herring Fishery; Closure of Directed Fishery for Management Area 1A'' (ID110703B) received on December 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5592. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Notice of Closure of the 2003 Fall Gulf of Mexico Commercial Red Snapper Fishery'' received on December 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5593. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''December 2002 Wassenaar Arrangement Plenary Agreement Implementation: Categories 1–7 of the Commerce Control List and Reporting Requirements'' (RIN0694–AC85) received on December 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5594. A communication from the Secretary of the Commission, Bureau of Economics, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Annual Adjustment of Ceiling on Allowable Charge for Certain Disclosures under the Fair Credit Reporting Act Section 612(f)'' received on December 29, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5595. A communication from the Attorney Advisor, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Interstate Highway System'' (RIN2125–AF00) received on December 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5596. A communication from the Senior Attorney Advisor, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Revisions to Incident Reporting Requirements and the Hazardous Materials Incident Report'' (RIN2137–AD21) received on December 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5597. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Upgrade Fuel Integrity Performance Requirements'' (RIN2127–AF36) received on December 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5598. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: Delaware Bay and River'' (RIN1625–AA00) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5599. A communication from the Senior Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Pipeline Safety: Pipeline Integrity Management in High Consequence Areas (Gas Transmission Pipeline Operations)'' (RIN2137–AD54) received on December 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5600. A communication from the Secretary of Transportation, transmitting, the Department of Transportation's Annual Report of the Maritime Administration for Fiscal Year 2002; to the Committee on Commerce, Science, and Transportation.

EC–5601. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Act Provisions; Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Vessel Monitoring Systems and Incidental Catch Measures'' (RIN0648–AQ58) received on December 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5602. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, a report entitled ''Government Property—Instructions for Preparing NASA Form 1018'' (RIN2700–AC73) received on December 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5603. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Exempted Fishing Activities'' (RIN0648–AO79) received on December 18, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5604. A communication from the Acting Director, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled ''Closure of the Commercial Fishery for Gulf Group King Mackerel in the Northern Florida West Coast Subzone'' received on December 18, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5605. A communication from the Assistant Chief Counsel, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''National Standards for Traffic Control Devices: Manual on Uniform Traffic Control Devices for Streets and Highways; Revision'' (RIN2125–AE93) received on December 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5606. A communication from the Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Notice of Intent to Prepare an Environmental Impact Statement for the Construction of an Office/Laboratory/Classroom Facility for the Canaan Valley Institute'' (Doc.#031110276–3276–01) received on December 18, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5607. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy for the position of Assistant Secretary of Defense (International Security Policy), Department of Defense, received on December 30, 2003; to the Committee on Armed Services.

EC–5608. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, a report relative to the F/A–18 E/F and EA–18G aircraft multiyear program; to the Committee on Armed Services.

EC–5609. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, a report relative to the Defense Cooperation Account; to the Committee on Armed Services.

EC–5610. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the International Traffic in Arms Regulations; to the Committee on Armed Services.

EC–5611. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the removal of an item from the United States Munitions List; to the Committee on Armed Services.

EC–5612. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report 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 Armed Services.

EC–5613. A communication from the Acting Under Secretary of Defense, Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report relative to corrosion and its effects on the military infrastructure of the Department; to the Committee on Armed Services.

EC–5614. A communication from the Deputy Secretary of Defense, Department of Defense, transmitting, pursuant to law, the report of a retirement; to the Committee on Armed Services.

EC–5615. A communication from the Deputy Secretary of Defense, Department of Defense, transmitting, pursuant to law, the report of a retirement; to the Committee on Armed Services.

EC–5616. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Central Contractor Registration'' (DFARS Case 2003–D040) received on December 8, 2003; to the Committee on Armed Services.

EC–5617. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''DoD Activity Address Codes in Contract Numbers'' (DFARS Case 2003–D0005) received on December 8, 2003; to the Committee on Armed Services.

EC–5618. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Competition Requirements for Purchases from a Required Source'' (DFARS Case 202–D0003) received on December 8, 2003; to the Committee on Armed Services.

EC–5619. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Provisional Award Fee Programs'' (DFARS Case 2001–D013) received on December 8, 2003; to the Committee on Armed Services.

EC–5620. A communication from the Acting Under Secretary of Defense, Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report relative to research and development programs approved as spiral development programs; to the Committee on Armed Services.

EC–5621. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled ''Walnuts Grown in California; Deceased Assessment Rate'' (Doc. No. FV04–984–1) received on December 15, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5623. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled ''Oranges in Grapefruit Grown in Lower Rio Grande Valley in Texas; Increased Assessment Rate'' (Doc. No. FV04–906–1) received on December 15, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5624. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled ''National Organic Program; Amendments to the National List of Allowed and Prohibited Substances'' (Doc. No. TM–03–02) received on December 15, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5625. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Vinclozolin; Time-Limited Pesticide Tolerances Technical Correction'' (FRL#7337–7) received on December 10, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5626. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Cyprodinil; Time-Limited Pesticide Tolerance'' (FRL#7337–5) received on December 10, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5627. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Furoxypyr; Pesticide Tolerance'' (FRL#7304–5) received on December 10, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5628. A communication from the Administrator, Rural Housing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Direct Final Rule—Fire and Rescue and Other Community Facilities'' (RIN0575–AC53) received on December 10, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5629. A communication from the Acting Staff Director, Office of Regulatory and Management Services, Forest Service, transmitting, pursuant to law, the report of a rule entitled ''Special Areas: Roadless Area Conservation; Applicability to the Tongass National Forest, Alaska'' (RIN0596–AC42) received on January 5, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5630. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation relative to providing financial assistance to the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau under the Cooperative Forestry Assistance Act of 1978; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5631. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Ports of Entry for Certain Plants and Plant Products'' (Doc. No. 03–067–1) received on December 18, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5632. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the national emergency with respect to Libya declared in Executive Order 12543; to the Committee on Banking, Housing, and Urban Affairs.

EC–5633. A communication from the President of the United States, transmitting, pursuant to law, a report on appointments during a National Emergency; to the Committee on Banking, Housing, and Urban Affairs.

EC–5634. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a six-periodic report on the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938; to the Committee on Banking, Housing, and Urban Affairs.

EC–5635. A communication from the Deputy Secretary, Division of Corporate Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Commission Guidance Regarding Management's Discussion and Analysis of Financial Condition and Results of Operations'' (RIN3235–AH37) received on December 30, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–5636. A communication from the Deputy Secretary, Division of Corporate Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''New Rule 17Ad–19, Amendments to Rules 17f–1, 17Ad–7, and 17Ad–12 under the Securities Exchange Act'' (RIN3235–AH94) received on December 30, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–5637. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations; 68 FR 64817'' received on December 30, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–5638. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations; 68 FR 64819'' received on December 30, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–5639. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility; 68 FR 62748'' received on December 30, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–5640. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations; 68 FR 64809'' received on December 30, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–5641. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations; 68 FR 64812'' received on December 30, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–5642. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations; 68 FR 66023'' received on December 30, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–5643. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations; 68 FR 66020'' received on December 30, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–5644. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations; 68 FR 66024'' received on December 30, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–5645. A communication from the Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''FHA TOTAL Mortgage Scorecard'' (RIN2502–AI00) received on December 30, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–5646. A communication from the Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Housing Assistance for Native Hawaiians: Native Hawaiian Housing Block Grant Program and Loan Guarantees for Native Hawaiian Housing Program; Final Rule'' (RIN2577–AC27) received on December 30, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–5647. A communication from the Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Mixed-Finance Development for Supportive Housing for the

Elderly or Persons with Disabilities and Other Changes to 24 CFR Part 891'' (RIN2502–AH83) received on December 30, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–5648. A communication from the Assistant to the Board, Board of the Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Regulation Y—Bank Holding Companies and Change in Bank Control; Rule Expanding the Ability of Bank Holding Companies to Engage in Nonfinancial Data Processing Activities'' (Doc. No. R–1092) received on December 15, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–5649. A communication from the Director, Benefit Design and Compliance, AgriBank Corporation, transmitting, a report relative to retirement plans for several farm credit districts; to the Committee on Banking, Housing, and Urban Affairs.

EC–5650. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to U.S. exports to Thailand, dated December 17, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–5651. A communication from the Secretary of the Treasury, transmitting, the Department of the Treasury's Performance and Accountability Report for FY 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–5652. A communication from the Chairman, Farm Credit System Insurance Corporation, transmitting, pursuant to law, a report relative to the Financial Managers' Integrity Act; to the Committee on Banking, Housing, and Urban Affairs.

EC–5653. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report with respect to the national emergency with respect to the Western Balkans that was declared in Executive Order 13219; to the Committee on Banking, Housing, and Urban Affairs.

EC–5654. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report with respect to the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive Order 13159; to the Committee on Banking, Housing, and Urban Affairs.

EC–5655. A communication from the Assistant Director, Legislative and Regulatory Activities Division, Comptroller of the Currency, transmitting, pursuant to law, the report of a rule entitled ''Reporting and Disclosure Requirements for National Banks with Securities Registered Under the Securities Exchange Act of 1934; Securities Offering Disclosure Rules'' received on January 5, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–5656. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report with respect to the national emergency with respect to Libya that was declared in Executive Order 12543; to the Committee on Banking, Housing, and Urban Affairs.

EC–5657. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Kentucky Regulatory Program'' (KY–245–FOR) received on January 5, 2004; to the Committee on Energy and Natural Resources.

EC–5658. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Indiana Regulatory Program'' (IN–153–FOR) received on January 5, 2004; to the Committee on Energy and Natural Resources.

EC–5659. A communication from the Director, Office of Civilian Radioactive Waste Management, Department of Energy, transmitting, pursuant to law, a report relative to activities and expenditures of the Office; to the Committee on Energy and Natural Resources.

EC–5660. A communication from the Deputy Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the Dugong (Dugong dugon) in the Republic of Palau'' (RIN1018–AI81) received on December 15, 2003; to the Committee on Energy and Natural Resources.

EC–5661. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Governmentwide Debarment and Suspension (Nonprocurement), and Requirements for Drug-Free Workplace (Grants); Rules'' (RIN1991–AB56) received on December 30, 2003; to the Committee on Energy and Natural Resources.

EC–5662. A communication from the Assistant General Counsel for Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program for Consumer Products: Test Procedure for Clothes Washers'' (RIN1904–AB43) received on December 30, 2003; to the Committee on Energy and Natural Resources.

EC–5663. A communication from the Director, Office of Hearings and Appeals, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Special Rules Applicable to Surface Coal Mining Hearings and Appeals'' (RIN1090–AA92) received on December 30, 2003; to the Committee on Energy and Natural Resources.

EC–5664. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendments to Blanket Sales Certificates'' received on December 30, 2003; to the Committee on Energy and Natural Resources.

EC–5665. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Order Amending Market-Based Rate Tariffs and Authorizations'' received on December 30, 2003; to the Committee on Energy and Natural Resources.

EC–5666. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the application of ''Other Transactions Authority'' within the Department of Energy; to the Committee on Energy and Natural Resources.

EC–5667. A communication from the General Counsel, Department of Energy, transmitting, pursuant to law, a report relative to the Comprehensive Environmental Response, Compensation, and Liability Act; to the Committee on Energy and Natural Resources.

EC–5668. A communication from the Manager, Oak Ridge Operations Office, Department of Energy, transmitting, pursuant to law, the Oak Ridge Reservation Annual Site Environmental Report for Calendar Year 2000; to the Committee on Energy and Natural Resources.

EC–5669. A communication from the Office of Human Resources Management, Department of Energy, transmitting, pursuant to law, the report of a nomination for the position of Chief Financial Officer, Department of Energy, received on December 8, 2003; to the Committee on Energy and Natural Resources.

EC–5670. A communication from the Assistant Secretary, Legislative Affairs, transmitting, pursuant to law, the report of an extension of Presidential Determination 2003–04 dated September 24, 2003; to the Committee on Foreign Relations.

EC–5671. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to Danger Pay Allowances for Saudi Arabia; to the Committee on Foreign Relations.

EC–5672. A communication from the Chief of Protocol, Department of State, transmitting a report relative to listings of foreign gifts of more than minimal value reported to employing agencies in calendar year 2001; to the Committee on Foreign Relations.

EC–5673. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a waiver authority with regard to the prohibition on military assistance provided for in the American Servicemembers' Act for Bulgaria, Estonia, Latvia, Lithuania, Slovakia, Slovenia; to the Committee on Foreign Relations.

EC–5675. A communication from the Executive Secretary and Chief of Staff, U.S. Agency for International Development, transmitting, pursuant to law, the report of a nomination for the position of Deputy Administrator, U.S. Agency for International Development, received on December 18, 2003; to the Committee on Foreign Relations.

EC–5676. A communication from the Executive Secretary and Chief of Staff, U.S. Agency for International Development, transmitting, pursuant to law, the report of a discontinuation of service in acting role and nomination for the position of Assistant Administrator, U.S. Agency for International Development, received on December 18, 2003; to the Committee on Foreign Relations.

EC–5677. A communication from the President of the United States, transmitting, pursuant to law, a report relative to post-liberation Iraq; to the Committee on Foreign Relations.

EC–5678. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–5679. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of an amendment to Part 89 of Volume 22 of the Code of Federal Regulations; to the Committee on Foreign Relations.

EC–5680. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to The Republic of Korea, The United Kingdom, and The Netherlands; to the Committee on Foreign Relations.

EC–5681. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of proposed manufacturing license agreement for the manufacture of significant military equipment abroad to Japan; to the Committee on Foreign Relations.

EC–5682. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of proposed license for the export of defense articles in the amount of

$1,000,000 or more to United Kingdom, Germany, Spain, Turkey, and The Netherlands; to the Committee on Foreign Relations.

EC–5683. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $50,000,000 or more to the Republic of Korea and Germany; to the Committee on Foreign Relations.

EC–5684. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Israel; to the Committee on Foreign Relations.

EC–5685. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the certification of two proposed licenses for the export of defense articles that are firearms sold commercially under a contract in the amount of $1,000,000 or more to the United Arab Emirates; to the Committee on Foreign Relations.

EC–5686. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Pacific Ocean/International Waters; to the Committee on Foreign Relations.

EC–5687. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of two proposed manufacturing license agreements for the manufacture of significant military equipment abroad and the export of defense articles or defense services in the amount of $100,000,000 or more to Italy and Belgium; to the Committee on Foreign Relations.

EC–5688. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of two proposed licenses for the export of defense articles that are firearms sold commercially under a contract in the amount of $1,000,000 or more to Greece; to the Committee on Foreign Relations.

EC–5689. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of 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–5690. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of proposed license for the export of defense articles in the amount of $50,000,000 or more to Saudi Arabia; to the Committee on Foreign Relations.

EC–5691. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of proposed license for the export of defense articles or defense services sold commercially in the amount of $50,000,000 or more to Saudi Arabia; to the Committee on Foreign Relations.

EC–5692. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad to Canada; to the Committee on Foreign Relations.

EC–5693. A communication from the Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting a report entitled ''Integrating Natural Resource Management and Agriculture''; to the Committee on Foreign Relations.

EC–5694. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Benjamin A. Oilman International Scholarship Program; to the Committee on Foreign Relations.

EC–5695. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a notification of the Department's intent to obligate funds for purposes of Nonproliferation and Disarmament Fund activities; to the Committee on Foreign Relations.

EC–5696. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of proposed manufacturing license agreement for the manufacture of significant military equipment abroad to the United Kingdom; to the Committee on Foreign Relations.

EC–5697. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of proposed license for the export of defense articles and to provide defense services in the amount of $100,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC–5698. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the 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 Japan; to the Committee on Foreign Relations.

EC–5699. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–5700. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Determination of Interest Rates'' (Rev. Rul. 2003–126) received on December 15, 2003; to the Committee on Finance.

EC–5701. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Examination of Returns and Claims for Refund, Credit, or Abatement; Determination of Correct Tax Liability'' (Rev. Proc. 2004–2) received on December 15, 2003; to the Committee on Finance.

EC–5702. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Section 165 Worthless Stock Deduction of a Subsidiary'' (Rev. Rule 2003–125) received on December 15, 2003; to the Committee on Finance.

EC–5703. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Arbitrage Restrictions Applicable to Tax-Exempt Bonds Issued by State and Local Governments'' (RIN1545–AX22) received on December 15, 2003; to the Committee on Finance.

EC–5704. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Hedge Identification'' (Rev. Rule 2003–127) received on December 15, 2003; to the Committee on Finance.

EC–5705. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Guidance Under Section 1502; Application of Section 108 to Members of a Consolidated Group'' (TD9098) received on December 15, 2003; to the Committee on Finance.

EC–5706. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Interpretation of Section 301.6109–1(d)(3)(ii) of the Procedure and Administration Regulations'' (Notice 2004–1) received on December 15, 2003; to the Committee on Finance.

EC–5707. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Guidance Necessary to Facilitate Business Electronic Filing'' (TD9100) received on December 15, 2003; to the Committee on Finance.

EC–5708. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Section 846 Discount Factors for 2003'' (Rev. Proc. 2004–9) received on December 15, 2003; to the Committee on Finance.

EC–5709. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Section 832 Discount Factors for 2003'' (Rev. Proc. 2004–10) received on December 15, 2003; to the Committee on Finance.

EC–5710. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Qualified Offer Regulations'' (RIN1545–AW99) received on December 29, 2003; to the Committee on Finance.

EC–5711. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Information Statements for Certain Substitute Payments'' (RIN1545–BC97) received on December 29, 2003; to the Committee on Finance.

EC–5712. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Confidential Transactions'' (TD9108) received on December 29, 2003; to the Committee on Finance.

EC–5713. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Information Reporting Relating to Taxable Stock Transactions'' (RIN1545–BC80) received on December 29, 2003; to the Committee on Finance.

EC–5714. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Establishing Defenses to the Imposition of the Accuracy-Related Penalty'' (RIN1545–AY97) received on December 29, 2003; to the Committee on Finance.

EC–5715. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Public Advocacy Activities Conducted by Certain Tax-Exempt Organizations'' (Rev. Rule 2004–6) received on December 29, 2003; to the Committee on Finance.

EC–5716. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Heath Savings Accounts'' (Notice 2004–2) received on December 29, 2003; to the Committee on Finance.

EC–5717. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Request for Comments Concerning the Application of Sections 162 and 263 to Tangible Property'' (Notice 2004–6) received on December 29, 2003; to the Committee on Finance.

EC–5718. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Charitable Contributions of Patents and Other Intellectual Property'' (Notice 2004–7) received on December 29, 2003; to the Committee on Finance.

EC–5719. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates - January 2004'' (Rev. Rul. 2004–2) received on December 29, 2003; to the Committee on Finance.

EC–5720. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Disclosure of Relative Value of Optional Forms of Benefit'' (TD9099) received on December 29, 2003; to the Committee on Finance.

EC–5721. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Old-Age, Survivors, and Disability Insurance and Supplemental Security Income; Collection of Overdue Program and Administrative Debts Using Administrative Wage Garnishment'' (RIN9060–AE92) received on December 18, 2003; to the Committee on Finance.

EC–5722. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)'' (RIN9060–AE27) received on December 18, 2003; to the Committee on Finance.

EC–5723. A communication from the Regulations Coordinator, Center for Medicare Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Prescription Drug Discount Card'' (RIN0938–AM71) received on December 15, 2003; to the Committee on Finance.

EC–5724. A communication from the Regulations Coordinator, Center for Medicare Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Hospital Outpatient Prospective Payment System Payment Reform for Calendar Year 2004'' (RIN9038–AM96) received on December 15, 2003; to the Committee on Finance.

EC–5725. A communication from the Regulations Coordinator, Center for Medicare Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Notice of One Time Appeal Process for Hospital Wage Calendar Classification'' (RIN0938–AN00) received on December 15, 2003; to the Committee on Finance.

EC–5726. A communication from the Regulations Coordinator, Center for Medicare Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicaid Programs; Time Limitation on Recordkeeping Requirements Under the Drug Rebate Program'' (RIN0938–AM20) received on December 15, 2003; to the Committee on Finance.

EC–5727. A communication from the Regulations Coordinator, Center for Medicare Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Changes to the Medicare Payment for Drugs and Physician Fee Schedule Payments for Calendar Year 2004'' (RIN0938–AM97) received on December 15, 2003; to the Committee on Finance.

EC–5728. A communication from the Director, Financial Management, General Accounting Office, transmitting, pursuant to law, the Fiscal Year 2003 Annual Report of the Comptrollers' General Retirement System; to the Committee on Governmental Affairs.

EC–5729. A communication from the Chief Operating Officer, Corporation for National and Community Service, transmitting, pursuant to law, the report of a vacancy and designation of acting officer for the position of Chief Executive Officer, Corporation for National and Community Service, received on January 5, 2004; to the Committee on Governmental Affairs.

EC–5730. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the two reports of the Office of Inspector General, for period ending September 30, 2003, relative to the Internal Revenue Service and the rest the Treasury organization; to the Committee on Governmental Affairs.

EC–5731. A communication from the Chairman, U.S. Merit Systems Protection Board, transmitting, pursuant to law, the Board's Fiscal Year 2003 Performance and Accountability Report; to the Committee on Governmental Affairs.

EC–5732. A communication from the Chief Operating Officer, Chemical Safety and Hazard Investigation Board, transmitting, pursuant to law, the Board's annual inventory of activities; to the Committee on Governmental Affairs.

EC–5733. A communication from the Secretary of Veterans' Affairs, transmitting, pursuant to law, the report of the Office of the Inspector General for the period ending September 30, 2003; to the Committee on Governmental Affairs.

EC–5734. A communication from the Administrator, General Services Administration, the report of the Office of Inspector General relative to auditing activity; to the Committee on Governmental Affairs.

EC–5735. A communication from the Acting Special Counsel, Office of Special Counsel, transmitting, pursuant to law, the report of a rule entitled ''5 CFR Part 1800: 1800.1—Filing Complaints of Prohibited Personnel Practices or Other Prohibited Activity; 1800.3—Filing Disclosures of Information; 1800.3—Advisory Opinions'' received on January 5, 2004; to the Committee on Governmental Affairs.

EC–5736. A communication from the Chairman, International Trade Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period ending September 30, 2003; to the Committee on Governmental Affairs.

EC–5737. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report of the Office of Inspector General for the period ending September 30, 2003 relative to the Department of the Interior; to the Committee on Governmental Affairs.

EC–5738. A communication from the Chairman and General Counsel, National Labor Relations Board, transmitting, pursuant to law, the report of the Office of Inspector General for the period ending September 30, 2003; to the Committee on Governmental Affairs.

EC–5739. A communication from the Director, Panama Canal Commission, transmitting, pursuant to law, an annual report relative to the Federal Managers' Financial Integrity Act of 1982; to the Committee on Governmental Affairs.

EC–5740. A communication from the Administrator, Agency for International Development, transmitting, pursuant to law, the report of the Office of Inspector General for the period ending September 30, 2003; to the Committee on Governmental Affairs.

EC–5741. A communication from the Chairman, Merit Systems Protection Board, transmitting a report entitled ''The Federal Workforce for the 21st Century: Results of the Merit Principles Survey 2000''; to the Committee on Governmental Affairs.

EC–5742. A communication from the Executive Director, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of the annual report of the Office of Inspector General; to the Committee on Governmental Affairs.

EC–5743. A communication from the Independent Counsel, Office of Independent Counsel, transmitting, pursuant to law, the report of the Office of Inspector General for the period ending September 30, 2003; to the Committee on Governmental Affairs.

EC–5744. A communication from the Director, Trade and Development Agency, transmitting, pursuant to law, a report relative to the Agency's audit and internal management activities; to the Committee on Governmental Affairs.

EC–5745. A communication from the Secretary, American Battle Monuments Commission, transmitting, pursuant to law, the Commission's Annual Report; to the Committee on Governmental Affairs.

EC–5746. A communication from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting, pursuant to law, the report of a nomination for the position of Agency for International Development, Bureau for Asia and the Near East, received on December 30, 2003; to the Committee on Governmental Affairs.

EC–5747. A communication from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting, pursuant to law, the report of the Office of Inspector General for the period ending September 30, 2003; to the Committee on Governmental Affairs.

EC–5748. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Office's Annual Report to Congress on Veterans' Employment in the Federal Government for Fiscal Year 2002; to the Committee on Governmental Affairs.

EC–5749. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the report of the Office of the Inspector General for the period ending September 30, 2003; to the Committee on Governmental Affairs.

EC–5750. A communication from the Chairman, National Endowment for the Arts, transmitting, pursuant to law, the report of the Office of Inspector General for the period ending September 30, 2003; to the Committee on Governmental Affairs.

EC–5751. A communication from the Office of Personnel Management, The President's Pay Agent, transmitting, pursuant to law, a report relative to justifying the reasons for the extension of locality-based comparability payments to categories of positions that are in more than one executive agency; to the Committee on Governmental Affairs.

EC–5752. A communication from the Inspector General, Railroad Retirement Board,

transmitting, pursuant to law, the Board's report for the period from April 1, 2003 through September 30, 2003; to the Committee on Governmental Affairs.

EC–5753. A communication from the Architect of the Capitol, transmitting, pursuant to law, a report of all expenditures during the period October 1, 2002 through March 31, 2003; to the Committee on Governmental Affairs.

EC–5754. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Report of the Office of Inspector General for the period ending September 30, 2003; to the Committee on Governmental Affairs.

EC–5755. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Prevailing Rate Systems; Redefinition of the San Francisco, CA, Nonappropriated Fund Wage Area'' (RIN3206–AK26) received on December 8, 2003; to the Committee on Governmental Affairs.

EC–5756. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report relative to the Audit of the Advisory Neighborhood Commission; to the Committee on Governmental Affairs.

EC–5757. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Rural Health Clinics; Amendments to Participation Requirements and Payment Provisions, and Establishment of a Quality Assessment and Improvement Program'' (RIN0938–AJ17) received on January 5, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–5758. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Scientific Peer Review of Research Grant Applications and Research and Development Contract Projects'' received on January 5, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–5759. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''National Institutes of Health Center Grants'' (RIN0925–AA24) received on January 5, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–5760. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Smallpox Vaccine Injury Compensation Program: Administrative Implementation'' (RIN0906–AA60) received on January 5, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–5761. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Tax Refund Offset'' received on January 5, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–5762. A communication from the Human Resources Specialist, Department of Labor, transmitting, pursuant to law, the report of a nomination for the position of Deputy Secretary of Labor, received on December 15, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–5763. A communication from the Deputy White House Liaison, Department of Education, transmitting, pursuant to law, the report of a designation of acting officer for the position of Assistant Secretary, Office of Vocational and Adult Education, Department of Education, received on January 5, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–5764. A communication from the Deputy White House Liaison, Department of Education, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary, Office of Vocational and Adult Education, Department of Education, received on January 5, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–5765. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the first report on Theft, Loss, or Release of Select Agents and Toxins; to the Committee on Health, Education, Labor, and Pensions.

EC–5766. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Food Additives Permitted in Feed and Drinking Water of Animals; Formaldehyde'' (Doc. No. 1998F–0522) received on January 5, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–5767. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' received on January 5, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–5768. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Rules for Filings, Issuances, Computation of Time, and Electronic Means of Record Retention'' received on January 5, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–5769. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled ''Public Information Regulations; Correction'' (Doc. No. 1999N–2637) received on January 5, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–5770. A communication from the Director, Office of Workers' Compensation Programs, Employment Standards Administration, transmitting, pursuant to law, the report of a rule entitled ''Regulations Implementing the Federal Coal Mine Health and Safety Act of 1969'' (RIN1215–AB40) received on December 15, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–5771. A communication from the Assistant Secretary, Veterans' Employment and Training Service, Department of Labor, transmitting, pursuant to law, the report of a designation of an acting officer for the position of Assistant Secretary, Veterans' Employment and Training Service, received on December 30, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–5772. A communication from the Assistant Secretary, Veterans' Employment and Training Service, Department of Labor, transmitting, pursuant to law, the report of a designation of acting officer for the position of Assistant Secretary, Disablility Employment Policy, received on December 30, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–5773. A communication from the Assistant Secretary, Veterans' Employment and Training Service, Department of Labor, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary, Disablility Employment Policy, received on December 30, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–5774. A communication from the Assistant Secretary, Veterans' Employment and Training Service, Department of Labor, transmitting, pursuant to law, the report of a nomination for the position of Chief Financial Officer, Department of Labor, received on December 30, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–5775. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the National Advisory Committee on Institutional Quality and Integrity for Fiscal Year 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–5776. A communication from the Secretary of Education, transmitting, pursuant to law, a report relative to the President's Commission on Excellence in Special Education; to the Committee on Health, Education, Labor, and Pensions.

EC–5777. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, two reports entitled ''The National Healthcare Quality Report'' and ''The National Healthcare Disabilities Report''; to the Committee on Health, Education, Labor, and Pensions.

EC–5778. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of a designation of acting officer for the position of Assistant Secretary for Public Health and Science, Department of Health and Human Services, received on December 18, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–5779. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Public Health and Science, Department of Health and Human Services, received on December 18, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–5780. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Budget, Technology, and Finance, Department of Health and Human Services, received on December 18, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–5781. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of a nomination rejected, withdrawn, or returned for the position of Assistant Secretary for Budget, Technology, and Finance, Department of Health and Human Services, received on December 18, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–5782. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of a discontinuation of service in acting role for the position of Assistant Secretary for Public Health and Science, Department of Health and Human Services, received on December 18, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–5783. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Legislation, Department of Health and Human Services, received on December 18, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–5784. A communication from the White House Liaison, Department of Health and

Human Services, transmitting, pursuant to law, the report of a discontinuation of service in acting role for the position of Assistant Secretary for Planning and Evaluation, Department of Health and Human Services, received on December 18, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–5785. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of a designation of acting officer for the position of Assistant Secretary for Planning and Evaluation, Department of Health and Human Services, received on December 18, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–5786. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Planning and Evaluation, Department of Health and Human Services, received on December 18, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–5787. A communication from the Principal Deputy Assistant Secretary, Office of the Secretary, Department of the Interior, transmitting, pursuant to law, a report relative to Indian Tribal Judgment Funds to be distributed to the Mescalero Apache Tribe; to the Committee on Indian Affairs.

EC–5788. A communication from the Chairman, National Indian Gaming Commission, transmitting, a draft bill relative to the Indian Gaming Regulatory Act of 1988; to the Committee on Indian Affairs.

EC–5789. A communication from the Rules Administrator, Office of General Counsel, Federal Bureau of Prisons, transmitting, pursuant to law, the report of a rule entitled ''Occupational Education Programs Final Rule'' (68 FR 65169) received on January 5, 2004; to the Committee on the Judiciary.

EC–5790. A communication from the Secretary, Judicial Conference of the United States, transmitting, a draft bill entitled the ''Judicial Reporting Improvement Act''; to the Committee on the Judiciary.

EC–5791. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, transmitting, pursuant to law, the report of a rule entitled ''Sale by Federal Departments or Agencies of Chemicals Which Could Be Used in the Illicit Manufacture of Controlled Substances'' (RIN1117–AA47) received on December 8, 2003; to the Committee on the Judiciary.

EC–5792. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the 2002 Annual Report of the National Institute of Justice; to the Committee on the Judiciary.

EC–5793. A communication from the Deputy General Counsel, Small Business Administration, Office of Size Standards, transmitting, pursuant to law, the report of a rule entitled ''Small Business Size Standards; Facilities Support Services (Including Base Maintenance)'' (RIN3245–AF03) received on December 8, 2003; to the Committee on Small Business and Entrepreneurship.

EC–5794. A communication from the Deputy General Counsel, Office of Government Contracting and Business Development, transmitting, pursuant to law, the report of a rule entitled ''Small Business Government Contracting Programs'' (RIN3245–AF07) received on December 8, 2003; to the Committee on Small Business and Entrepreneurship.

EC–5795. A communication from the Deputy General Counsel, Office of Hearings and Appeals, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Disclosure of Information Regulations'' (RIN3245–AE94) received on December 8, 2003; to the Committee on Small Business and Entrepreneurship.

EC–5796. A communication from the Director, Regulations Management, Office of Regulation Policy and Management, Veterans' Health Administration, transmitting, pursuant to law, the report of a rule entitled ''Reasonable Charges for Medical Care or Services 2003 Methodology Changes'' (RIN2900–AL06) received on December 15, 2003; to the Committee on Veterans' Affairs.

EC–5797. A communication from the Director, Regulations Management, Office of Regulation Policy and Management, Veterans' Health Administration, transmitting, pursuant to law, the report of a rule entitled ''Charges Used for Recovery from Tortiously Liable Third Parties for Medical Care or Services Provided by the Department of Veterans' Affairs'' (RIN2900–AL48) received on December 15, 2003; to the Committee on Veterans' Affairs.

EC–5798. A communication from the Director, Regulations Management, Office of Regulation Policy and Management, Veterans' Health Administration, transmitting, pursuant to law, the report of a rule entitled ''Board of Veterans' Appeals: Rules of Practice; Use of Supplemental Statement of the Case'' (RIN2900–AL42) received on December 15, 2003; to the Committee on Veterans' Affairs.

EC–5799. A communication from the Chair, Office of the General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled ''Travel on Behalf of Candidates and Political Committees'' received on December 10, 2003; to the Committee on Rules and Administration.

EC–5800. A communication from the Chair, Office of the General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled ''Travel on Behalf of Candidates and Political Committees'' received on December 10, 2003; to the Committee on Rules and Administration.

EC–5801. A communication from the Chair, Office of the General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled ''Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files'' (Notice 2003–25) received on December 10, 2003; to the Committee on Rules and Administration.

EC–5802. A communication from the Chair, Office of the General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled ''Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files'' (Notice 2003–25) received on December 10, 2003; to the Committee on Rules and Administration.

EC–5803. A communication from the Public Printer, Government Printing Office, transmitting, pursuant to law, the Annual Report of the Government Printing Office for Fiscal Year 2003; to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

Under the authority of the order of the Senate of December 9, 2003, the following reports of committees were submitted on January 9, 2004:

By Mr. GREGG, from the Committee on Health, Education, Labor, and Pensions, without amendment:

S. 2005. An original bill to temporarily replace the use by pension plans of the 30-year treasury bond rate with a composite corporate rate, and to establish a commission on defined benefit plans (Rept. No. 108–221).

By Mr. INHOFE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 1072. A bill to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes (Rept. No. 108–222).

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. KENNEDY (for himself, Mr. DASCHLE, Mrs. CLINTON, Mrs. MURRAY, Ms. CANTWELL, Mr. DURBIN, Mr. SARBANES, Mr. LEVIN, Mr. BINGAMAN, Mr. DODD, Mr. LIEBERMAN, Mr. LAUTENBERG, Mr. SCHUMER, Mr. HARKIN, Mr. REED, Mr. LEAHY, and Mr. DAYTON):

S. 2006. A bill to extend and expand the Temporary Extended Unemployment Compensation Act of 2003, and for other purposes; read the first time.

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

S. 2007. A bill to provide better protection against bovine spongiform encephalopathy and other prion diseases; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SPECTER:

S. 2008. A bill to amend the Animal Health Protection Act to direct the Secretary of Agriculture to establish an electronic nationwide livestock identification system, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SMITH:

S. 2009. A bill to amend the Endangered Species Act of 1973 to require the Secretary of the Interior to give greater weight to scientific or commercial data that is empirical or has been field-tested or peer-reviewed, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. BIDEN (for himself, Mr. CARPER, Mr. FRIST, Mr. DASCHLE, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL , Ms. CANTWELL, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. GRAHAM of Florida, Mr. GRAHAM of South Carolina, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MILLER, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. NICKLES, Mr. PRYOR, Mr. REED, Mr. REID, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANTORUM,

Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN):

S. Res. 284. A resolution commemorating the life of William V. Roth, Jr., former member of the United States Senate from the State of Delaware; considered and agreed to.

ADDITIONAL COSPONSORS

S. 253

At the request of Mr. LEAHY, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 253, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

S. 384

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 384, a bill to amend the Internal Revenue Code of 1986 to prevent corporate expatriation to avoid United States income taxes.

S. 423

At the request of Ms. COLLINS, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 423, a bill to promote health care coverage parity for individuals participating in legal recreational activities or legal transportation activities.

S. 623

At the request of Mr. WARNER, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 623, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 640

At the request of Mr. LEAHY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 640, a bill to amend subchapter III of chapter 83 and chapter 84 of title 5, United States Code, to include Federal prosecutors within the definition of a law enforcement officer, and for other purposes.

S. 683

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 683, a bill to amend the Family and Medical Leave Act of 1993 to provide entitlement to leave to eligible employees whose spouse, son, daughter, or parent is a member of the Armed Forces serving on active duty in support of a contingency operation or notified of an impending call or order to active duty in support of a contingency operation.

S. 698

At the request of Mr. BUNNING, the names of the Senator from Utah (Mr. HATCH) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 698, a bill to clarify the status of the Young Men's Christian Association Retirement Fund for purposes of the Internal Revenue Code of 1986.

S. 806

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 806, a bill to improve the benefits and protections provided for regular and reserve members of the Armed Forces deployed or mobilized in the interests of the national security of the United States.

S. 857

At the request of Mr. ROCKEFELLER, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 857, a bill to amend the Internal Revenue Code of 1986 to provide a tax incentive to individuals teaching in elementary and secondary schools located in rural or high unemployment areas and to individuals who achieve certification from the National Board for Professional Teaching Standards, and for other purposes.

S. 874

At the request of Mr. TALENT, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 874, a bill to amend title XIX of the Social Security Act to include primary and secondary preventative medical strategies for children and adults with Sickle Cell Disease as medical assistance under the medicaid program, and for other purposes.

S. 976

At the request of Mr. WARNER, the names of the Senator from Indiana (Mr. LUGAR), the Senator from Louisiana (Mr. BREAUX) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 976, a bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

S. 983

At the request of Mr. CHAFEE, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 983, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 1035

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1035, a bill to amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 to 55.

S. 1086

At the request of Mr. KENNEDY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1086, a bill to repeal provisions of the PROTECT Act that do not specifically deal with the prevention of the exploitation of children.

S. 1105

At the request of Mr. BOND, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 1105, a bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the French Colonial Heritage Area in the State of Missouri as a unit of the National Park System, and for other purposes.

S. 1120

At the request of Mr. BAUCUS, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1120, a bill to establish an Office of Trade Adjustment Assistance, and for other purposes.

S. 1217

At the request of Mr. ENZI, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1217, a bill to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls.

S. 1218

At the request of Mr. HOLLINGS, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1218, a bill to provide for Presidential support and coordination of interagency ocean science programs and development and coordination of a comprehensive and integrated United States research and monitoring program.

S. 1298

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1298, a bill to amend the Farm Security and Rural Investment Act of 2002 to ensure the humane slaughter of non-ambulatory livestock, and for other purposes.

S. 1333

At the request of Mr. GRASSLEY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1333, a bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain expenses of rural letter carriers.

S. 1379

At the request of Mr. JOHNSON, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1398

At the request of Mr. DEWINE, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 1398, a bill to provide for the environmental restoration of the Great Lakes.

S. 1414

At the request of Mr. HATCH, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1414, a bill to restore second amendment rights in the District of Columbia.

S. 1645

At the request of Mr. CRAIG, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1645, a bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H–2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes.

S. 1700

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1700, a bill to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes.

S. 1703

At the request of Mr. SMITH, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1703, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax for expenditures for the maintenance of railroad tracks of Class II and Class III railroads.

S. 1709

At the request of Mr. CRAIG, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1709, a bill to amend the USA PATRIOT ACT to place reasonable limitations on the use of surveillance and the issuance of search warrants, and for other purposes.

S. 1762

At the request of Mr. CRAIG, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1762, a bill to amend title II of the social Security Act to eliminate the five-month waiting period in the disability insurance program, and for other purposes.

S. 1801

At the request of Mrs. MURRAY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1801, a bill to promote the economic security and safety of victims of domestic and sexual violence, and for other purposes.

S. 1851

At the request of Ms. MURKOWSKI, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 1851, a bill to raise the minimum state allocation under section 217(b)(2) of the Cranston-Gonzalez National Affordable Housing Act.

S. 1998

At the request of Mr. BINGAMAN, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 1998, a bill to amend title 49, United States Code, to preserve the essential air service program.

S. 1999

At the request of Mr. DASCHLE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1999, a bill to amend part D of title XVIII of the Social Security Act, as added by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, to provide for negotiation of fair prices for medicare prescription drugs.

S. RES. 202

At the request of Mr. CAMPBELL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 202, a resolution expressing the sense of the Senate regarding the genocidal Ukraine Famine of 1932–33.

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. Res. 202, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 2007. A bill to provide better protection against bovine spongiform encephalopathy and other prion diseases; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DURBIN. Mr. President, today I am introducing legislation that would strengthen consumer confidence in the safety of our nation's beef supply while expanding our understanding of the many prion diseases that affect both humans and animals. This bill, known as the BSE and Other Prion Disease Prevention and Public Health Protection Act codifies some of USDA's recent steps, requires more aggressive testing of older cattle and expands surveillance for Chronic Wasting Disease (CWD) in deer and elk and Creutzfedt-Jacob disease (CJD) in people.

Our country has been blessed with the safest and most abundant food supply in the world, but we can do better. The events surrounding the diagnosis of the first Mad Cow case in Washington State demonstrate that improvements are possible. Had the provisions of my bill been in place in early December, the animal would never have been allowed to enter both the human food supply and the consumer product system and contaminate 2.8 million pounds of products.

Currently, only 20,000 out of 35 million cattle presented for processing are tested for BSE. How many cattle in America have BSE? We are hopeful that there was only this one isolated case but the truth is that we don't know because we test so few animals. Answering that question today is similar to trying to estimate the prevalence of HIV infection in people by only testing individuals who have symptoms of AIDS. At the current level of testing, we have no real estimate of the true prevalence rate of BSE in our country.

A similar situation exists with respect to CWD, in deer and elk, or CJD in humans. The bill that I am introducing provides for more testing of all ruminants intended for human consumption as well as expanded surveillance for the human prion diseases.

Better surveillance: The bill requires the use of rapid BSE tests for all cattle and bison over 30 months of age and for all sheep, goats, deer and elk over 12 months of age. Rapid tests can provide results the same day that they are taken instead of the current five to seven days. Although most sampling and testing for BSE will occur through USDA inspectors at slaughterhouses, the bill also provides for on-farm sampling of non-ambulatory animals. In addition, all ruminants of any age exhibiting neurological symptoms would be tested.

All tested animals would be held until the results of the test are known rather than being released into the food supply and consumer product system, as was the case in Washington. An expensive and time-consuming recall of products would be avoided.

The bill also requires the development of a mandatory ruminant identification program to allow for trace back of diseased animals to their farm of origin within 48 hrs after diagnosis. This is significant not only for BSE but for other reportable illnesses such as brucellosis, tuberculosis and foot and mouth disease.

There are also provisions that require expanded coordination of testing for CWD in farm-raised and wild deer and elk. To support expanded ruminant testing for prion diseases, the bill calls for the expansion of the national animal health laboratory network to include state and university veterinary diagnostic laboratories.

Similarly, the bill expands the sampling of suspected cases of human CJD through the National Prion Disease Pathology Research Center at Case Western Reserve University.

Targeting Risk Materials: The bill updates and expands the definition of BSE specified risk materials and bans the use of such materials from cattle over 30 months of age for any use.

Importation of ruminant-based products: The bill expands the list of ruminant derived products that must be labeled for contents and country of origin and bans imported products containing ruminant-derived materials from countries identified as at-risk for BSE transmission.

Feed Ban: The bill closes loopholes in the USDA rules on recycling pet food and poultry litter back into ruminant feed. The legislation requires FDA to develop a database for handlers of livestock, renderers and feed mills and feed blenders.

We currently have only a limited understanding of prions and the diseases that they cause. To understand how these significant and challenging misfolded bits of protein can affect us, we need better data. We need data on which to base sound policy for our public health, for our animal health and for the safety of our food supply.

While we are accumulating that data, we need to take every reasonable step to ensure that we do not introduce infective material through importation or through feeding our ruminant animals contaminated feed. An expanded testing program will demonstrate to our trading partners that they have nothing to fear in buying our meat products.

I urge my colleagues to join me in this effort to strengthen consumer confidence in the safety of our food supply. The BSE and Other Prion Disease Prevention and Public Health Protection Act can provide the public with the confidence that our beef and venison is safe to eat and can assure our trading partners that we are aggressively addressing BSE surveillance in the United States.

By Mr. SPECTER:

S. 2008. A bill to amend the Animal Health Protection Act to direct the Secretary of Agriculture to establish an electronic nationwide livestock identification system, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. SPECTER. Mr. President, I am now introducing legislation identified as the National Farm Animal Identification Records Act on behalf of Senator LEAHY and myself.

Less than a month ago, on December 25, a case of mad cow disease was diagnosed in a single nonambulatory dairy cow that was slaughtered in Washington State. This cow belonged to a herd of some 82 dairy cows which were cleared for clearance in the United States in 2002. This case of mad cow disease has caused quite an alarm, with enormous impact on the industry for providing meats in the United States. It has caused a lot of concern throughout the country.

This legislation is directed to having an identification system, an electronic nationwide livestock identification system which will enable the Federal Government, the Department of Agriculture, to identify animals. There is a chip in the animal's ear and it will be possible to identify the animals and where they came from so that in the event there is any diagnosis of mad cow disease, there will be a way to deal with it and to prevent its spread and provide public confidence that the meat is not infected with mad cow disease.

This disease has had a very major impact on the livestock industry, touching Pennsylvania, my State, as well as many other States in the country. This is a salutary, preventive legislation.

I ask unanimous consent a full copy of the text be printed in the CONGRESSIONAL RECORD following my statement.

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

S. 2008

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Farm Animal Identification and Records Act''.

SEC. 2. NATIONWIDE LIVESTOCK IDENTIFICATION SYSTEM; REVIEW OF USDA RESPONSES TO OUTBREAKS OF DISEASE IN LIVESTOCK.

Section 10411 of the Animal Health Protection Act (7 U.S.C. 8310) is amended by adding at the end the following:

''(f) NATIONWIDE LIVESTOCK IDENTIFICATION SYSTEM.—

''(1) IN GENERAL.—Not later than 90 days after the date of enactment of this subsection, the Secretary shall establish an electronic nationwide livestock identification system for the identification of individual animals to enhance the speed and accuracy of the response of the Department of Agriculture to outbreaks of disease in livestock.

''(2) CAPABILITIES.—The livestock identification system shall be capable of tracing, within 48 hours, an individual animal from birth to slaughter.

''(3) PARTICIPATION BY STATES.—The States shall provide information for inclusion in, and shall have access to, the livestock identification system.

''(4) USE OF EXISTING TECHNOLOGY.—The Secretary may use technology developed by private entities before the date of enactment of this subsection to operate the livestock identification system.

''(5) FINANCIAL ASSISTANCE.—The Secretary may provide financial assistance to producers to assist the producers in complying with the livestock identification system.

''(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection for fiscal year 2004 $50,000,000, of which $25,000,000 shall be available to carry out paragraph (5).

''(g) REVIEW OF RESPONSES TO OUTBREAKS OF DISEASE.—The Secretary may appoint an international panel of scientific experts to provide an objective review of a response by the Department of Agriculture to an outbreak of disease in livestock and identify areas for improvements in such responses.''.

Mr. LEAHY. Mr. President, I am pleased to introduce the National Farm Animal Identification and Records Act or the FAIR Act, with my friend and colleague Senator SPECTER. This legislation would establish a uniform national electronic animal identification program to trace animals from birth to slaughter, within 48 hours, in order to combat animal disease outbreaks.

As the recent discovery of a cow infected with bovine spongiform encephalopathy, BSE, or mad cow disease, in Washington State demonstrated, a verifiable nationwide animal identification system is urgently needed to enhance the speed and accuracy of USDA's response to disease outbreaks. Unfortunately to date only, 23 of the 81 cows that came from Canada with the infected mad cow have been able to be located because of inadequate records. The National Farm Animal Identification and Records Act FAIR Act would require the Department of Agriculture to establish a national animal identification program for individual animals that could trace an animal's history within 48 hours.

As a senior member of the Senate Agriculture, Nutrition and Forestry Committee, I have long advocated for the establishment of a national animal identification system. For the last 5 years I have worked with the Holstein Association in Brattleboro, Vermont to begin the process of creating a national animal identification program. The Holstein Association's pilot program, a precursor to this national animal identification program legislation, electronically identifies individual animals and tracks their movements from birth to slaughter within 48 hours. To date Holstein's pilot program has close to a million bovines enrolled from over 7000 farms in 42 States and has proven its electronic animal tracking capabilities.

The Holstein project demonstrates electronically tracing individual animals immediately is achievable. The technology and expertise developed by the Holstein Association is a prime example of how the Department could immediately begin tracking individual newborn animals electronically with a system similar to National FAIR. The Holstein Association could be an important partner with USDA in reducing the impact of future animal diseases.

I would also like to applaud Secretary Veneman's announcement last month of additional mad cow safeguards, including moving toward a national animal identification system. I believe this was a positive step toward protecting American farmers and consumers. Unfortunately USDA's current plans do not call for individual animal identification to be completed until mid 2006. The FAIR Act would require the Department to begin implementation of a national system within months of passage. In addition, it is clear USDA will need additional resources to carry out a national animal identification program, thus our legislation will provide additional funding for USDA to begin this work immediately. Furthermore to ensure producers are not hurt by the potential costs of a national system, our bill will provide financial assistance for producers to carry out a national identification system.

It is time for the United States to take serious steps to combat animal diseases, like BSE, that have broad public health implications for our Nation. A national animal identification program is long overdue. I urge my colleagues to support this important legislation.

By Mr. SMITH:

S. 2009. A bill to amend the Endangered Species Act of 1973 to require the Secretary of the Interior to give greater weight to scientific or commercial data that is empirical or has been field-tested or peer-reviewed, and for other purposes; to the Committee on Environment and Public Works.

Mr. SMITH. Mr. President, today as my first legislative action of the new session, I am introducing important legislation that would require a higher standard for the science used in administering the Endangered Species Act. The Sound Science for Endangered Species Act Planning Act of 2004 would require independent scientific peer review of certain actions taken by the regulatory agencies under the Endangered Species Act. In addition, it would require the Secretary of the Interior and the Secretary of Commerce to give greater weight to scientific or commercial data that is empirical or has been field-tested or peer-reviewed.

In recent years, we in the northwest have experienced a number of situations in which Federal agency scientists either demanded actions not supported by scientific data, or actually fabricated the data itself. In December 2001, it was revealed that Federal employees had submitted hairs from a captive Canada lynx as though they had been recovered during field surveys in several national forests to determine the range and habitat of this threatened species.

It was also revealed in an Oregon newspaper that a Forest Service biologist criticized his own agency for shoddy work. This employee called into question much of the information collected over 18 years on one national forest, claiming that determinations for projects were based on sketchy information that was not accomplished according to protocol, or not collected at all. Rather than denying these charges, the Forest Service acknowledged that they had some validity, and launched an investigation.

The most egregious example of decisions not based on scientific evidence, however, occurred in the Klamath Basin in 2001. As many of you may recall, I have come to the floor of the Senate on many occasions over the last several years to plead the case of the farmers and ranchers in the Klamath Basin. In 2001, field-level biologists with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service developed two separate biological opinions on the operation of the Klamath Project, as it related to suckers and coho salmon, respectively.

Taken together, these two biological opinions sought to both raise the lake of level of Upper Klamath Lake and increase flows in the Klamath River, at the time the basin was experiencing a severe drought. On April 6, 2001, the Bureau of Reclamation announced that the agency would deliver no water to most of the agricultural lands that had received irrigation water from the Federal project for almost 100 years.

I cannot begin to describe the human toll that these biological opinions exacted on the farmers and ranchers in the Klamath Basin. Those who still have their farms lost most of their farm income that year. Many depleted their life savings just to hold onto their land. Ranchers were forced to sell off livestock herds that year. Stable farm worker communities were decimated as families moved to find work.

The real tragedy is that none of this had to occur. Late last year, scientists with the National Research Council found that the two key decisions regarding the operation of the Klamath Project that deprived farmers of their water lacked ''substantial scientific support.''

This situation should never be repeated. Decisions of this magnitude under the Endangered Species Act must be peer reviewed, and some standard for the science used in these decisions must be established.

I was in Klamath Falls the day after the decision was made to cut off water to the farmers. I will never forget the anguish on the faces of the people I met with that day. Many were World War II veterans who received homesteads in this Basin after the war or their children, none of whom could believe that this action was being taken by a government ''of the people, for the people, and by the people.''

Our constituents deserve better from their Government. They will get it if this bill is enacted. There is an identical bill in the House that has bipartisan support, and 63 cosponsors. I urge my colleagues to join me in cosponsoring this reasonable bill to help restore sound science to agency decision-making.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 284—COMMEMORATING THE LIFE OF WILLIAM V. ROTH, JR., FORMER MEMBER OF THE UNITED STATES SENATE FROM THE STATE OF DELAWARE

Mr. BIDEN (for himself, Mr. CARPER, Mr. FRIST, Mr. DASCHLE, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Ms. CANTWELL, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. GRAHAM of Florida, Mr. GRAHAM of South Carolina, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MILLER, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. NICKLES, Mr. PRYOR, Mr. REED, Mr. REID, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 284

Whereas William V. Roth, Jr. was born on July 22, 1921 in Great Falls, Montana, was raised in Helena, Montana, graduated from the University of Oregon, and earned law and business degrees from Harvard University;

Whereas William V. Roth, Jr. was decorated with a Bronze Star for meritorious service with Army military intelligence in the South Pacific during World War II;

Whereas William V. Roth, Jr. moved to Delaware in 1955 and resided in Delaware until his death;

Whereas William V. Roth, Jr. was elected to the House of Representatives in 1966, and served the State of Delaware with distinction until his election to the United States Senate in 1970;

Whereas William V. Roth, Jr. continued to serve the State of Delaware and the United States in the Senate from 1971 to 2001, where he personified the title ''Honorable'';

Whereas William V. Roth, Jr. championed tax and savings reforms and deficit reduction as Chairman and a member of the Senate Committee on Finance;

Whereas William V. Roth, Jr. worked tirelessly to control government spending as Chairman and a member of the Senate Committee on Governmental Affairs and to shape foreign policy as president of the North Atlantic Treaty Organization (NATO) Parliament Assembly and chairman of the Senate NATO Observer Group;

Whereas William V. Roth, Jr. was a man of integrity, decency, and character who was committed to his family and to the people of Delaware; and

Whereas William V. Roth, Jr. was a trusted friend and colleague and a dedicated public servant: Now, therefore, be it

Resolved, That—

(1) the Senate has learned with profound sorrow and deep regret of the death of the Honorable William V. Roth, Jr., formerly a Senator from the State of Delaware;

(2) the Secretary of the Senate shall communicate this resolution to the House of Representatives and transmit an enrolled copy of this resolution to the family of William V. Roth, Jr.; and

(3) upon adjournment today, the Senate shall stand adjourned as a further mark of respect to the memory of William V. Roth, Jr.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2232. Mr. GRASSLEY (for himself, Mr. HATCH, Mr. LUGAR, Mr. MILLER, and Mr. SPECTER) submitted an amendment intended to be proposed by him to the bill S. 274, to

amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2232. Mr. GRASSLEY (for himself, Mr. HATCH, Mr. LUGAR, Mr. MILLER, and Mr. SPECTER) submitted an amendment intended to be proposed by him to the bill S. 274, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; REFERENCE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Class Action Fairness Act of 2003''.

(b) REFERENCE.—Whenever in this Act reference is made to an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 28, United States Code.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; reference; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Consumer class action bill of rights and improved procedures for interstate class actions.
Sec. 4. Federal district court jurisdiction for interstate class actions.
Sec. 5. Removal of interstate class actions to Federal district court.
Sec. 6. Report on class action settlements.
Sec. 7. Enactment of Judicial Conference recommendations.
Sec. 8. Rulemaking authority of Supreme Court and Judicial Conference.
Sec. 9. Effective date.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Class action lawsuits are an important and valuable part of the legal system when they permit the fair and efficient resolution of legitimate claims of numerous parties by allowing the claims to be aggregated into a single action against a defendant that has allegedly caused harm.

(2) Over the past decade, there have been abuses of the class action device that have—

(A) harmed class members with legitimate claims and defendants that have acted responsibly;

(B) adversely affected interstate commerce; and

(C) undermined public respect for our judicial system.

(3) Class members often receive little or no benefit from class actions, and are sometimes harmed, such as where—

(A) counsel are awarded large fees, while leaving class members with coupons or other awards of little or no value;

(B) unjustified awards are made to certain plaintiffs at the expense of other class members; and

(C) confusing notices are published that prevent class members from being able to fully understand and effectively exercise their rights.

(4) Abuses in class actions undermine the national judicial system, the free flow of interstate commerce, and the concept of diversity jurisdiction as intended by the framers of the United States Constitution, in that State and local courts are—

(A) keeping cases of national importance out of Federal court;

(B) sometimes acting in ways that demonstrate bias against out-of-State defendants; and

(C) making judgments that impose their view of the law on other States and bind the rights of the residents of those States.

(b) PURPOSES.—The purposes of this Act are to—

(1) assure fair and prompt recoveries for class members with legitimate claims;

(2) restore the intent of the framers of the United States Constitution by providing for Federal court consideration of interstate cases of national importance under diversity jurisdiction; and

(3) benefit society by encouraging innovation and lowering consumer prices.

SEC. 3. CONSUMER CLASS ACTION BILL OF RIGHTS AND IMPROVED PROCEDURES FOR INTERSTATE CLASS ACTIONS.

(a) IN GENERAL.—Part V is amended by inserting after chapter 113 the following:

''CHAPTER 114—CLASS ACTIONS

''Sec.
''1711. Definitions.
''1712. Coupon settlements.
''1713. Protection against loss by class members.
''1714. Protection against discrimination based on geographic location.
''1715. Notifications to appropriate Federal and State officials.

''§ 1711. Definitions

''In this chapter:

''(1) CLASS.—The term 'class' means all of the class members in a class action.

''(2) CLASS ACTION.—The term 'class action' means any civil action filed in a district court of the United States under rule 23 of the Federal Rules of Civil Procedure or any civil action that is removed to a district court of the United States that was originally filed under a State statute or rule of judicial procedure authorizing an action to be brought by 1 or more representatives as a class action.

''(3) CLASS COUNSEL.—The term 'class counsel' means the persons who serve as the attorneys for the class members in a proposed or certified class action.

''(4) CLASS MEMBERS.—The term 'class members' means the persons (named or unnamed) who fall within the definition of the proposed or certified class in a class action.

''(5) PLAINTIFF CLASS ACTION.—The term 'plaintiff class action' means a class action in which class members are plaintiffs.

''(6) PROPOSED SETTLEMENT.—The term 'proposed settlement' means an agreement regarding a class action that is subject to court approval and that, if approved, would be binding on some or all class members.

''§ 1712. Coupon Settlements.

''(a) CONTINGENT FEES IN COUPON SETTLEMENTS.—If a proposed settlement in a class action provides for a recovery of coupons to a class member, the portion of any attorney's fee award to class counsel that is attributable to the award of the coupons shall be based on the value to class members of the coupons that are redeemed.

''(b) OTHER ATTORNEY'S FEE AWARDS IN COUPON SETTLEMENTS.—

''(1) IN GENERAL.—If a proposed settlement in a class action provides for a recovery of coupons to class members, and a portion of the recovery of the coupons is not used to determine the attorney's fee to be paid to class counsel, any attorney's fee award shall be based upon the amount of time class counsel reasonably expended working on the action.

''(2) COURT APPROVAL.—Any attorney's fee under this subsection shall be subject to approval by the court and shall include an appropriate attorney's fee, if any, for obtaining equitable relief, including an injunction, if applicable. Nothing in this subsection shall be construed to prohibit application of a lodestar with a multiplier method of determining attorney's fees.

''(c) ATTORNEY'S FEE AWARDS CALCULATED ON A MIXED BASIS IN COUPON SETTLEMENTS.—If a proposed settlement in a class action provides for an award of coupons to class members and also provides for equitable relief, including injunctive relief—

''(1) that portion of the attorney's fee to be paid to class counsel that is based upon a portion of the recovery of the coupons shall be calculated in accordance with subsection (a); and

''(2) that portion of the attorney's fee to be paid to class counsel that is not based upon a portion of the recovery of the coupons shall be calculated in accordance with subsection (b).

''(d) SETTLEMENT VALUATION EXPERTISE.—In a class action involving the awarding of coupons, the court may, in its discretion upon the motion of a party, receive expert testimony from a witness qualified to provide information on the actual value to the class members of the coupons that are redeemed.

''(e) JUDICIAL SCRUTINY OF COUPON SETTLEMENTS.—In a proposed settlement under which class members would be awarded coupons, the court may approve the proposed settlement only after a hearing to determine whether, and making a written finding that, the settlement is fair, reasonable, and adequate for class members. The court, in its discretion, may also require that a proposed settlement agreement provide for the distribution of a portion of the value of unclaimed coupons to 1 or more charitable or governmental organizations, as agreed to by the parties. The distribution and redemption of any proceeds under this subsection shall not be used to calculate attorneys' fees under this section.

''§ 1713. Protection against loss by class members

''The court may approve a proposed settlement under which any class member is obligated to pay sums to class counsel that would result in a net loss to the class member only if the court makes a written finding that nonmonetary benefits to the class member substantially outweigh the monetary loss.

''§ 1714. Protection against discrimination based on geographic location

''The court may not approve a proposed settlement that provides for the payment of greater sums to some class members than to others solely on the basis that the class members to whom the greater sums are to be paid are located in closer geographic proximity to the court.

''§ 1715. Notifications to appropriate Federal and State officials

''(a) DEFINITIONS.—

''(1) APPROPRIATE FEDERAL OFFICIAL.—In this section, the term 'appropriate Federal official' means—

''(A) the Attorney General of the United States; or

''(B) in any case in which the defendant is a Federal depository institution, a State depository institution, a depository institution holding company, a foreign bank, or a nondepository institution subsidiary of the foregoing (as such terms are defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)), the person who has the primary Federal regulatory or supervisory responsibility with respect to the defendant, if some

or all of the matters alleged in the class action are subject to regulation or supervision by that person.

''(2) APPROPRIATE STATE OFFICIAL.—In this section, the term 'appropriate State official' means the person in the State who has the primary regulatory or supervisory responsibility with respect to the defendant, or who licenses or otherwise authorizes the defendant to conduct business in the State, if some or all of the matters alleged in the class action are subject to regulation by that person. If there is no primary regulator, supervisor, or licensing authority, or the matters alleged in the class action are not subject to regulation or supervision by that person, then the appropriate State official shall be the State attorney general.

''(b) IN GENERAL.—Not later than 10 days after a proposed settlement of a class action is filed in court, each defendant that is participating in the proposed settlement shall serve upon the appropriate State official of each State in which a class member resides and the appropriate Federal official, a notice of the proposed settlement consisting of—

''(1) a copy of the complaint and any materials filed with the complaint and any amended complaints (except such materials shall not be required to be served if such materials are made electronically available through the Internet and such service includes notice of how to electronically access such material);

''(2) notice of any scheduled judicial hearing in the class action;

''(3) any proposed or final notification to class members of—

''(A)(i) the members' rights to request exclusion from the class action; or

''(ii) if no right to request exclusion exists, a statement that no such right exists; and

''(B) a proposed settlement of a class action;

''(4) any proposed or final class action settlement;

''(5) any settlement or other agreement contemporaneously made between class counsel and counsel for the defendants;

''(6) any final judgment or notice of dismissal;

''(7)(A) if feasible, the names of class members who reside in each State and the estimated proportionate share of the claims of such members to the entire settlement to that State's appropriate State official; or

''(B) if the provision of information under subparagraph (A) is not feasible, a reasonable estimate of the number of class members residing in each State and the estimated proportionate share of the claims of such members to the entire settlement; and

''(8) any written judicial opinion relating to the materials described under subparagraphs (3) through (6).

''(c) DEPOSITORY INSTITUTIONS NOTIFICATION.—

''(1) FEDERAL AND OTHER DEPOSITORY INSTITUTIONS.—In any case in which the defendant is a Federal depository institution, a depository institution holding company, a foreign bank, or a non-depository institution subsidiary of the foregoing, the notice requirements of this section are satisfied by serving the notice required under subsection (b) upon the person who has the primary Federal regulatory or supervisory responsibility with respect to the defendant, if some or all of the matters alleged in the class action are subject to regulation or supervision by that person.

''(2) STATE DEPOSITORY INSTITUTIONS.—In any case in which the defendant is a State depository institution (as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)), the notice requirements of this section are satisfied by serving the notice required under subsection (b) upon the State bank supervisor (as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) of the State in which the defendant is incorporated or chartered, if some or all of the matters alleged in the class action are subject to regulation or supervision by that person, and upon the appropriate Federal official.

''(d) FINAL APPROVAL.—An order giving final approval of a proposed settlement may not be issued earlier than 90 days after the later of the dates on which the appropriate Federal official and the appropriate State official are served with the notice required under subsection (b).

''(e) NONCOMPLIANCE IF NOTICE NOT PROVIDED.—

''(1) IN GENERAL.—A class member may refuse to comply with and may choose not to be bound by a settlement agreement or consent decree in a class action if the class member demonstrates that the notice required under subsection (b) has not been provided.

''(2) LIMITATION.—A class member may not refuse to comply with or to be bound by a settlement agreement or consent decree under paragraph (1) if the notice required under subsection (b) was directed to the appropriate Federal official and to either the State attorney general or the person that has primary regulatory, supervisory, or licensing authority over the defendant.

''(3) APPLICATION OF RIGHTS.—The rights created by this subsection shall apply only to class members or any person acting on a class member's behalf, and shall not be construed to limit any other rights affecting a class member's participation in the settlement.

''(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to expand the authority of, or impose any obligations, duties, or responsibilities upon, Federal or State officials.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part V is amended by inserting after the item relating to chapter 113 the following:

''114. Class Actions ..... 1711''.

SEC. 4. FEDERAL DISTRICT COURT JURISDICTION FOR INTERSTATE CLASS ACTIONS.

(a) APPLICATION OF FEDERAL DIVERSITY JURISDICTION.—Section 1332 is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

''(d)(1) In this subsection—

''(A) the term 'class' means all of the class members in a class action;

''(B) the term 'class action' means any civil action filed under rule 23 of the Federal Rules of Civil Procedure or similar State statute or rule of judicial procedure authorizing an action to be brought by 1 or more representative persons as a class action;

''(C) the term 'class certification order' means an order issued by a court approving the treatment of some or all aspects of a civil action as a class action; and

''(D) the term 'class members' means the persons (named or unnamed) who fall within the definition of the proposed or certified class in a class action.

''(2) The district courts shall have original jurisdiction of any civil action in which the matter in controversy exceeds the sum or value of $5,000,000, exclusive of interest and costs, and is a class action in which—

''(A) any member of a class of plaintiffs is a citizen of a State different from any defendant;

''(B) any member of a class of plaintiffs is a foreign state or a citizen or subject of a foreign state and any defendant is a citizen of a State; or

''(C) any member of a class of plaintiffs is a citizen of a State and any defendant is a foreign state or a citizen or subject of a foreign state.

''(3) A district court may, in the interests of justice and looking at the totality of the circumstances, decline to exercise jurisdiction under paragraph (2) over a class action in which greater than one-third but less than two-thirds of the members of all proposed plaintiff classes in the aggregate and the primary defendants are citizens of the State in which the action was originally filed based on consideration of—

''(A) whether the claims asserted involve matters of national or interstate interest;

''(B) whether the claims asserted will be governed by laws of the State in which the action was originally filed or by the laws of other States;

''(C) whether the class action has been pleaded in a manner that seeks to avoid Federal jurisdiction;

''(D) whether the action was brought in a forum with a distinct nexus with the class members, the alleged harm, or the defendants;

''(E) whether the number of citizens of the State in which the action was originally filed in all proposed plaintiff classes in the aggregate is substantially larger than the number of citizens from any other State, and the citizenship of the other members of the proposed class is dispersed among a substantial number of States; and

''(F) whether, during the 3-year period preceding the filing of that class action, 1 or more other class actions asserting the same or similar claims on behalf of the same or other persons have been filed.

''(4) A district court shall decline to exercise jurisdiction under paragraph (2)—

''(A)(i) over a class action in which—

''(I) greater than two-thirds of the members of all proposed plaintiff classes in the aggregate are citizens of the State in which the action was originally filed;

''(II) at least 1 defendant is a defendant—

''(aa) from whom significant relief is sought by members of the plaintiff class;

''(bb) whose alleged conduct forms a significant basis for the claims asserted by the proposed plaintiff class; and

''(cc) who is a citizen of the State in which the action was originally filed; and

''(III) principal injuries resulting from the alleged conduct or any related conduct of each defendant were incurred in the State in which the action was originally filed; and

''(ii) during the 3-year period preceding the filing of that class action, no other class action has been filed asserting the same or similar factual allegations against any of the defendants on behalf of the same or other persons; or

''(B) two-thirds or more of the members of all proposed plaintiff classes in the aggregate, and the primary defendants, are citizens of the State in which the action was originally filed.

''(5) Paragraphs (2) through (4) shall not apply to any class action in which—

''(A) the primary defendants are States, State officials, or other governmental entities against whom the district court may be foreclosed from ordering relief; or

''(B) the number of members of all proposed plaintiff classes in the aggregate is less than 100.

''(6) In any class action, the claims of the individual class members shall be aggregated to determine whether the matter in controversy exceeds the sum or value of $5,000,000, exclusive of interest and costs.

''(7) Citizenship of the members of the proposed plaintiff classes shall be determined for purposes of paragraphs (2) through (6) as of the date of filing of the complaint or

amended complaint, or, if the case stated by the initial pleading is not subject to Federal jurisdiction, as of the date of service by plaintiffs of an amended pleading, motion, or other paper, indicating the existence of Federal jurisdiction.

''(8) This subsection shall apply to any class action before or after the entry of a class certification order by the court with respect to that action.

''(9) Paragraph (2) shall not apply to any class action that solely involves a claim—

''(A) concerning a covered security as defined under 16(f)(3) of the Securities Act of 1933 and section 28(f)(5)(E) of the Securities Exchange Act of 1934;

''(B) that relates to the internal affairs or governance of a corporation or other form of business enterprise and that arises under or by virtue of the laws of the State in which such corporation or business enterprise is incorporated or organized; or

''(C) that relates to the rights, duties (including fiduciary duties), and obligations relating to or created by or pursuant to any security (as defined under section 2(a)(1) of the Securities Act of 1933 and the regulations issued thereunder).

''(10) For purposes of this subsection and section 1453, an unincorporated association shall be deemed to be a citizen of the State where it has its principal place of business and the State under whose laws it is organized.

''(11)(A) For purposes of this subsection and section 1453, a mass action shall be deemed to be a class action removable under paragraphs (2) through (10) if it otherwise meets the provisions of those paragraphs.

''(B)(i) As used in subparagraph (A), the term 'mass action' means any civil action (except a civil action within the scope of section 1711(2)) in which monetary relief claims of 100 or more persons are proposed to be tried jointly on the ground that the plaintiffs' claims involve common questions of law or fact, except that jurisdiction shall exist only over those plaintiffs whose claims in a mass action satisfy the jurisdictional amount requirements under subsection (a).

''(ii) As used in subparagraph (A), the term 'mass action' shall not include any civil action in which—

''(I) all of the claims in the action arise from an event or occurrence in the State in which the action was filed, and that allegedly resulted in injuries in that State or in States contiguous to that State;

''(II) the claims are joined upon motion of a defendant;

''(III) all of the claims in the action are asserted on behalf of the general public (and not on behalf of individual claimants or members of a purported class) pursuant to a State statute specifically authorizing such action; or

''(IV) the claims have been consolidated or coordinated solely for pretrial proceedings.

''(C)(i) Any action(s) removed to Federal court pursuant to this subsection shall not thereafter be transferred to any other court pursuant to section 1407, or the rules promulgated thereunder, unless a majority of the plaintiffs in the action request transfer pursuant to section 1407.

''(ii) This subparagraph will not apply—

''(I) to cases certified pursuant to rule 23 of the Federal Rules of Civil Procedure; or

''(II) if plaintiffs propose that the action proceed as a class action pursuant to rule 23 of the Federal Rules of Civil Procedure.

''(D) The limitations periods on any claims asserted in a mass action that is removed to Federal court pursuant to this subsection shall be deemed tolled during the period that the action is pending in Federal court.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1335(a)(1) is amended by inserting ''(a) or (d)'' after ''1332''.

(2) Section 1603(b)(3) is amended by striking ''(d)'' and inserting ''(e)''.

SEC. 5. REMOVAL OF INTERSTATE CLASS ACTIONS TO FEDERAL DISTRICT COURT.

(a) IN GENERAL.—Chapter 89 is amended by adding after section 1452 the following:

''§ 1453. Removal of class actions

''(a) DEFINITIONS.—In this section, the terms 'class', 'class action', 'class certification order', and 'class member' shall have the meanings given such terms under section 1332(d)(1).

''(b) IN GENERAL.—A class action may be removed to a district court of the United States in accordance with section 1446 (except that the 1-year limitation under section 1446(b) shall not apply), without regard to whether any defendant is a citizen of the State in which the action is brought, except that such action may be removed by any defendant without the consent of all defendants.

''(c) REVIEW OF REMAND ORDERS.—

''(1) IN GENERAL.—Section 1447 shall apply to any removal of a case under this section, except that notwithstanding section 1447(d), a court of appeals may accept an appeal from an order of a district court granting or denying a motion to remand a class action to the State court from which it was removed if application is made to the court of appeals not less than 7 days after entry of the order.

''(2) TIME PERIOD FOR JUDGMENT.—If the court of appeals accepts an appeal under paragraph (1), the court shall complete all action on such appeal, including rendering judgment, not later than 60 days after the date on which such appeal was filed, unless an extension in granted under paragraph (3).

''(3) EXTENSION OF TIME PERIOD.—The court of appeals may grant an extension of the 60-day period described in paragraph (2) if—

''(A) all parties to the proceeding agree to such extension, for any period of time; or

''(B) such extension is for good cause shown and in the interests of justice, for a period not to exceed 10 days.

''(4) DENIAL OF APPEAL.—If a final judgment on the appeal under paragraph (1) is not issued before the end of the period described in paragraph (2), including any extension under paragraph (3), the appeal shall be denied.

''(d) EXCEPTION.—This section shall not apply to any class action that solely involves—

''(1) a claim concerning a covered security as defined under section 16(f)(3) of the Securities Act of 1933 and section 28(f)(5)(E) of the Securities Exchange Act of 1934;

''(2) a claim that relates to the internal affairs or governance of a corporation or other form of business enterprise and arises under or by virtue of the laws of the State in which such corporation or business enterprise is incorporated or organized; or

''(3) a claim that relates to the rights, duties (including fiduciary duties), and obligations relating to or created by or pursuant to any security (as defined under section 2(a)(1) of the Securities Act of 1933 and the regulations issued thereunder).''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 89 is amended by adding after the item relating to section 1452 the following:

''1453. Removal of class actions.''.

SEC. 6. REPORT ON CLASS ACTION SETTLEMENTS.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Judicial Conference of the United States, with the assistance of the Director of the Federal Judicial Center and the Director of the Administrative Office of the United States Courts, shall prepare and transmit to the Committees on the Judiciary of the Senate and the House of Representatives a report on class action settlements.

(b) CONTENT.—The report under subsection (a) shall contain—

(1) recommendations on the best practices that courts can use to ensure that proposed class action settlements are fair to the class members that the settlements are supposed to benefit;

(2) recommendations on the best practices that courts can use to ensure that—

(A) the fees and expenses awarded to counsel in connection with a class action settlement appropriately reflect the extent to which counsel succeeded in obtaining full redress for the injuries alleged and the time, expense, and risk that counsel devoted to the litigation; and

(B) the class members on whose behalf the settlement is proposed are the primary beneficiaries of the settlement; and

(3) the actions that the Judicial Conference of the United States has taken and intends to take toward having the Federal judiciary implement any or all of the recommendations contained in the report.

(c) AUTHORITY OF FEDERAL COURTS.—Nothing in this section shall be construed to alter the authority of the Federal courts to supervise attorneys' fees.

SEC. 7. ENACTMENT OF JUDICIAL CONFERENCE RECOMMENDATIONS.

Notwithstanding any other provision of law, the amendments to rule 23 of the Federal Rules of Civil Procedure, which are set forth in the order entered by the Supreme Court of the United States on March 27, 2003, shall take effect on the date of enactment of this Act or on December 1, 2003 (as specified in that order), whichever occurs first.

SEC. 8. RULEMAKING AUTHORITY OF SUPREME COURT AND JUDICIAL CONFERENCE.

Nothing in this Act shall restrict in any way the authority of the Judicial Conference and the Supreme Court to propose and prescribe general rules of practice and procedure under chapter 131 of title 28, United States Code.

SEC. 9. EFFECTIVE DATE.

The amendments made by this Act shall apply to any civil action commenced on or after the date of enactment of this Act.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 106–398, as amended by Public Law 108–7, in accordance with the qualifications specified under section 1237(E) of Public Law 106–398, and upon the recommendation of the Democratic Leader, in consultation with the ranking members of the Senate Committee on Armed Services and the Senate Committee on Finance, reappoints the following individual to the United States-China Economic Security Review Commission:

William A. Reinsch, of Maryland, for a term expiring Dec. 31, 2005.

The Chair, on behalf of the Majority Leader, pursuant to 10 U.S.C. 4355(a), appoints the Senator from Rhode Island, Mr. REED, from the Armed Services Committee, to the Board of Visitors of the U.S. Military Academy.

The Chair, on behalf of the Majority Leader, pursuant to 10 U.S.C. 6968(a), appoints the Senator from Arizona, Mr. MCCAIN, from the Armed Services Committee, to the Board of Visitors of the U.S. Naval Academy.

The Chair, on behalf of the Majority Leader, pursuant to 10 U.S.C. 9355(a), appoints the Senator from Colorado, Mr. ALLARD, from the Armed Services Committee, to the Board of Visitors of the U.S. Air Force Academy.

ORDER FOR RECESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate stand in recess until 8:40 p.m., at which time the Senate will proceed as a body to the House Chamber for the President's State of the Union Address.

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

ORDERS FOR TOMORROW

Mr. FRIST. Mr. President, I further ask unanimous consent that upon conclusion of the joint session, the Senate adjourn until 10 a.m., Wednesday, January 21. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the conference report to accompany H.R. 2673, the Omnibus Appropriations measure, for debate only, with the time until 6 p.m. equally divided between the chairman and ranking member of the Appropriations Committee or their designees.

I further ask that Senator BYRD be recognized at noon for up to 2 hours, that Senator MCCAIN be recognized at 2 p.m. for up to 1 hour, and his remarks be charged against the chairman's time.

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

PROGRAM

Mr. FRIST. Mr. President, for the information of all Senators, tomorrow the Senate will resume consideration of the conference report to accompany H.R. 2673, the Omnibus Appropriations measure.

I was disappointed by the outcome of today's cloture vote, but we will continue to push forward in our efforts to get a vote on final passage for this vital piece of legislation, this funding measure.

As a reminder, I entered a motion to reconsider the failed cloture vote. I will alert Senators as to when that vote will occur this week. In the meantime, I will continue to work with my Democratic colleagues in an effort to bring this final appropriations package to a close.

Mr. REID. Mr. President, I indicated to the leader that I had nothing, but I have been given a rule XIV matter.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

MEASURE READ THE FIRST TIME—S. 2006

Mr. REID. Mr. President, it is my understanding that S. 2006, which was introduced earlier today by Senators KENNEDY and others, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (S. 2006) to extend and expand the Temporary Extended Unemployment Compensation Act of 2002, and for other purposes.

Mr. REID. Mr. President, I ask for its second reading, but I object to my own request on behalf of a number of Senators.

The PRESIDING OFFICER. Objection is heard.

RECESS

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess until 8:40 this evening; I further ask that when the Senate adjourns later this evening, it do so under the provisions of S. Res. 284 as a mark of further respect for our former colleague, Senator Bill Roth.

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

Thereupon, the Senate, at 4:53 p.m., recessed until 8:40 p.m. and reassembled when called to order by the Presiding Officer (Mr. SESSIONS).

JOINT SESSION OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 144)

The PRESIDING OFFICER. The Senate will now proceed to the Hall of the House of Representatives to hear the address by the President of the United States.

Thereupon, the Senate, preceded by the Assistant Sergeant at Arms, Keith J. Kennedy, and the Vice President of the United States, DICK CHENEY, proceeded to the Hall of the House of Representatives to hear the address by the President of the United States, George W. Bush.

(The address delivered by the President of the United States to the joint session of the two Houses of Congress appears in the proceedings of the House of Representatives in today's RECORD.)

ADJOURNMENT UNTIL 10 A.M. TOMORROW

At the conclusion of the joint session of the two Houses, and in accordance with the order previously entered, at 10:13 p.m., the Senate adjourned until Wednesday, January 21, 2004, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate January 20, 2004:

THE JUDICIARY

CLAUDE A. ALLEN, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE FRANCIS D. MURNAGHAN, JR., DECEASED.

PAUL S. DIAMOND, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA, VICE HERBERT J. HUTTON, RETIRED.

ROBERT BRYAN HARWELL, OF SOUTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH CAROLINA, VICE C. WESTON HOUCK, RETIRING.

GEORGE P. SCHIAVELLI, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE LOURDES G. BAIRD, RETIRING.

EXTENSIONS OF REMARKS

HONORING UNION COUNTY SHERIFF KEN JONES

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Mr. ROSS. Mr. Speaker, I would like to take this time to recognize Sheriff Ken Jones of Union County for his continued dedication and service to the community. I congratulate him on the 2003 Director's Award from the Federal Bureau of Investigation for his exemplary job in drug and violence prevention.

To the people of Union County and the rest of our state, Sheriff Jones is known as a truly selfless public servant. His experience in law enforcement spans more than 20 years as a deputy sheriff, Arkansas Highway Patrolman, Director of the 13th Judicial Drug Task Force, and now sheriff. His energy and dedication have earned him numerous accolades and honors in the past and ensure his continued success in the noble fight against crime.

Throughout his career, he has truly personified the mission of the Union County Sheriff's Department to ''protect the lives and property of all Union County citizens and serve in the most courteous and professional manner possible.'' In doing so, he has continued to develop and implement many new changes in the sheriff's office, including the modernization of the Sheriff's Office. These efforts have allowed him to better serve the people of Union County and to keep his commitment to keep our communities, schools and families safer for us and our loved ones.

Sheriff Jones has distinguished himself through a sustained commitment to his community. His character is an example of the values we, as parents, teachers, community members, and legislators, hope to instill in our next generation.

Mr. Speaker, I again extend my sincerest congratulations to Sheriff Jones on this distinguished award. I am honored to serve as his Representative in the United States Congress.

A PROCLAMATION RECOGNIZING THE RETIREMENT OF KAYE FORBES

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Mr. NEY. Mr. Speaker:

Whereas, Kaye Forbes has served the Bayer Employees' Federal Credit Union for 32 years; and

Whereas, Kaye Forbes has been a loyal leader to her co-workers and will continue to be an admired citizen of the community; and

Whereas, Kaye Forbes has served as Vice President of Operations, working to promote the interests of the company and wellbeing of its employees; and

Whereas, Kaye Forbes must be commended for her professionalism and her ability to motivate those around her by establishing a superb example; and

Whereas, Kaye Forbes's dedication and service will be deeply missed.

Therefore, I join with Members of Congress and Congressional staff in celebrating Kaye Forbes's years of service and retirement from Bayer Employees' Federal Credit Union.

HONORING GEORGE C. HALE SR., M.D. AS A GREAT LIVING CINCINNATIAN

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Mr. PORTMAN. Mr. Speaker, I rise today to recognize George S. Hale, Sr., M.D., a distinguished constituent, who will be formally honored on February 26, 2004 by the Greater Cincinnati Chamber of Commerce as a Great Living Cincinnatian, one of our region's highest honors. The recipients of this prestigious award are selected on the basis of special professional achievement; an awareness of the needs of others; civic service; leadership; and distinctive accomplishments.

Born on June 3, 1929 in Detroit, Dr. Hale moved to his mother's hometown of Macon, Georgia when he was four. Growing up in Macon, Dr. Hale cites the benevolence of his mother, an aunt and their family's physician as his significant early influences. His mother, Carlena Jordan Hale, was a social worker during the Depression who took Dr. Hale along as she delivered food and clothing to poor families. His aunt, Junia Jordan Fambro, was a dietitian at Fort Valley State College for 44 years. She helped students with food and financial assistance, and was a loving and supportive example to Dr. Hale. The family's physician, Dr. C.W. Dwyer, was also a role model to him.

After attending Bibb County, Georgia public schools and Macon's Ballard High School, Dr. Hale graduated from Talladega College in Alabama. He returned to Macon and taught math and science for two years at Ballard High School. Although he encountered prejudice and the competition to attend medical school was keen, he was accepted into McHenry Medical College in 1952 and became an extern at Cincinnati's Jewish Hospital in 1955. He graduated in 1956, and returned to Jewish Hospital as an intern at a time when, Dr. Hale says, African American physicians had difficulty finding internships. He became a fellow with the University of Cincinnati Department of Metabolism and Endocrinology, then served at the Dover Air Force Base Hospital in Dover, Delaware. After leaving the Air Force, Dr. Hale opened a private practice in internal medicine that he maintains today.

In 1982, Dr. Hale became only the second African American physician to be elected president of Cincinnati's Academy of Medicine. He is also past president of the Cincinnati Chapter of the National Medical Association. Devoted to encouraging and mentoring African American medical students and physicians, Dr. Hale has contributed immeasurably to the quality of life in Cincinnati. A founding member of Health Careers and Cancer Family Care, Dr. Hale has also been active with the American Red Cross; the Child Guidance Home; the Health Foundation of the Greater Cincinnati Academy of Medicine; the Cincinnati Art Museum and the Allen Temple A.M.E. Church. He and his wife, Sarah Hale, received Lighthouse Youth Services' Beacon of Light Humanitarian Award; Urban League's Glorifying the Lions Award; and the National Philanthropy Day Award.

All of us in Greater Cincinnati thank Dr. Hale for his service to our community, and congratulate him on being named a Great Living Cincinnatian.

HONORING ELDON LESLIE AND HIS SERVICE TO HIS COMMUNITY

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Mr. GORDON. Mr. Speaker, I rise today to congratulate Eldon Leslie for his nearly four decades of service to the Cookeville Area-Putnam County Chamber of Commerce. Eldon is retiring as the president and chief executive office of the chamber, a position he has held since 1967.

Eldon's career with the chamber has been remarkable. His leadership and vision have played an integral role in bringing 35 new manufacturing facilities to the Middle Tennessee community of Cookeville and Putnam County. His efforts also helped bring a branch of Nashville State Technical Community College to Cookeville, which strengthened the community's higher education component already anchored by Tennessee Technological University.

Eldon established the chamber's highly successful Adopt-A-School program and helped develop the Cookeville/Putnam County Clean Commission, as well. And as a leading proponent of economic development in the region, Eldon conceived of and developed the ''4th State of Tennessee'' concept, which promotes industrial development along the Highway 111 corridor.

Through the years, Eldon has been a dedicated and untiring servant to the community. His efforts have been lauded by many and validated through awards too numerous to mention. I salute Eldon for his hard work and contributions that have made Putnam County a better place to live and raise a family. Thanks for a job well done, Eldon, and good luck in your future endeavors.

JUNCTION CITY HIGH SCHOOL'S RECORD-SETTING SEASON

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Mr. ROSS. Mr. Speaker, on the afternoon of December 13, 2003, at War Memorial Stadium in Little Rock, the Junction City High School Dragons team made history by capping off a perfect 15–0 season and winning its first Class AA state football championship. It was celebrated by a community, which braved the winter conditions to see the culmination of a record-setting season. This team personifies the spirit of determination and hard work that has always distinguished Arkansans.

As a parent, I understand the demands that our young people face. As members of the community, we are all aware that education is as important as any other issue we face. Each day, our children learn lessons in the classroom that will prepare them for the days and years ahead, and we work hard to see they are given the tools they need to compete and succeed in life. The success of the Junction City High School football program exemplifies how the lessons learned on the field of competitive athletics can often supplement the education learned in our classrooms. I have long been an advocate of athletics and extracurricular activities as those activities broaden academic excellence by instilling leadership, character, and teamwork in its participants.

At a time when our country needs youth leadership more than ever, this team has answered the challenge and set a course that can serve as an example for us all. Along with the school's first-ever championship, the records compiled by this team are truly impressive: An all-time state scoring record, the longest winning streak in school history, and the most wins in school history. It's about more than records or trophies. Championships are won in the heart as much as on the field. The will to overcome adversity, the daily drive to succeed, and the mental toughness to perform under pressure carried these young men during their championship season, and will provide them with a well to draw from throughout their entire lives.

It brings me a great deal of pleasure to again congratulate the Junction City High School football program on their tremendous season and first-ever Class AA High School Football Championship. We all take pride in you and all you have accomplished.

A PROCLAMATION RECOGNIZING RITA DUTTON

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Mr. NEY. Mr. Speaker, Whereas, Rita Dutton has devoted herself to serving the Union Local School District for the past eleven and a half years; and

Whereas, Rita Dutton has served as the President of the Union Local School Board in 1996, 1998, and 2003; and

Whereas, Rita Dutton supported the construction of and served as Board President during the groundbreaking of a new high school and elementary school; and

Whereas, Rita Dutton has given selflessly of her time and talents to improve the quality and facilities of the Union Local School District;

Therefore, I join with the Union Local School District and the entire 18th Congressional District in congratulating Rita Dutton on her retirement from the Union Local School Board.

HONORING OLIVER BIRCKHEAD AS A GREAT LIVING CINCINNATIAN

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Mr. PORTMAN. Mr. Speaker, I rise today to recognize Oliver Birckhead, a dear friend and constituent, who will be formally honored on February 26, 2003 by the Greater Cincinnati Chamber of Commerce as a Great Living Cincinnatian, one of our region's highest honors. The recipients of this prestigious award are selected on the basis of special professional achievement; an awareness of the needs of others; civic service; leadership; and distinctive accomplishments.

A native of Brooklyn, New York, Mr. Birckhead graduated from Trinity-Pawling School in Pawling, New York; Nichols College in Dudley, Massachusetts; and the Stonier Graduate School of Banking at Rutgers University. Mr. Birckhead says the banking business was really in his blood: his father was the first Supervisor of National Banks in President Taft's administration. In 1937, Mr. Birckhead began his career in the banking business with the Peoples National Bank and Trust Company in White Plains, New York.

After a stint in the U.S. Air Corps, Mr. Birckhead was appointed assistant national bank examiner in the Second District of New York. From 1948 to 1951, he worked for Chemical Bank, then joined Central Trust Company (now PNC Bank) in Cincinnati. At Central Trust, he was elected an officer in 1951 and became executive vice president and director in 1967. In 1968, Mr. Birckhead was involved in the founding of Central Bancorporation and became CEO of its lead bank, The Central Trust Company, a position he held for 17 years. When he became president and later CEO of Central Bancorporation, the company's assets were approximately $500 million; when he retired in 1988, the company's assets were $5.2 billion. When Central Bancorporation merged into PNC the result was a $43 billion regional banking company, and Mr. Birckhead served as vice chairman and director of PNC Bank until he retired in 1989.

Mr. Birckhead's civic accomplishments have touched nearly every facet of Greater Cincinnati. He was a trustee, vice president and executive committee member of the Cincinnati Art Museum, and advisory board member and vice chairman of the Salvation Army. He also served on the boards of the Boy's Club of Cincinnati; the Cincinnati Association for the Blind; and the Cincinnati Council on World Affairs. He has been a leader for Xavier University's Capital Fund Drive; the University of Cincinnati's Annual Business Campaign; the National Conference of Christians and Jews (now the National Conference for Community Justice); the Greater Cincinnati Chamber of Commerce; the Cincinnati Business Committee; and the Statue of Liberty Centennial Commission. With several others, he led the original financing that formed the Cincinnati Bengals.

The recipient of many awards for his community service, Mr. Birckhead was honored by Ohio Governor John Gilligan with the Governor's Award for Community Action and by the Urban League. In 1986, he was presented with the Israel Peace Award by the State of Israel.

He is also devoted to his family, and his wife, Jane, is an active and effective volunteer in Greater Cincinnati. All of us in Greater Cincinnati thank Mr. Birckhead for his service to our community and congratulate him on being named a Great Living Cincinnatian.

HONORING THE DISTINGUISHED PUBLIC SERVICE OF TOMMY SANFORD

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Mr. GORDON. Mr. Speaker. I rise today to recognize Tommy Sanford for his 22 years of service as the assessor of property in Rutherford County, Tennessee. Tommy was first elected in 1982, and since then, he has never had an opponent. But he has decided to retire from that position at the end of his current term.

During Tommy's tenure, the number of property parcels in the county has more than doubled, and the appraised value of all county property has increased by more than $10 billion. To keep up with all the work fueled by the county's phenomenal population growth, Tommy's staff has grown from 8 to 33 employees. And he is quick to give his employees credit for the success of his office.

Tommy also organized and supervised the county's reappraisal department and oversaw the implementation of the county's new digitized mapping system. A progressive and dedicated public servant who strives to treat all Rutherford County property owners fairly, he has received more than 40 awards, including the 1989–90 Tennessee's Outstanding County Official.

His unflinching dedication and tireless service to the county will be sorely missed. I congratulate Tommy on his outstanding career in public service and wish him well in his future endeavors.

IN LASTING MEMORY OF LOUIS L. RAMSAY, JR.

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Mr. ROSS. Mr. Speaker, I would like to take this time to rise in honor of the life and legacy of Louis L. Ramsay, Jr. who passed away at the age of 85. Louis Ramsay, Jr. was born in 1918 in Fordyce, Arkansas, in rural Dallas County. Through his lifetime, Louis distinguished himself as a husband, father, businessman, and church and community leader.

He was a truly selfless public servant and a leader in law and banking who sought to improve the lives of those in the community and state he called home.

Louis led a remarkable life of both energy and dedication and it was readily apparent to those around him. From his days on the playing fields as a University of Arkansas quarterback to his distinguished air combat service over the battlegrounds of World War II, Louis developed a steadfastness, discipline and vision well beyond his years. He carried those traits on to law school and eventually the Arkansas Business Hall of fame.

Whether Louis was working as a lawyer or bank president, or serving his Governor or alma mater, the scope of his involvement is apparent as he holds the distinction of the only individual in state history to serve as president of both the Arkansas Bar Association and the Arkansas Bankers Association.

Although his professional achievements speak volumes, his influence transcends the business community as he continually made a priority of helping others through volunteer service and civic activities. As a member of a small community, I know what men like Louis mean to their neighbors. For Louis, the citizens of Pine Bluff showed their appreciation by naming him the ''City's Most Influential Citizen'' in 1989. This honor recognized both the significant economic impact he provided the communities of Pine Bluff and Southeast Arkansas as well as the tireless devotion and strength of character he displayed. He was truly an example for us all.

My thoughts and prayers are with his wife, Joy; his son, Richard; and his daughter, Joy. I extend my sincerest sympathies to them and hope we can all find some solace in the realization that the spirit and legacy of Louis Ramsay lives on in each of us.

A PROCLAMATION RECOGNIZING THOMAS PATRICK FLANNERY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Mr. NEY. Mr. Speaker:

Whereas, Thomas Patrick Flannery has devoted himself to serving others through his membership in the Boy Scouts of America; and

Whereas, Thomas Patrick Flannery has shared his time and talent with the community in which he resides; and

Whereas, Thomas Patrick Flannery has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Thomas Patrick Flannery must be commended for the hard work and dedication he put forth in earning the Eagle Scout Award;

Therefore, I join with Troop 87, and his family and friends in congratulating Thomas Patrick Flannery as he receives the Eagle Scout Award.

HONORING WILLIAM K. SCHUBERT, M.D. AS A GREAT LIVING CINCINNATIAN

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Mr. PORTMAN. Mr. Speaker, I rise today to recognize William K. Schubert, M.D., a distinguished leader, who will be honored on February 26, 2004 by the Greater Cincinnati Chamber of Commerce as a Great Living Cincinnatian, one of our region's highest honors. The recipients of this prestigious honor are selected on the basis of special professional achievement; an awareness of the needs of others; civic service; leadership; and distinctive accomplishments.

As president and CEO of Cincinnati Children's Hospital Medical Center, Dr. Schubert steered it from a small facility with four operating rooms to one of the top five pediatric medical centers in the Nation and designation by the American College of Surgeons as a Level 1 pediatric trauma center. During the 1970s, Dr. Schubert led a centralization of the region's pediatric care into a single medical center at Children's Hospital.

A Cincinnati native, Dr. Schubert graduated from Walnut Hills High School, the University of Cincinnati and the University of Cincinnati College of Medicine. Interested in science and influenced in childhood by the family's doctor, he made the decision in high school to later attend medical school. After completing an internship at Indiana University Medical Center, he returned to Cincinnati and served a residency in pediatrics and a fellowship in hematology at Cincinnati Children's Hospital Medical Center.

In 1996, Dr. Schubert retired after 33 years of service to Children's Hospital, including 13 years as head of the medical center. Dr. Schubert has held many key leadership positions, such as founder and director of the Division of Pediatric Gastroenterology; chief of staff, director of the pediatric residency training program; director of Children's Hospital Research Foundation; physician executive director; and chairman of the University of Cincinnati College of Medicine. He is a diplomat in the American Board of Pediatrics. Today, Dr. Schubert is professor emeritus of pediatrics at the University of Cincinnati and serves Children's Hospital Medical Center as a consultant.

In our community, Dr. Schubert was instrumental in the successful effort to expand Cincinnati's property tax levy for indigent care to include children. He has been involved in the Rotary Club of Cincinnati; the Babies' Milk Fund; the Center for Quality Leadership; and the Ohio Association of Children's Hospitals. I had the privilege of serving with Dr. Schubert on the board of the Springer School in Cincinnati. Dr. Schubert is the recipient of Children's Hospital Medical Center Board of Trustees' William Cooper Procter Medallion; the Cincinnati Pediatrics Society Founder's Award; and the University of Cincinnati's Daniel Drake and Distinguished Alumni Awards.

All of us in the Greater Cincinnati area are grateful to Dr. Schubert for his service to our community, and congratulate him on being named a Great Living Cincinnatian.

PERSON OF THE YEAR—SGT MARQUETTE WHITESIDE

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Mr. ROSS. Mr. Speaker, I rise today to honor SGT Marquette Whiteside, a 24-year-old resident of Pine Bluff, Arkansas. SGT Whiteside was active in the Red Cross and the 4–H Club. Upon graduation from Watson Chapel High School, he took a job while he waited to hear from the military. Once accepted, SGT Whiteside trained in Germany where he specialized in weapons artillery.

Time Magazine's honoree for 2003 Person of the Year is the American Soldier, and SGT Whiteside was chosen to be profiled. SGT Whiteside is a member of Survey Platoon, Headquarters Battery, 2nd Battalion in the 1st Armored's 3rd Field Artillery Regiment. There is no soldier more deserving of this honor than SGT Whitefield. Scheduled to be relieved of duty in early 2004, SGT Whiteside signed on for an additional 3 years with the Army, with just a 6-month break between tours.

My sincere gratitude and deep appreciation go to SGT Marquette Whiteside, a man who has dedicated himself to protecting his country in the noblest sense.

I am honored to represent this fine soldier in the U.S. House of Representatives. Not just a soldier, SGT Whiteside is also a son, a brother, and a father. My thoughts and prayers are with Marquette's mother, Catherine; his two brothers, and his 6-year-old, daughter, Brashawn, who all anxiously await his permanent and safe return home.

A PROCLAMATION RECOGNIZING THE RETIREMENT OF JAMES E. CARNES

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Mr. NEY. Mr. Speaker:

Whereas, James E. Carnes served the people of Ohio as a member of the Ohio State Senate for 8 years; and

Whereas, James E. Carnes has served as Chairman of the Senate's Finance Committee, overseeing the state budget; and

Whereas, James E. Carnes is currently the longest serving member of the Ohio State Senate; and

Whereas, James E. Carnes has used his position within the Ohio Senate to help better the lives of thousands of people; and

Whereas, James E. Carnes has been appointed to continue his service to the citizens of Ohio as the Deputy Director of the Ohio Department of Natural Resources; and

Whereas, James E. Carnes must be commended for his dedication to improving the state of Ohio and his willingness to continue this service through his new appointment.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in celebrating James E. Carnes's 8 years of service in the Ohio State Senate and wish him the best of luck in his new position.

TRIBUTE TO WILFRED EUGENE TICKNER UNITED STATES ARMY CORPS OF ENGINEERS

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Mr. MCINTYRE. Mr. Speaker, it is with great pleasure that I rise today and honor Wilfred Eugene Tickner of the United States Army Corps of Engineers. On January 3, 2004, Mr. Tickner retired after serving the people of this Great Nation for over 42 years.

Eugene Tickner is a talented engineer, who spent his career improving our Nation's infrastructure and ensuring that projects vital to our coastal areas are completed. Throughout his illustrious career, Mr. Tickner's contributions to our Nation have not gone unnoticed. He has been honored with the Engineer Regiment Bronze de Fleury Medal, two Commander's Awards for Civil Service, several Exceptional Performance Commendations, and the Division Commander's Award for EEO.

As Deputy District Engineer for Programs and Project Management of the Wilmington District United States Army Corps of Engineers, Mr. Tickner served the people with his involvement in many of the civil works projects in southeastern North Carolina. His innovative and unifying approach to solving problems has resulted in the timely completion of many projects that, without his involvement, may not have been possible. It is because of the dedication, determination, and leadership of Mr. Tickner that the people, animals, and ecosystems of the areas covered by the Wilmington District continue to flourish. From the Wilmington Port to the Brunswick, New Hanover, and Pender County beaches, his commitment has been unwavering and steadfast.

We owe Wilfred Eugene Tickner our sincere appreciation for his 42 years of committed service to our Nation. His devotion to the people of the United States should serve as an example to us all.

May God bless him and his family, and may God bless this great Nation.

TRIBUTE TO THE JACKSON HIGH SCHOOL BLACK HISTORY TOUR GROUP

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Mr. SMITH of Michigan. Mr. Speaker, I rise today in honor of the Jackson High School Black History Tour Group, a unique student organization started 10 years ago in my district that endeavors to share Black history and culture with the State of Michigan and the entire Nation.

In 1994, Jackson High School teacher Shirley Pitts recognized a desire among her students to learn and actively teach others about Black history. Though it began as a humble, once-a-year school program, her idea quickly grew into a year-round celebration of heritage and culture.

The Black History Tour Group is comprised of more than 30 students who travel to different schools, community organizations, and events. These students perform in a variety of artistic media including songs, poetry, dramatic readings, and theatrical sketches. They are some of the brightest, most talented members of their class, and they all share a deeply founded interest in Black history. Group members devote a great deal of their time and effort to their rehearsals and performances, but they are also active in many other ways at school and throughout their community.

Since its inception, the Black History Tour Group has been gaining both popularity and recognition. Among its distinguished highlights, the Group performed before the Michigan State Senate in 1997, in the East Room in the White House in 1998, and at the Presidential Inauguration in 2001, as one of only 3 groups to represent the State of Michigan.

On behalf of the United States Congress, I am very pleased to recognize the Jackson High School Black History Group for its first 10 years of excellence in the promotion of Black culture and heritage. We praise you for your dedication and hard work.

TRIBUTE TO GWENDOLYN E. BOYD

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Mr. MEEK of Florida. Mr. Speaker, it is my pleasure to rise today in honor of Gwendolyn E. Boyd, the National President of Delta Sigma Theta Sorority, Inc. for her service and dedication as a community leader and volunteer. The members of the Miami Alumnae Chapter of Delta Sigma Theta Sorority, Inc. will gather with Ms. Boyd on January 31, 2004 for the 91st anniversary of the founding of this honored sisterhood.

Ms. Boyd, a hardworking and motivated woman, is an inspiration and role model to all. She received her B.S. degree in Mathematics with a double minor in Physics and Music from Alabama State University. She thereafter pursued her Masters of Science degree at Yale University. Today, she is an engineer and the Assistant for Development Programs at the Johns Hopkins University Applied Physics Laboratory.

Committed to her work, Ms. Boyd nonetheless remains compassionate to the numerous community service organizations with which she is actively involved. She is a member of Leadership Washington, an organization committed to improving the quality of life in the Greater Washington Region and is actively involved with the Children's Research Institute of Children's National Medical Center. She is the founding chair of the Board of Directors of the National Center for Non-Profit Strategic Planning and Community Leadership and also served as President of the Board of Directors of United Way of the National Capital Area. A dynamo of a public servant, she also actively participates with The Links, Inc., the NAACP, the National Council of Negro Women and many other organizations.

Unselfish in her endeavors, Ms. Boyd can be found motivating others through inspirational speeches and workshops around the country. She routinely gives lectures on positive growth and the development of youth; conducts career development seminars; and often provides words of wisdom at commencement speeches to our future leaders.

It is no surprise to me that Ms. Boyd has been acknowledged and honored for her service and commitment on many occasions and by various organizations. I know that all my colleagues join with me in honoring her today and wishing her every success in the future.

RECOGNIZING KEVIN ALLEN POEHLER FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Kevin Allen Poehler, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 87, and in earning the most prestigious award of Eagle Scout.

Kevin has been very active with his troop, participating in many scout activities. Over the twelve years Kevin has been involved with scouting, he has earned 29 merit badges and has held numerous leadership positions, serving as Senior Patrol Leader, Assistant Patrol Leader, Patrol Leader, and Quartermaster. Kevin is also a Runner in the Tribe of Mic-O-Say.

For his Eagle Scout project, Kevin planned and installed a brick driveway entrance and sidewalk for the Cameron Depot Station for the Historical Preservation Society of Cameron, Missouri.

Mr. Speaker, I proudly ask you to join me in commending Kevin Allen Poehler for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE 40TH ANNIVERSARY OF SPRINGFIELD CHAPTER 893, NATIONAL ASSOCIATION OF RETIRED FEDERAL EMPLOYEES

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to commemorate the 40th anniversary of Chapter 893 of the National Association of Retired Federal Employees (NARFE), located in Springfield, Virginia.

NARFE is a multi-tiered, political, nonpartisan organization dedicated to preserving the earned retirement benefits of all Federal civilians. Membership eligibility includes current, former, and retired Federal civilians, as well as their spouses and survivor annuitants. Chapter 893 is one of over 1600 NARFE chapters nationwide.

From December 1963 to October 2003, the Springfield Chapter grew from 14 to 1,793 members, making it the fifth largest NARFE chapter. The majority of Chapter 893 members reside in the Springfield area; however, nearly 200 members reside outside Virginia, with two members in the Netherlands and Canada, respectively.

Over the years, Chapter 893 has become one of the most active in NARFE. It long has

been and continues to be dynamic, progressive, and energetic, overcoming every challenge it faces. Chapter members have had a strong voice in many national and local legislative issues.

The Springfield Chapter approaches all issues in a realistic and humanitarian manner. Its members have worked tirelessly for the benefits of Federal retirees and all elderly, cooperating with local, State, and Federal agencies to do so.

While Chapter 893 always has placed emphasis on fulfilling primary NARFE functions, its members have not neglected local community needs. Chapter 893 members have volunteered countless hours at hospitals, libraries, blood drives, meals on wheels, and local elections. Beginning in 1987, Chapter members most generously have contributed to Alzheimer's Research, the charity of choice by NARFE nationwide. They participate in dollars and miles to the local area Alzheimer's Memory Walk, bringing in roughly $1,000 each year.

Over the course of its successful history, the Springfield Chapter has benefited from many dynamic, accomplished leaders. Several past presidents have been elected as officers or appointed committee chairs of the NARFE Virginia Federation of Chapters. Others have served in civic, professional, or fraternal organizations locally. Most notable are the accomplishments of past presidents David F. Sullivan, Vincent Agnelli, and Milton Kramer. Past President Sullivan was elected NARFE National Secretary in 2000 and 2002. Past President Agnelli served on an ad hoc committee influential in the 1993 Virginia State Supreme Court litigant tax refund issue. And Past President Kramer played a major role in organizing the Northern Virginia Caucus of Chapters.

Mr. Speaker, in closing, I would like to congratulate Chapter 893 on 40 years of success. They have become a strong organization committed to serving the interests of their members and their community. I call upon my colleagues to join me in applauding the chapter members' past accomplishments and in wishing Chapter 893 the best of luck in the many years to come.

PASSAGE OF S. 877 BY UNANIMOUS CONSENT ON DECEMBER 8, 2003

HON. RICHARD BURR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Mr. BURR. Mr. Speaker, I rise today in strong support of S. 877—the CAN SPAM Act of 2003—and urge my colleagues to accept the technical changes made by the Senate. I also rise in an effort to provide clarification for our nation's professional, trade, and non profit associations who may be unintentional victims of the Congress's efforts to control the fraudulent and abusive practices of spam email through the CAN–SPAM Act.

Trade associations have long provided representation for most of America's industries such as telecommunications, insurance, banking, realty, and transportation, just to name a few. Individuals or businesses that opt to join these associations do so in large part because of the outstanding benefits afforded to them, including reduced professional insurance premiums, continuing education opportunities, legislative awareness seminars, and conventions. While most of these opportunities are offered at a price, the cost is set at a greatly reduced rate than might otherwise be offered to non-members, primarily to offset operating costs, but also as a means of contribution to the furtherance of the association's non-profit status.

As a matter of expediency, trade associations often communicate with their membership through email, as this method is the fastest, most convenient, and most cost-effective process for both the associations themselves and the members with whom the associations communicate. These emails are a valuable element of membership privileges agreed to by the member upon joining, as they keep the member apprised of upcoming events, industry-related products, and legislative alerts. These emails are restricted to circulation within the membership only, and excluding the general public. It is my belief that association members have essentially opted-in to the receipt of these emails by virtue of their membership, and that these emails would fall under the definition of ''transactional emails'' that S. 877 contains. Therefore, email between a professional or trade association and its members should be a protected and mutually agreed-to line of communication and is hence not included in the definition of spam in the CAN SPAM Act of 2003.

Mr. Speaker, I would also like to call attention to Section 5(a)(3)(C), which provides an exception for not being able to receive the commonly-referred-to ''unsubscribe messages'' from commercial email recipients in circumstances where there are technical problems beyond the control of the sender. Although I'm sure that legitimate commercial email senders will make every effort to fully comply with the stipulations of this bill and receive unsubscribe emails whenever they are sent, I believe that the authors of this legislation understand that there may be short periods of time during which the sender is unable to receive unsubscribe messages because of necessary technical maintenance to the email systems receiving such unsubscribe messages.

Additionally, where Section 7(b) of the bill provides that banking agencies have enforcement authority over their respective financial services providers, it is my hope that the Federal Trade Commission will coordinate with the various regulators of banking agencies in its efforts to implement the rules called for in this legislation.

Mr. Speaker, I am very pleased with the important bill we have before us today. I strongly urge my colleagues to support this consumer protection and anti-fraud bill, and to quickly send it to the President for his signature.

HONORING FAIRFAX COUNTY BRANCH OF THE NAACP FOR THEIR COMMEMORATION OF DR. MARTIN LUTHER KING JR.

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Mr. MORAN of Virginia. Mr. Speaker, I rise today to honor the Fairfax County Branch of the NAACP for their effort to honor one of our nation's most treasured heroes, Dr. Martin Luther King, Jr.

Together with members from throughout our community, the Fairfax County NAACP has used the anniversary of Dr. King's birthday to commemorate the life and legacy of this great American.

The Fairfax County NAACP has used the teachings and life of Dr. King as inspiration to end the hatred of racism throughout the county and to celebrate the diversity that is common to this vibrant community. Through their efforts they have helped those who have faced discrimination find justice and have encouraged everyone to envision a world without intolerance.

It is important that we honor and celebrate the accomplishments of Dr. King and how he helped our nation deal with the hatred that had threatened to destroy us. By coming together to celebrate his birthday we are honoring a man who gave our nation a new hope that we can all live together. I am certain the celebration that the Fairfax County NAACP is hosting will do justice to the legacy of this great man.

However, we must celebrate what Dr. King taught us not just on his birthday, but every day. Every American should take the time to help their neighbor, enlighten a friend whose mind has been clouded with prejudice, and commit their lives to making the United States the true beacon of justice in the world. We must continue to live by the words of Martin Luther King and ''make justice a reality for all of God's children.''

We must all strive to achieve the dream that Dr. King imagined for his children, so that our children's children will live in a world free from racism, discrimination and hatred.

I applaud the Fairfax County NAACP for hosting this commemoration of Dr. King's life, a life cut short, but whose ideas, dreams and hopes continue to inspire our lives every day. I am pleased that they are using this opportunity to bring a beacon of light and hope to our community and share the legacy of Dr. King.

CONGRATULATIONS TO PEOPLES BANK ON 94TH ANNIVERSARY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Mr. VISCLOSKY. Mr. Speaker, it is with great honor and pleasure that I stand before you today to recognize the many accomplishments of Peoples Bank throughout its 94 years of service in the Northwest Indiana community. To commemorate this special occasion, Peoples Bank will be holding an anniversary celebration on Saturday, January 10, 2004, at the Center for Visual and Performing Arts in Munster, Indiana.

Peoples Bank was established in 1910, and was organized to meet the needs of consumers. Peoples Bank was originally known as The First Polish National Building and Loan Association. During that time, it was the main hub for church and social activities in East Chicago, Indiana. Over several decades, the association's name changed numerous times, and in 1989 it was entitled Peoples Bank.

Peoples Bank was the first savings and loan association to ever receive a federal charter in East Chicago after the Great Depression. In the 1950s, the bank played an integral role in assisting former servicemen to build or purchase homes through G.I. Loans. At this time, Peoples Bank expanded its access to the Northwest Indiana community by moving into a multi-office operation. The Woodmar section of Hammond was chosen as the second office location along Indianapolis Boulevard.

It was during the 1960s that Peoples Bank added another branch location in Merrillville. Due to the success of these initial offices, additional branches were established in the area including Dyer, Munster, Schererville, and a second Merrillville office. In the year 2000, Peoples Bank opened its eighth branch location in Hobart.

Peoples Bank's Chief Executive Officer and Chairman, Mr. David Bochnowski, has served as the leader for the organization since 1981, after serving on the board since 1977. Through his guidance, along with all the hard work of the staff, Peoples Bank has continued to be an active force in providing superior customer service and assistance to all of Northwest Indiana.

Mr. Speaker, at this time, I ask that you and my other distinguished colleagues join me in honoring and congratulating Peoples Bank on their 94th anniversary. Their many great accomplishments and hard work throughout the years is worthy of the highest commendation.

HONORING DR. LEON AND FAYE STEINBERG

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Mr. PORTER. Mr. Speaker, I rise today to call the attention of the House of Representatives to Dr. Leon and Faye Steinberg as they are honored with the Jewish Federation of Las Vegas' Hank Greenspun Founders Award. The Steinbergs will be presented with this award on February 8, 2004, at the Jewish Federation of Las Vegas Champions of Freedom Dinner Gala.

The Hank Greenspun Founders Award honors those who have been instrumental in the creation, growth, and future of the Las Vegas Jewish community. The Steinbergs epitomize all of these qualities. They have spent most of their lives enriching the Jewish community and I would like to thank them for their contributions to Southern Nevada and our Nation.

The Steinbergs are originally from San Antonio, Texas, and like thousands of people each year moved to Las Vegas in 1958, where Leon became the first radiologist at Sunrise Hospital. From the first day of their arrival in Las Vegas they have volunteered to make our community a better place by serving in the leadership of their synagogue and helping meet the religious needs of our community. The Steinbergs also helped establish the Jewish Federation of Las Vegas, which raises awareness of the important contributions that the Southern Nevada Jewish Community has made to our state and country, and champions freedom and human rights around the world. Leon and Faye have been especially active in building strong ties between Las Vegas and Israel, and have worked to bring relief to victims of terrorism in Israel.

I am pleased to call the attention of the U.S. House of Representatives to the welldeserved selection of Dr. Leon and Faye Steinberg for the Hank Greenspun Founders Award, and I thank them for having given so much of themselves to make the world a better place.

RULE PROPOSED BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT DURING CONGRESSIONAL RECESS

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Mrs. MUSGRAVE. Mr. Speaker, in March 2003, the House Small Business Committee convened a hearing to review a prospective rule from the Department of Housing and Urban Development (HUD). This rule was intended to alter the Real Estate Settlement Procedures Act.

During the past 2 years, HUD has been working to simplify the real estate settlement process. Their goal is to produce a uniform packaged pricing concept for consumers that incorporates all pricing elements including home inspections, title insurance, and interest rates.

During the March 2003 hearing, HUD officials testified to the Small Business Committee regarding different elements of this initially proposed rule. Much attention focused on the inadequacy of the economic impact study contained within the rule, particularly with respect to the effect on small businesses nationwide. After fielding questions from nearly every Member seated on the Committee, HUD agreed to give additional consideration and possible revision to their prospective rule.

It became evident during review of the initially proposed rule that it would be a step in the wrong direction. Consequently, it had no support from the real estate and mortgage industries, as well as little support from consumer advocacy groups.

During the process leading up to last spring's hearing, the Department of Housing and Urban Development was forthcoming about details of the rule prior to last spring's hearing. But since then, HUD has been virtually silent about changes, despite receiving tens-of-thousands of pages of comments during the extended review period.

Mr. Speaker, it troubles me that, as of late, HUD has been stonewalling Congressional inquiries by not responding to suggested comments, as indicated, and to questions asked during the hearing.

Surprisingly during the recent Congressional winter recess, and without notice to Congress regarding the nature of any changes, HUD submitted their final rule to the President's Office of Management and Budget in December 2003.

Now, executive privilege prevents Congress and the public from reviewing the final rule. While it is HUD's prerogative to forward this rule during Congress' recess, this instance clearly circumvents the intent of congressional oversight for departmental and agency rulemaking.

Depending on the contents of this final rule, the largest of the market lenders may seek to establish exclusive relationships with real estate service providers, such as home inspectors, title insurers, mortgage brokers, or real estate agents.

Home inspectors, for instance, would be forced to accept below market pricing for their inspection services, or face difficulty finding work.

Furthermore, large and small businesses alike would spend millions of dollars to change forms and reformat their disclosures, losing valuable time being retrained to present a product they already produce ethically and efficiently. This does not make sense.

Ultimately, consumers would be left with limited choices and higher prices. Smaller businesses unable to compete, due to a lack of sufficient resources, would be forced to close their doors.

Mr. Speaker, I encourage OMB to make the right decision on this delicate matter and to operate transparently and deliberatively when considering rule proposals. The opportunity to purchase a home through easy and equitable transactions may be lost for many, should this final rule become published.

RECOGNIZING MS. DELSA BUSH AS THE NEW CHIEF OF POLICE OF WEST PALM BEACH, FLORIDA

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to recognize the recent promotion of Ms. Delsa Bush as the new police chief of West Palm Beach, Florida. Chief Bush is the first African American and first woman to serve in this prestigious and demanding position.

Through honesty, hard work and determination, Chief Bush has risen from a childhood of poverty in the Mississippi Delta to a very prominent position in the criminal justice field. Though others might have given up when faced with the many challenges she has had to overcome, Delsa Bush never took her eyes off of her goal. As a result of her strong will and optimistic attitude, she graduated college, continued on to receive her Master's degree and is currently pursuing her Doctorate.

Mr. Speaker, as previously mentioned, Chief Bush is West Palm Beach's first black and first female police chief, as well as one of few black women police chiefs in America. Courage and excellence are just two of many words of praise that have been used to describe this remarkable law enforcement professional. Delsa Bush is an excellent role model and someone whom we can all be proud.

I am delighted that Chief Bush lives and works in my Congressional District. It is an honor and a privilege to represent such a great American. I say on behalf of the House of Representatives, Chief Bush, congratulations. You are a true hero!

IN TRIBUTE AND APPRECIATION OF SALLY TIBBETTS

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Mr. BASS. Mr. Speaker, I rise today to recognize a loyal member of my staff, Sally Tibbetts, as she leaves Washington for warmer climates and to pay tribute to her dedication and commitment before this body of Congress.

Sally has been on my staff since 1997 and has performed ably and consistently during her time with me. As a public spokesperson before the media and countless community organizations, I could have had no better assistant to help positively present my agenda on behalf of all New Hampshire's citizens.

Her distinguished record as a journalist and Press Secretary for Congressman Bill Zeliff (NH–01) before joining my staff demonstrated her talent. On behalf of New Hampshire's Second District, her work and success with media outlets as diverse as the Manchester Union Leader and Concord Monitor; Milford Cabinet and Keene Sentinel; WMUR and NH Public Television; and WOKQ, WEVO, and WZID have proven her skill.

Mr. Speaker, I am proud to pay tribute to Sally's service to New Hampshire and the nation. I am extremely honored to consider her and her husband Gary as friends and wish them the best of luck in their new lives far—but not far in spirit—from the Granite State.

RECOGNIZING THE IMPORTANCE OF NIGHTRIDERS, INC.

HON. BOB BEAUPREZ

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Mr. BEAUPREZ. Mr. Speaker, the occasion on which I rise today is to recognize the importance of one small business based in my home state of Colorado. This business has provided Colorado with an innovative private sector concept that demonstrates social-minded entrepreneurship by assisting in our nation's fight against drunk driving.

Each year, seventeen thousand Americans die in alcohol-related traffic accidents and over six hundred thousand are injured. While Congress has made numerous efforts to reduce the number of these tragedies, private sector industries and community leaders perform a vital role to stop drinking and driving. One such company leading the fight against this tragic and avoidable threat is NightRiders, Inc.

Located in Boulder, Colorado, NightRiders was created by three pioneering young men who wanted to reduce impaired driving and its tragic consequences. Founders Gary Calnan, Brad Dickerhofe, and Carl Grodnik implemented NightRiders to operate on a simple, but effective business plan that gives individuals peace of mind and the freedom to get home safely without risking lives. NightRiders provides such a valuable service that it enjoys the endorsements of local businesses and law enforcement officials.

Let me take a moment to explain how they operate. A dispatched driver on a folding motorized scooter meets you at your automobile, places the scooter in the trunk, drives you home, and the driver gets back on the scooter to assist the next customer.

Recently, NightRiders was recognized by the National Commission Against Drunk Driving (NCADD) and received the 2003 Corporate Leadership Award. Past recipients of the Corporate Leadership Award from the NCADD include Liberty Mutual Group (2002), The Century Council (2001), Kmart Corporation (2000) and Daimler Chrysler (1999). By presenting this award to NightRiders, the NCAAD is recognizing the potential for the NightRiders solution to affect real change in the problem of drinking and driving on a national scale.

Mr. Speaker, I ask that my colleagues join me and the NCAAD in commending NightRiders for their efforts and vision to reduce the senseless tragedies associated with drunk driving.

IN RECOGNITION OF MS. GLORIA NILSON

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Mr. PALLONE. Mr. Speaker, I rise today to honor an exemplary individual, Gloria Nilson whose professional accomplishments are equally matched by her generous and selfless contributions to the community in the areas of education, the arts and culture. Just this past year, on December 6, 2003, the Monmouth University Library Association honored Ms. Nilson, awarding her with their 2003 Community and Humanities Award.

It is clear to me that Ms. Nilson is truly deserving of this award because of her dedication and diligence with every project that she has taken on. Being regarded as a pioneer in a field where few women were even licensed to sell real estate, Ms. Nilson is widely recognized in the state of New Jersey, and nationally as one of the state's top-ranking Realtors.

Remarkably, Ms. Nilson began her career carrying a typewriter in the trunk of her car to draw up contracts and close sales for clients. After being ranked Number 1 in the state of New Jersey for residential real estate volume by the New Jersey Real Estate Board for four consecutive years, she started Gloria Nilson Realtors in 1977. As Executive Vice President, Director of Luxury Homes for Gloria Nilson Realtors/GMAC Real Estate, she is the exclusive affiliate for Sotheby's International Realty for the Greater Monmouth County area, and in 2000, placed third in the country for GMAC.

Notable among her numerous affiliations and philanthropic activities; Ms. Nilson is the founding board member of the Women's Council for the Cancer Center at Monmouth Medical Center, she is also the first woman to be named chairperson of the Business Council at Monmouth University's School of Business. Widely recognized for her outstanding contributions both professionally and personally, her awards include the Monmouth Girl Scouts Council 2001 Women of Distinction Award, the Monmouth Ocean Development Council's 1996 Silver Gull Award for Business Achievement, and the 2000 Community Service Award for GMAC Real Estate, which is now given annually in the name of Gloria Nilson.

Once again, Mr. Speaker, I would like to congratulate Ms. Gloria Nilson on her Community and Humanities Award and offer her the highest praise for her professional achievements, as well as her civic contributions.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Mr. GALLEGLY. Mr. Speaker, on Monday, December 8, I was unable to vote on ordering the previous question on H. Res. 465, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (rollcall 672); on agreeing to H. Res. 465 (rollcall 673); on ordering the previous question on H. Res. 473, waiving points of order against the conference report to accompany the bill H.R. 2673 (rollcall 674); on agreeing to H. Res. 473 (rollcall 675); on passage of H.R. 2673, the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act 2004 (rollcall 676); and on a motion to lay on the table, H. Res. 474, a resolution regarding a question of the privileges of the House regarding rollcall 669 (rollcall 677). Had I been present, I would have voted ''yes'' on all measures.

RECOGNIZING ROBERT PARKS DAILEY, WHO AFTER 34 YEARS OF SERVICE IS RETIRING AS THE CLOVERDALE, CALIFORNIA POLICE CHIEF

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Cloverdale Police Chief Robert Parks Dailey, who is retiring after 34 years of service to his community.

Chief Dailey has spent all of his adult life in lain enforcement. He began his career as a Senior Patrol Officer with the Berkeley, California Police Department in 1970 and spent nine years on the force during one of the most tumultuous periods in this city's colorful history.

He joined the Cloverdale Police Department as a Sergeant in 1979 and quickly advanced through the ranks. He was promoted to Lieutenant, a rank he held until 1987, when he became the Chief of Police. In 1993, his title was changed to Director of Public Safety when the Cloverdale Fire Department was added to his command. When the Fire Department hired a full time Chief in 1996, he reacquired the rank of Chief of Police, a position he held until December 31, 2003.

During his tenure with the Cloverdale Police Department, he automated the police records system, restructured the Department for clearer lines of authority and responsibility, implemented a remodeling of the Department, and oversaw the Department's participation in the county-wide Computer Aided Dispatch/Records Management System/Mobile Data Computer Program.

Chief Dailey is a member of the California Peace Officer's Association, the California Police Officers Association, the International Association of Chiefs of Police, the Sonoma County Law Enforcement Chiefs Association (where he served two terms as President) and the Santa Rosa Training Center Advisory Committee. He also represented the California Police Chief's Association on the State Association of Chiefs of Police Committee.

Chief Dailey also served his community as a member and Past President of the Cloverdale Rotary Club, President of the Cloverdale Citrus Fair Board of Directors, and a member of the Cloverdale Eagles Boosters Club and Cloverdale Project Graduation Committee.

Mr. Speaker, Chief Dailey is a dedicated public servant who plans to spend his retirement years working with the League of California Cities Interim Chief of Police program, traveling, and improving his golf handicap. It is appropriate that we honor him today.

TRIBUTE TO ED McVANEY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Mr. McINNIS. Mr. Speaker, it is my honor to rise and pay tribute to an outstanding patriot from my home state of Colorado. My friend, Ed McVaney, is currently in Iraq where he has placed himself in harm's way to assist the citizens of that nation in their recovery from three and a half decades of tyrannical oppression. It is my pleasure to call the attention of this body of Congress to the bravery and heroism of this great American.

Ed recently retired as CEO of the J.D Edwards Corporation in Denver. During Ed's tenure, J.D. Edwards grew to become Colorado's largest software company. Under his watch, the company played a major role in promoting the health of Colorado's economy. J.D. Edwards employed five thousand Coloradans and kept our state at the forefront of the technology industry.

Ed's journey to Iraq began as the result of a discussion he had with Congressman Bob Schaffer last May. When the Congressman proposed the trip, Ed's patriotic nature shone through and he accepted without hesitation. In Iraq, Ed spends each day working tirelessly to help the country rebuild its ravaged economic infrastructure. Ed is truly utilizing his vast expertise and tremendous work ethic for the betterment of those desperately in need.

Ed currently lives in a 10-foot by 10-foot travel trailer near one of Saddam Hussein's former palaces. He spends each day working tirelessly to help the people of Iraq rebuild their homeland. It is truly an admirable human being who is willing to sacrifice his comfortable retirement to risk life and limb to assist others. Ed's commitment to this project is far from a symbolic gesture; he has made a commitment to remain in Iraq for an entire year.

Mr. Speaker, I am honored to rise and call the attention of this body of Congress and our nation to Ed McVaney. Ed has done a great deal for the betterment of the state of Colorado, the United States, and the people of Iraq. He has done all this while happily serving as a wonderful husband, a tremendous father and a loyal friend to many. I am proud of Ed and it is my honor to recognize him here today.

RECOGNIZING COMPLETION AND OPENING OF DIAMOND TRAINING CENTER

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Ms. HART. Mr. Speaker, I would like to take this opportunity to recognize the completion and grand opening of the Diamond Training Center, a 30,000 square foot, state-of-the-art, baseball and softball practice center, located in Warrendale, PA. I am happy to see the spirit of entrepreneurship flourishing in the congressional district that I represent.

The training center will combine traditional baseball practice methods with new technology such as the Pro Batter—a newly developed improvement upon the traditional style of batting cages. Management anticipates that the center will service nearly 10,000 patrons per year; including, but not limited to, little league, high school, and local college teams, and even a potential minor league franchise.

I ask that all of my colleagues in the House of Representatives join with me in recognizing the grand opening of this new enterprise. I am proud to have the Diamond Training Center in my district, where it will not only stimulate the economy but also will provide a functional athletic facility for the residents of Western Pennsylvania.

IN REMEMBRANCE OF MOTHER DEOLA BOOKER

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Mr. FARR. Mr. Speaker, I rise today to honor the life of Mother Deola Booker, a dedicated community leader and an exceptional gospel singer, who passed away recently. She was an active member of the Christian Memorial Tabernacle Church of God in Christ Congregation in Seaside, California, for over twenty years.

Her dedication to her church was matched only by her dedication to her community, for which she received numerous awards and recognition. Among them was a certificate of recognition for her work with the Monterey County Department of Social Services Children's Services presented by me on behalf of the California Legislative Assembly in 1991. She was also a well-known and well-loved musician, gracing those who knew her with her amazing voice and talented piano playing. She shared this love of music with others through her work directing choirs, as well.

Mother Booker will be greatly missed by the many that knew her, were helped by her, or who shared in her love and kindness to all people. Those who were touched by her will forever remember her spirit of service and faith.

TRIBUTE TO BOB BEVERLY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Mr. McINNIS. Mr. Speaker, it is my honor to rise and pay tribute to my friend Bob Beverly. Throughout his life, Bob has done a tremendous amount for the sport of skiing and the people of our home state of Colorado. Each day, Bob shares his joy for life with others and it is my honor to rise and call the attention of my colleagues to his many contributions.

Bob was born in Steamboat Springs, and it was there that his lifelong passion for skiing began. While in high school, Bob was an alpine ski racer and a member of the renowned Steamboat Springs High School Marching Band on Skis. After high school, Bob attended the University of Denver, where he was active in the promotion of skiing as a collegiate sport. In fact, Bob's work was instrumental in the University sanctioning skiing as a varsity sport.

After leaving the University of Denver, Bob continued his dedication to skiing when the National Ski Area Committee appointed him as its Chairman. In this capacity, Bob played a key role in influencing the National Collegiate Athletic Association's recognition of skiing as an official sport. Later, Bob helped to pioneer the skiing industry in Mesa Creek, Grand Mesa and my hometown of Glenwood Springs.

Bob has dedicated a great deal of time to the promotion of skier safety. He has organized chapters of the National Ski Patrol, created a volunteer patrol program and has passed his knowledge along to countless instructors and patrolmen. Bob has also worked tirelessly to share his love for skiing with young people. He developed a statewide youth ski program, and continues to dedicate time to sharing his love for skiing with children. Bob's dedication to his sport has not gone unnoticed. In 1965, he was awarded the Halstead Memorial Award by the United States Ski Association and, in 2000, he was inducted into the Colorado Ski Hall of Fame. Bob has always used skiing as a means to better the lives of countless people.

Mr. Speaker, it is my honor to call the attention of this body of Congress to the contributions of Bob Beverly. Hundreds of young people have had their lives enhanced as the result of Bob's tireless enthusiasm, zest for life and altruistic nature. Bob has managed to do all of this while happily serving as a tremendous husband, father, and friend to many. It is a true honor to count Bob among my close friends.

CONGRATULATING WOODBURY, MINNESOTA, ON BEING RECOGNIZED AS THE NATION'S HOTTEST CITY UNDER 100,000 PEOPLE IN THE CENTRAL UNITED STATES

HON. MARK R. KENNEDY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today to congratulate Mayor William

Hargis, the City Council and all the residents of Woodbury, Minnesota, on Woodbury's recognition as the nation's hottest city under 100,000 people in the central United States by Money Magazine.

Since 1990, Woodbury's population has grown by 153 percent, it boasts lower than average property taxes, 1,600 acres of parklands, a low crime rate and a recently completed indoor park with a playground and waterfalls.

Originally named Red Rock, the first settlers came to Woodbury in 1844 and established a farming community. Today, Woodbury is one of the fastest growing suburbs in the Twin Cities area. It is home to many large businesses, but also 75 miles of trails and attractive neighborhoods for families of all sizes.

Mr. Speaker, on behalf of all Minnesotans I would like to congratulate the citizens of Woodbury on receiving this distinction by Money Magazine and thank them for showcasing the best of Minnesota to the entire nation.

IN HONOR OF ARMY SGT. CRAIG DAVIS OF OPELOUSAS, LOUISIANA

HON. CHRISTOPHER JOHN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Mr. JOHN. Mr. Speaker, I rise today to honor the memory of a fine American, a devoted husband and son, and beloved father who gave his life serving our Nation in Operation Iraqi Freedom.

Sgt. Craig Davis, 37, served with the U.S. Army's 603rd Transportation Company, 142nd Corps Support Battalion—part of the Warrior Brigade stationed at Fort Polk in Louisiana. On the 8th of January, he and eight of his fellow soldiers were killed when their helicopter was shot down near Fallujah, Iraq. Craig was on his way to Baghdad for medical treatment at the time of the incident.

Craig leaves behind a wife, Rosalind, and their two children who reside in Fort Polk. Craig's mother is Clara Mae Davis of Opelousas, LA and his father is Lionel Gabriel of Houston, TX. He also leaves behind two stepsisters: Cathy Gabriel and Sandra Gabriel.

Craig dedicated his life to military service, joining the Army immediately upon his graduation from Opelousas High School in 1984. Family and friends describe him as a ''team player'' who approached every assignment with strength and determination.

On January 8, he undoubtedly approached what would be his last assignment with that same strength. He bravely gave his life to help make this world a better place for his two children and indeed for us all.

Mr. Speaker, please join Craig's friends, family and me as we honor his memory and thank him for his heroic service to our country.

TRIBUTE TO DONA GUY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Mr. MCINNIS. Mr. Speaker, it is my honor to rise and pay tribute today to a remarkable woman from my district. Dona Guy is a beloved figure in Durango, Colorado who has touched the lives of countless people. Dona is retiring this year after 18 years of service to Fort Lewis College and I am honored to rise and recognize her contributions to the college and her community.

Dona has dedicated her life to young people. Countless Fort Lewis students and alumni consider Dona their adopted grandmother. She began her career working in the school's records office and will retire from her current position as the school's Assistant Athletic Director. Dona has always gone beyond the call of duty in her work and her tremendous service has not gone unnoticed. She has been the recipient of many awards, including the prestigious Fort Lewis College Outstanding Staff Award.

Dona's school spirit is legendary. Her intense and contagious cheering has been credited with inspiring numerous Sky Hawk victories. In addition, Dona provides a great deal of time and effort to various school groups, including the Talon Club, the Sky Hawk Angels and the Athletic Advisory Committee. For her dedication to the school's athletic program, Dona has received the Joanne Parish Outstanding Spectator Award, as well as the President's Spirit Award. Dona truly embodies Fort Lewis school spirit.

Dona's contributions to the Durango community reach far beyond her work at Fort Lewis College. In a recent ceremony to celebrate Dona's retirement, two hundred and fifty students, friends, family members and fellow citizens gathered to pay tribute to Dona. Those who spoke recounted fond memories of times when Dona had enhanced their lives, not only through her work with the school, but through her involvement in the community as well.

Mr. Speaker, it is my honor to call the attention of this body of Congress and our nation to Dona Guy. In her service to Fort Lewis College, Dona has served as a mentor and friend to countless students and faculty members. In addition to her work, Dona has happily served as a wonderful wife, mother and friend. Thank you Dona, I hope you enjoy your retirement.

HONORING THE RESIDENTS OF LAWRENCE COUNTY, PENNSYLVANIA

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Ms. HART. Mr. Speaker, I would like to take this opportunity to praise some admirable residents of Lawrence County, in the Fourth Congressional District of Pennsylvania who will soon be honored by 4–H at the annual Lawrence County 4–H Banquet. I am proud to represent such dedicated individuals who give so much back to their community every year.

The recipients of these awards have excelled in numerous categories including, Jr. Leaders, Club Achievements, Leader Recognition, Collegiate Scholarships, and outstanding 4–H Members. The commitment to helping the community that these individuals display serves as an inspiration.

I ask my colleagues in the House of Representatives to join me in honoring these fine individuals and their efforts to improve Western Pennsylvania. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to recognize the leadership of the Lawrence County 4–H.

IN REMEMBRANCE OF MR. JACK REID

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Mr. FARR. Mr. Speaker, I rise today to acknowledge the passing of one of our nation's great heroes. Jack Reid, a former Naval Aviator who helped turn the tide of World War II, passed away on December 12, 2003 in Santa Cruz County. Many veterans throughout California and beyond will observe his passing. He was ninety years old.

Mr. Reid was born in Kentucky, in the small town of Bandana, and was an excellent student. However, the hard times of the Great Depression precluded college, so he joined the Navy in 1933. His hard work and dedication to service earned him the chance to attend flight training, which he began in 1937, graduating as a Naval Aviation Pilot in 1938. After receiving his wings, he continued his education, attending the University of Washington and earning a degree in Aeronautical Engineering from LaSalle Extension University in Chicago.

Mr. Reid is perhaps most well known for his role in the Battle of Midway, in the Pacific. On June 3, 1942, he spotted the Japanese fleet 800 miles from Midway Island, allowing Admiral Nimitz and the fleet commanders to prepare and successfully defend their position. In an interview in May of 2002, Mr. Reid commented, ''It was the greatest naval battle in the history of the world—a battle we won that we should have lost.'' What he did not acknowledge was that it was his early action and information that helped save the day, and eventually the war.

His naval service continued after the war, including piloting dignitaries such as Madame Chiang Kai-shek and Admiral Radford, and he finally retired with the rank of Captain after twenty-five years of service. He continued his interest in naval history and aviation, speaking as a panelist before symposiums at the National Air and Space Museum and on the Fiftieth Anniversary of the Battle of Midway.

Mr. Reid settled in Aptos, California, in 1967, after a successful second career as a real estate broker and developer. He was a life member of the California Alumni Association and a member of the Who's Who in California, as well as the Veterans of Foreign Wars Post 10110 in Aptos. I have also heard that he was an avid golfer, and enjoyed the many courses available in our area.

Mr. Speaker, I wish to take this moment to honor Jack Reid for the service he gave to his country, for his continuing efforts to make a difference in the world, and for his significant contributions to the history of naval aviation in World War II. He will be greatly missed by his family, including his wife, Ina Mae Reid; two sons, Hal Reid and Jim Reid; his sister, Berah McKinney; his grandson, Jim Reid and two great grandchildren. His grandson, Steve Reid, preceded him in death in 1991. In addition to his large and loving family, Jack will be missed and remembered by all who knew him.

HONORING CATHOLIC SCHOOLS WEEK

HON. CHRISTOPHER JOHN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Mr. JOHN. Mr. Speaker, I would like to take this opportunity to join with my colleagues today in honoring national Catholic Schools Week. As a product of a strong Catholic education in Crowley, Louisiana, it is my privilege to commemorate the great resource that Catholic Schools provide for families and children across the country.

Since 1974, we have celebrated this week in an effort to highlight the hard work of the teachers, parents, administration and students who have built and continue to grow our Catholic Schools. A quality education is the foundation of a child's future, and this week recognizes one of the many types of educational choices available our country's young minds.

The State of Louisiana has the highest percentage of private schools in the country, and most of them are Catholic. With over 90,000 students attending over 200 Catholic schools in Louisiana the tradition of a Catholic education remains strong.

For nearly 300 years, Catholic schools in Louisiana have endured and flourished. Capuchin Father Raphael de Luxembourg, pastor of St. Louis parish who founded the St. Ann Street School in New Orleans in 1725, believed ''there is nothing upon which the establishment of a colony more essentially depends than upon the education of the young.''

This year's theme for Catholic Schools Week is ''A Faith-Filled Future,'' and I truly believe that more than at any other time in our history that strong faith is a vital foundation. Our children today are faced with situations that none of us could have imagined in our youth. Faith is the stronghold that many of us rely on each day, and Catholic schools across the country build upon the foundation of faith to daily emphasize discipline and values to all they instruct.

It is my pleasure to stand with my colleagues today in extending my best wishes and extreme gratitude to all of those who serve by providing a Catholic education not only based in academia but also in faith.

PAYING TRIBUTE TO FRED VELASQUEZ

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Mr. McINNIS. Mr. Speaker it is my honor to rise and pay tribute to a remarkable man from my district. The Colorado Association of Conservation Districts recently recognized Fred Velasquez from La Jara, Colorado as Colorado's Ranch Conservationist of the Year. Not only is Fred a tremendous steward of the land, but he has also contributed a great deal to the La Jara community. I am proud to call the attention of this body of Congress and our nation to Fred's many accomplishments.

Fred was born and raised in Antonito and graduated from Antonito High School in 1949. Following graduation, Fred answered his country's call to duty and served in Korea and Japan as a member of the United States Army Medical Corps between 1951 and 1954. Upon returning from duty, Fred became the Deputy County Assessor for Conejos County. From 1968 through 1972, Fred served on the La Jara City Council. In 1972, the people of La Jara elected Fred to serve as their Mayor. As Mayor, Fred contributed a great deal during his four-year term. From 1959 to 1987, Fred owned a branch of the Farm Bureau Insurance Agency and, in 1991, continued his duty to Conejos when he became the County's Weed Supervisor.

In addition to his duties for the City of La Jara, Fred is also a well-respected rancher in the region. Fred's recognition as Ranch Conservationist of the Year stemmed from his leadership in the implementation of soil and water conservation practices. Fred recently restored the land surrounding the Conejos River, which runs through his 500-acre ranch. This has improved the water quality in the river and provided habitat for the many species of wildlife that make their home on the ranch.

Mr. Speaker, it is my privilege to rise and pay tribute to Fred Velasquez. Fred's many conservation accomplishments, coupled with his tireless service to our nation and his community, are certainly worthy of recognition. Thank you for your service Fred, and congratulations on a well-deserved award.

HAPPY NEW YEAR TO THE ORGANIZATION OF CHINESE AMERICANS

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Ms. HART. Mr. Speaker, I would like to wish the membership of the Organization of Chinese Americans a healthy and happy New Year for the year 4702, the year of the Monkey.

The New Year is a time for reflection and thanksgiving for the joys of life and loved ones and I am thankful for the richness that this organization brings to my region. Chinese Americans have made great contributions to Western Pennsylvania and to our nation as a whole and I am very honored for this opportunity to wish them the best year yet in 4702.

I encourage my colleagues in the House of Representatives to join with me in wishing the members of the organization of Chinese Americans a very happy and prosperous New Year.

IN HONOR OF ANDREW URAM

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Mr. FARR. Mr. Speaker, I would like to rise today in honor of Andrew Uram's 81st birthday. A World War II veteran, loving father and grandfather, and upstanding citizen, Andrew Uram embodies the 20th century American Dream.

Born December 18, 1922 to an immigrant father and a first-generation Swedish Danish American, Andrew was one of eight children of Andy Sr. and Minnie Uram, who met while Mr. Uram was a soldier during the First World War. Andrew continued this tradition, enlisting in the Navy on March 20, 1941—seven months before the United States entered WWII. His initial training was as an aviation machinist in Alaska, however he quickly rose to the rank of Seaman 1st class by the outbreak of the war. Following his service in Alaska, Andrew arrived three days after the invasion of Tawara, located in the South Pacific. There, he saw some of the most intense fighting he ever saw during the war, as his group was bombed throughout the night by Japanese forces. The sound and vibration from the bombs made his whole body ring like a bell, and he lost his hearing in one ear. However, he continued to serve throughout the night and next day with honor; indeed, his Navy career continued for years to come—thirteen in all.

After retiring from the military, Andrew moved with his wife and daughter to Burlington, Washington, and later to California. He continued his work in mechanics, this time with automobiles, retiring as the Senior Auto Mechanic at the garage he worked in. He and his wife retired back to Washington, but have since moved to Soquel, California, to be with their daughter and granddaughter. He continues to be active, and is well known to the birds of the Monterey Bay coastline, where he goes to feed them often.

Andrew Uram has led a long and honorable life, serving his country and raising a wonderful family. Mr. Speaker, I wish to take this moment to extend my congratulations as he and his family celebrate his birthday this year.

PAYING TRIBUTE TO STEVE ORTIZ

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Mr. McINNIS. Mr. Speaker, I am honored to rise before you to recognize a tremendous public servant from my district. Trooper Steve Ortiz from Pueblo, Colorado was recently named Outstanding Drug Interdiction Officer of the Year for his tireless dedication to protecting Coloradans from the dangers of illicit drugs. Steve has done a great deal for the betterment of Colorado, and I am proud to call his many contributions to the attention of this body of Congress and our nation here today.

Steve has been a Trooper with the Colorado State Patrol for 13 years. In that time, he has become a leading force in the state's battle against illegal drugs. In 2003, Steve was responsible for the seizure of nearly two million dollars in cash, ninety-five pounds of cocaine and over two hundred and seventy pounds of marijuana. Steve is truly an outstanding officer and his success stems from his perceptiveness, intelligence and dedication to his work. Colorado is truly a safer place as the result of Steve's service.

Mr. Speaker, I am honored to rise and pay tribute to Steve Ortiz. Steve has dedicated his life to the people of Colorado and his acts are the embodiment of heroism. I am proud of Steve and his many accomplishments. Congratulations on a well deserved award, Steve. Thank you for your service.

COMMENDING DAVID SCHWARTZ ON HIS 34 YEARS OF SERVICE TO THE FOREST LAKE, MINNESOTA, POLICE DEPARTMENT

HON. MARK R. KENNEDY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today to commend David Schwartz on his 34 years of service to the Forest Lake, Minnesota, police department. Among David's accomplishments during his service are mentoring young officers, creating a youth safety camp, and participating in the National Night Out program. His colleagues describe him as a fair and trustworthy person and someone that has always done what he considers best for his community.

Born in 1948, Schwartz and his family moved to Forest Lake in 1964. He graduated from Forest Lake High School and holds degrees from Lakewood Community College, Metro State University and a master's degree in police leadership from St. Thomas University. He and his wife, Lucy, live in Hugo, Minnesota, and have three grown children, Bryan, Matt and Margaret, and two grandchildren.

David began his career as a part-time police officer in 1969 and rose through the ranks until he was promoted to chief in 1979. When he first put on the officers uniform, the department operated with one radio channel for communication and handled about 2,000 calls per year. At his retirement, the Forest Lake police force now uses 16 radio channels, an on-board computer system and radar weather images to handle the 13,000 calls per year they receive.

Chief Schwartz plans to stay busy during his retirement and is looking forward to teaching and doing some writing. He also plans to spend some much deserved time with his family at their cabin in northern Minnesota.

Mr. Speaker, Chief David Schwartz has been working to make Forest Lake a safer community for the past 34 years. I join the residents of Forest Lake and all of Minnesota in thanking him for his service to his community and his tireless efforts to make Forest Lake a wonderful place to live.

HONORING DR. MARTIN LUTHER KING

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Mr. HOLT. Mr. Speaker, I rise to revise and extend my remarks.

I submit to the RECORD the remarks of Dr. Valerie Smith, the Woodrow Wilson Professor of Literature and director of the Program in African-American Studies at Princeton University. Dr. Smith delivered this speech yesterday, January 19, 2004, in honor of Dr. Martin Luther King, Jr. As you will see, the speech draws heavily on the words of Dr. King himself. I venture to say that Dr. King's words will continue have more lasting value than anything we say here on the House floor today.

[Keynote Speech, Jan. 19, 2004]

IN MEMORY OF DR. MARTIN LUTHER KING, JR.

PRINCETON UNIVERSITY MARTIN LUTHER KING DAY CELEBRATION

(By Valerie Smith)

On December 10, 1964, the Rev. Dr. Martin Luther King, Jr. accepted the Nobel Prize for Peace. In the speech he delivered on that occasion, he was careful to acknowledge that he accepted the award not on his own behalf, but in the name of all who made the Civil Rights Movement, and thus his leadership, possible.

''From the depths of my heart [he said] I am aware that this prize is much more than an honor to me personally.

''Every time I take a flight I am always mindful of the many people who make a successful journey possible, the known pilots and the unknown ground crew.

''So you honor the dedicated pilots of our struggle who have sat at the controls as the freedom movement soared into orbit. . . .

''You honor the ground crew without whose labor and sacrifices the jet flights to freedom could never have left the earth

''Most of these people will never make the headlines and their names will not appear in Who's Who. Yet the years have rolled past and when the blazing light of truth is focused on this marvelous age in which we live—men and women will know and children will be taught that we have a finer land, a better people, a more noble civilization—because these humble children of God were willing to suffer for righteousness' sake.''

On February 9, 1968, Dr. King preached what we might consider to be his own eulogy from the pulpit of Ebenezer Baptist. Ebenezer is, of course, the prominent black church in Atlanta in which he grew up, which his grandfather and father had pastored, and which Dr. King co-pastored with his father, the Rev. Martin Luther King, Sr.

This sermon, entitled ''The Drum Major Instinct,'' was, like so many of his sermons, speeches and writings, at once reflective and prophetic. In it, Dr. King analyzes the human desire for greatness and recognition. He explores various manifestations of this compulsion, from the personal and insignificant to the national and cataclysmic. For from his perspective, the desire among individuals ''to be important, to surpass others, to achieve distinction,'' is linked to the struggle among nations ''engaged in a bitter, colossal contest for supremacy.'' As he puts it:

''. . . Nations are caught up with the drum major instinct. I must be first. I must be supreme. Our nation must rule the world. And I am sad to say [he continues] that the nation in which we live is the supreme culprit. And I'm going to continue to say it to America, because I love this country too much to see the drift that it has taken.''

This sermon culminates in Dr. King's eloquent and heartbreaking reflection on how he would like to be remembered. He tells his congregants: ''If any of you are around when I have to meet my day, I don't want a long funeral. And if you get somebody to deliver the eulogy, tell them not to talk too long. Every now and then I wonder what I want them to say. Tell them not to mention that I have a Nobel Peace Prize, that isn't important. Tell them not to mention that I have three or four hundred other awards, that's not important. Tell him [sic] not to mention where I went to school. I'd like somebody to mention that day, that Martin Luther King, Jr. tried to give his life serving others. I'd like for somebody to say that day, that Martin Luther King, Jr., tried to love somebody. I want you to say that day, that I tried to be right on the war question. I want you to be able to say that day, that I did try to feed the hungry. And I want you to be able to say that day, that I did try, in my life, to visit those who were in prison. I want you to say that I tried to love and serve humanity.

''If you want to say that I was a drum major, say that I was a drum major for justice; say that I was a drum major for peace; I was a drum major for righteousness. And all of the other shallow things will not matter.''

Two months later, these words were broadcast at his funeral.

Each year at this time, as a nation we pause to remember and to honor the life and legacy of the Rev. Dr. Martin Luther King, Jr. We typically recall the highlights of his remarkable and all-too-brief career: his leadership of the triumphant Montgomery Bus Boycott of 1955–56; his climactic speech on the steps of the Lincoln Memorial during the 1963 March on Washington for Jobs and Freedom; his receipt of the Nobel Peace Prize in 1964; his assassination in Memphis in 1968. Furthermore, typically, we replay the most familiar sentences from his most famous speech, a speech we have all come to know as his ''I Have a Dream'' speech. Those words, of course, include the following: ''I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character.''

Without a doubt, the achievements that mark the high points of Dr. King's career are extraordinary. And without a doubt, his words on the steps of the Lincoln Memorial on August 22, 1963, are some of the most eloquent uttered by one of the preeminent orators of his generation or indeed, any other.

But by focusing on the same moments in Dr. King's life, and on a few words from one speech in particular, we, paradoxically, reduce him to the status of an icon. We do a disservice to his memory, to the movement to which he gave so much and in the service of which he died, and to the legacy we seek to honor. For the struggle for freedom and equality preceded and extends beyond what we commonly call the Civil Rights Movement. As he suggests so eloquently in his Nobel acceptance speech, The Movement was and is larger than his leadership. And of course, Dr. King was much, much more than these phrases and these moments.

To limit him to a few words denies the boldness, the complexities and the contradictions of his vision for humanity. To freeze Dr. King at these moments of his greatest visibility is to ignore his frailty, his vulnerability, and his transformations. By seizing upon the image of Dr. King at the pinnacle of his success or at the moment of his martyrdom, we risk allowing him to stand in for the Civil Rights struggle in its entirety, thereby rendering invisible the less well-known or indeed unknown foot soldiers without whom there would have been no Movement. To restrict him to these few representations deprives him of the power to inspire us to action. For if we believe that he was somehow fundamentally and essentially greater than or different from who we are, then we render ourselves unable to follow his example. In other words, to limit Dr. King to a few phrases and a few moments makes us complicit with an act of cultural amnesia, perpetuated in the name of memorialization.

Today I ask us to consider how we commemorate Dr. King not to suggest that we as a nation dispense with such ceremonies and celebrations. Rather, I raise these concerns in order to challenge us to work out the most meaningful way to honor his legacy. I want to suggest that as we remember Dr. King, we commit ourselves to a vision of memory as a critical function. Let us draw

inspiration from ''The Drum Major Instinct,'' look beyond the prizes and the fanfare, and seek to explore the deeper, more profound meanings of his life and ministry.

We might use this occasion to question why certain moments in Dr. King's magnificent body of sermons, speeches and writings have achieved canonical status while others are all but forgotten. We might seize this as the opportunity to ask whose interests are served when Dr. King is remembered as the champion of a color blind society and not, for example, as an advocate for the poor or an outspoken opponent of war. Indeed, we might take this opportunity to restore Dr. King's notion of a color blind society to its original meaning. For Dr. King used the term to refer to a society free of racial subordination. Yet various political leaders and pundits have appropriated the notion to justify their opposition to any intervention by the state to eliminate racial subordination.

In the spirit of Dr. King's Nobel Prize acceptance speech, we might use this occasion as a time to commit ourselves to learning more about the lesser-known activists associated with the struggle, men and women such as Septima Clark, E. D. Nixon, the Rev. Fred Shuttlesworth, Bob Moses, Diane Nash, Ella Baker, Fannie Lou Homer, Bayard Rustin, as well as the many, many others without whom there would have been no Movement. Perhaps most importantly, we might commit ourselves to a critical, productive engagement with his words and his actions so that we will be able to make his vision come alive for us as we face the challenges of the present moment. For the poverty, inadequate access to education, employment, and health care, discrimination and military aggression against which he struggled are still with us. They may have assumed different forms, but we face them nevertheless. What should we do in our daily lives to honor this drum major for justice, peace and righteousness?

During his lifetime, Dr. King was often criticized for stepping outside the categories into which others sought to confine him, his message and his mission. When, for example, a group of Birmingham clergymen accused him of being an outside agitator, he responded in his 1963 ''Letter from Birmingham Jail,'' that

''Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly affects all indirectly.''

When he was criticized for speaking out against the Vietnam War, and told that ''peace and civil rights don't mix,'' he responded in a sermon entitled ''A Time to Break Silence,'' delivered at the Riverside Church in New York City on March 25,1967 that he had ''a calling . . . beyond national allegiances.''

''To me [he continued] the relationship of this ministry to the making of peace is so obvious that I sometimes marvel at those who ask me why I am speaking against the war. Could it be that they do not know that the good news was meant for all men—for Communist and capitalist, for their children and ours, for black and for white, for revolutionary and conservative? Have they forgotten that my ministry is in obedience to the one who loved his enemies so fully that he died for them? What then can I say to the 'Vietcong' or to Castro or to Mao as a faithful minister if this one? Can I threaten them with death or must I not share with them my life?''

As we seek appropriate ways to remember Dr. King, we ought be certain not to limit him in death as his critics sought to limit him in life. He saw the interconnectedness of diverse struggles against racism, imperialism and economic exploitation. Our tributes to him must draw inspiration from that vision, they must enable us to see beyond our local interests and personal investments, and they must require us to recognize our place in the network of mutuality within which we are inescapably placed.

The brilliant 2001 film Boycott, offers a compelling example of memory as a critical function. In Boycott, the director Clark Johnson expands our conventional understandings of the Montgomery Bus Boycott. This film works to disabuse us of the notion that the Movement began with the boycott by drawing a connection between the segregation of public accommodations and the terror of rural lynch law. It complicates our understanding of the leadership of the Movement by pointing to the significant roles of figures such as Joann Gibson Robinson, E.D. Nixon, and Bayard Rustin. Moreover, it captures Dr. King's youth and vulnerability—at the time the boycott began he was only 26 years old—thus suggesting that he grew into the powerful, charismatic presence we so commonly associate with him.

What I find so impressive about Boycott is that it contradicts the notion that memory need be static or fixed. Rather, through its deliberate use of anachronism, it exemplifies how memory can be made pliable, dynamic, active. For example, it contains a dizzying array of visual images from both earlier and later moments in history that subtly link the boycott to previous and subsequent acts of struggle and resistance. It incorporates diverse musical tracks—rock, hip hop, gospel, jazz, alternative—from the '60s, through the '90s—a technique that pulls the boycott out of the safe past in which it has been enshrined. This compelling and imaginative use of the soundtrack prompts viewers to consider the enduring legacy of the boycott for the present.

The film ends with a striking image that dramatizes the kind of critical use of memory to which I've been alluding. The closing credits roll over a shot of Dr. King, played by the actor Jeffrey Wright, walking in 21st century Atlanta. Looking somewhat bemused by the people he passes—a young man carrying a boom box, someone else speaking on a cell phone—he stops to speak with a group of young African American men. A police car approaches, slowing to check out this group of men. The two officers, a Latina and an African American man, wave somewhat ambiguously at King and his associates before they move on.

At one level this final scene would seem to evoke a powerful, nostalgic longing for the martyred King. It might seem to prompt viewers to wonder how different the world would be if Dr. King were still here. But I believe that something else is going on here. I believe that this final scene is meant to inspire us to reflect upon the politics and the act of remembering. The exchange of glances between the officers and the black men on the street conjures up the familiar iconography of the tense relationship between the police and African American communities. In the context of a film about the end of Jim Crow seating on buses in Montgomery, this closing image links the protocols of segregation to the violence and terror communities of color continue to associate with law enforcement and the criminal justice system. This gesture positions the boycott, and by extension the Civil Rights Movement, within a broader history of oppression and resistance. The deliberately anachronistic shot of King speaking to the young men on the corner might thus be read as a figure for the possibility of a critical dialogue between the examples of history and the exigencies of the contemporary cultural and political scene.

I want to close with a passage from the end of King's Nobel Prize speech that speaks powerfully to the present moment. For even as he honors the men and women with whom he struggled so tirelessly in the Movement, he denounces military aggression and articulates a vision of global peace:

I refuse to accept the cynical notion that nation after nation must spiral down a militaristic stairway into a hell of thermonuclear destruction. I believe that unarmed truth and unconditional love will have the final word in reality. That is why right temporarily defeated is stronger than evil triumphant.

I believe that even amid today's mortar bursts and whining bullets, there is still hope for a brighter tomorrow. I believe that wounded justice, lying prostrate on the blood-flowing streets of our nations, can be lifted from this dust of shame to reign supreme among the children of men.

I have the audacity to believe that peoples everywhere can have three meals a day for their bodies, education and culture for their minds, and dignity, equality and freedom for their spirits. I believe that what self-centered men have torn down men other-centered can build up. . . .

This faith can give us courage to face the uncertainties of the future. It will give our tired feet new strength as we continue our forward stride toward the city of freedom. When our days become dreary with low-hovering clouds and our nights become darker than a thousand midnights, we will know that we are living in the creative turmoil of a genuine civilization struggling to be born.

PAYING TRIBUTE TO CHAR SORENSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Mr. McINNIS. Mr. Speaker, I am honored to rise before you to recognize a remarkable woman from my home state of Colorado. Char Sorenson was recently recognized as one of four finalists for Colorado's annual Teacher of the Year Award. Char has dedicated her life to the betterment of young people and I am proud to call the attention of this body of Congress and our nation to her outstanding contributions.

Char is a teacher at Vanderhoof Elementary School in Arvada, Colorado. Char's genuine passion for teaching shines through in the classroom each day. As a teacher, Char works tirelessly to provide her students with the educational foundation that will help them to become effective and successful members of their community. In addition to traditional lessons, Char teaches her students integrity, respect and self-discipline through example.

Char's commitment to the betterment of young people does not end with her position at Vanderhoof Elementary. Char is also devoted to teaching children the wonders of the great outdoors. As a volunteer with the Outdoor Education Laboratory School, Char works to ensure that hundreds of Colorado's students are exposed to the wonders of natural science.

Mr. Speaker, it is my honor to rise and pay tribute to Char Sorenson. Char has dedicated her life to the betterment of young people and all of her students have had their future enhanced by her dedication.

UNVEILING UNITED STATES POSTAGE STAMP IN HONOR OF PAUL ROBESON

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Mr. HOLT. Mr. Speaker, I submit to the Record remarks I gave this morning at the unveiling of a United States Postage Stamp in honor of Paul Robeson. He was an impressive American, and these remarks capture my thoughts and feelings on his remarkable, yet tragic, life and accomplishments.

I am honored to be here to recognize Paul Robeson and also to recognize his son Paul Robeson, who himself has done so much for America.

This is just a stamp. But I can hardly express how important this is to me personally.

You see, I grew up in the 1950's. My town was probably no more racially segregated than most of America, and anti-communism was no more at a fever pitch than anywhere else. But I never had heard of Paul Robeson.

When, as a young man, I learned about Paul Robeson I got all his recordings and watched all his movies and read all about him. I marveled at his voice, his intellect, his optimism. Several times as a student I even considered trips to meet him, just to show up at his door and ask to speak with him. But I was told he was in seclusion.

I did not know what I would do if I met him. Say I admired him? Apologize for his mistreatment? As a kid I did not think I could really do anything. Maybe I wanted to know how he got the courage to sacrifice his career by fighting for, what he called, his people.

Mostly I just wanted to meet the person who more than anyone else in America represented for me what had to be fixed.

How could this be? Not how could so much talent be in one person. Rather, how could a talent of this magnitude, a person of such dignity and such accomplishment be rubbed out of the history books? A great actor, singer, writer, linguist and scholar. And how could America, sports crazy America, fail to mention a note-worthy all-American football player. One of the great talents of our age. How much more he offered than so many of the shallow, faintly-talented people whom we celebrate in the papers, on television, and, yes, even on postage stamps. His autobiography and manifesto was not reviewed in a single main-stream publication. I felt cheated. Even as a boy, I considered myself very well informed about the world and about America. How did I not know about his role in the American labor movement? How could the knowledge of Paul Robeson be kept from me. Yes, I felt cheated and angry. Even more, I felt America had been cheated. Why was he denied to my generation? And worst of all, America had cheated itself. It was painful. In the person of Paul Robeson I saw the cost of racism and the cost of patriotic fear. It wasn't just a few vicious bigots. It wasn't just some anti-communist know-nothings. It was the official policy of my country to commit this injustice. Our country, Paul Robeson's and mine.

And it was happening to the person who had popularized the song ''The House I Live In'' with the words ''. . . the right to speak my mind out; that's America to me.'' Someone who had overcome racial exclusion to become one of the best-known and outwardly successful figures in the world, only to be benched. As Lloyd Brown had said, ''The spotlight was switched off . . . and a thick smokescreen was spread around him.''

I could not fix it, and I regretted deeply that I couldn't. Even if I visited him, I couldn't. What could a white kid say, standing on his doorstep? I never met him.

When I heard about the decision of the commemorative stamp committee, I realized that I should bring this ceremony to Princeton, Robeson's birthplace. The irony, you say? That a white elected official would ask to bring this ceremony to Princeton, the town that Robeson himself said ''was spiritually located in Dixie'' and a home to Jim Crow? To the Princeton University Paul Robeson never could have attended? (Need I say that it hurt Princeton University more than it hurt Paul Robeson. They lost the benefit of a two-time all-American, a national-level debater, a Phi Beta Kappa and valedictorian level student, an actor and chorister unmatched in the collegiate world of the day, and they lost the bragging rights to Paul Robeson.) Yes, Princeton was where this ceremony should be.

Paul Robeson said Princeton not only gave him his start; it gave him his grounding. Princeton days were, he said, his ''happier'' days. After his mother died and his father was removed from his pulpit, the people of Princeton—not so much the white people, although he had white playmates, but the close-knit African-American community—gave him ''an abiding sense of comfort and security.'' He had a Home in that Rock, don't you see? He was adopted, he said, by all of Negro Princeton. In his words: ''Hard working people, and poor, most of them, in worldly goods—but how rich in compassion! How filled with the goodness of humanity and the spiritual steel forged by centuries of oppression! There was the honest joy of laughter in these homes, folk-wit and story, hearty appetites for life as for the nourishing greens and black-eyed peas and cornmeal bread they shared with me. Here in this hemmed-in world where home must be theater and concert hall and social center, there was a warmth of song. Songs of love and longing, songs of trials and triumph, deep-flowing rivers and rollicking brooks, hymnsong and ragtime ballad, gospels and blues, and the healing comfort to be found in the illimitable sorrow of the spirituals. Yes, I heard my people singing. . . . And there was something else, too, that I remember from Princeton. Something strange, perhaps, and not easy to describe . . . People claimed to see something special about me . . . that I was fated for great things.'' Princeton, he says, gave him what he needed to succeed, what every child needs. Yes, what every child needs, a sense of comfort and security, and a sense of possibility and expectation. We could still give that to every child, couldn't we?

He needed all the strength that was bred into him and more. Years later he was summoned before the House UnAmerican Activities Committee and he was asked, by someone like me, I regret to say, why, if he liked Russia so much on his repeated visits, why didn't he just stay there, he replied in a most imposing voice, ''Because my father was a slave, and my people died to build this country, and I'm going to stay right here and have a part of it, just like you. And no fascist-minded people like you will drive me from it. Is that clear?'' I suppose the Princeton and Somerville schools did not teach the Dale Carnegie method back then.

Paul Robeson began his autobiography with the sentences, ''I am a Negro,'' and too, ''I am an American.'' When he said that blacks should not fight the USSR, I'm sure he meant that the fight for freedom begins at home. Then, declaring him a security risk the government, our government, revoked his passport—even at a time that we were castigating China and Russia for not allowing their citizens freedom of travel. And as we castigated them for police-state tactics at the same time that we tailed Robeson, tapped his phone, opened his mail, and denied him his livelihood. Why? Out of irrational fear. Out of ill-considered patriotic fervor. Out of, yes, unexamined fear of terrorism. Paul Robeson must have scared the daylights out of America. It wasn't just white America; it was Jackie Robinson who spurned him, and the NAACP, and the leaders of the civil rights movement, and the labor leaders he had championed. Robeson said maybe his watch was fast. Explaining that he was ahead of his time is small consolation. How that must have hurt! The painful isolation, after he had broken the ground, from which a successful civil rights movement grew.

Yes, we can take satisfaction in knowing that the people here in New Jersey made Paul Robeson what he was. Then, too, we must remember we represent what brought him down, what blacklisted him, what crushed his optimism—ordinary Americans. We let it happen. We did it to ourselves.

A stamp does not make it all right. A stamp does not absolve us of our collective responsibility and regret. Too many lives were ruined by the hatred of racism and the fearful excesses of the Cold War. Still, this stamp helps a lot. This is First Class postage! This is official U.S. postage. Every time we affix one of these stamps to a letter—a stamp depicting Paul Robeson with cheerful dignity—let's draw a lesson or two. First, just as the people of Princeton once did for a boy, let's show young boys and girls that there is something special about them; that they can do great things. And second, let us remember that we as a government, we as the media, and we who comprise conventional wisdom can be wrong, painfully wrong. Let us guard against that possibility of self-deception in a skewed view of the world. The Cold War and fear of communism are past, you say? Let us remember that simplistic tests of patriotism appear from time to time in our history and in an unthinking love for our country we can crush the very greatness of America.

TRIBUTE TO WILL RORVIG

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Mr. McINNIS. Mr. Speaker, I rise before you with a heavy heart to pay tribute to the life of an extraordinary man. Will Rorvig, from my home state of Colorado, recently passed away after courageously battling a series of illnesses. Will was known throughout the Denver community for his zest for life, friendly disposition and generous spirit. I am honored to rise today to recognize Will's many contributions to the state of Colorado and our great nation.

Will was raised in Montana and graduated from the University of Montana in 1967. Following graduation, Will answered his country's call to duty, and served honorably in the United States Army during the Vietnam War. He married his lovely wife Lana in 1977.

Will spent his professional career in the field of accounting. Renowned for his brilliance in tax law, Will was widely respected as an outstanding accountant. Over the past six years, Will held the position of Tax Director for the Anschutz Corporation; there he was known not only for his intelligence, but also for his leadership and willingness to mentor less experienced members of his staff.

Will was a beloved figure in Colorado. He delighted in playing golf and meeting for meals with his many friends, business acquaintances and family members throughout Denver. Will is also remembered for his generosity. Not only did Will perform traditional acts of charity, but he also had a unique penchant for generously assisting anyone he encountered whom he perceived needed his help. Will's altruistic nature certainly worked to the betterment of countless individuals less fortunate than himself.

Mr. Speaker, I am honored to rise and pay tribute to Will Rorvig. Will was a generous man, a loyal employee, and a dedicated mentor. Above all, Will was a loving husband to his wonderful wife and a tremendous friend to many. There is no question that the state of Colorado and our nation are better off as the result of Will's contributions. My heart goes out to Will's loved ones during this difficult time of bereavement.

FREEDOM FOR EDUARDO DÍAZ FLEITAS!

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Eduardo Díaz Fleitas, a prisoner of conscience in totalitarian Cuba.

Eduardo Díaz Fleitas is a farmer by trade who became a dissident by necessity. The incessant brutal repression of human rights by the tyrant Fidel Castro forced Mr. Díaz to choose between a life without rights or fighting for a life with freedom.

Mr. Díaz bravely chose to dedicate his life to the fight for freedom. He joined his fellow Cuban dissidents and eventually Mr. Díaz rose to become vice president of the 5 August Movement, an organization commemorating the popular uprising against the dictatorship by the people of Havana on August 5, 1994.

With predictable cruelty, the tyrant, Fidel Castro, unleashed his machinery of repression on Mr. Díaz. According to Amnesty International, Mr. Díaz was subjected to regular harassment, including periods of detention that culminated in one year's restricted freedom and house surveillance for public disorder on February 25, 2000.

Undeterred by threats of continued harassment, Mr. Díaz resumed his role as a staunch advocate for freedom for every Cuban citizen. In the tyrant Castro's horrific March 2003, crackdown on dissidents, Mr. Díaz was arrested once again. According to the sham trial verdict that sentenced Mr. Díaz to 21 years in Castro's gulag, Mr. Díaz was convicted because:

> It is known by everyone in the area that he directs an opposition group of so-called 'human rights,' carrying out activities and meetings, using our national flag and showing posters asking for freedom for political prisoners and prisoners of conscience, in a frank challenge to the judicial, political, and social system.

Mr. Díaz was sentenced to 21 years in the hell hole of Castro's gulag because he challenged the bankrupt, backward, repressive system that robs its citizens of every freedom.

Mr. Speaker, today this Congress participates in one of the great traditions of our Republic. This evening, President Bush will deliver the State of the Union speech to a joint session of Congress here in this very chamber. As we gather here to participate in our constitutional responsibility let us also rise as one to display our solidarity with those brave souls who struggle for the same freedoms 90 miles from our shore. Let us demand the immediate release of Eduardo Díaz Fleitas and all prisoners of conscience in totalitarian Cuba.

TRIBUTE TO NIGHTRIDERS INC.

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Mr. McINNIS. Mr. Speaker, I am honored to rise before you to recognize a remarkable organization from the State of Colorado. NightRiders Incorporated of Boulder, Colorado was recently recognized for its innovative approach to protecting Coloradans from the perils of drunk driving with the National Commission Against Drunk Driving's Corporate Leadership Award. I am proud to call the attention of my colleagues and this nation to the contributions that NightRiders is making for the betterment of the Boulder community.

NightRiders has developed a unique way of getting Boulder citizens home from a night out. Upon request, a NightRiders employee rides a collapsible motorized scooter to the patrons' vehicle, places the scooter in the car, and safely transports the customer and their vehicle home. This service provides the passenger a safe ride while ensuring that our streets are safer for all.

Mr. Speaker, I am honored to pay tribute to NightRiders Incorporated for its commitment to improving the safety of Colorado's roadways. NightRiders is dedicated to the prevention of drunk driving and the company's achievements are certainly worthy of recognition. I would like to congratulate NightRiders on this well-deserved award.

IN HONOR OF HAROLD REDDICK

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Mr. JIM DAVIS of Florida. Mr. Speaker, I rise in honor of Harold Reddick, a pioneer in Tampa Bay's civil rights community, who leaves behind a legacy of fighting for a better life for all Floridians.

Following in the footsteps of his father, Harold started his career as a porter for Pullman Co., and went on to serve the Tampa chapter of the Brotherhood of Sleeping Car Porters. But Harold was born to lead—he was constantly breaking boundaries in his battle for equal rights.

In the early 1940's, traveling all the way to Chicago to plan a march on Washington, Harold fought to open federal government and defense jobs to black workers. Harold shook up Tampa Bay's establishment by attempting to register in the local White Municipal Primary, and he was arrested for trying to patronize an all-white drive-in theater.

A former vice president of the Tampa area chapter of the NAACP and strong supporter of the Montgomery Improvement Association, which helped to organize the Montgomery bus boycott, Harold was not afraid to challenge the old rules. He never let intimidation or violence get in his way.

After leaving the railroad industry, Harold went on to fight for the poor and unemployed. Working for the AFL–CIO's Human Resources Development Institute, Harold helped the less fortunate get back on their feet.

As vice president of the local branch of the A. Philip Randolph Institute, the senior constituency group of the AFL–CIO, and as a member of the Florida Silver-Haired Legislature, Harold was an advocate for seniors. And Harold fought for the young as well, serving on various advisory committees to the Hillsborough County School Board, alongside his wife, Doris, a school board member.

Like so many public officials in our community, I had the good fortune to call Harold my friend. I could always count on him for his candid and constructive counsel. Until his last breath, Harold never stopped helping everyone he knew be the best that they could be and helping our community be the best it could be.

Harold Reddick fought for all of us, and thanks to him, our community is stronger. On behalf of the Tampa Bay area, I would like to extend my deepest sympathy to Harold's family and friends. Harold's legacy will not soon be forgotten.

TRIBUTE TO JANET JUNKIN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Mr. McINNIS. Mr. Speaker, I am honored to rise today to recognize a remarkable woman from my home state of Colorado. Janet Junkin was recently recognized as one of four finalists for Colorado's Teacher of the Year Award. Janet has dedicated her life to the betterment of young people and I am proud to call the attention of this body of Congress and our nation to her outstanding contributions.

Janet has been teaching for over two decades. In that time, she has helped to develop the minds and character of countless young people. At the root of Janet's teaching philosophy is her belief that education is a catalyst to creating opportunities for young people. Each of her students has had their future enhanced by Janet's unwavering devotion to their best interests.

In addition to traditional subjects, Janet also works to teach her students the importance of contributing to their community. Each year, Janet's classes undertake various community service projects. This past November, Janet and her class collected 52,000 cans of food for homeless families in the Denver area. By integrating classroom lessons with real life service to others, Janet imparts timeless values to her students that will help them develop into service-oriented adults.

Mr. Speaker, it is my honor to rise and pay tribute to Janet Junkin. Janet's selfless dedication to her students contributes to the betterment of those in her class and society as a whole. Thank you Janet for your service.

TRIBUTE TO CHARLES F. McNAMEE

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Ms. LOFGREN. Mr. Speaker, Charles F. McNamee was born on January 11, 1911 in the old O'Conner Hospital in San Jose, California. His family had to travel there for the birth because it was the closest hospital to their farm in Hollister 50 miles away. His Irish mother, Agnes Hudner, was born on her family's ranch in Hollister in 1871. His father, Charles, was born in 1874 in Ireland and was brought to the United States at the turn of the century to work as a haberdasher in Hollister. Charlie's uncle John was married to Molly Breen, daughter of Patrick Breen of the ill fated ''Donner Party''. James Hudner, his grandfather, came to the United States after the potato famine in Ireland. He settled in Hollister by purchasing his land from Col. Hollister in 1868.

Charlie attended Hollister's Sacred Heart Elementary School in the fall of 1916 and later graduated high school there with a class size of eight! He attended Santa Clara University in 1928. There he was able to meet many founders of local industry and government. Dutch Hamann, eventually city manager and largely responsible for the evolution of San Jose from 1950–1969, and was a close friend at the University. It was Dutch who advised him many years later to move to Almaden Valley ''as fast as you can'' when Charlie's three children evolved to four and outsized his small home in Santa Clara. Vincent Thomas, elected to the California assembly in 1940, was his roommate for his last two years at Santa Clara. Charlie lived in an era that allowed tutoring by Fr. Cornelius J. McCoy, president of the University. Tuition was a ''steep'' $400 per semester (including room & board), but being the depression era, he got a half scholarship working in the board of athletic control as a typist. He graduated with a B.S. in Political Economics in May 1933.

After graduation he returned shortly to Hollister to work at the Grangers grocery as a delivery boy until about July 1934. Sounds like a meager job after a college education, but these were hard times where jobs, graduate or not, were just not available. With hay fever and asthma, he soon decided that ranch life was not to his liking and moved to San Jose taking a mail clerk job at Sunsweet Growers (where the Fairmont hotel currently resides). He switched to Western Pacific in the fall of 1940 with a job as a stenographer clerk and a year later transferred to the Western Pacific Main Office in the Mills Building on Montgomery Street in San Francisco.

He resigned Western Pacific in May 1942 to accept a commission as Lieutenant Junior Grade in the U.S. Naval Reserve at the bottom of Broadway in Oakland, California. In San Diego he was assigned to the Port Director's office. Commander Earnest transferred him to the Fleet Post office on Navy pier in San Diego. In 1943 he became Officer in charge of the Fleet Post Office at Terminal Island near San Pedro. In the fall of 1944 he was transferred to 7th Amphibious Force in the South Pacific on board the USS *Henry T. Allen* as Postal Officer. He was later promoted to Lieutenant Commander. After the war subsided, he returned to Pearl Harbor in December 1945 and was honorably discharged.

In 1946 he returned home to Hollister. After reminiscing with some Navy buddies down south, he returned to Sunsweet eventually becoming their Traffic Manager.

On October 26, 1946 he married Genevieve Washburn at the old St. Leo's church and began the first year of a fifty-three year marriage. He had three daughters and a son. His Catholic faith saw him assist with the building of three local churches: St. Justin's, Holy Spirit and St. Anthony's. He first settled in Campbell, moved to Santa Clara in 1952 with the arrival of a son and then to Almaden Country Club in 1961 after the arrival of his 3rd daughter and final child.

He was diagnosed with cancer in 1972 and given a few months to live by his doctor at O'Conner hospital. The tumor was too large to remove so no operation was performed. He retired immediately from Sunsweet. With faith and an herbal remedy, the tumor diminished and he soon returned to good health. He then got interested in the ''Sons in Retirement'' (SIRS) and held several positions there including the CEO post called ''Big Sir''. In 1996 he received an honorary life membership for his work.

Charlie began to enjoy golf at Almaden as a charter member when his children entered adolescence but had to wait until his 80th year to score his first hole-in-one. Ironically he had his second one a decade later at 90 years of age! Charlie still drives, plays golf three times a week, and leads a very active life at 93 years of age.

HONORING HARRY NASH SYKES

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Mr. PICKERING. Mr. Speaker, yesterday we celebrated Martin Luther King, Jr. Day in Starkville, Mississippi and honored a native son and civil rights leader, Harry Nash Sykes. During his life he overcame adversity to excel as a public servant, educator, and athlete.

Sykes was born on April 1, 1927 to Marie Hall Sykes and P.K. Sykes in Starkville, Mississippi. He spent his early childhood years there and when he was 16, his family, led by his father P.K. Sykes, a tenant farmer and part-time minister, moved to Chicago.

While still in school, Sykes worked in a can factory for 72 cents an hour to help support his family. After World War II, he combined athletics with academics and became a four-sport star in high school, graduating in 1948 to attend Kentucky State University on a basketball and track scholarship. Sykes earned a bachelors degree in physical education from Kentucky State and later earned a master's degree in mathematics from the University of Minnesota.

After graduating from Kentucky State University in 1952, Sykes joined the world famous Harlem Globetrotters through the 1954 season. From 1954 until 1962, he taught high school mathematics for the Lexington Public School System at Dunbar High School and coached the Junior High School's basketball team. Sykes built a diverse business career as an insurance salesman, the Business Development Officer for Second National Bank, a real estate broker, and the Contract Compliance Officer with Frankfort, Kentucky's Department of Finance.

In 1963, Sykes was elected as the first African American councilman for the city of Lexington. He was reelected in 1965, 1967 and 1969. Between 1967 and 1969, Sykes also served as Mayor Pro-Temp. In 1971, he ran for Mayor of Lexington, but lost by a narrow margin. From 1972 to 1974, he served as Acting City Manager and, from 1974 until 1975, worked as the Acting Chief Administration Officer (CAO) for the Urban County Government.

Sykes served his community on various boards and commissions including the Board of Management of the YMCA and the Historical Pleasant Green Baptist Church. In 1968, he founded the Lexington-Fayette County Urban League and served as president until 1972. Sykes has been honored with numerous awards, including the Outstanding Citizen's Award by the Council of Christians and Jews in 1969.

Sykes is married to Geraldine Higgins Sykes and has five children: Harry, Melvin, Paula, Kevin and Kermit and members of their extended family still live in Starkville and Oktibbeha County, where Sykes is remembered and proudly called a son of Mississippi.

PAYING TRIBUTE TO ARCHIE BODO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 2004

Mr. MCINNIS. Mr. Speaker, I rise before you with a heavy heart to pay tribute to a remarkable man from my district. Archie Bodo from Durango, Colorado passed away recently at the age of 94. Archie contributed a great deal to the Durango community, and it is my honor today to rise and pay tribute to his life before this body of Congress and our nation.

Archie was born on his family's vegetable farm in Durango in 1909. After growing up on the farm, Archie attended the Ford Motor Company School in Detroit, where he was trained as a machinist. Upon returning to Colorado, Archie opened a successful machine shop in Durango. In 1931, Archie married his wife of 72 years, Hazel Lemon. Although they had no children, the couple selflessly adopted and raised Hazel's niece and nephew as their own. In 1983, Archie retired after 37 years of devoted service to the City of Durango.

Archie had a true zest for life. Renowned for his sense of adventure, Archie was an avid vehicle enthusiast who enjoyed car racing, building motorcycles and off road driving. Archie also delighted in gardening, roller-skating and discussing politics with his friends. Archie always shared his enthusiasm for sport with others and countless Durango residents had their lives enhanced as the result of his friendship and guidance.

Mr. Speaker, it is my honor to rise and pay tribute to Archie Bodo. Archie's love of life and altruistic nature set a fine example for all Coloradans. Archie was a fine businessman and a friend to many. Above all, Archie was a tremendous father figure, and a devoted and loving husband. My thoughts go out to Archie's loved ones in this difficult time of bereavement.

Daily Digest

HIGHLIGHTS

Second Session of the One Hundred Eighth Congress Convened.

Senate and House of Representatives met in Joint Session to receive the President's State of the Union Message.

Senate

Chamber Action

Routine Proceedings, pages S1–S60

Measures Introduced: Four bills and one resolution were introduced, as follows: S. 2006–2009, and S. Res. 284. (S. 2005 was reported as an original bill on January 9.) **Pages S52–53**

Measures Reported:

Reported on Friday, January 9, during the adjournment:

S. 2005, to temporarily replace the use by pension plans of the 30-year treasury bond rate with a composite corporate rate, and to establish a commission on defined benefit plans. (S. Rept. No. 108–221)

S. 1072, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, with an amendment in the nature of a substitute. (S. Rept. No. 108–222) **Page S52**

Measures Passed:

Providing for a Joint Session of Congress: Senate agreed to H. Con. Res. 349, providing for a joint session of Congress to receive a message from the President on the State of the Union. **Page S21**

Commemorating Former Senator William V. Roth, Jr.: Senate agreed to S. Res. 284, commemorating the life of William V. Roth, Jr., former member of the United States Senate from the State of Delaware. **Pages S21–26**

Agriculture Appropriations Act (Omnibus Appropriations)—Conference Report: Senate resumed consideration of the conference report to accompany H.R. 2673, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004. **Pages S3–21**

During consideration of this conference report today, Senate also took the following action:

By 48 yeas to 45 nays (Vote No. 1), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate failed to agree to the motion to close further debate on the conference report. **Pages S20–21**

Subsequently, a motion to reconsider the vote by which cloture was not invoked was entered. **Page S21**

A unanimous-consent agreement was reached providing for further consideration of the conference report at 10 a.m., on Wednesday, January 21, 2004, with the time until 6 p.m. equally divided between the Chairman and Ranking Member of the Appropriations Committee or their designees; further that Senator Byrd be recognized at 12 noon to speak for up to 2 hours and Senator McCain be recognized at 2 p.m. to speak for 1 hour. **Page S60**

Appointments:

U.S.-China Economic Security Review Commission: The Chair, on behalf of the President pro tempore, pursuant to Public Law 106–398, as amended by Public Law 108–7, in accordance with the qualifications specified under section 1237(E) of Public Law 106–398, and upon the recommendation of the Democratic Leader, in consultation with the ranking members of the Senate Committee on Armed Services and the Senate Committee on Finance, reappointed the following individual to the United States-China Economic Security Review Commission: William A. Reinsch of Maryland, for a term expiring December 31, 2005. **Pages S59–60**

U.S. Military Academy: The Chair, on behalf of the Majority Leader, pursuant to 10 U.S.C. 4355(a), appointed Senator Reed, from the Armed Services Committee, to the Board of Visitors of the U.S. Military Academy. **Pages S59–60**

U.S. Naval Academy: The Chair, on behalf of the Majority Leader, pursuant to 10 U.S.C. 6968(a), appointed Senator McCain, from the Armed Services Committee, to the Board of Visitors of the U.S. Naval Academy. **Pages S59–60**

U.S. Air Force Academy: The Chair, on behalf of the Majority Leader, pursuant to 10 U.S.C. 9355(a), appointed Senator Allard, from the Armed Services Committee, to the Board of Visitors of the U.S. Air Force Academy. **Pages S59–60**

Messages From the President: Senate received the following message from the President of the United States:

Transmitting the report on the State of the Union delivered to a Joint Session of Congress on January 20, 2004; which was ordered to lie on the table. (PM–59) **Pages S33–37**

Nominations Received: Senate received the following nominations:

Claude A. Allen, of Virginia, to be United States Circuit Judge for the Fourth Circuit.

Paul S. Diamond, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Robert Bryan Harwell, of South Carolina, to be United States District Judge for the District of South Carolina.

George P. Schiavelli, of California, to be United States District Judge for the Central District of California. **Page S60**

Messages From the House: **Page S37**

Measures Read First Time: **Pages S37–38**

Enrolled Bills Signed: **Page S37**

Executive Communications: **Pages S38–52**

Additional Cosponsors: **Pages S53–54**

Statements on Introduced Bills/Resolutions: **Pages S54–57**

Additional Statements: **Pages S31–33**

Amendments Submitted: **Pages S57–59**

Record Votes: One record vote was taken today. (Total—1) **Page S21**

Adjournment: Senate convened the Second Session of the One Hundred Eighth Congress at 12 noon, and as a further mark of respect to the memory of the late Honorable William V. Roth, Jr., former United States Senator from the State of Delaware, in accordance with S. Res. 284, adjourned at 10:13 p.m., until 10 a.m., on Wednesday, January 21, 2004. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S60.)

Committee Meetings

(Committees not listed did not meet)

OVERTIME PAY

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education and Related Agencies concluded a hearing to examine the Department of Labor's proposed rule on overtime pay, after receiving testimony from Elaine L. Chao, Secretary of Labor; Jared Bernstein, Economic Policy Institute, Ronald Bird, Employment Policy Foundation, Andrew J. McDevitt, American Payroll Association, Patti Hefner, on behalf of the American Nurses Association, Richard L. Trumka, AFL–CIO, and David S. Fortney, Fortney and Scott, all of Washington, D.C.

NORTH KOREAN NUCLEAR DEVELOPMENTS

Committee on Foreign Relations: Committee met in closed session to receive a briefing on North Korean nuclear developments and the Six-Power Talks from Siegfried Hecker, Los Alamos National Laboratory, Los Alamos, New Mexico; and Keith Luse and Frank Jannuzi, both of the Senate Committee on Foreign Relations.

House of Representatives

Chamber Action

Measures Introduced: 11 public bills, H.R. 3701–3711; and 9 resolutions, H.J. Res. 84–85; H. Con. Res. 343, and H. Res. 489–494, were introduced. **Pages H35–36**

Additional Cosponsors: **Pages H36–37**

Reports Filed: Reports were filed as follows today:

Filed on December 8, 2003, H.R. 2844, to require States to hold special elections to fill vacancies in the House of Representatives not later than 21 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, amended (H. Rept. 108–404, Pt. 1); and

Filed on December 8, 2003, H.R. 2734, to authorize appropriations for the civil aviation research and development projects and activities of the Federal Aviation Administration, amended (H. Rept. 108–405, Pt. 1).

Convening of the Second Session of the One Hundred Eighth Congress: The Speaker called the House to order and ascertained the presence of a quorum (321 present, Roll No. 1). **Pages H1–2**

Resignation from Congress: Read a letter from Representative William J. Janklow wherein he notified the Speaker of his resignation as Congressman for the State of South Dakota, effective 11:59 p.m. on January 20, 2004. **Page H2**

Resignation from the Democratic Caucus: Read a letter from Representative Menendez wherein he announced that Representative Hall of Texas resigned from the Democratic Caucus, effective January 5, 2004. **Page H2**

Committee Election Vacated: Read a letter from the Speaker wherein he announced that Representative Hall's (TX) election to the Committee on Science has been vacated effective January 5, 2004. **Page H2**

Committee Election Vacated: Read a letter from the Speaker wherein he announced that Representative Hall's (TX) election to the Committee on Energy and Commerce has been vacated effective January 5, 2004. **Page H2**

Committee to Notify the President that a Quorum of Each House Has Assembled: The House agreed to H. Res. 486, authorizing the Speaker to appoint a committee to join with a committee on the part of the Senate to notify the President that a quorum of each House has assembled, and Congress is ready to receive any communication that he may please to make. Subsequently, the Speaker appointed Majority Leader DeLay and Minority Leader Pelosi to the Committee. Later, the Committee reported to the House that the President had been notified. **Pages H2, H4**

Notifying the Senate that a Quorum of the House is Present: The House agreed to H. Res. 487, to authorize the Clerk of the House to inform the Senate that a quorum of the House is present and that the House is ready to proceed with business. **Page H3**

Meeting Hour: The House agreed to H. Res. 488, establishing the hour of daily meeting of the House. **Page H3**

State of the Union Message: The House agreed to H. Con. Res. 349, providing for a joint session of Congress to receive a message from the President on the state of the Union on Tuesday, January 20, 2004 at 9 p.m. **Page H3**

Morning Hour Debate: Agreed by unanimous consent to authority for morning hour debate on the legislative days of Monday and Tuesday. **Page H3**

Extension of Remarks: Agreed by unanimous consent to authority for Members to extend their remarks and include extraneous material in the Congressional Record. **Page H3**

Calendar Wednesday: Agreed by unanimous consent to dispense with the Calendar Wednesday business of Wednesday, January 21, 2004. **Page H3**

United States-China Review Commission: Read a letter from the Minority Leader wherein she announced her appointment of Ms. Carolyn Bartholomew of the District of Columbia to the United States-China Review Commission. **Page H3**

Election Assistance Commission Board of Advisors: Read a letter from the Minority Leader wherein she announced her appointment of Mr. Willie L. Brown, Jr., of San Francisco, California to the Election Assistance Commission Board of Advisors. **Page H3**

Recess: The House recessed at 2:56 p.m. and reconvened at 8:44 p.m. **Page H19**

State of the Union Address: President George W. Bush delivered his State of the Union address to a joint session of Congress, pursuant to the provisions of H. Con. Res. 349. He was escorted into the House Chamber by a committee comprised of Representatives DeLay, Blunt, Pryce (OH), Kingston, Pelosi, Hoyer, Menendez, Clyburn and Senators Frist, McConnell, Santorum, Hutchison, Kyl, Allen, Specter, Murkowski, Daschle, Mikulski, Breaux, Dorgan, Boxer, Durbin, Reed, Nelson (FL), Stabenow, Clinton, and Corzine. The President's message was referred to the Committee on the Whole House on the State of the Union and ordered printed (H. Doc. 108–144). **Pages H19–23**

Senate Messages: Messages received from the Senate today appear on pages H2.

Senate Referral: S. 1172 was referred to the Committee on Energy and Commerce; S. 1267 was referred to the Committees on Government Reform, Rules, and Appropriations; S. 2000 was referred to the Committees on Government Reform, Energy and Commerce, and Armed Services; and S. 1177 was ordered held at the desk. **Page H24**

Quorum Calls—Votes: One quorum call (Roll No. 1) developed during the proceedings of the House today and appears on pages H1–2.

Adjournment: The House met at 12 noon and adjourned at 10:13 p.m.

Committee Meetings

No committee meetings were held.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D1356)*

H.R. 3348, to reauthorize the ban on undetectable firearms. Signed on December 9, 2003. (Public Law 108–174)

H.R. 1828, to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil and illegal shipments of weapons and other military items to Iraq, and by so doing hold Syria accountable for the serious international security problems it has caused in the Middle East. Signed on December 12, 2003. (Public Law 108–175)

H.R. 2115, to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration. Signed on December 12, 2003. (Public Law 108–176)

H.R. 2417, to authorize appropriations for fiscal year 2004 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System. Signed on December 13, 2003. (Public Law 108–177)

H.R. 1437, to improve the United States Code. Signed on December 15, 2003. (Public Law 108–178)

H.R. 1813, to amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign centers and programs for the treatment of victims of torture. Signed on December 15, 2003. (Public Law 108–179)

H.R. 3287, to award congressional gold medals posthumously on behalf of Reverend Joseph A. DeLaine, Harry and Eliza Briggs, and Levi Pearson in recognition of their contributions to the Nation as pioneers in the effort to desegregate public schools that led directly to the landmark desegregation case of Brown et al. v. the Board of Education of Topeka et al. Signed on December 15, 2003. (Public Law 108–180)

H.J. Res. 80, appointing the day for the convening of the second session of the One Hundred Eighth Congress. Signed on December 15, 2003. (Public Law 108–181)

S. 459, to ensure that a public safety officer who suffers a fatal heart attack or stroke while on duty shall be presumed to have died in the line of duty for purposes of public safety officer survivor benefits. Signed on December 15, 2003. (Public Law 108–182)

H.R. 2297, to amend title 38, United States Code, to improve benefits under laws administered by the Secretary of Veterans Affairs. Signed on December 16, 2003. (Public Law 108–183)

H.R. 3491, to establish within the Smithsonian Institution the National Museum of African American History and Culture. Signed on December 16, 2003. (Public Law 108–184)

H.J. Res. 82, making further continuing appropriations for the fiscal year 2004. Signed on December 16, 2003. (Public Law 108–185)

S. 811, to support certain housing proposals in the fiscal year 2003 budget for the Federal Government, including the downpayment assistance initiative under the HOME Investment Partnership Act. Signed on December 16, 2003. (Public Law 108–186)

S. 877, to regulate interstate commerce by imposing limitations and penalties on the transmission of unsolicited commercial electronic mail via the Internet. Signed on December 16, 2003. (Public Law 108–187)

H.J. Res. 63, to approve the Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Federated States of Micronesia, and the Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Republic of the Marshall Islands, and to appropriate funds to carry out the amended Compacts.'' Signed on December 17, 2003. (Public Law 108–188)

H.R. 100, to restate, clarify, and revise the Soldiers' and Sailors' Civil Relief Act of 1940. Signed on December 19, 2003. (Public Law 108–189)

H.R. 622, to provide for the exchange of certain lands in the Coconino and Tonto National Forests in Arizona. Signed on December 19, 2003. (Public Law 108–190)

H.R. 1006, to amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species. Signed on December 19, 2003. (Public Law 108–191)

H.R. 1012, to establish the Carter G. Woodson Home National Historic Site in the District of Columbia. Signed on December 19, 2003. (Public Law 108–192)

H.R. 2620, to authorize appropriations for fiscal years 2004 and 2005 for the Trafficking Victims Protection Act of 2000. Signed on December 19, 2003. (Public Law 108–193)

S. 686, to provide assistance for poison prevention and to stabilize the funding of regional poison control centers. Signed on December 19, 2003. (Public Law 108–194)

S. 1680, to reauthorize the Defense Production Act of 1950. Signed on December 19, 2003. (Public Law 108–195)

S. 1683, to provide for a report on the parity of pay and benefits among Federal law enforcement officers and to establish an exchange program between Federal law enforcement employees and State and local law enforcement employees. Signed on December 19, 2003. (Public Law 108–196)

S. 1929, to amend the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to extend the mental health benefits parity provisions for an additional year. Signed on December 19, 2003. (Public Law 108–197)

S. 1947, to prohibit the offer of credit by a financial institution to a financial institution examiner. Signed on December 19, 2003. (Public Law 108–198)

CONGRESSIONAL PROGRAM AHEAD

Week of January 21 through January 24, 2004

Senate Chamber

On *Wednesday,* at 10 a.m., Senate will resume consideration of the conference report to accompany H.R. 2673, Agriculture Appropriations Act (Omnibus Appropriations) for debate only. At 12 noon, Senator Byrd will be recognized for up to two hours, and at 2 p.m., Senator McCain will be recognized for up to one hour.

During the balance of the week, Senate may consider any other cleared legislative and executive business.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Appropriations: January 22, Subcommittee on Labor, Health and Human Services, and Education, to hold hearings to examine avoiding conflicts of interest at the National Institutes of Health, 9:30 a.m., SD–192.

Committee on Armed Services: January 22, to hold a closed briefing regarding ongoing military activities in Iraq and Afghanistan, including other areas of interest, 9:30 a.m., SR–222.

Committee on Foreign Relations: January 21, to hold hearings to examine update on North Korean Nuclear Developments and the Six-Power Talks, 9 a.m., SH–216.

Committee on the Judiciary: January 22, to hold hearings to examine the nominations of Raymond W. Gruender, of Missouri, to be United States Circuit Judge for the Eighth Circuit, Ricardo S. Martinez, to be United States District Judge for the Western District of Washington, Gene E. K. Pratter, to be United States District Judge for the Eastern District of Pennsylvania, and Neil Vincent Wake, to be United States District Judge for the District of Arizona, 10 a.m., SD–226.

Select Committee on Intelligence: January 22, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House Chamber

To be announced.

House Committees

Committee on Agriculture, January 21, hearing to review the USDA's Bovine Spongiform Encephalopathy (BSE) Response, 2 p.m., 1300 Longworth.

Committee on Armed Services, January 21, Subcommittee on Total Force, hearing on Reserve Component Healthcare: Medical Holdovers in Current and Future Deployments, 9:30 a.m., 2118 Rayburn.

Committee on Financial Services, January 21, Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, hearing on the OFHEO's report of the Special Examination of Freddie Mac, 10 a.m., 2128 Rayburn.

Committee on the Judiciary, January 21, to mark up the following measures: H.R. 2844, Continuity in Representation Act of 2003; H.R. 1997, Unborn Victims of Violence Act of 2003; H.R. 3261, Database and Collections of Information Misappropriation Act; H.R. 2391, Cooperative Research and Collections of Information Misappropriation Act; H.R. 2391, Cooperative Research and Technology Enhancement (CREATE) Act of 2003; H.R. 1073, To repeal section 801 of the Revenue Act of 1916; H.R. 1768, Multidistrict Litigation Restoration Act of 2003; H. Res. 412, Honoring the men and women of the Drug Enforcement Administration on the occasion of its 30th Anniversary; H.R. 3095, Community Recognition Act of 2003; H.R. 339, Personal Responsibility in Food Consumption Act; H.R. 2824, Internet Tobacco Sales Enforcement Act; and H. Res. 56, Supporting the goals of the Japanese American, German American, and Italian American communities in recognizing a National Day of Remembrance to increase public awareness of the events surrounding the restriction, exclusion, and internment of individuals and families during World War II, 10 a.m., 2141 Rayburn.

Committee on Small Business, January 21, hearing on Can U.S. Companies Compete Globally Using American Workers? 10 a.m., 2360 Rayburn.

Next Meeting of the **SENATE**

10 a.m., Wednesday, January 21, 2004

Senate Chamber

Program for Wednesday: Senate will resume consideration of the conference report to accompany H.R. 2673, Agriculture Appropriations Act (Omnibus Appropriations) for debate only. At 12 noon, Senator Byrd will be recognized for up to two hours, and at 2 p.m., Senator McCain will be recognized for up to one hour.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Wednesday, January 21

House Chamber

Program for Wednesday: Consideration of Suspensions:

H. Res. 492, honoring the contributions of Catholic schools;

H. Res. 491, expressing the sense of the House of Representatives regarding the benefits of mentoring;

H. Res. 490, recognizing and commending the achievements of NASA's Jet Propulsion Laboratory and the Mars Exploration Rover Mission; and

H. Res. 489, stating the agreement of the House of Representatives with the sentiment expressed by the Senate in Senate Resolution 281.

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