United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150 WASHINGTON, THURSDAY, JANUARY 22, 2004 No. 3

House of Representatives

The House was not in session today. Its next meeting will be held on Friday, January 23, 2004, at 10 a.m.

Senate

THURSDAY, JANUARY 22, 2004

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

The PRESIDENT pro tempore. This morning I have the honor of presenting the former chaplain of the United States Senate, Dr. Lloyd J. Ogilvie, to lead us in prayer.

PRAYER

The guest Chaplain offered the following prayer:

Almighty God, reigning Lord of this Nation, the Senate, and our personal lives, we are one Nation under You, our sovereign God. You have chosen us to love, glorify, obey, and serve You. We choose to be chosen and rededicate our lives to You.

We praise You for the great women and men who serve You as Members of this Senate. Continue to set ablaze their hearts with the fires of patriotic passion. You have made the formation of public policy one of the highest callings and have given to these Senators the awesome challenge of shaping the destiny of our Nation and our world. Grant them supernatural power to think Your thoughts, tune their hearts to the frequency of Your wisdom, and energize them with the resiliency of Your strength.

We thank You for the President pro tempore, TED STEVENS. We ask Your blessing on BILL FRIST and TOM DASCHLE, MITCH MCCONNELL, and HARRY REID as they seek to lead this Senate with the unity of shared vision for what is best for our Nation, with tolerance for differing convictions, and with the mutual esteem which is so crucial to progress. Thank You for Chaplain Barry Black, for his dynamic spiritual leadership and friendship. Grant every person working in the Senate family a renewed experience of Your unfailing love and faithful care. Grant them courage to press on with their strategic roles. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

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

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

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. MCCONNELL. Mr. President, this morning the Senate will resume debate on the conference report to accompany H.R. 2673, the Omnibus appropriations bill. Under the order, there will be 4½ hours for debate prior to a second cloture vote. It is my hope that cloture will be invoked and that the Senate can then conclude action on this vital funding measure. Senators should therefore expect at least one vote—we hope two, beginning at approximately 2 this afternoon. If time is yielded back, that vote may come earlier. As always, we will notify Senators when the vote is expected.

On behalf of the majority leader, I would also announce that if we finish the Omnibus this afternoon, the Senate may begin consideration of the pension rate reform bill. Prior to our adjournment, we reached a unanimous consent agreement for the consideration of that bill. Members who intend to debate and offer amendments to the pension rate bill should remain available following today's Omnibus vote.

I thank all colleagues for their attention and we hope to wrap up the Omnibus this afternoon.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

Mr. DASCHLE. Mr. President, I ask the assistant majority leader if he can advise Members with regard to the schedule tomorrow, whether any rollcall votes are expected.

Mr. MCCONNELL. I say to my friend and Democratic leader, I should be able to advise him later in the day, but I need to consult first with the majority leader.

WELCOME TO FORMER CHAPLAIN LLOYD OGILVIE

Mr. DASCHLE. Mr. President, he has left the Chamber, but I begin my remarks by welcoming our former chaplain, Lloyd Ogilvie. He has so many friends and it is such a delight to see him. I know I will have an opportunity to talk to him personally later. His

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

Printed on recycled paper.

prayer this morning again brings back fond memories of those times and years he was with us. We welcome him back and appreciate very much his friendship and the fact he is back with us again today.

OMNIBUS APPROPRIATIONS PROCESS

Mr. DASCHLE. Mr. President, I come this morning to again review the lay of the land. As I said a couple of days ago, many of my colleagues, most of our caucus, expressed deep concern—alarm, really—at the hijacking of the process that went on during the deliberations on the Omnibus appropriations bill. I said at the time, and I believe it ought to be repeated, that I believe the process in the Senate was fair. I have immense respect for the distinguished chairman of the Appropriations Committee. He worked with Members on both sides to accommodate consensus and to reach agreement and the process worked. That process was destroyed at the eleventh hour by some in the administration and by leadership on the Republican side in the House. Changes were demanded. Ultimatums were set. The House and Senate were actually forced to take positions in conference diametrically in opposition to the very positions we took on the Senate floor after a very deliberative debate; positions that I think have great merit.

On an overwhelming vote, the Senate supported the notion that we ought to have country-of-origin labeling. They did it because they believed it is an opportunity for us to enhance our ability to add confidence to consumers' choice, knowing if they buy 100 percent U.S. beef they are not going to buy meat with downer cattle from foreign countries. We are going to be able to say with confidence to countries who are purchasing our products that they are 100 percent U.S. product. Today, they say they are not prepared to take our products unless we can give that assurance. For those and other reasons—patriotism, patriotism—the Senate voted in support, not once but twice, of country-of-origin labeling.

With the crisis involving mad cow, it became even more imperative that that position be taken. Yet some in the White House insisted that there be a 2-year delay. That 2-year delay is tantamount to killing country-of-origin labeling. That is what is now in this bill, in direct opposition, in direct conflict, diametrically in opposition to the position taken by the Senate during the debate on the Agriculture appropriations bill and, I might add, diametrically in opposition to the views of the vast majority of the American people. Eighty percent of the American people support country-of-origin labeling. Over 80 percent say they would be prepared to pay more if we had country-of-origin labeling.

So it is with great chagrin that we find ourselves in this circumstance. The same could be said for overtime. I don't believe that most of our colleagues can fully appreciate the depth of feeling, the magnitude of anger and frustration that is out there on this particular issue. I have talked to firemen and policemen and nurses and first responders. I must say they cannot believe that their Government is devising ways with which to reduce and in some cases actually eliminate overtime. They can't believe that they may be among the 8 million Americans whose overtime will be lost when this bill passes. They can't believe it. They always thought if you work hard and play by the rules, especially working overtime, you are going to get paid. Now they have their own Government saying, in a memo produced by the Department of Labor, if you want to reduce wages, we will give you a way to reduce overtime.

What kind of progress in society is that? For all these years we have marched forward, recognizing we are going to reward work. What does this memo and what does the provision in this legislation say? We are not going to reward work anymore. In fact, we are going to find ways to get out from under the reward for work. How can anybody sustain that position here in this body? How can anybody with pride or with any conviction say that is the right policy now, after all these years? But that is what we are doing.

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

Mr. DASCHLE. I will be happy to yield.

Mr. REID. Do I understand that the Senate and the House, on both overtime and mad cow, or country of origin, voted by large majorities to have there be a continuation of overtime and to have country-of-origin labeling on all beef that comes into the United States? Did both bodies, by an overwhelming vote, sustain country of origin and elimination of the President's effort to wipe out overtime?

Mr. DASCHLE. The assistant Democratic leader is correct. That is a succinct summary of what we did. We voted to ensure there be country-of-origin labeling, like 43 other countries have in the world today, knowing we will not be able to export our product to Japan unless it is labeled. We did that.

When we found out the administration actually wanted to eliminate overtime, we said we are going to prohibit that.

As the distinguished assistant Democratic leader's question suggests, the administration—over the objections, I would say, of the Presiding Officer and others on both sides of the aisle from the Senate—insisted that be part of the appropriations process and this omnibus bill.

There is a third issue, and that is media concentration. Many of us are deeply concerned about concentration of media ownership, and for good reason. We have seen far too many examples already of what pressure is brought to bear at the local and even at the national level as a result of the power of ownership in media today. I must say, it gets worse and worse with each passing year. What we said is there ought to be a threshold on ownership of no more than 35 percent. That was a position taken on a rollcall vote here in the Senate. Incredibly, it was a position taken on a rollcall vote in the House of Representatives. Yet what does this omnibus bill do? This bill overrides both the vote taken in the House and the vote taken in the Senate. It is not representative whatsoever of the positions of either body, but it is in this bill.

How did it happen? Where was the rollcall vote in the conference to overturn this incredible decision? It happened in the dead of night. It happened because of an ultimatum. It happened because of pressure from the White House and people who did not hold those views in the House who lost the first time.

I worry about this precedent from the point of view of the institution. What does it mean in a democracy when 100 Senators vote, take a position, and when 435 Members of the House vote and take a position, and a cabal in the dark of night with no rollcall vote can overrule that position willy-nilly, with absolutely no record, with no fingerprints, and nullify the actions taken by the bodies themselves? What precedent does that set in our democracy today? Where will this take us in the future? How many more of these incredible overturning of position events will occur before all of us rise up in indignation and say what is a democracy if that is the result, that we can actually go to a conference and have a small group of people overturn the majority of Republicans and Democrats on important issues like this?

I must say, regardless of philosophy, regardless of politics, regardless of the issue, if you care about this institution, 100 people ought to be on this floor to talk about this today. So I am worried about that and I am worried about the policy itself.

But I know why we will probably get cloture today. Nobody here wants to be accused of shutting the Government down. Everybody understands the commitment that this legislation reflects in its support for veterans and for so many other things that we care deeply about. Senators are put in a very difficult position. I understand that. Do you support veterans or do you support an effort to deal with mad cow? Do you support highways and transportation or do you support an effort to confront this onerous provision eliminating overtime? Do you support housing or do you support an effort to retain the Senate position with regard to media concentration? That is a tough position for anybody to be in, especially people in politics. So we may lose this cloture vote today. I suspect we will. And I understand why.

But I must say, first we ought to be concerned. I don't care whether you are

in the majority or minority, Democrat or Republican, liberal or conservative, we ought to be concerned when some small group of people, in the dark of night, overturn legitimate public roll-call decisions made by this body. We ought to be concerned about that because I think it is an erosion of democracy in our Republic that is deplorable, deplorable. How many more times is it going to happen? How does it render the Senate, this so-called deliberative body, when we can deliberate, make tough decisions here on the Senate floor, only to be overturned? What does it say?

With regard to the issues themselves I will say this: I said a couple of days ago this is the beginning. It was not our desire to shut the Government down, to block this bill ultimately. We wanted to give our Republican colleagues a chance to fix it. They have chosen not to fix any of these issues. But we will be back. We must be back. We will continue to offer amendments on whatever vehicle is presented to us. We are now preparing Congressional Review Act resolutions. The legislative veto is available to us on some of these matters and we will use it.

So we will be back again and again. These issues will not go away. We will continue to fight and we will continue to work, first, because we care about the institution but, second, because we care about these policies.

So, Mr. President, it is with great concern—chagrin, that we find ourselves in a position today that I wish had never presented itself to this body.

We will have a vote on cloture. We may have a vote on final passage. But it will not be the last vote on these issues.

I hope in the interest of this institution we will learn the hard lessons that these specific problems have created for each of us.

I yield the floor.

RESERVATION OF LEADER TIME

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

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 the conference report to accompany H.R. 2673, which the clerk will report.

The legislative clerk read as follows:

A 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, and for other purposes.

The PRESIDENT pro tempore. Under the previous order, there will be 4½ hours equally divided between the chairman and ranking member of the Appropriations Committee or their designee for debate only.

Who seeks recognition? The Senator from New Jersey.

Mr. CORZINE. Mr. President, I yield myself about 10 minutes, if that is appropriate.

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

Mr. CORZINE. I thank the Chair.

First of all, I want to speak today about this appropriations bill that is now on the floor. I have serious ambivalence about how we should deal with the specifics of this measure. I know members of the Appropriations Committee, led by the Presiding Officer, have worked long and hard. They have worked in a fair way to try to make sure they put together the best final product they can, have been sensitive to the needs of their colleagues, and have worked to try to be balanced about how they brought forth this final product. Unfortunately, through the conference process, a product has emerged that differs from that sought by our leaders here in the Senate.

It is with some ambivalence that I feel the need to express some of the reasons why I will not be supporting the Omnibus appropriations bill for 2004. It contains what I believe are serious policy flaws that, furthermore, don't deal actually with the appropriations process. They go far beyond what should be addressed, debated and concluded in the democratic forum of this Senate, and in the House.

It seems to me that the most serious problem here is not even those policies, although they are very important in and of themselves, but this process that has somehow overturned the policies supported by wide majorities in both houses, policies we worked so long and hard to deal with—I think this process is out of kilter.

But I also believe that, at a policy level, they are important, things such as overtime. It is just hard to believe when we can pass a dividend and capital gains tax cut to help those who are already doing well to improve wealth, and, to put it in economic terms, to reward capital, we are turning our backs on labor and on work.

I don't mean labor in an organized sense. I mean our workforce, the people who work. It seems to me that people who work should have at least the same value attested to their efforts as people who invest. Here we are talking about 8 million people who will come off these rolls of potential overtime benefits. For what reason? For what reason are we doing this when we want to reinforce the work ethic in this country? And these are the people who have modest to middle-income positions in our society.

It is extraordinarily difficult to understand this decision when you consider the context that both this Senate and the House of Representatives have opposed changes to our overtime rules. This bill is a turnaround from the will of both bodies on this matter. It is incredibly difficult for me to understand why we are moving forward with this bill when we have something that strikes at the heart of what it is we value in this country. Work ought to be something that is rewarded. It ought to be recognized. It has been a part of the consensus we have in this country. Obviously, it is broadly conceived as being the right thing by the majority of folks in both houses and on both sides of the aisle. I have grave difficulty understanding this. It goes to the fundamental essence of how our economy works. Work ought to be valued at least the same as capital in this society.

Here we are turning our backs on it. We are sending the wrong signal to our kids, and to society in general. It is a big mistake, in my view—so big that I think it actually compromises the value of the overall piece of legislation.

Second, I have serious concerns about media concentration. Of course, a lot of us do not often like things that are said in the media. We don't like that to-and-fro which impacts us individually. But society is better by it. It is a lot better when we have a healthy debate of ideas and different viewpoints come out. That is what democracy is about.

The last time I checked, both sides of this body supported the media concentration rule at 35 percent. And somehow we have a different rule than what was agreed to by both houses. I heard the distinguished minority leader speak to the essence of the institution, and the institution is broader—not just the Senate but the Senate and the House. How can we reach agreements on things and then come out with a different result on something as important as how we communicate with the public in this country? How do we change the dynamics of political debate and news coverage on which the people rely to fulfill their civic duty and gather information to make decisions, such as who they are going to support? How will they make informed decisions when we have this concentration? It is an incredibly difficult concept for me to understand.

We don't raise a lot of cows in New Jersey, but we eat a lot of meat. I don't understand the country-of-origin labeling issue. Why would we not take the steps that are necessary to protect the American people and to protect the country's economic interests so we can keep the export markets open? This is not fundamentally sound on either the safety of the public or our own economic security. Why are we trying to cut jobs in this country? It is bad enough that we are cutting overtime. Now we are undermining our ability to actually be effective in the global market because we are making policy that reflects a narrow interest as opposed to the public's interests and the broader economic interests of the country.

It is hard to understand at a period in time when we are down 2.3 million jobs

in less than 3 years, where there hasn't been the kind of growth in economic reality of people's lives—that is, going to work: jobs. Here we have something that endangers the public and strikes at the heart of economic growth. Economic growth makes a difference in families' lives in America: jobs. I have trouble understanding this.

I heard my distinguished colleague from New Jersey yesterday come down and talk about the destruction of records on the purchase of firearms after 24 hours.

Where are we coming from in a world where we have a war on terror with people who like to buy guns and go and use them for purposes that are antagonistic to the security of the American people? We are passing a law that is going to make that activity much more available. We can't check out records of air flights into the United States in a week, and now we are willing to say that we are going to take records on the purchase of a gun and have them destroyed within 24 hours? Please, somebody tell me the rationality of that in the midst of a war on terrorism.

Our President spent three-quarters of the State of the Union address talking about how we need to protect Americans both at home and abroad, and we turn around and embed in this legislation—by the way, not pass in this body—we turn around and change a fundamental issue with regard to gun safety in this country. It is very hard for me to understand that. We are turning our backs on protecting the American people.

I heard my colleague from New Jersey say this is a real deal where he comes from, a real deal. Seven hundred people in my State—10 people in my hometown—died on 9/11. I don't understand why we are changing the elements of safety and security of the American people in an appropriations bill. Why are we doing that? What special interest is arguing for that? What interest makes that so important we do that here and now? I find it incredible we think this is the right way to move forward on gun safety.

Overtime and the value of work, free expression of political opinion in our country as reflected in our media rules, and the gun law changes in this climate of heightened concern about homeland security, I don't understand why these major policy moves are embedded in an appropriations bill, particularly when both Houses—at least on parts of these issues—have already said this is not the direction we want to take.

Mr. REID. If the Senator will yield for a question, will the Senator also agree—to complicate matters with what we are doing here today on the overtime issue, which is so important to so many millions, not hundreds, not thousands but so many millions of Americans—the Senator is aware that no matter what happens on this piece of legislation, the President now can do whatever he wants? Whether this passes or not, the President can do whatever he wants; is the Senator aware of that?

Mr. CORZINE. To be honest, I believe I have a sense that the President can do whatever he wants to do with regard to this issue. I think they have already done that. This authorization is embedded in this bill. But I know they can stand back and stop this with the same regulations they proposed to start.

Mr. REID. Again, I ask my friend the question, we have in one of these appropriations bills a prohibition, a piece of legislation that would prevent the President from exercising his authority to take away overtime rights for people all over America; is the Senator aware of that?

Mr. CORZINE. The distinguished Senator from Nevada, our assistant minority leader, is exactly right. I have read those exact words and know the President can use his authority for good or he can turn his back on Americans.

Mr. REID. The Senator is aware that some time, for lack of a better description, in the dead of night, where there was no one from the public present, even though the House and the Senate passed provisions dealing with overtime, the Senate is aware it was stripped from the bill?

Mr. CORZINE. I understand this is not part of the legislative process that we have all been a part of in the Senate and that in the House of Representatives.

The PRESIDING OFFICER (Ms. MURKOWSKII). The time of the Senator is expired.

Mr. CORZINE. If the Chair will yield 1 minute.

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

Mr. CORZINE. Madam President, I repeat, the policies of this bill on overtime, media concentration, and certainly gun safety records are just incredibly out of connection with the reality of the world in which we live today. Work should be valued, open debate should be valued, and the safety of our citizens, our homeland security, should be valued.

Again, I compliment the leadership on its work on this appropriations bill. I just do not understand why we have had to mix it up and put it into a bowl of seriously flawed policies. There is a whole series of other policies, including vouchers in the school system, that have occurred without real debate—and I could go on—but overtime in this country is a value of work. Media concentration was designed so that America could have a free press and a free debate. We ought to be making sure we protect these fundamental rights. It ought to be done in a democratic way. I hope my colleagues will stand with us on principle on the Omnibus appropriations bill to fix it and come back to the fundamental underlying appropriations process.

Mr. STEVENS. I call attention to the Senators, as the leader's opening statement indicated, it is entirely possible a vote on the cloture motion will occur before 2 p.m. There are 4½ hours of debate equally divided prior to this second cloture vote, but those Members who want to speak should indicate to their respective floor leaders if they want to speak so we are not going to have anyone disturbed over relying on the concept that there are 4½ hours when there probably will not be 4½ hours of debate.

Mr. REID. Will the Senator yield?

Mr. STEVENS. I yield.

Mr. REID. I appreciate very much the Senator making this statement. If there are Members desiring to speak and use the full 4½ hours, they have a right to do that. However, there have been requests on our side and on the majority side from Senators who would like to vote earlier. We would have to vote by 12 o'clock. So it would cut off 2 hours. We cannot vote at 12:30 because we have a policy luncheon starting at 12:30 and we have two votes.

If Members wish to speak, if they would notify the floor staff on both sides, we will divide up the time. If someone cannot come until this afternoon, that is the way it will be; we will have a vote at 2 o'clock.

I repeat what the distinguished President pro tempore has said: Some Senators wish to move forward more quickly, and we will do whatever the will of the body is, but we need to notify Senators as soon as possible.

Mr. STEVENS. Madam President, we are prepared to work with the minority in that regard and have the vote earlier if that is desired. I just want to call attention to the fact that Senators ought to take that into consideration in terms of whether or not they want to come to the floor and make a statement. If there is no indication anyone wants to speak, obviously we will go to a vote earlier.

At this time, I yield to the Senator from Texas, Mrs. HUTCHISON, the right to designate the time allocated under the time agreement on this side.

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

Mr. CORZINE. Will the Senator from Alaska yield for a unanimous consent request?

Mr. STEVENS. I am happy to yield for a unanimous consent request.

Mr. CORZINE. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of the concurrent resolution which I will send to the desk correcting the enrollment of the omnibus conference report. The resolution restores the Senate language barring the implementation of the regulations which will deny overtime pay to millions of workers; that the concurrent resolution be agreed to and the motion to reconsider be laid on the table.

Mr. STEVENS. Reluctantly, I must object to that request.

The PRESIDING OFFICER. The objection is heard.

Mrs. HUTCHISON. Parliamentary inquiry to the distinguished minority

whip: Is it premature to ask for unanimous consent to change the time of the vote?

Mr. REID. It is. I say to the distinguished Senator from Texas that we are now waiting to hear from a number of Senators who have indicated they want to speak. It is a question of whether they can do it before lunch or if they have to do it after lunch. We are trying to work on that as quickly as possible.

Mrs. HUTCHISON. Madam President, it would be in everyone's interest, once our Senators are notified, if we could set that time so our time could be roughly equally divided before then.

With that, Madam President, I will speak on our time and talk about the importance of passing the omnibus bill. This is a bill that encompasses many departments in our processes in the Senate. Normally, we try to pass each department separately so we can deal with those issues separately. Because of various circumstances, we now have a bill that takes in several major departments. Therefore, there are things that have not been debated separately. I know there are concerns that have been raised. However, we must pass this bill if we are going to have the will of today's Congress take effect for the appropriations between now and October 1 of this year.

If we do not pass this bill—the alternative is a continuing resolution—it means that last year's priorities would prevail, and there would be some major losses in funding for the next 9 months of this year.

Let's take, for instance, the veterans. Today we would lose, by not passing this bill, the ability to fully serve our veterans in their health care. Continued operations under a continuing resolution would force the Veterans' Administration to curtail the hiring of new physicians and nurses, pharmacy costs would continue to rise, and we would not have the money to pay for the added expenses that we are seeing in the medicine benefits to veterans. The waiting list for veterans medical care would start to rise, and it would mean the VA would not be able to expand its long-term care services under the old priorities.

Part of our bill this year that is before us today expands veterans medical benefits. If we pass a continuing resolution, we would not be able to increase that medical service. We have new veterans with medical needs coming home now from Iraq and Afghanistan. The idea that we would not fully fund the needs of veterans today is unthinkable. That is what would go by the wayside if we do not pass the omnibus bill.

Let's talk about education. In the bill, Pell grants maintain their historically high maximum award of $4,050 to help disadvantaged students achieve the dream of a college education. Afterschool centers are increased in funding to $1 billion.

Impact Aid—now, Impact Aid is for school districts that have a high number of bases, military personnel in that school district. Impact Aid helps the school district overcome the fact that you cannot tax Federal property. If a base is a major part of a school district, that is nontaxable property. Yet military personnel send their children to these schools. So the Federal Government has always made up the amount that would be lost in property taxes by giving Impact Aid. It is increased $49 million over last year. That will be lost for the next 9 months if we do not pass this bill, thereby further strapping the school districts in the places that have a high volume of military personnel.

Wouldn't that be an incredible thing to say to our active duty military: Oh, we are putting more responsibility on you. We are putting more burden on you. Many of you are overseas, but you have to worry about the school districts not having the money to fully educate your children while you are serving our country. Is that really a message we want to send today to our military personnel?

Head Start funding, to help prepare our disadvantaged young children to learn and succeed in school, it is boosted by $148 million in the omnibus. That would be lost for the next 9 months if we do not pass this bill, so we would not be able to get those programs geared up with the reforms that we are trying to put in place that make Head Start more of an educational experience rather than just a play experience that is day care. We are trying to give these young children the opportunity to proceed, before they get to kindergarten, with the very best early childhood education possible.

When I was home over the holidays, I visited one of these target Head Start centers, where children in the 3-year-old class and the 4-year-old class were learning their ABCs. They were learning their numbers. They were learning the computer. There were 3-year-olds and 4-year-olds working on the computer. This is the kind of Head Start Program we want to fund. That would be possible if we pass the omnibus bill. That would certainly be curtailed if we do not pass the bill.

The National Cancer Institute would have $148 million more over the next year if we pass the omnibus bill. But if we stick with last year's priorities, the National Cancer Institute will have to stop its funding increases. Many people know, with the increase in health care research in the National Cancer Institute, we have been able to make great headway in fighting cancer, in finding the cause of cancer, and then finding something that will fight that particular cause of cancer.

The Geraldine Ferraro Cancer Education Program would be funded in fiscal year 2004 $5 million. It would help educate the public on issues surrounding blood cancers. None of this funding would be provided under a continuing resolution. So that is $5 million that would go to the education of cancers such as lymphoma, leukemia, multiple myeloma, which is very important because these are the cancers that have historically been underfunded. Many people now are getting these cancers when they are not really aware that they need to have their blood checked but because they are losing energy. It is a terrible disease. The Geraldine Ferraro Cancer Education Program funding would lapse if we do not pass this bill.

Election reform. We made major steps in the right direction on election reform this year. The Help America Vote Act would be providing funding to States to make sure they follow through on Congress's commitment to strengthen the electoral process. None of this funding would be available under the continuing resolution.

In a very important Presidential election year, when we are going to elect every Member of the House and when we are going to elect one-third of the Senate, do we really not want to fully fund the reforms to assure our electoral process is fair, that it is a system where people can count on their vote counting? I hope not. That is $1.5 billion in the omnibus bill that would not be funded for the next 9 months, until October 1, if we do not pass the bill.

So we obviously would not have any of these reforms in place if we do not fully fund and pass the omnibus bill that is before us today.

The Millennium Challenge. This is a program that would be both authorized and funded at $1 billion this year to help developing countries achieve economic growth, to lay out alternatives to poverty, violence, and terrorism. This is very important in our war on terrorism. If we keep terrorists from being able to lock into a country that is very poor, we will give the people of that country hope, hope that there is something else besides just violence and continued poverty. Economic possibilities, economic opportunities are what will make a difference in many of these countries.

The FBI is a very important part of homeland security. We now have put the FBI into the same grid that works in homeland security, with intelligence sources to try to pick up the signals that maybe there would be another terrorist attack.

Under the omnibus bill, the FBI will be able to hire 229 new agents, receiving $138 million in program improvements to help in the fight against terrorism. If we do not pass this omnibus bill, we will go 9 months without allowing the FBI to gear up for what we are asking them to do; and that is, to hire the agents to be a part of our homeland security.

The International Trade Administration is funded at $28 million more this year. What would we lose if that funding goes by the wayside? This is what is focusing on many countries' compliance with trade standards, China's compliance with trade standards. We

have heard many concerns raised in our country about China complying with fair trade standards. We need to make sure China and every country meets the standards they have signed on that they would meet, standards that require intellectual property to be protected.

We don't want to allow people to copy the videotapes or the movies or the books that are being written by other people and not pay the intellectual property requirement to do so. But we need the enforcement capability. That will be lost.

We are targeting countries for cultural exchanges and education programs. One of the long-term goals in the war on terrorism is to try to bring people from countries that do not have democracy, that do not know freedom, to our country for cultural exchanges, for education, to show public education, giving our children the opportunity to learn, to read and write and learn math, to be able to function in a world that will create an economic base for a country. Many of the countries that are the home bed of terrorism do not have these freedoms.

Cultural exchanges are one of the long-term goals that we have in the war on terrorism to have people come from these countries to see what happens when you have a strong system of public education, to see what happens when you have freedom, to see how people can live when there is the right to free speech, when there is the right to a free public education that would give our young people the economic opportunities that education will give them.

A long-term continuing resolution that would not give any of these priorities that we have put in place in the bills that have come out of these committees would cause a $5.5 million budget shortfall for the Small Business Administration. That would be almost a 20-percent reduction in their budget. Programs that help small businesses compete, such as the 7A program, would eventually be shut down if we have a continuing resolution rather than this omnibus bill.

As I have gone through my State during the past 2 months, I have found many small business people complaining that the Small Business Administration offices are being shut down, the services are not there, the opportunity to have Small Business Administration loans and counseling is not as it used to be. If we pass a continuing resolution instead of this omnibus bill, we will lose almost 20 percent of the Small Business Administration budget.

It is very important we pass this bill, if we are going to fully fund our veterans health care, if we are going to fully fund the schools in our home district military bases so that people on active duty serving our country will not have to worry that their children in school are not getting their full educational opportunities this year.

The National Cancer Institute, with a $148 million cut over the next 9 months will have to stop the progress they are making in many arenas for finding the cure and the cause of cancer.

We are in a major election year. We would not fund the reforms that Congress has passed to assure every vote is counted, that we have good voting machines so that we won't have an issue such as what happened in Florida in the last Presidential election. We are helping States to have the integrity of the ballot in this very important election year for our Congress and for the President.

The International Trade Administration must be able to make sure that our intellectual property rights are met by countries such as China and other places that copy movies, copy books that don't pay the intellectual property requirements; the long-term exchange programs that will help us fight terrorism by giving the young people from a country that does not know freedom the opportunity to see what freedom and public education can bring; cutting back on the FBI—all of these are the things that would happen if we don't pass this omnibus bill.

It is my hope that we will have the opportunity to pass this bill today so we can put the imprimatur of Congress today on the next 9 months of funding in this fiscal year rather than rely on a bill that passed 2 years ago which doesn't take into account some of the reforms that have been made in Congress. It is my hope that Members will see that our veterans' needs and the needs of our active-duty military children in education and in cancer research will prevail. We will pass this bill and give our children a chance, and our country a chance, to have the increases we need for our homeland security, and the education of our children, and the research into cancer to find the cause and the cure. We must pass the omnibus bill to go forward in all of these aspects.

I yield the floor and 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. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Madam President, we have run a hotline. We have notified what Senators we thought would be interested in coming. Senator KENNEDY and Senator CLINTON have indicated they wish to speak. We have asked Senator KENNEDY to come now. He will be here momentarily. Senator CLINTON will be here at around 11. What we propose—and hopefully the majority will be here momentarily—is that the vote occur at noon rather than 2 o'clock, with the time evenly divided. If Senator KENNEDY is ready to proceed, I ask that we would look at the unanimous consent agreement and consider Senator KENNEDY's time in light of that.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. I will contact the leader's office.

Mr. REID. He is supposedly on his way down here now.

Mrs. HUTCHISON. I look forward to working with the distinguished Democratic whip to see if that can be put forward and locked in. I hope we would then start from a point to have equally divided time up until the vote at noon.

Mr. REID. So everyone should be aware that the vote will likely occur at 12 noon today.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, there are a number of provisions in this legislation, the omnibus bill, that have been talked about. But I hope my colleagues will give consideration to the fact that the appropriators and the Republican leadership stuck into this omnibus bill a number of different provisions that never passed the Senate or the light of day or the smell test. And took out provisions to help millions of Americans. One of the provisions that they took out of the omnibus bill was a provision that was supported by the Senate and supported by the House in a bipartisan fashion. That was the amendment to tell the Bush administration that they could not deny workers overtime. His proposal would affect 8 million workers. Yes, this is an enormously important omnibus bill. Yes, it is important that we deal with the problems in education and health. I yield to no one in my concern in those areas.

All we are asking is that we take the omnibus bill and put back in the protection for workers. Or we could have the Bush administration rescind its proposal to deny workers overtime protections.

We have challenges in our economy, but one of the great challenges in our economy is not that firefighters, nurses, and police officers are being overpaid. That is not the problem we are facing in our economy. But that is going to be the effect if this particular omnibus bill goes through. The administration will implement its overtime provisions. As I mentioned yesterday, it is not just those individuals I mentioned—firefighters, nurses, and police officers—it is also the veterans.

Listen to this, America. Since the time of the passage of the Fair Labor Standards Act, the United States has accepted the concept of a 40-hour week. Then workers who worked more than 40 hours would get time and a half. That has been an accepted part of the American workplace since the 1930s, when the Fair Labor Standards Act was passed. But now this administration has made a proposal to effectively eliminate the requirement to pay overtime to 8 million Americans, which includes firefighters, police officers, and

nurses. But they also put into this provision those who will be excluded. Listen to this. Those who will also be excluded will be those who receive the standard requirement and equivalent training in the Armed Forces. Do you hear that? Training in the Armed Forces. Over in Iraq, American service men and women have been trained. We have the best trained military in the world. The challenge of having a good military is to have the best in training, the best technology, the best leadership, and the best support for the families at home. Those are the elements of an effective military force. Now what we are saying to those who are in the military, the service men and women who have taken that training, which makes our military so superior—and being superior results in the saving of lives of service men and women—we are saying that kind of training in the Armed Forces will mean when you get back home, you fall into that category of the 8 million who will be precluded from getting overtime.

Can you imagine that? We have 200 training programs in the military. Great numbers of them fall within this particular provision of training in the Armed Forces. For the life of me, I cannot believe why this administration would write into their proposal that the training in the Armed Forces will mean you are going to be excluded from overtime pay. I just do not understand that. I just do not understand it. I wish those on the other side of the aisle who support that particular provision would come out here and explain that.

I want to mention another important provision in this overtime pay, the effect of which hits a particular group in our society, and they are the women who are working in the American workforce. Two factors have made life for middle-income and working families at least plausible and livable. One is the fact that women have entered the workforce and, secondly, many of these families have mortgaged their homes to deal with the problems of tuition escalation and other things, such as emergency health needs. The fact is there is no what they call in economics ''elasticity'' left in this. They don't have other members of the families who can work once the husband and wife are working. You don't have another husband and wife to go out there and you only have one home and if you mortgage that to educate your kids you just can't do very much more. You are depending, to a significant extent, on overtime pay. I want to remind the Senate about what has been happening in the workforce. The middle-income mothers work 55 percent more hours today than 20 years ago. Here it is: It was 895 hours in 1979, and in 2000 it was 1388 hours—almost double what they were working in 1979, over a 20-year period. Why are they working? To provide for their families. What are we saying to these mothers who are working hard and making some overtime? We are saying to the mothers and to the women in the families you are not going to be able to get that benefit either. You are not going to be able to get the benefit either. This falls particularly hard on the 8 million Americans who will be outside of the overtime definition, for the veterans who came back from Iraq in the military forces, because it will be said you are a professional now, you have had training in the Army. We have read in your record that you have had some training, so even though you are doing this job, we don't have to pay you overtime. It says that in the Armed Forces training regulation.

This provision falls unduly harsh on the women. As women have increased their time in the paid labor market, their contributions to family income have also increased. These contributions have been particularly important to lower and middle-income families. An increase in time spent at work creates childcare and other family challenges. These added hours have had a negative effect on a parent's ability to be at home after school, help with homework, or care for an ill or aging family member.

The Bush proposal would take away overtime protections for millions of American women, ensuring that they work longer hours for less pay. Women who are working today are going to work longer hours for less pay. That is the result of the overtime provision. Make no mistake about it. Our amendment protecting overtime—saying to the President that he can't take away overtime pay—was taken out of the omnibus bill after it was passed on the floor of the Senate and in the House of Representatives. But the Republican leadership knew they could not win on the Bush proposal on the floor and they took it out of this bill—challenging this body to take it or leave it.

This is one Senator who is going to leave it because of what it is going to do to working families, for the women and veterans in this country. Women tend to dominate retail services and sales promotions that would be particularly affected by the Bush proposal. The increase in overtime, often with little advance notice, would take away from the families, disrupt the schedule of working parents, as well as impose additional childcare and other expenses. Women's groups like Nine-to-Five, the American Association of University Women, National Organization for Women, National Partnership for Women and Families, and the YWCA express their strong support for the Harkin-Kennedy amendment to preserve the overtime protections. Those are the leading women's groups—National Organization for Women, National Partnership for Women and Families, YWCA. Effectively, every group that represents women in our society strongly opposes these provisions which are written in by the Republican leadership denying overtime.

These organizations representing women—Nine to Five, the American Association of University Women, the National Organization for Women, the National Partnership for Women and Families, and the YWCA—have all indicated their strong opposition to the overtime provisions. They know the adverse impact on women.

I wish to point out that of the millions of Americans who will lose their overtime, not only do we have police officers, nurses, and firefighters, but if we look at other categories, we see cooks, clerical workers, a large percent of which are women, physical therapists, dental hygienists, bookkeepers, lab technicians, graphic artists. These are major professional groups where, in a number of those areas, women are the majority of workers, so they would be adversely affected. This provision adversely affects veterans and adversely affects women.

Today's New York Times points out what my colleague, my friend, John Kerry, mentioned as a veteran himself in Exeter, NH.

This is the New York Times story:

An omnibus spending bill has been stalled in Congress in partisan dispute over provisions to which Democrats object. One would allow the Bush administration to press ahead with rules that Democrats say could strip millions of their right to overtime pay. Hitting that theme, Mr. Kerry said the president would treat those who trained for some skilled jobs in the military as professionals ineligible for overtime pay, adding this ''made my blood boil.''

''We need a president who understands that the first definition of patriotism is keeping faith with those who wore the uniform of the country,'' Mr. Kerry, a Vietnam veteran, said. . . .

It could not be said any better than that.

Madam President, I ask unanimous consent that the entire New York Times article 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. 22, 2004]

IGNORING OTHER CANDIDATES, KERRY TURNS FOCUS ON BUSH

(By David M. Halbfinger and Randal C. Archibold)

EXETER, NH, January 21.—Surging in the New Hampshire polls, Senator John Kerry ignored his rivals on Wednesday and blasted President Bush on health care and charged that new rules on overtime supported by the administration would bar many veterans from overtime pay.

Mr. Kerry said the president had rightly praised American troops and veterans in his State of the Union address. ''But once again it's an example of a say-one-thing-and-do-another administration,'' he said, pointing to the overtime dispute.

An omnibus spending bill has been stalled in Congress in a partisan dispute over provisions to which Democrats object. One would allow the Bush administration to press ahead with rules that Democrats say could strip millions of their right to overtime pay. Hitting that theme, Mr. Kerry said the president would treat those who trained for some skilled jobs in the military as professionals ineligible for overtime pay, add in that this ''made my blood boil.''

''We need a president who understands that the first definition of patriotism is keeping

faith with those who wore the uniform of the country,'' Mr. Kerry, a Vietnam veteran, said at Daniel Webster College in Nashua.

He spoke as two new polls showed him taking the lead in New Hampshire. The separate polls, in the Boston Herald and the Boston Globe, each put Mr. Kerry 10 points ahead of his closest rival, Howard Dean, although surveys in primaries are notoriously unreliable because of the difficulty in identifying likely voters.

Mr. Kerry also began commercials showing people praising his ''leadership and experience'' and emphasizing his endorsement by the Concord and Nashua newspapers.

Wednesday night at Phillips Exeter Academy, he drew about 1,000 people, easily his largest crowd for a stump speech in New Hampshire.

In his noon speech in Nashua, he rolled out a few new phrases to depict the president as out of touch with everyday Americans and in the thrall of the ''special interests.''

''You can tell from his State of the Union address that the President is facing re-election,'' Mr. Kerry said. ''I wish he'd face reality. Watching President Bush's speech last night, one thing kept coming back to me: He just doesn't get it.''

He invoked ''the unheard majority in the health care debate,'' saying, ''We need a president who's going to make sure their voice is finally heard, that they have access to the White House, not just those who contribute significantly to campaigns.''

Mr. Kerry said he would reverse rules barring Medicare and states from negotiating for discounts on bulk purchases of prescription drugs and repeal a ban on re-importing American-made drugs from Canada. He called on Mr. Bush to work with states like New Hampshire that have tried to start reimportation.

Deriding the Medicare bill enacted last year as a benefit only for pharmaceutical companies, Mr. Kerry said, ''If I'm president, I pledge to you, we will repeal that phony bill.''

As Mr. Kerry aimed his fire at the White House, the second-place finisher in the Iowa caucuses, Senator John Edwards of North Carolina, briefly detoured to his native South Carolina, where the Democratic primary will be held Feb. 3.

At a packed sandwich shop in Greenville, Mr. Edwards sounded his themes of spreading optimism and hope in a country he sees dispited by job loss, financial insecurity and shrinking education opportunities. And naturally he emphasized his roots in a state whose primary he says he must win to remain in contention. ''I was born here, I still have a lot of family here,'' Mr. Edwards said to raucous applause, adding, ''This is part of who I am and I intend to compete every way I know how.''

Later, back in New Hampshire, Mr. Edwards reprised a line comparing his electoral potential in the South to that of his northeastern rivals. Answering a question at Roland's diner in Nashua on how he would get his agenda through a Republican Congress, he said: ''The question is, who on the top of the Democratic ticket can go everyplace in America and campaign with the candidates and strengthen their ability to get elected?''

He added, ''In Georgia, do you want John Edwards campaigning with you? Do you want Howard Dean campaigning with you? Do you want John Kerry campaigning with you?''

Later Wednesday evening, Mr. Edwards drew one of his largest crowds yet in New Hampshire, some 400 people who filled a V.F.W. hall in Portsmouth to overflowing. He drew strong applause for his vow to diminish the influence of special interests in Washington who he said block legislation favorable to low-income and middle-class Americans.

''Let me tell you what we should do with these Washington lobbyists,'' he said. ''We ought to cut them off at the knees. The truth is these people are stealing your democracy.''

Senator Joseph I. Lieberman, who moved to Manchester rather than compete in Iowa, called the New Hampshire primary race wide open and talked up his ability to beat Mr. Bush as he spoke to high school students and business leaders. He urged voters to weigh his experience, consistency and predictability.

Mr. KENNEDY. Madam President, finally, I would have thought that since Tuesday—it is now Thursday—we would have heard someone on the other side come down and defend stripping these provisions out of the omnibus bill. The silence has been deafening. One would think if they were going to take these out, at least they would have the guts to come down here and explain to the American people why. Why did they take them out? Who took them out? Who asked that they be pulled out? What was the reason, after it had been supported by the Senate and House of Representatives? But all there is is silence—silence—from the Republican side.

That says something, does it not, when we are talking about something which has already been addressed in both Houses, passed in the Senate, passed in the House, and stripped out in the dead of night and there is silence on the other side.

American workers deserve better. We deserve to understand what the process was in taking out this provision that has been passed by the Senate, and the leadership refuses to give us an opportunity to have another vote to put it back in. Why are we not having a vote to be able to restore it? It doesn't take any time. We would agree to half an hour, with time evenly divided. Let's hear them defend the Labor Department's regulation, a regulation that will affect women, a provision that works unfairly against veterans, a regulation that is unfair to firefighters, police, and nurses. Where is the justification? There is silence on the other side.

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

Mr. KENNEDY. Yes, I yield.

Mr. REID. What the Senator is saying—I say in the form of a question—there may be silence on the other side but it is a little hard, with mad cow disease floating across the world and occurring in our country, for me to comprehend how anyone could defend not having country-of-origin labeling in this bill.

The Senator from Massachusetts has been in the Senate for an extended period of time. Madam President, with all of his experience, can he think of any reasonable rationale, logical argument that can be entered to defend their having taken something that passed the House and Senate dealing with country-of-origin labeling, namely, that if you buy a hunk of meat, you should know from where it comes?

In all of the Senator's experience, his ability to articulate as well as anybody in the country today, could he in his mind figure out a way to defend that position?

Mr. KENNEDY. Well, the logic of the Senator's argument is so overwhelming and the common sense of it is so compelling.

Mr. REID. Could I ask another question?

Mr. KENNEDY. Let me complete this. As the Senator remembers, at the time we heard about the mad cow disease, there was not a family in America that was not asking what is the safety in terms of the food we are eating, the meat product our children and our families eat. All America was concerned about it. We have an opportunity to do something about it. We know what can be done about it.

As I hear the Senator from Nevada, it would not take an awful lot of time. I know the Senator's amendment. I do not think it would take more than half an hour to be able to include those provisions that would give the kind of additional health safety protections for the American people. It is not an absolute guarantee for every situation, but it would make a major difference. How long does the Senator think it would take to include those provisions that would provide the country-of-origin protection?

Mr. REID. I disagree strenuously with the Senator about needing half an hour. It could be done in 5 minutes, 2½ minutes on each side. This is so clear cut. The Republicans en masse would vote in favor of this.

This is something that has been directed from 16th and Pennsylvania Avenue. It was done in the dead of night. The Republican leaders did not follow the legislative prerogatives within the Constitution and caved to the President and corporate America.

This would take 5 minutes. We are going to have a chance to vote on this, and when we do, it will overwhelmingly pass.

Mr. KENNEDY. We could do it now, am I correct, or do it if there was agreement?

Mr. REID. We could do it now in 5 minutes. Nobody will oppose it. I dare anybody to come to this floor and oppose what is going on in this country on mad cow. My 13-year-old granddaughter at dinner Monday night asked her little 8-year-old brother, Aiden: Would you like a piece of mad cow? Even children are afraid of this.

Mr. KENNEDY. Well, there you are.

Mr. REID. Could I ask the Senator another question? I apologize. I hope I am not imposing too much.

Relying upon the experience of the Senator from Massachusetts, whom we have all heard on many occasions explain as well as anybody who could on an issue, we have a situation where the President of the United States has indicated for a while now that he wants

to take away overtime for millions and millions of Americans, and we, the Congress assembled, the House and the Senate, said we do not want him to do that, and we passed provisions and laws saying he cannot do that.

Again, in the dead of night, the Republican leadership in the House and the Senate caved in to 16th and Pennsylvania Avenue. Now, I ask the Senator from Massachusetts, can he come up with any logical argument as to why the American people should be faced with police officers, firemen, nurses, cooks, paralegals, dental hygienists, social workers not being able to get overtime?

Overtime went into effect during the Depression, 70 years ago. Can the Senator come up with any way anyone could articulate a defense of having this overtime provision in this legislation?

Mr. KENNEDY. The answer is special privilege, special interest. Just to add to what my good friend from Nevada pointed out, the Department of Labor then had the gall to publish suggestions to show American business how to make sure these 8 million were not going to receive the overtime. This is just special interest politics: Mad cow, overtime, power of special interests. These are the similar kinds of interests that denied this institution the opportunity to permit negotiation of drug prices under Medicare. What is in the public interest there? America is finally going to find out the Bush administration is primarily interested in protecting the special interests, not the public interest.

That is what I heard across the various small towns, communities, and farms in Iowa. The American people are beginning to get it and nothing illustrates it more clearly than the proposed overtime change in regulations which so adversely affects not only these 8 million Americans but particularly members of the Armed Forces, returning veterans, and the women in our society.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Madam President, I will be very brief. I want to address a change in the time we will be voting today and move that ahead. I want Senators to know just as soon as possible. I will propound a unanimous consent request and then comment on it for 1 minute.

Madam President, I ask unanimous consent that the cloture vote on the conference report now occur at 12 noon; provided further, that the time prior to the vote on cloture be for debate only, and that the time be equally divided between the chairman or ranking member or their designees, with the final 10 minutes equally divided between the two leaders or their designees; provided further, that all of the provisions of the previous order remain.

Mr. REID. Twelve noon today.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Twelve noon today.

Mr. FRIST. That is correct.

The PRESIDING OFFICER. Twelve noon today. Without objection, it is so ordered.

Mrs. HUTCHISON. Parliamentary inquiry: The time would be equally divided from now or from the beginning of the session?

Mr. REID. If there is a problem with time and more time is needed for the majority, we will include Senator KENNEDY's time. We only have Senator KENNEDY and Senator CLINTON. If somebody else comes, I am sure we will not have trouble dividing up the time.

Mrs. HUTCHISON. That is fine. I didn't know how it would come up. I wanted to make sure, if we have some people before 12, that there is some way to accommodate them.

Mr. FRIST. Madam President, we have been working with both sides of the aisle to make sure people have had adequate time to address this issue over the last day and a half. These are very important issues and why we have brought this bill to cloture votes and another vote. So the vote will be at 12 noon, with the understanding that this will give people adequate time to speak. We will stick with the time being equally divided.

To clarify, the vote will be at noon, an hour and 20 minutes from now. If we are successful with that cloture vote, there will be another vote right after the first vote. So we would have both of those votes between noon and 1 o'clock.

At that point, if we are successful, the plan is to go to the pension rate reform bill. We would begin debate on that bill today, as well as amendments today and tomorrow.

The reason I am making this announcement now is because I want to put everybody who is interested in that pension reform legislation on notice that they need to be around today, tomorrow, and Monday, during which we will debate and offer amendments.

If we are successful with these two votes and we get on the pension bill, I will be able to say no more votes today or tomorrow if we can stack those votes for Monday afternoon. We will have no votes after the omnibus bill today if we can make progress on the pension bill and come to an agreement that we will stack those votes for late Monday afternoon.

Mr. REID. Will the majority leader yield? The ranking member of the HELP Committee, Senator KENNEDY, has indicated he is ready to begin some debate on this bill on our side this afternoon. Senator BAUCUS, as you know, is recovering from that accident where he fell. He will not be here. The Finance Committee is aware Senator KENNEDY will be managing the bill on our side. So we are ready to proceed on this matter as soon as the omnibus work is completed.

Mr. FRIST. Madam President, I very much appreciate that participation. Coming back on January 20, there were a lot of things going on. This weekend people are going back to their States to have certain meetings. It is important we continue the business. I appreciate the work on both sides this week. It has been a productive week on many important issues, and we will continue to make progress over the course of the day.

If it goes as outlined—I would like to be able after the second vote today to begin the pension debate, with both sides having people available—we would have no more votes Thursday or Friday—I am not making that announcement now, but hopefully later this afternoon—and then we will stack votes for Monday afternoon. I yield the floor.

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

Mrs. HUTCHISON. Mr. President, the Senator from New York is on the floor and Senator BENNETT is on his way, but I want to take a moment and say I understand some of the concerns that have been raised, but this is a bill that puts Congress's imprimatur on spending for the next 9 months. It does not take last year's priorities. It takes this year's priorities.

We have had a chance to talk about it. We have had a chance to debate. We have had amendments earlier in the process. There has been a full vetting of the differences on this bill. My bottom line is, are we going to let this bill fail and have a continuing resolution that will go from January to October 1 and fail to enact the reforms in election law that will ensure the integrity of the ballot in our country during a Presidential election year? Are we going to keep $148 million from going into the National Cancer Institute when we are doing great research on the causes of cancer and the potential cures? Are we going to fail to meet the needs of our veterans by not allowing the hiring of physicians and nurses, not fully funding the pharmacy costs which are going through the roof, which we must fund for the veterans who are needing drugs as so many people in our country do? Are we not going to fully fund the impact aid schools where our military children go to school while their parents are in Iraq and Afghanistan? Are we going to let those schools' budgets be cut back? I ask, what is the alternative to passing this bill? The alternative is using last year's budget, last year's priorities, and not putting the stamp of this Congress on these priorities in place.

I think we have to look at our choices. The choices are increasing the FBI, increasing impact aid for our schools, increasing National Cancer Institute funding, increasing the ability to make sure China and other countries are complying with intellectual property laws. We will lose a lot if we do not pass this omnibus bill today and go forward with the funding programs for next year on an orderly basis.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Madam President, I listened to the debate with respect to the fiscal year 2004 Omnibus appropriations bill that is before us. I agree with many of the points my friend from Texas was making about the important appropriations in this bill and the necessity for providing the funds needed to run the significant, critical programs of our Government. It is regrettable, therefore, that we are confronted with this particular choice. It was an unnecessary choice. It is a false choice.

The appropriators worked very hard. I have the highest respect for members of the Appropriations Committee. In their hard work, they produced recommendations about what funding was needed for the critical functions of our Government. If that is what we were voting on today, I do not know that there would be a debate. I am confident there would be overwhelming support for that part of the bill. But we all know what happened was not the bill that came out of the Appropriations Committee or the bills that came out of the Senate. Instead, in a conference committee, legislation was inserted into this appropriations bill that has far-reaching consequences.

So here we are being asked to support the ongoing funding of the functions of our Government, which all of us agree is important, at the cost of supporting some very serious changes in our laws that will have far-reaching consequences for the people who live in our States and our country.

As Members of the legislative body, the legislative branch of Government—because we have three branches, three coequal branches under our Constitution—we have two primary responsibilities. First, we are the voices of the people who elect us. That doesn't mean we always agree with every constituent. That would be impossible. I have 19 million constituents. But it does mean that we listen and we pay attention and we try to make the very best judgments we can about what is in the interests of the people we represent.

Then, second, we are part of the system of checks and balances among the branches of Government our Founders so brilliantly invented.

I believe this omnibus bill and the process through which it was constructed violates both of those primary duties. This bill is laden with provisions that were rejected by a vote in this body, and some by votes in the other body. We took a vote. We said, representing the people of New York or Nevada or Utah or America, we are for it or against it but here is where we stand. Apparently the majority vote is no longer the rule in Congress, much to my amazement and distress. That is because this bill has many provisions which were rejected, which were turned away, yet here they are in the bill. We are asked that we either vote for everything or risk the loss of funding for critical Government functions. To me, it just defies our constitutional system.

There is a phrase, ''under cover of darkness.'' I think this bill represents, ''under cover of conference.'' This is one of those processes that may sound a little arcane and even boring to people watching at home or sitting in the gallery, but this is the way our Government in this body, the Congress, works. The Senate passes something. The House passes something. Then, in order to work out any differences between the two Houses, they go to what is called a conference committee where they say: Here is what you passed, and here is what you passed. How do we compromise? Compromise is the very essence of a legislative body.

But that is not what happened this time. What happened is that the conference committee became a separate, equal, powerful, independent legislative body run by the administration. It was under cover of conference that the White House unilaterally added provisions to this bill which reflect their political ideology and agenda, whether or not the duly elected Members of the House and the Senate agreed.

Nowhere is the antidemocratic nature of this process more apparent than in the denial of overtime pay protections for 8 million Americans, including 450,000 New Yorkers. This is a significant overhaul of our Nation's worker protection laws. It was proposed under a cloak of secrecy without a single congressional hearing, without a single public hearing.

As many of my colleagues remember, when the previous administration, the Clinton administration, issued regulations governing how we work today with computer terminals and repetitive kinds of procedures which cause carpal tunnel syndrome and other sorts of problems, regulations were issued to help redesign the workplace and protect the modern worker, particularly office workers but also people on assembly lines who do repetitive work hour after hour. The Clinton administration Labor Department issued ergonomics regulations. That is the phrase that describes how we try to improve the workplace to deal with these kinds of stresses.

The Republicans in Congress attacked the Labor Department for issuing these regulations, claiming they had rushed to judgment because the Clinton administration held only 27 days of public hearings—27 days. Here we are being asked to vote to radically change the overtime compensation rules of our country, and we have never had a public hearing from this administration. Nevertheless, the changes, when they were announced, got a huge outpouring of reaction and a lot of scrutiny from workers and unions and people who know what it means to have to work hard and be told you are going to work hard and you are not going to be paid any more money for it. Many tough questions were asked.

As Members of the House and Senate learned more about these proposals, we became concerned and we said wait a minute, we don't think that is fair. On September 10 of last year, with bipartisan support, we addressed this proposed rule and we saw, in the House, a motion passed to instruct the conference committee to adopt the Senate language, which was on a bipartisan basis, to reject changes under these kinds of circumstances in the overtime compensation laws.

Now what has happened? You would have thought that ended it. But, no, the administration has refused to comply with the wishes of the majority of both Houses of Congress, and I believe the majority of Americans. So we are faced with an Omnibus appropriations bill that radically changes laws that have been in place since the 1930s. I just think everybody needs to understand this. This is not a partisan statement. This is not a political claim. This will take away overtime protection from American workers, whether you are Democrat or Republican, an Independent or pay no attention to politics.

I don't think most experts believe that workers will work less. In fact, the productivity gains that have been occurring are largely because workers in America are actually working longer hours, not fewer hours. In fact, the General Accounting Office found that workers who already are not covered by the Fair Labor Standards Act protections are more than twice as likely to work overtime; three times as likely to work 50 to 60 hours per week.

This is going to have a particularly disadvantageous impact on Americans who live in high-cost areas such as New York City. When you look at what the new rules are and the way the administration has rubbed salt into these wounds by not only changing the rules but sending out circulars to employers to tell them how they can avoid even getting into a position where they might have to pay overtime, it is not a far reach to conclude, as have many experts who have looked at this, that we are seeing with this bill a direct cut in the take-home pay and the yearly income of people who work really hard and who will continue to work hard for less money.

Three of the groups that will be most impacted are police officers, nurses, and veterans. The International Union of Police Associations and its general counsel, who is widely recognized as one of the Nation's leading experts on the Fair Labor Standards Act, estimates that 50 percent of our police officers will lose their overtime provision if this regulation is implemented.

I don't look forward to the next orange alert in any community in our country where police officers are put on 12-hour shifts, maybe 16-hour shifts, where they are asked to work double- and triple-time shifts to protect us, and all of a sudden, no more overtime.

The same with nurses. I have an extraordinary admiration for nursing.

I know from many of the nurses with whom I work and speak on a regular

basis that they are already being forced to do a lot of overtime because of cost pressures on hospitals. They are being asked to do an extra shift. They come to the end of the week, and they are being asked to work weekends. Many nurses are concerned about the quality of their work, being under pressure when they have already put in a 40-hour, 50-hour, or 60-hour workweek. But now we are going to ask them to keep working and not pay them. I am sorry, I don't understand what reality our friends on the other side and on the other end of Pennsylvania Avenue live in. We are losing nurses at a rapid rate because the working conditions with mandatory overtime are already so difficult. The average age of the American nurse is 45. These are mostly women. But they are women and men with lots of responsibility, training, commitment, and devotion. They don't mind working hard, but they have families. They have their own health to worry about. All of a sudden they are going to be told their job depends on them putting in that extra time. But we are sorry, we changed the overtime rule.

Right now, nurses who do not have a 4-year degree could be denied overtime under these proposed rules if they have ''experience in nursing.'' How absurd is that? Of course, they have experience in nursing. They are nurses.

It used to be if you had a professional degree above a certain level you were considered a professional, you worked for a salary, and you weren't going to get overtime. But a lot of LPNs and others, after they have worked a year or 2 years, all of a sudden have experience even though they don't have a 4-year degree. So now this administration is telling their employers to work them because they are now experienced. That is their equivalent.

The cynicism of this is breathtaking. It bothers me greatly to see this great body be part of such a fraud.

Look at the estimates. Two hundred and thirty-four thousand LPNs will lose overtime. You know that a lot of nurses are going to continue to walk away from nursing. It is hard enough if you are paid for these long, difficult hours. But not to be paid for them? I just think we are going to be exacerbating the nurse shortage and undermine the quality of care available to patients.

The final category I will mention is our veterans. We have heard a lot of rhetoric about veterans in the last couple of days, haven't we? I am very proud to represent hundreds of thousands of veterans. I am very proud of the men and women serving us in uniform today. Yet this bill takes away the overtime protections to which many veterans in the workforce are now entitled.

Right now, under the law as it is written before this regulation can go into effect, only workers with a 4-year degree in a professional field can be labeled professional, and, therefore, denied overtime. The Bush administration, under this regulation, would do away with this requirement. They would allow training in the Armed Forces to substitute for a 4-year degree. I know we have an all-volunteer military. I am very proud of the young men and women who sign up to serve our country. I know when they are recruited they are told: Here is the training you can get and the additional education you can obtain in the Armed Forces. This is not only an opportunity to serve your country but to put you in a good position for the future when you get out of the military service if you do not make it a career. You will have tremendous opportunities because of these skills.

Now we are turning around and breaking faith with our veterans, too. We are basically saying: You know that training we gave you, that education you acquired in the military? Now it is going to count against you. You take a job where otherwise you would be entitled to overtime—say you become a police officer and an MP in the Army; you don't have a college degree, but you served as an MP. All of a sudden, guess what. You are not eligible for overtime anymore.

It is very hard to justify in a jobless recovery like the one we are allegedly in that we would make life harder for working Americans; that we would tell the police and firefighters and nurses and veterans and others, guess what. We are going to take money out of your pocket in order to satisfy employers who do not want to be fair to you.

We wouldn't have needed these laws if everybody lived by the golden rule, would we? If everybody got up every morning and said I am going to treat people the way I want to be treated, I am going to treat my employees the way I want to be treated, we would not have to have this law, or probably any other law. But we know, with human nature being what it is, that we have to have some protections for those people who are in less powerful positions. We are just tearing up that social contract right now.

There are many other provisions in this omnibus bill that either were voted against by this body and stuck in anyway or never considered. I am finding this an amazing experience being in the Senate. Everything that I read in civic books and that I thought was what happened in our legislative body is just being upended and thrown out the window.

Another provision slipped into the omnibus which was earlier rejected by this body on a bipartisan basis will delay the implementation of mandatory labeling of the country from which meat and vegetables are imported. I want to know where my food comes from. I would be happy if I could buy only food from New York because I would like to support my New York farmers. I would like to know whether that is a New York apple or a Chinese apple. Somebody else can go ahead and buy the Chinese apple. I want to buy the New York apple. I sure want to know where the meat I eat comes from. That is what this body voted for.

But in response to pressure from a small group of the meat and food industry executives, the administration did the bidding of the special interests instead of the vast majority of Americans. Once again, why are we surprised? And they stuck language into this Omnibus appropriations that will prevent consumers like us from knowing where the food we purchase is grown, and they will overturn a law that is very important to the farmers I represent and to American farmers and producers around our country. It is stunning that this would be done at a time when we were really focused on our flood supply, when we know we need to do whatever we can to protect our food from disease and possible terrorism.

The mad cow issue that arose a few weeks ago is something that has gotten everybody's attention focused on the quality of our food and the safety of our food.

The idea of a country-of-origin requirement was passed as part of the farm bill in 2002. Here it is 2004, and this administration wants to undo the will of the democratically elected majority of the Houses of Congress.

There are many more examples of what is wrong in this omnibus, whether it is reimposing the national television ownership cap that was already rejected in both Houses, making our media less diverse, more concentrated, and less responsive to local issues.

Senators MCCAIN and HOLLINGS held extensive hearings on this issue. They produced a Senate resolution to restore meaningful, cross-ownership limits on television stations and newspapers. It passed by a vote of 55 to 40. That was a bipartisan majority vote. The legislative branch did its job. We held the hearings, we got the evidence, we did the argument and debate, and we had the vote. It doesn't seem to matter to the folks on the other end of Pennsylvania Avenue. If it crosses one of their special interests, by George, we don't care about democracy. We don't care about majority votes. We don't care about bipartisanship. We are going to deliver to the people whom we think are on our side when it comes to special interests.

It is distressing and it is something about which I think every American should be concerned. We are undermining the checks and balances of our Constitution. We are undermining accountability. We are undermining the coequal branches of Government.

If all we wanted was a king, we would have put a king into the Constitution to do whatever the king wanted to do. What do we need a democracy for? Why do we need to elect people to come to the Senate to express their opinion, hold hearings, and have votes? Let us just cede all authority to the other end of Pennsylvania Avenue. They want

control of the executive branch. They want control of the congressional branch. They want control of the pork. Why don't we just all give up and go home? It doesn't seem to matter what we vote on. It doesn't seem to matter what the majority says. The administration calls the shots, and people in this body let them do it. It is astonishing to me.

Another example: We are diverting limited educational resources to an untested, unproven, private school voucher plan which was not included in the Senate-passed bill. I think, once again, we are doing something that has no support in this body and we are letting it happen because the administration wants it to happen.

We also have an across-the-board cut in this bill, not debated by the Senate, stuck into the bill at conference, taking away money from agencies of the Government, appropriations already signed into law, including the Department of Homeland Security.

I could go on and on. It is astonishing what happened under cover of conference. It is hard to justify a process that is so flawed, so antidemocratic—with a small ''D''—so beholden to and in the pocket of special interests, so willing to buckle under and do the bidding of the administration, whether or not it is in the best interests or the long-term benefit of our Nation.

It is our responsibility to do the business of those people who sent us here. By ignoring the will of the majority, by turning our backs on the Senate and the House, we are making a mockery of our system.

I know very well that during the previous administration the other side of the aisle would be up in arms. And they should have been if something such as this had gone on, no doubt about it.

I hope we will continue to stand against this mockery of the democratic process and the undermining of our legislative responsibility.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. I have listened with interest to the Senator from New York and will respond to several of the things she said.

I notice the chairman of the Appropriations Committee in the Chamber. I do not wish to intrude on his time unduly because he is the real expert on this process and can explain why we are where we are far better than I can.

I do have personal reactions to several of the comments the Senator from New York has said. She talks about things that have not been passed by the Senate and gives two examples—country-of-origin labeling and vouchers—and says we are ignoring the will of this body.

But what she does not comment on and may not realize is that in both these instances, the House of Representatives took a diametrically opposed position to that which was taken by the Senate. The purpose of conference is to deal with that kind of a challenge.

I will talk about the country-of-origin labeling because I was personally involved in it. The House of Representatives said: Absolutely, we are going to kill this program. The Senate said: Absolutely, we have to keep this program. There is not a lot of room for negotiation between those two positions.

For her to say it is terrible, what came back from conference was not what the Senate passed and somehow we did it because the administration told us to do it ignores the fact that the House of Representatives has exactly the same amount of power under the Constitution as the Senate. And they took a very firm position.

What we came up with, in conference, and I was the one who suggested it so I have direct knowledge, was a compromise that said we will not take the House position and kill this program, but since the House will not take the Senate position and implement it immediately, let's simply delay the effective date to give us time to figure out a way to make it work, if it is possible to work.

I don't consider that under cover of darkness. I don't consider that a violation of what we learned in civics class about the way to resolve problems between the House and the Senate. I think it is a legitimate position that comes to a compromise between the House's firm statement and the Senate's firm statement and says we will keep the law, which is what the Senate wanted, but we will delay the implementation, which is not quite what the House wanted. I view that as a win for the Senate position.

I am a little bit troubled to have the Senator from New York say we have violated the spirit of the Constitution with this kind of a compromise and this kind of accommodation between the two.

I have said this before and undoubtedly will again. I learned from my father when he served in this body this truth: We legislate at the highest level at which we can obtain a majority. Many times the process of getting to a majority is not pretty. Many times things are done which in civics class people would get very upset about, but in order to get a majority to get the thing done, this is where we are.

This bill represents the highest accommodation of all the interests we can arrive at for which we could obtain a majority.

One other comment that I would like to make with respect to the Senator from New York and her constant repetition that all we did in this conference was buckle under to the will of the administration; all we did was accept the administration's position and over and over again; we ignored our responsibilities as the legislative branch and said whatever the king wants we will give him. This is the rhetoric we get.

I have not been here as long as many Members and certainly not as long as the chairman of the full committee who will speak next but I have been here long enough to have been in a number of Appropriations Committee conferences, most of them under the previous administration, the Clinton administration to which she referred, and I tell my constituents, in every conference of the Appropriations Committee on which I have sat—and there are a number of them—when the Clinton administration was in power, the Clinton administration made its wishes very much known. And in every instance the veto threat that came out of the Clinton administration was, if you do not increase spending above the amount you are talking about in this bill, the President will veto it.

There were times when we gave in to that pressure from the administration. We felt it so necessary to pass the appropriations bills and fund the Government that we would grit our teeth and say, all right, we will, even though it was not adopted in either House we will, in fact, increase spending in order to avoid a veto threat.

The veto threats we have heard out of the Bush administration have been the other way. The veto threats out of the Bush administration are, these spending numbers are too high and we have to cut them down in the name of fiscal responsibility.

I make that point because one of the things being said in this political season is that the Republicans have given up on fiscal responsibility; the Republicans are responsible for the runaway spending. I have been there. I have been at the conference committees. I can assure all Members that this administration is no more active in the conference committees than the previous administration, and all of the pressure out of the previous administration was to increase the spending whereas the pressure out of this administration has been to try to get the spending under control. I simply want to get that information clearly on the record as we go into this political season.

With that, I yield the floor so we can hear from the other Senators.

Ms. COLLINS. Mr. President, I rise today to discuss recent progress regarding amendment 13 to the Northeast Groundfish fishery management plan.

The omnibus appropriations bill we are currently deliberating will pause the implementation of amendment 13 for 5 months. This pause was added at my request because of inequities in this fishery management plan that unfairly discriminates against Maine fishermen. Since I announced in November that I would seek to delay implementation of amendment 13, considerable progress has been made to address the inequities in it.

Last week, the New England Fishery Management Council's Groundfish Committee held an emergency meeting

to address these problems. The committee made excellent progress. Specifically, it forwarded a recommendation to the council regarding a minimum allocation of 10 ''B'' days-at-sea for all permit holders. This significant change will ensure that no fishermen are shut out of the fishery entirely. Further, the committee forwarded a recommendation to the full council advocating a decrease in the conservation tax for days-at-sea transfer. Both of these recommendations will soften the impact of amendment 13 on Maine's fishermen.

The groundfish committee also charged their advisors with identifying ''B'' fisheries in the Gulf of Maine. It is crucial that these fisheries are developed to ensure Maine's smaller vessels, which do not have the capacity to reach the grounds currently open, can utilize their ''B'' days-at-sea. Finally, the committee asked their advisory panel to examine the problem of steaming time, which has long worked to Maine's detriment.

I recently received a letter from David Borden, chairman of the New England Fishery Management Council, confirming that ''all of the issues that [I] consider important to Maine fisherman are now being actively evaluated and considered by the New England Fishery Management Council.'' Chairman Borden goes on to assure me the language that I included in the omnibus, ''provided the necessary focus for the fishery management process to address these issues on a timely basis, and that process is well underway.'' I very much appreciate the chairman's candor and his willingness to work with me to address the aspects of amendment 13 that disproportionately harm Maine fishermen.

It is clear that in the months since my provision was added to the omnibus, the New England Council has acted in good faith to meet the concerns of Maine fishermen. Given these developments, I am prepared to lift my objections to an implementation date of May 1, 2004 for amendment 13. I will work with my colleagues to examine ways to lift the funding restriction included in the omnibus. I do this in good faith, and ask for good faith in return. My continuing effort to lift this funding restriction is contingent on both the council and the conservation community continuing to actively address the concerns I and Maine's fishing community have raised.

I am pleased that my provision had its intended effect of focusing the council's attention on the legitimate concerns raised by the Maine fishing community. I am confident that the council will continue to work to improve amendment 13 for the benefit of all New England fishermen.

Mr. HATCH. Mr. President, I rise today to discuss the sections of the consolidated Appropriations bill, H.R. 2673, that pertain to funding for the Departments of Commerce, Justice, and State. I want to recognize the conferees, especially CJS Appropriations Chairman GREGG and ranking minority member HOLLINGS for their hard work on this bill.

It has been just over 2 years since the horrific September 11 attack against our country. We must remain vigilant in fighting the threat of terrorism. Our priorities should reflect the need to ensure the security of our people. The Justice Department leads our Federal law enforcement efforts that are so critical to protecting our country.

Securing the safety and security of Americans at home and abroad should continue to be the number one priority in the Federal law enforcement budget. Such security requires providing Federal law enforcement agencies, as well as State and local law enforcement agencies, with the tools necessary to combat terrorism. Providing adequate funding for these tools is essential to law enforcement's ability to protect America. I am pleased that the Omnibus appropriations bill reflects this priority.

While we must continue to safeguard America from future terrorist attacks, we should, at the same time, exercise fiscal discipline in order to promote our economy. We face difficult budget decisions but I am optimistic that with the improving economy we can balance the need to fund fully the programs necessary to protect Americans with the continuing need to exercise the fiscal discipline that our constituents deserve.

I am especially pleased that approximately $62 million will be appropriated to the Foreign Terrorist Tracking Task Force FTTTF. This independent agency is responsible for coordinating and sharing information among agencies which is crucial to preventing terrorist attacks. The FTTTF is tasked with an enormous responsibility—gathering information from and sharing intelligence with—the CIA, the FBI, the National Security Agency and the Departments of Justice, Homeland Security, Treasury, State and Defense. Breaking down the walls between our agencies is critical to our national security, and I applaud the increase in funding for the Foreign Terrorist Tracking Task Force.

While our Federal law enforcement agencies have focused on combating terrorism, they also carry the burden of investigating and prosecuting other significant crimes. I am pleased to see that the bill includes almost $557 million for Interagency Drug Enforcement which reflects funding for the multiple Departments, including the Department of Homeland Security, the Department of Treasury, and the Department of Justice, which are responsible for cooperating and bringing together the expertise of each of the Federal agencies with the efforts of state and local law enforcement to combat major narcotics traffickers and money launderers. This represents a significant increase to assist law enforcement operations.

I am especially pleased that the Conferees accepted the House funding levels for the Drug Enforcement Administration, DEA at approximately $2.2 billion rather than the Senate's level which would have severely hampered the DEA. At a time when the DEA is shouldering a greater burden in fighting drug trafficking, I commend the Senate for increasing the DEA's funding to make sure that our communities receive all the help they can to reduce the scourge of drugs.

I am also pleased to see that the bill funds the Juvenile Accountability Block Grant, JABG, program which was recently reauthorized as part of the ''21st Century Department of Justice Appropriations Authorization Act,'' P.L. 107–273. Congress reformed the federal role in the nation's juvenile justice system by providing relief from burdensome federal mandates and authorizing block grant assistance to States and local governments, which includes accountability-based juvenile justice programs. The authorization act strengthened the Juvenile Accountability Incentive Block Grant program.

With the passage of Trade Promotion Authority in 2002, Congress set, as one of its priorities, the successful negotiation of free trade agreements. As many of my colleagues are aware, the burden of negotiating these agreements falls on the Office of the United States Trade Representative, USTR. I submit that in order for USTR to do its job, we must ensure that they have the adequate resources necessary to perform the job that we demand of the agency.

Let's examine some of the realities at USTR. One year prior to the passage of TPA, USTR's workload was comprised of two trade agreements. One year after the passage of TPA, USTR's has taken on more than five times its prior workload, negotiating nearly a dozen Free Trade Agreements and pursuing several dispute settlement talks.

And the complexities of the negotiations before and after the passage of TPA have changed. Under the mandates of TPA, through the course of negotiating any Free Trade Agreement, U.S. negotiators seek: strong Intellectual Property Rights protections; access to telecommunications markets; access to financial markets; strong biotechnology protections; increased access to the services markets; strong investment protections; reasonable labor protections; common sense environmental protections; access to the e-commerce market; to ensure the safety of imported food; and strong dispute settlement mechanisms that help to protect America's economic interests. This is no small feat.

I am pleased that the conferees accepted the House level of funding to this important agency which provided an additional $5 million—bringing USTR's funding to $41,994,000. This additional funding is consistent with the marked increase in the agency's workload and will help ensure that USTR will be able to adequately fulfill their Congressional mandate.

I was hoping to see language in the bill which would ask the General Accounting Office, GAO, to look into several issues that will be relevant in the preparation of the 2010 census. What I would have liked to see could have been as simple as the following: the potential cost of any 2010 Overseas Census; the use of emerging technologies, including the internet, in any overseas enumeration; the feasibility of using State or Federal systems for assigning Americans living outside of the United States for purposes of appointment of Representatives in Congress among the several states; and the different ways of determining some legal basis for whom should be counted.

These are important issues that need to be more fully explored. In my State of Utah, where some 14,000 Utah residents are serving an overseas mission for the Church of Jesus Christ of Later Day Saints and are not counted in any census—this is an especially critical issue. I submit that these four issues are not only important for Utahns but for the nation as a whole. There are many citizens of this great Nation that are either temporarily living or working overseas that are not counted in the decennial census. The Congress needs to identify the best and most cost effective ways to ensure that every citizen is counted.

I would have also liked this bill to correct a provision enacted in Section 211 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1999. That section was challenged before the WTO following its application in a U.S. lawsuit addressing the enforceability of a trade name confiscated by the Cuban government in 1960 without compensation to the owner. The court found the trademark to be unenforceable by the plaintiff entity, which had acquired the alleged rights to the mark from the Cuban government. Congress should bring the United States into compliance with the decision of the WTO Appellate Body in that case.

The WTO found in favor of the United States on the section 211 challenge in all respects but one: it concluded that section 211 was drafted in a manner that transgressed the national treatment and most-favored-nation obligations under the TRIPS agreement. At issue was the language of section 211 specifying that the Cuban Government, Cuban nationals and their non-U.S. successors are ineligible to own, and therefore enforce, confiscated trademarks. We should clarify that the prohibition on owning trademarks confiscated in Cuba applies to all nationals, not just Cuban nationals and their successors, thus removing the basis of the WTO's criticism.

While I urged the chairman and ranking Democratic member of the Appropriations Committee to look seriously at including this language in the bill to correct previous appropriations language, I do want to make it clear that it does not constitute a waiver of the Judiciary Committee's jurisdiction over this or any related matter.

Again, I want to thank the Conferees for their efforts.

Mr. INHOFE. Mr. President, I would like to remark briefly on a matter of critical importance to me, related to one of the bills included in this omnibus, VA–HUD. The Senate Committee on Appropriations' Report on VA–HUD contains language directing the Agency for Toxic Substances and Disease Registry—ATSDR—to assess the lead levels at the Tar Creek Superfund site in Oklahoma, and to submit a report to Congress on this assessment no later than July 31, 2004. As a Senator from Oklahoma, and as the chairman of the Environment and Public Works Committee, I cannot emphasize enough the importance of this endeavor to more fully understand the elevated lead levels we're seeing in this community, particularly in children. As the chairman of the committee with jurisdiction over both Superfund and ATSDR, I would like to take this opportunity to elaborate on my expectations of ATSDR in connection with this directive: I am urging ATSDR, in collaboration with the Oklahoma State Health Department, to work to identify significant sources and pathways of exposure to lead that may be contributing to elevated blood lead levels in children at the Tar Creek Superfund site in Oklahoma.

Mr. LEAHY. Mr. President, I come to the floor today to express my disappointment with the Omnibus appropriations bill.

It is not without some reservation that I rise today to make this speech. As a member of the Appropriations Committee I know how hard it is to draft these bills each year. Senators on both sides of the aisle have worked long and hard to produce each of the seven bills that are wrapped into this package. Chairman STEVENS and Senator BYRD were tireless in their efforts to move these bills along and have tried to keep this process on track despite the difficult hand they were dealt.

Unfortunately this year, under the influence of the administration and the pressures of partisanship, the process broke down. It is now the middle of January, nearly four months into the fiscal year, and 11 out of 15 Cabinet-level departments are running on a temporary spending measure. This stopgap measure has already caused disruptions in services and cuts to many social programs.

We should not be in this situation. Had we considered these bills in regular order we would have passed most of them long ago. The foreign operations title was written in a bipartisan manner and every member of the conference committee—Democrat and Republican—signed the conference report.

I strongly support this portion of the omnibus, and I want to commend my friend from Kentucky, Senator MCCONNELL, for working with me in such a bipartisan way to produce what I believe was probably the best, most balanced outcome we could have achieved.

Although the amount contained in the foreign operations conference report fell far short of the amount requested by the President—a fact which I find mystifying since the President's party controls both Houses of Congress—it is an improvement over the previous fiscal year. It contains several new initiatives, as well as additional funds for some very important programs.

I supported Senator DASCHLE's effort last December to pass the foreign operations bill independent of the omnibus. If we were given the opportunity to vote on the foreign operations portion of the omnibus by itself—and frankly I do not understand why we have not been given that opportunity—I would vote aye.

Instead the administration and congressional leadership used the pressure to pass these bills as a vehicle to move their agenda forward. Several provisions were added, and in some cases removed, to the package at the last minute and behind closed doors, sometimes in direct contradiction to votes taken on the Senate and House floors. We are now in a situation where the omnibus is mired down in debate over controversial issues unrelated to the underlying bill.

These are issues as serious as how much overtime our Nation's workers should be paid. The Bush Labor Department announced plans last March to overhaul the Federal rules on overtime pay. The new rules would redefine eligibility for overtime, adversely affecting nearly 8 million American workers who earn between $22,100 and $65,000 annually. I am troubled that so many working families in this country will no longer be entitled to time-and-a-half pay. And I find it disingenuous that the Labor Department is planning to include in the regulations a list of cost-cutting suggestions for businesses that will show them precisely how they can avoid paying overtime compensation to their employees.

On September 10 of last year I joined a bipartisan group of Senators in opposing the administration's overtime compensation changes. By a vote of 54 to 45 the Senate approved an amendment to the Labor-HHS appropriations bill to overturn the regulations for another year. The House joined this effort less then a month later when they instructed their conferees to support the Senate provision. Unfortunately the President threatened to veto the fiscal year 2004 Omnibus appropriations bill if it contained this provision. Late at night, without the consent of the full conference committee, congressional leaders relented and against the will of Congress the provisions were removed from the final bill.

The Labor Department now expects to have its regulations finalized by the end of March. And in testimony before

the Senate Labor Appropriations Committee yesterday the Secretary was unwilling to not only delay implementation of the regulations, but even to listen to the debate about how many workers will lose overtime pay because of the regulations.

Just 2 nights ago President Bush implored us to do more to help struggling, working families across this country. He said we should lower their taxes so they have more money to spend. He said we should implement new savings incentives so they have more money saved up. And he said we should implement new programs to promote family life so they will spend more quality time together. Unfortunately, the actions of this administration to reach into the pocketbooks of hard-working families—to take away their overtime pay and keep them apart for even longer hours—speak much louder than the President's words.

The will of the Senate was also thwarted when it came to regulating the safety of our Nation's food supply. Consumers have said, in large numbers, that they want basic information about the food they consume. A recent nationwide poll indicated that 82 percent of American consumers think food should be labeled with country-of-origin information. That is why Congress mandated country-of-origin labeling—otherwise known as COOL—as part of the recently passed farm bill. The language of the COOL law states that only beef born, raised, and slaughtered in the United States can be labeled a U.S. product. Only with the country-of-origin labeling law will consumers be afforded a choice about the origin of the food they purchase and consume. The recent discovery of a mad cow case in Washington State from a Canadian cow has made clear the need to implement COOL immediately.

Unfortunately, the Bush administration has stridently opposed COOL. Language was included in this bill that effectively kills the labeling law and denies consumers essential information about the meats, fruits and vegetables they purchase.

The trend of bucking popular sentiment continued when it came to the issue of FCC media ownership caps. On June 2 of last year the FCC issued a ruling that would have relaxed media ownership restrictions from the 35 percent cap to 45 percent. After public outrage and much debate, the House and Senate approved legislation reinstating a 35-percent limitation on FCC media ownership caps. Despite this the White House successfully lobbied for last-minute increase of a permanent cap at 39 percent.

This so-called ''compromise'' would only serve to the advantage of media conglomerates—several of whom are already in violation of the 35-percent cap and who would otherwise be required to divest some assets in order to comply with the rule. There is no evidence that a 39 percent cap will protect the diversity of voices, or foster the competitive health of the information and entertainment industries. In fact, reasoned analysis suggests precisely the opposite. Unfortunately, Democrats were not in the room when this decision was made. The doors had been closed and communication had ceased.

I could go on. This mammoth bill includes a provision that will pave the way for contracting out thousands of Federal jobs. Bipartisan agreements were reached that would have provided basic protections for federal employees, yet these protections were dropped. Both the Senate and House voted on provisions that would have eased the restrictions on travel to Cuba, but this provision mysteriously disappeared in conference. Titles of the bill that were closed out during conference meetings were reopened after deals had been struck; compromises that were reached on a bipartisan basis were overturned later without consultation. This is not how we should be doing business. It is undemocratic. It is not how the American people expect us to represent them.

The omnibus provides over $820 million in long overdue funds that are desperately needed by Federal agencies, including hard fought increases for veterans medical care and the fight against global aids. But it is packaged with tainted goods.

Today I will vote to invoke cloture on this bill. These provisions could be fixed if the will was there, but the other side of the aisle has made it clear that they will not negotiate. Delaying this bill any longer will only do more harm to our agencies and the people they serve. But I will vote no on final passage. I cannot support the omnibus as it is written. It is a flawed document in both policy and process.

I hope that over the next few months we can start to restore the spirit of compromise, bipartisanship and consultation that used to be commonplace in the appropriations process. Another year like this will do permanent damage to this institution. We deserve and expect better in the United States Senate.

Mrs. BOXER. Mr. President, there are many parts of the Omnibus appropriations bill that I support.

There is $225 million in the bill to help prevent fires and erosion in southern California. It provides over $1.5 billion in funding for the COPS program and other local law enforcement assistance. It funds all of our education programs, including $1 billion for after-school programs, and a $710 million increase in funding to help local schools educate disadvantaged students. It provides a $1 billion increase in funding for health research. It includes a $4.3 billion increase for veterans health care. And it includes many of my requests for funding for California projects.

I wish we had a true appropriations bill that contained these things and only these things. I could vote for that. But this bill contains much more than that.

Our efforts to increase funding for health research are undermined when this bill leaves us more vulnerable to mad cow disease. Our efforts to fund job programs are undermined when this bill takes away overtime pay from millions of hard-working Americans. Our efforts to fund law enforcement are undermined when this bill makes it harder for law enforcement to track down criminals who use guns. Our efforts to fund election reform measures are undermined when this bill allows media conglomerates to control more of the information the public receives.

If the Republicans had just let well enough alone, we would have had a good bill that I could have supported. But, I cannot support this bill.

Let me discuss each of these issues.

First, this bill allows the administration to take away the overtime rights of millions of workers. Last spring, the administration proposed regulations that strip some workers of their right to overtime protection. Both the Senate and House voted to reject this regulation. But, this bill allows it to go forward.

The result is that when President Bush signs this bill, millions of workers including police officers, firefighters, emergency workers, and nurses will lose their overtime pay. Overtime pay now accounts for 25 percent of the income of workers who work overtime. Without that pay—with this new regulation many working families will be poorer.

The new rule will also threaten job creation. Requiring employers to pay a premium for overtime work encourages employers to hire more workers instead of forcing their existing workers to work longer hours. And the longer hours that America's working parents would have to work without overtime protections are hours that the new rule would steal from families. With the stroke of a pen, parents will have to work without overtime pay, and they will be forced to be away from their families.

We have to make the economy work for working families. Stripping workers of overtime protections fails that test. This is a travesty against every American who believes in fair pay for work.

Second, this bill makes us more vulnerable to mad cow disease. The 2002 farm bill includes a provision requiring that food products be labeled by their country of origin. This not only promotes U.S. agriculture, it enables consumers to know if the food they are buying is safe and healthy. It allows consumers to determine where food is from and to make purchases for their families based on this information. It allows consumers to know which beef in the grocery store was from Canadian cattle and which beef was born, raised, and processed solely in the United States.

The Senate passed an amendment to the Agriculture appropriations bill endorsing country-of-origin labeling. But

this omnibus bill delays its implementation for 2 years.

The American people should not have to wait 2 years before they have the right to know that the food they are buying is safe and healthy. They should have that right, right now.

Third, the Omnibus appropriations bill would gut the Brady law by requiring the FBI to destroy gun buyer records within 24 hours of the sale of a weapon.

Right now, when someone buys a gun, an instant background check is conducted and then the FBI keeps that record for 90 days. Since many guns used in the commission of crimes are purchased soon before the crimes are committed, this 90-day database makes it easier for law enforcement to trace guns used in crimes and to find criminals.

This bill eliminates that database and makes it harder for our hard-working law enforcement officers to do their jobs and make our streets safer.

Finally, the omnibus bill allows a single company to own TV stations that reach 39 percent of the country. This comes after both the House and Senate voted to leave the limit where it is now at 35 percent.

In addition, this bill would permit more mergers between newspapers and TV stations in the same local markets.

This means that the door is opened to massive consolidation of the most important news outlets in local media markets. And that means few voices instead of many voices. It means that even fewer people—a handful of gigantic media companies—will be in control of the information the American public receives.

Groups as diverse as the National Rifle Association, the National Organization for Women, the National Council of Churches, Parents Television Council, Consumers Union, and the Leadership Conference on Civil Rights oppose changing the rules. In fact, the Senate and House voted not to change the rules. But the Omnibus appropriations bill defies the will of the Senate and House and provides a belated holiday gift to big corporations.

We can do better. We must do better. Until we do better, we should defeat this bill.

Mr. DODD. Mr. President, I rise to discuss briefly the fiscal year 2004 Omnibus appropriations bill passed today by the Senate.

When the Senate was debating this measure, there were two motions to invoke cloture on the conference agreement. I opposed both motions. I did so in the hope that the Senate would revisit and revise several issues about which I have deep concerns.

One issue is that the conference report allows the Labor Department to, in effect, deny overtime pay to approximately 8 million workers across our country. While both the House and the Senate opposed this policy by partisan majorities, that opposition was ignored by Republican conferees. Many workers who now qualify for overtime pay would find their jobs reclassified as a managerial or professional position, thus making them ineligible for overtime pay if they work in excess of 40 hours. This change is significant because overtime pay can provide as much as 25 percent of a worker's annual income. Instead of working towards creating new jobs and helping working families and individuals, the legislation creates yet another obstacle for millions of Americans to provide for themselves and their families.

Second, the conference agreement delays the implementation of a mandate that requires country-of-origin labeling of meat. In an age where justified concerns are growing over the safety of our food supply—particularly beef products—I feel that it is important for our agricultural policies to include necessary information and safeguards for consumers. The issue of country of origin labeling on certain food items such as meats and produce is an effective way to address this issue providing consumers with a measure of control and choice in their food purchases.

Third, the conference agreement excludes Senate-passed and House-passed measures to reimpose a 35 percent national television ownership cap that the FCC rescinded in June 2003. Instead the conference agreement establishes a 39-percent cap. The FCC ruling and the conference language, in my view, could clear the way for further consolidation in the broadcast media industry that could potentially allow a small number of owners to control a large proportion of our country's news, information, and entertainment sources, thus threatening to hurt both consumers and our democracy.

Fourth, the conference agreement provides for the distribution of school vouchers to students in the District of Columbia public school system. Federally funded vouchers are bad policy for the District and for our Nation. Vouchers do not have a proven or substantial record of success. Students who receive vouchers have no guarantee that they will be accepted into the private school of their choice while parents have no means with which to know whether or not the private school is raising their child's achievement level. All we know for sure about vouchers is that they deprive public schools of vitally needed resources.

Finally, the conference agreement critically underfunds educational activities in the No Child Left Behind Act by $8 billion and in title I by $6 billion. By denying localities adequate federal funds with which to raise school standards, student achievement and infrastructure standards, we are denying millions of children and their families across the country the educational resources they need to succeed.

Regrettably, these provisions were neither revisited nor revised, and cloture was subsequently invoked.

When the conference agreement was before the Senate for final consideration, I voted in favor of the bill. Despite the shortcomings mentioned above, I felt the legislation contained several important provisions that benefit both the country at large and the people of Connecticut. For instance, it contains $1.5 billion for States to make technological upgrades to their election systems. It also contains $1.2 billion in added resources for special education. In addition, it funds vital priorities in health care, law enforcement, and transportation.

On balance, I believe this conference agreement, while needlessly flawed, is worthy of support. I intend to continue to work to rectify its shortcomings.

Mr. LEVIN. Mr. President, it is difficult to oppose this bill because it funds many programs that I support and contains a number of provisions that I worked to have included. However, once again we are being asked to vote on legislation that does not reflect the will of the House and Senate. This bill cuts funding for important programs, while at the same time includes provisions not approved in either the House or Senate, while failing to include provisions passed by both chambers.

Manufacturing has been hit hard in this country. Of the 3 million private sector jobs lost during this Administration, the vast majority, about 2.6 million, are in manufacturing. This bill drastically cuts one of the few programs we have to spur manufacturing. This is intolerable. The Commerce Department's National Institute of Standards and Manufacturing Extension Partnership, MEP, program, which cofunds a nationwide system of manufacturing support centers to assist small and midsized manufacturers to modernize to compete in a demanding marketplace, is cut by 60 percent in this legislation.

Although the program was funded at $105.9 million last year, the President requested an 88 percent cut in the program to only $12.6 million in his fiscal year 2004 budget. The House approved $39.6 million and the Senate $106 million in their appropriations bills. This conference report adopts the House level of $39.6 million, a 60 percent cut to the program. The President and the Republican-controlled House of Representatives didn't even compromise with the Senate, despite the support of 58 Senators pressing for a funding level of $110 million. They are not willing to assist small and medium sized manufacturing companies who are facing strong import competition and job losses.

Further, this bill will deprive over 8 million workers of overtime pay. The administration proposed a regulation to end overtime pay for millions of working men and women. Although the House and Senate both voted to oppose this regulation, their will was ignored because of White House pressure and the language was dropped in conference. This omission will negatively impact such public servants as police

officers and firefighters, including our military personnel who return home to become police officers or firefighters.

Both the Senate and House versions of the fiscal year 2004 Commerce-Justice-State spending bill included language prohibiting the FCC from implementing its decision to allow a single company to own more TV stations in the same market. The current cap is 35 percent. Despite the expressed will of both houses, the bill before us allows more media concentration and raises the cap to 39 perecent. Allowing this kind of media consolidation could be harmful to consumers.

Further, language in the bill mandates that the Justice Department destroy background check records for the purchase of guns within 24 hours of the gun purchase. Under current regulations, the Bureau of Alcohol, Tobacco, and Firearms can retain the records from gun purchases for up to 90 days. This 90-day period gives law enforcement the opportunity to review and audit gun purchase records for illegal activity and problems with the background check system. The provision requiring the destruction of records within 24 hours was inserted into the bill without a debate or discussion of its potential impact. It is incomprehensible that we are in a heightened state of alert to guard against terrorism yet we are not providing law enforcement with more than 24 hours to examine information on weapons' purchases.

Language in this bill will also postpone the country-of-origin labeling, COOL, rule that was previously enacted. The House bill would have delayed that provision for one year. This conference report contains a 2-year delay. Not only did the Senate strongly reject this provision previously, but, more importantly, this delay undermines efforts to ensure the safety of our nation's food supply. The recent mad cow incident in Washington underscored the importance of being able to trace the origin of agricultural products. If the infected cow had not been voluntarily marked as being of Canadian origin, we would not have been able to determine the origin of the disease in such an expeditious fashion. Making COOL mandatory will ensure that such incidents can be traced more quickly.

The omnibus bill also denies many struggling Americans much-needed support services. For example, Section 105 of the Labor-HHS portion of the bill will allow the government to rescind unspent, though already obligated, welfare-to-work funds. By instructing the Secretary of Labor to recapture ''unexpended'' funds rather than ''unobligated'' funds, Michigan and several other states could lose a significant amount of this important funding. Michigan is threatened with losing $16 million that it has obligated in welfare-to-work funds for FY04. If Michigan loses these funds, Detroit alone will be unable to provide 6,000 welfare recipients with job search services, education and training programs, and other employment-related services.

We need to protect our citizens from terrorism and crime, yet this bill fails to adequately fund the COPS program, an invaluable tool in making our streets and schools safer. To date, the COPS program has helped add thousands of police officers and school resource officers in Michigan. Unfortunately, this legislation cuts the COPS hiring program by $80 million—a 40 percent cut from 2003 levels and a more than 60 percent cut from 2002 levels.

At a time when we are asking so much of our military, this legislation provides inadequate funding for our nation's veterans. This legislation cuts nearly $2 billion from the budget passed by the Senate in the spring allocated $63.77 billion for services at the Veterans Administration including health care, burial services and other commitments. This shortfall shortchanges our nation's veterans after we have made great demands on them and strong commitments to them.

This bill also fails our children by mandating a .59 percent across-the-board cut which would reduce funding for No Child Left Behind programs by over $73 million, resulting in 24,000 fewer kids being served by title I. Overall, the Title I Education for the Disadvantaged Program would be $6 billion below the level authorized by the No Child Left Behind Act that the President signed in January of 2002. This cut in funding would also reduce Head Start funding by $40 million, resulting in 5,500 fewer kids attending Head Start.

I am also concerned about the private-school voucher program that this omnibus bill would create in the District of Columbia. This is a proposal that was stripped from the Senate's D.C. Appropriations bill, but squeaked through the House by just a couple of votes. I do not believe we should take our scarce taxpayer dollars away from public schools, where over 90 percent of our nation's children are educated, and divert them to private schools. Furthermore, in the No Child Left Behind Act, Public Law 107–110, Congress included strong accountability standards to demand better results from administrators, teachers, and students for all public schools. I believe we should concentrate on improving the educational level of all students at all DC public schools, rather than take some students out.

This bill severely underfunds Great Lakes and other environmental programs, highway construction projects, law enforcement programs and funding to our veterans. I cannot support this legislation as it has been brought to the floor on a ''take it or leave it'' basis, violating procedures which assure the Senate's input. I hope that we can work out some corrective legislation which will have the broad bipartisan support many of these important programs deserve.

• Mr. CHAMBLISS. Mr. President, I rise today in support of the conference report to accompany the fiscal year 2004 Omnibus Appropriations bill, H.R. 2673. I would first like to thank the appropriators on both sides of the aisle, especially Chairman TED STEVENS and Ranking Member ROBERT BYRD, for their diligent efforts in crafting this daunting funding package, and particularly for their agreement on several provisions significant to the people of Georgia that will meet urgent needs in transportation, education, agriculture, and homeland security.

This body has an obligation to the American people to ensure the continuing operations of our government by annually appropriating needed funding. We also have the obligation to spend consistently within the budget restraints created by the budget resolution—the general agreement between Congress and the executive branch in terms of spending limits which this body adopted last April for fiscal year 2004. We have met this obligation since this bill adheres to that agreement.

The spending package before us funds a majority of the agencies and programs of the U.S. Government. Passing this omnibus appropriations bill toady will allow us to increase our efforts in fighting terrorism; it will strengthen our state and local first responders with increased funding; it will provide additional medical care and other benefits to millions of veterans and address the needs of our Nation's schools and universities.

For example, the omnibus bill includes $260 million for the Centers for Disease Control located in Atlanta for desperately needed building improvements. The CDC is home to some of the brightest and best scientists in the world and this money will contribute to the renovation of many dilapidated buildings in desperate need of repairs and modernization. this bill is also a very important to the State of Georgia. There are vital programs across the State that will receive necessary funding once this bill is passed and signed into law by the President.

I support the passage of this conference report to the fiscal year 2004 Omnibus Bill. Although an unforeseen medical emergency will not allow me to actually cast my vote today for cloture or passage of this conference report, I encourage my colleagues to support the passage of these measures.•

EMERGENCY STEEL LOAN GUARANTEE PROGRAM

Mr. BYRD. Mr. President, in 1999, I helped enact the Emergency Steel Loan Guarantee Program to give American steel companies in difficult financial circumstances ready access to capital to enable them to restructure their operations, improve their productivity, and ensure a future for their hard-working employees.

For more than 4 years, this program has successfully granted Federal loan guarantees to companies like Hannah Steel in Fairfield, AL, and Wheeling-Pittsburgh Steel Corporation in my home State of West Virginia. Without the benefit of these Federal loan guarantees, it is almost certain that these

companies would have gone out of business. Today, however, they are vibrant companies continuing to support thousands of workers, their families, and entire communities.

The fiscal year 2004 omnibus appropriations bill, has included a 2-year extension of the Emergency Steel Loan Guarantee Program, which otherwise would have expired on December 31, 2003. The extension was included, without objection, in the omnibus appropriations bill that passed the U.S. House of Representatives; it was strongly supported by the full Senate Appropriations Committee; and it is now awaiting final action in the fiscal year 2004 omnibus bill now pending before the Senate. A separate provision was included under Division B of the fiscal year 2004 omnibus directing the Department of Commerce to rescind $100 million in prior year unobligated balances. It is my understanding that the provision was included in order for the CJS Subcommittee to meet their allocation.

Mr. HOLLINGS. The full committee ranking member's understanding of the circumstances and provision is correct.

Mr. BYRD. Mr. President, I understand and respect the very tough decisions the chairman and ranking member of the subcommittee had to make in order to meet their allocation, but now, I understand that the U.S. Commerce Department intends to use that provision to rescind $17.7 million for the Emergency Steel Loan Guarantee Program even though they do not have the legal authority to do so.

Receiving reports that, only a few weeks ago, the U.S. Commerce Department was pursuing this particular rescission, I wrote to the Comptroller General of the United States, who heads the General Accounting Office and issues decisions in the area of Federal appropriations law. I wrote to the Comptroller General, David Walker, on December 22, 2003. I inquired as to whether the Commerce Department would have the legal authority to rescind funds from the Emergency Steel Loan Guarantee Program under the terms of H.R. 2673, the fiscal year 2004 omnibus appropriations bill. On January 15, 2004, I received a definitive response from the General Counsel of the GAO, which states that the U.S. Commerce Department is without legal authority to rescind the balance of unobligated funds from the Emergency Steel Loan Guarantee Program. The GAO stated that the unobligated funds for the steel loan program, by law, are available only to the Board of the Emergency Steel Loan Guarantee Program, and those funds are not available to the Commerce Department.

The exact words of the legal opinion that I have received from the GAO are as follows:

The Secretary of Commerce may not legally rescind $17.711 million as planned from the unobligated balance of appropriated funds in the Emergency Steel Guarantee Loan Program to satisfy the rescission mandate in the fiscal year 2004 omnibus appropriations bill.

The GAO legal opinion further states:

Accordingly, we conclude that the unobligated balance of the $140 million appropriation from the 1999 Steel Act is not ''available to the Department of Commerce'' and thus would not be subject to the section 215 rescission. Thus, the Secretary of Commerce may not legally rescind $17.711 million as planned from the unobligated balance of appropriated funds in the Emergency Steel Guarantee Loan Program.

So, I would ask my friend and colleague, Senator HOLLINGS, the ranking member of the Senate Appropriations Committee's Subcommittee on Commerce, Justice, State, and the Judiciary, if he agrees that the Commerce Department has no legal authority to rescind the unobligated balance of funds from the Emergency Steel Loan Guarantee Program in light of the legal opinion I have just obtained on this matter?

Mr. HOLLINGS. My response to my friend and the ranking member of the Senate Appropriations Committee is I absolutely agree the Commerce Department does not have the authority to rescind funds from the Emergency Steel Loan Guarantee Program.

Mr. President, it is clear. The Commerce Department has no legal authority to rescind these funds and should keep its hands off of the money in the Emergency Steel Loan Guarantee Program.

Mr. BYRD. Absolutely. Mr. President, I ask unanimous consent that my letter to the Comptroller General, David Walker, dated December 22, 2003, and the GAO legal opinion dated January 15, 2004, be printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, December 22, 2003.

Hon. DAVID M. WALKER,
Comptroller General, U.S. General Accounting Office, Washington, DC.

DEAR MR. WALKER: With this letter, I am seeking the view of the U.S. General Accounting Office on an issue related to the implementation of H.R. 2673, a bill making omnibus appropriations for FY 2004. Section 215 of Division B—Departments of Commerce, Justice and State of the bill, would direct the Department of Commerce to rescind $100,000,000 of unobligated balances available to the Department of Commerce. In anticipation of enactment of H.R. 2673, the Department is preparing to rescind $17,711,000 from unobligated balances from the Emergency Steel Loan Guarantee Program authorized by Public Law 106–51.

Public Law 106–51 (Section 101) established the Emergency Steel Loan Guarantee Board for purposes of administering a loan guarantee program. The Board is made up of three members, the Chairman of the Board of Governors of the Federal Reserve System, who serves as Chairman of the Emergency Steel Loan Guarantee Board, the Secretary of Commerce and the Chairman of the Securities and Exchange Commission. Section 101(f)(5) of the Act appropriated $140,000,000 for the costs of the loans guaranteed by the Board. In addition, the Act (Section 101(j)) appropriated $5,000,000 to the Department of Commerce to administer the program. However, at issue is the Department's plan to rescind some of the $52,000,000 of unobligated balances of budget authority made available to the Board under Section 101(f)(5) for guaranteeing the loans.

Section 215 of Division B of H.R. 2679 only would permit the Department of Commerce to rescind obligated balances available to the Department of Commerce. Section 101(f)(5) of P.L. 106–51 clearly appropriates funds to the Board, not to the Department of Commerce. The Secretary of Commerce is a minority member of the Board. The Chairman of the Board is the Chairman of the Board of Governors of the Federal Reserve System. Pursuant to P.L. 106–51, loan guarantee agreements with affected steel companies are signed by the Executive Director of the Board, not by the Secretary of Commerce.

I seek the legal opinion of the U.S. General Accounting Office on whether the Department of Commerce would have the authority under section 215 of Division B of H.R. 2673 to rescind unobligated balances that are available to the Emergency Steel Loan Guarantee Board under section 101(f)(5) of P.L. 106–51 for the purpose of guaranteeing loans.

With warmest wishes, I am

Sincerely yours,

ROBERT C. BYRD.

U.S. GENERAL ACCOUNTING OFFICE,
Washington, DC, January 15, 2004.

Subject: Proposed Rescission by Department of Commerce of Unobligated Emergency Steel Guarantee Loan Program Appropriation

Hon. ROBERT C. BYRD,
Ranking Minority Member, Committee on Appropriations, U.S. Senate.

DEAR SENATOR BYRD: This responds to your request of December 22, 2003, for our opinion on the Department of Commerce's (Department) plan to rescind $17.711 million of the unobligated balance of amounts appropriated for the Emergency Steel Guarantee Loan Program (Program). The Department has indicated that it would draw on the unobligated balance of the Program's appropriation to help satisfy a $100 million rescission that would be required by H.R. 2673, the bill making omnibus appropriations for fiscal year 2004, if enacted. You asked whether the unobligated balance of the Program's appropriation is available to the Department for that purpose. For the reasons provided below, we conclude that the Program's appropriation is not available to the Department for purposes of the $100 million rescission.

BACKGROUND

In the findings section of the Emergency Steel Loan Guarantee Act of 1999 (Steel Act), Congress noted the loss of jobs and company bankruptcies in the steel industry as a consequence of increases in steel imports. Emergency Steel Loan Guarantee Act of 1999, Pub. L. No. 106–51, 101(b), 113 Stat. 252 (1999). Congress found that ''a strong steel industry is necessary to the adequate defense preparedness of the United States'' and that industry problems were causing a decline in the willingness of private institutions to loan money to U.S. steel companies. Id. Congress passed the Steel Act, which established the Emergency Steel Loan Guarantee Program, in order ''to provide loan guarantee to qualified steel companies.'' Id. §101(d).

To administer the program, the Steel Act created a three-member Loan Guarantee Board comprised of the Secretary of Commerce, the Chairman of the Securities and Exchange Commission, and the Chairman of the Board of Governors of the Federal Reserve System. Pub. L. No. 106–51, §101(d), (e).

To fund the costs of the loan guarantees, the Steel Act appropriated $140 million. Id §101(f)(5) (''For the additional cost of the loans guaranteed under this subsection, included the costs of modifying the loans . . ., there is appropriated $140,000,000 to remain available until expended.'') Also, the Steel Act provided the Department of Commerce with an administrative support role and appropriated $5 million to the Department for that purpose. Id. §101(j) (''For necessary expenses to administer the Program, $5,000,000 is appropriated to the Department of Commerce, to remain available until expended. . . .'')

The Commerce Department's fiscal year 2004 appropriation, currently before the Senate, would include a rescission of $100 million. Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004, H.R. 2673, 108th Cong., Div. B, §215 (2003) (hereinafter Omnibus Bill) (''Of the unobligated balances available to the Department of Commerce from prior year appropriations with the exception of funds provided for coral reef activities, fisheries enforcement, the Ocean Health Initiative, land acquisition, and lab construction, $100,000,000 are rescinded.''). Subject to the limitation that the rescission come from ''unobligated balances available to the Department of Commerce from prior year appropriations,'' the law would give the Secretary discretion to identify the sources of the rescission. Id. (''Provided, That within 30 days after the date of enactment of this section the Secretary of Commerce shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report specifying the amount of each rescission made pursuant to this section.'').

DISCUSSION

At issue here is whether unobligated Program funds are ''unobligated balances available to the Department of Commerce'' for rescission. The language of the $140 million appropriation itself does not identify to whom the appropriation was made, only the purpose of the appropriation. The Steel Act states, ''there is appropriated $140 million'' for the costs of the loan guarantees that the Board approves. The issue for us is one of statutory construction: Is the Program's $140 million appropriation available to the Board or to the Department? In interpreting statutes, the Federal courts have developed a number of well-recognized conventions, which are also known as canons of statutory construction. One important canon is that words should be considered in the context of the entire statute. See United States v. Cleveland Indians Baseball Co., 532 U.S. 200, 217 (2001); United States Ass'n of Texas v. Timbers of Inwood Forest Assocs., 484 U.S. 365, 371 (1988). We apply that canon of statutory construction in this case.

The provisions in a statute should not be viewed in isolation but in the context of the entire statute. In 2001 in United States v. Cleveland Indians Baseball Co., the Supreme Court stated that ''it is, of course, true that statutory construction 'is a holistic endeavor' and that the meaning of a provision is 'clarified by the remainder of the statutory scheme.'" 532 U.S. 200, 217. See also 2A Sutherland, Statutes and Statutory Construction §46:05, at 154 (6th ed. 2000) (''A statute is passed as a whole and not in parts or sections and is animated by one general purpose and intent. Consequently, each part or section should be construed in connection with every other part or section so as to produce a harmonious whole.''). In our case law, we apply this canon of construction with equal vigor. See, e.g., Matter of Jacobs COGEMA, LLC, B–290125.2, B–290125.3, at 8, Dec. 18, 2002 (''In ascertaining the plain meaning of the statute, we necessarily look to the particular statutory language at issue, as well as the language and design of the statute as a whole.''). See also B–286661, Jan. 19, 2001.

When the 1999 Steel Act created the Program, it specified that the Program was ''to be administered by the Board.'' Pub. L. No. 106–51, §101(d). The Steel Act gave the Board decision-making powers to ''approve or deny each application for a guarantee.'' Id. §101(e). At the same time, the Steel Act provided an appropriation to finance the costs of these guarantees; it said that ''there is appropriated $140,000,000 to remain available until expended.'' Id. §101(f)(5).

Congress finances federal programs and activities by providing ''budget authority.'' Budget authority is a general term referring to various forms of authority provided by law to enter into financial obligations that will result in immediate or future outlays of government funds. See §3(2) of the Congressional Budget and Impoundment Control Act of 1974, 2 U.S.C. §622(2) and note, as amended by the Omnibus Budget Reconciliation Act of 1990, Pub. L. No. 101–508, §§13201(b) and 13211(a), 104 Stat. 1388, 1388–614, and 1388–620 (Nov. 5, 1990). An appropriation, such as the $140 million one enacted for the Program, is one form of budget authority. Within the context of the 1999 Steel Act, only the Board has authority to incur an obligation against the $140 million appropriation by committing the federal government to a loan guarantee. It is the Board who can approve applications for loan guarantees, and it is the Board's approval of an application that financially obligates the United States. For this reason, we view the $140 million appropriation as available to the Board, not to the Department. While the Secretary of Commerce, as a Board member, has a vote in whether to approve an application for a loan guarantee whose costs are charged to the $140 million appropriation, the Secretary, by himself, cannot approve an application and cannot incur an obligation against the appropriation.

The Department asserts that the $140 million is a Commerce Department appropriation because the Steel Act appropriated $5 million to the Department to cover the costs of administrative support to the Program. Specifically, the Steel Act appropriated $5 million to the Department ''for necessary expenses to administer the Program.'' Id. §101(j). The Department notes that historically Commerce, Treasury, and OMB have always treated the $140 million as a Commerce appropriation. The Department performs all of the Board's bookkeeping and provides other administrative support. The Department carries the Board's staff on the Department's payroll. Treasury, the Department says, has assigned the Program's appropriation a Commerce Department account symbol, and OMB reports the Program's activity as part of the Department's budget.

We agree that the Department has an administrative role with regard to the Program's appropriation; however, the Department's argument is not persuasive when considered in the context of the Steel Act. The Department fails to recognize that while the Steel Act appropriated funds to the Department ''for necessary expenses to administer the Program,'' the word ''administer,'' when viewed in the context of the entire Steel Act, has a particular and very different meaning than its use earlier in the Steel Act when the Steel Act specifies that the Program ''is to be administered by the Board.'' In this regard, the Steel Act captioned the §5 million appropriation, ''Salaries and Administrative Expenses.'' When contrasted with the very clear decision-making authority provided the Board to approve loan guarantee applications, it seems equally clear that the Steel Act intended the Department to perform ministerial administrative tasks, such as recording obligations as a bookkeeper, and provided a specific appropriation to cover these expenses, whereas it intended the Board to perform decision-making ''administrative'' tasks, such as incurring obligations. The Department's Treasury's and OMB's historical treatment of the Program's appropriation that the Department finds relevant is consistent with the Department's administrative support role.

Furthermore, the words Congress selected in sections 101(f) and 101(j), especially when viewed in the context of the Steel Act, support the conclusion that Congress made the $140 million appropriation available to the Board and not to the Department of Commerce. In appropriating money for administrative support, Congress expressly appropriated the money to the Department: ''$5,000,00 is appropriated *to the Department of Commerce*, to remain available until expended.'' Id. at 101(j) (emphasis added). Had the Congress intended the Program's $140 million appropriation, enacted in the same Steel Act, to be available to the Department as well, we would have expected the Congress to use the same phrasing as it did in enacting the $5 million appropriation. The fact that the Congress chose not to use that phrasing for the $140 million appropriation, especially when the Congress clearly said that the Program funded by that appropriation was to be administered by the Board, believes the Department's assertion.

The Department makes three other arguments. First, the Department points out that in Division B, Title II of the omnibus bill, section 211 would provide extra funding for administrative support. Omnibus Bill, Div. B, §211, Section 211 would authorize the Secretary of Commerce to use $2 million of the unobligated balance of the $140 million appropriation to supplement the $5 million previously appropriated for administrative support. The Department argues that Congress would not have made that money available to the Department had Congress not viewed the $140 million as a Commerce Department appropriation. The Department offered no support for its argument, and we found no support for its argument in our review. As we explain in this letter, all indications are that the $140 million is not available to the Department. In fact, regardless, of whether the appropriation is available to the Department, Congress still would need to act to make any amounts available for administrative support. The $140 million appropriation, as enacted, is available only for the costs of the loan guarantees and not for administrative support. There is another appropriation, the $5 million appropriation, that was enacted specifically for administrative support.

Second, the Department notes that last year, Congress enacted a rescission in the fiscal year 2003 omnibus appropriations act of the unobligated balance of the appropriation for the Emergency Oil and Gas Guaranteed Loan Program. This program was created at the same time, in the same public law, for similar purposes, and in a similar manner as the Steel Program. When the Oil and Gas Guaranteed Loan Program expired last year, Congress rescinded the remaining $920,000 unobligated balance in that program. Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003, Pub. L. No. 108–7, Div. B, 117 Stat. 11, 106 (2003) (''Of the unobligated balances available [in the Emergency Oil and Gas Guaranteed Loan Program account] from prior year appropriations, $920,000 are rescinded.''). The Department interpreted the 2003 rescission language as a direction to Commerce to rescind the money. The Department argues that the section 215

rescission in the Omnibus Bill is like the oil and gas rescission. In our view, the fact that in both instances it is the Department's responsibility to take appropriate action to accomplish the rescissions does not mean that the appropriations are available to the Department. Rather, the Department's responsibility is based on its statutory role to provide administrative support, such as bookkeeping. also, we note that Congress explicitly rescinded the oil and gas unobligated balance. That is not the case before us here.

Lastly, the Department finds support in the fact that section 215 in the Omnibus Bill specifically exempts from the $100 million rescission ''funds provided for coral reef activities, fisheries enforcement, the Ocean Health Initiative, land acquisition, and lab construction,'' but does not exempt the Program's appropriation. Omnibus Bill, Div. B, §215. Commerce asserts that this implies that the Program's noninclusion in this list means that the Program's funds are not exempt from, and thus subject to, the rescission. We are not persuaded. The $140 million is not listed in the bill because it is not a Commerce appropriation, as are funds provided for coral reef activities, fisheries enforcement, the Ocean Health Initiative, land acquisition, and lab construction.

CONCLUSION

Accordingly, we conclude that the unobligated balance of the $140 million appropriation from the 1999 Steel Act is not ''available to the Department of Commerce'' and thus would not be subject to the section 215 rescission. Thus, the Secretary of Commerce may not legally rescind $17.711 million as planned from the unobligated balance of appropriated funds in the Emergency Steel Guarantee Loan Program to satisfy the rescission mandate in the fiscal year 2004 omnibus appropriations bill.

If you have any questions, please contact Susan A. Poling, Associate General Counsel, at 202–512–5644.

Sincerely yours,

ANTHONY H. GAMBOA,
General Counsel.

ORGANIC AGRICULTURE

Mr. KOHL. Mr. President, I am very pleased that the conference agreement with regard to the fiscal year 2004 Agriculture Appropriations bill includes funding for important programs addressing organic agriculture. However, many of the important details regarding Congress' intent for the administration of USDA organic programs were enumerated in the House and Senate reports, without reiteration by the statement of managers.

As stated in the preface of the statement of managers:

[T]he House and Senate report language that is not changed by the conference is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein.

Therefore, in keeping with this general rule, it seems appropriate to engage in a colloquy to assure that there is no confusion regarding congressional intent on the important USDA programs affecting organic agriculture.

First, as stated in the Senate report, $1.5 million is provided for the National Organic Program, within the Agricultural Marketing Service account.

I would like to reiterate that it is my intent, as ranking member of the Agriculture Appropriations Subcommittee, that some of the increased funding provided for this important organic program at USDA be used to more fully comply with some of the requirements of the Organic Foods Production Act of 1990, the authorizing statute for this program. Consistent with the Senate report on this matter, part of this funding should be used to hire an Executive Director for the National Organic Standards Board, NOSB, to create an ongoing peer review panel to oversee the USDA accreditation process for organic certifiers, and to improve scientific technical support for the NOSB.

I would ask my colleague from Vermont, the ranking member of the Agriculture Subcommittee on Research, Nutrition, and General Legislation if he concurs with my comments on this matter?

Mr. LEAHY. As one who has worked a great deal in this area, I say to my friend from Wisconsin that I do agree with his comments and concerns on this matter, and believe his remarks are in keeping with the Senate report language on this matter, as well as the final conference agreement.

Mr. KOHL. I thank the Senator from Vermont.

In addition, as specified in the Economic Research Service section of the House report, $500,000 is provided for the analysis and compilation of data related to organic production, marketing and trade. The Senate report further elaborates on this matter within the Agricultural Marketing Service section, and ''encourages AMS to work with ERS, NASS and RMA on the collection of segregated data on the production and marketing of organic agricultural production and marketing, as directed in the 2002 Farm Bill. Specifically, data should be collected on prices, yields, acreage and production costs in the organic sector.''

It is critically important that all USDA collection data agencies coordinate in the effective use of these funds to meet the requirements of the Organic Production and Market Data Initiative—Section 7407—of the Food Security and Rural Investment Act of 2002. However, I would like to add that it is my intention that the Senate report language be used to provide guidance to USDA in the use of the $500,000 provided under the Economic Research Service account in the House report, and that ERS be the lead agency in coordinating this effort.

Again, I would ask my friend from Vermont, if he would concur with my comments regarding the organic data collection provisions of the AMS and ERS accounts of the Agriculture portion of this omnibus appropriations bill?

Mr. LEAHY. I do concur with the Senator from Wisconsin on his comments and concerns about the organic data collection and analysis provisions in the Agriculture portion of this omnibus appropriations bill.

SMALL ENGINES PROVISION

Mrs. FEINSTEIN. Mr. President, some of my constituents are asking questions about the meaning of the small engines provision included in the fiscal year 2004 omnibus appropriations conference report. They raise the question about whether subsection (c) applies only to ''new'' and ''nonroad'' spark-ignition engines smaller than 50 horsepower. That was my understanding. I ask my colleague from Missouri, Senator BOND, one of the authors of this provision, whether that was his intent?

Mr. BOND. I say to my colleague from California, Senator FEINSTEIN, that I intended this provision to apply only to the adoption or enforcement of standards or other requirements relating to ''new'' engines, not existing engines or ''in-use'' engines. Also, I have heard from other colleagues and stakeholders regarding their desire to address in-use engines. I did not intend that this new language to apply to voluntary State programs aimed at reducing emissions from existing engines such as the Texas Emission Reduction Plan.

Mrs. FEINSTEIN. I thank my colleague, and ask whether he intended the language to apply only to ''nonroad'' engines?

Mr. BOND. Yes, I believe the entire provision, including subsection (c), should apply to adoption or enforcement of standards or other requirements relating only to nonroad engines.

Mrs. FEINSTEIN. I thank my colleague. I ask him also about his intent of the provision to apply only to nondiesel engines.

Mr. BOND. Yes, I believe the entire provision, including subsection (c), should apply to adoption or enforcement of standards or other requirements relating only to nondiesel engines. I used the term spark-ignition to have that meaning.

Mrs. FEINSTEIN. I thank my colleague again. I ask him also about his intent of the provision to apply only to engines smaller than 50 horsepower.

Mr. BOND. Yes, I believe the entire provision should apply only to engines smaller than 50 horsepower and not engines larger than 50 horsepower. So, in summary, the intent of this provision is to apply to adoption or enforcement of standards or other requirements relating to the control of emissions from new nonroad spark-ignition engines smaller than 50 horsepower.

Mrs. FEINSTEIN. I thank my colleague for clarifying the intent of this provision here today.

CALIFORNIA WILDFIRES

Mrs. FEINSTEIN. Mr. President, I briefly engage the distinguished majority leader in a colloquy about an issue of great importance to me State. I am pleased that the legislation before us provides $225 million in badly needed assistance to help the State of California recover from last autumn's devastating wildfires and to prevent a

similar tragedy in the future. Of this total made available, $25 million is provided to compensate California's farmers who suffered losses in the fires.

The package of aid that I drafted contained language that would have deemed losses suffered in those fires to be the result of a natural disaster, raised the cap on payments for those losses under the Tree Assistance Program to $200,000, and would have provided upfront payments under that program instead of reimbursements for replacement costs.

It it my understanding that a portion of the language was inadvertently left out of the final conference agreement that I had discussed with the majority leader and his staff. Is that the majority leader's understanding?

Mr. FRIST. The Senator is correct. As I am sure the Senator from California can appreciate, Senators and their staff were working under severe time constraints to finalize the conference report. In this difficult environment, the language the Senator refers to was not included in the final legislation. It is my understanding that under the extreme time constraints imposed on staff to file the legislation and the lateness of the hour when this issue was brought to the conference, staff were unable to include the language.

Mrs. FEINSTEIN. I thank the majority leader for that clarification. Those elements of the relief package are crucial to the recovery of agricultural producers in my state. Some of the disaster programs administered by the Department of Agriculture do not provide relief for losses due to arson. However, it is clear to me that the wildfires in California were a natural disaster. Those losses would not have been incurred, if not the drought conditions in high Santa Ana wind conditions. Additionally, as many of the losses were of high value specialty crops, an increased payment cap is needed for adequate recovery effort.

I would ask that the majority leader work with me to ensure that the administration address the intent of my omitted language, so that USDA can administer the relief as intended and the effected producers can recover their losses.

Mr. FRIST. I commend the Senator for her dedication and diligence on this issue. I will work with her to support the intent of her omitted language for the $12.5 million funding provided in the legislation for the tree assistance program. I will discuss this issue with officials at USDA and it is my hope that the issues she has raised can be addressed by administrative action once the regulations are issued implementing this section of the legislation. However, if this is not possible due to statutory law, I commit to work with her to enact legislation that will address this unique problem of disaster assistance for producers of high value specialty orchards.

RURAL ECONOMIC DEVELOPMENT GRANT AND LOAN PROGRAM

Mr. HARKIN. Mr. President, I am very concerned that the Department of Agriculture has not been allocating funds built up in the account for the Rural Economic Development Grant and Loan Program called the ''cushion of credit.'' Rather than providing these funds to local rural electric cooperatives and telephone cooperatives where they can be used to create jobs and improve the economy of rural America, a considerable sum has been built up. There has never been as large a sum unspent as we have seen over the past year. USDA needs to put this money to work as the law intends.

Mr. KOHL. The Senator from Iowa is correct. These are not appropriated funds, but money that has been paid to the Rural Utility Service by local REC and telephone cooperatives when they retire debt at an early stage. And, there has always been a presumption that the money would be made available on a timely basis for qualified proposals for economic development. The department should allocate these funds to qualified applications as quickly as possible.

Mr. BENNETT. I agree with the Senator from Iowa and my ranking member. There is a long history of the Rural Economic Development Grant and Loan Program being a very effective tool to provide capital for many worthy job creating projects. I concur that the Department should release the funds sitting in the cushion of credit account to qualified applications as quickly as possible.

POLIO ERADICATION

Mr. HARKIN. Mr. President, I rise today to thank the ranking member of the Foreign Operations Subcommittee, my distinguished colleague from Vermont, Senator LEAHY, for his support of the ongoing efforts to eradicate polio by 2005, and especially thank him for working to include language recommending $30 million in the Senate report accompanying the FY 2004 Foreign Operations Appropriations bill.

The international effort to eradicate polio has made tremendous progress. Since the global initiative began in 1988, more than 3 million children in the developing world, who would otherwise have become paralyzed with polio, are walking because they have been immunized. The number of polio cases has fallen from an estimated 350,000 in 1988 to approximately 1,500 cases in 2002. The target date for the last case of polio is 2005. When the world is certified polio free, immunizations can cease and the U.S. will save $350 million annually while the world will save at least $1.5 billion.

The major partners in the global polio eradication effort have joined with national governments around the world in an unprecedented demonstration of commitment to this historic public health goal. As the initiative runs its course, total victory can only be guaranteed through continued and unwavering commitment to the goal of a polio-free world.

It is my further understanding that the House report recommended not less than $25 million for USAID's global polio eradication activities in FY 2004.

This is similar to last year, and the final disposition was $27.5 million for polio eradication in FY 2003. My question to my friend from Vermont is how much does he expect USAID to allocate for these activities in FY 2004?

Mr. LEAHY. I want to recognize the Senator from Iowa for his leadership on this issue. He has been a champion of polio eradication and his efforts have paid off in the continuing U.S. support for the global polio eradication effort. As my friend has said, for FY 2004, like in prior years, the House and Senate Foreign Operations subcommittees recommended $30 million and not less than $25 million, respectively. It is my expectation that USAID will provide $27.5 million in FY 2004. This is no time to reduce our support for this effort as we approach the finish line.

These funds will allow for accelerated polio eradication activities, improved surveillance for polio and other diseases, and support for cease-fires in conflict zones for National Immunization Days. The United States is the largest international donor for the Polio Eradication Initiative, and the success of this program should be a source of pride for all Americans.

Mr. HARKIN. I thank my friend from Vermont for this clarification and for his and the Appropriations Committee's efforts to reach the goal of a polio-free world.

Mrs. FEINSTEIN. Mr. President, I rise in favor of the FY04 Omnibus Appropriations Conference Report, despite major concerns I have with how this bill was put together and with a number of items in the bill.

Nevertheless, we are faced with an up or down vote. On balance, I believe that the bill is a net positive and I will support it.

The best you can say about this bill is that it is a mixed bag. There are items in the bill that are good for California and the Nation, but there are a number of harmful legislative provisions attached to the bill and on a number of issues the administration was allowed by the majority to override the will of the Senate.

For example, among the harmful provisions that I hope we can reverse is language which requires next-day destruction of background check records of sales where a gun buyer successfully clears a Brady background check and is permitted to purchase a firearm. I also look forward to the Senate taking action to prevent implementation of the administration's proposed rules on overtime compensation.

Before I talk further about the bill, I want to talk about the serious and wholly avoidable problems associated with the process by which we reached a final agreement on this package.

The ranking member of the Appropriations Committee and others are

correct in highlighting those issues. If for no other reason then that we should avoid them in the future.

Senator BYRD is correct when he says that adopting this conference report or facing a year long continuing resolution at FY03 levels are not the only paths out of this impasse.

If the majority leadership in the Senate and the House had chosen, we could have worked out the serious concerns that Senators of both parties have with this legislation. We all knew that there are only a handful of major issues.

However, the majority did not show any willingness to address overtime pay, country of origin labeling for meat products, media ownership rules, or outsourcing of Federal jobs.

Senator BYRD also eloquently laid out in his letter to the majority leader the instances in which the administration, at the eleventh hour, was permitted by the majority to prevail over the will of the Congress. I would like to quote what he wrote:

Several very controversial legislative riders were added at the last minute by the Bush White House. Disappointingly, the Republican Congressional Leadership, at the insistence of the White House, capitulated to changes that were not even contemplated when the bills were before the House of Representatives and the Senate.

Overriding the will of the Senate, the bipartisan overtime regulation prohibition, which passed the Senate by a vote of 54–45, was dropped. The resulting Bush administration plan would eliminate overtime pay protections for as many as 8 million American workers who currently are eligible for overtime pay. These hard-earned overtime dollars often make the difference between workers providing a better life for their families or just making ends meet.

Overriding the will of the Senate and at the behest of the cattle and food marketing industries, the Bush administration actively and officially supported language in the omnibus conference that would delay implementation of mandatory country-of-origin labeling of meat and meat products. Despite the potential danger to American consumers of any delay, the country-of-origin labeling for meat and meat products, enacted as part of the 2002 Farm Bill and scheduled to take effect this fiscal year, would be delayed by two years.

Overriding the will of the House and the Senate, the one-year limitation on the FCC media ownership rule was turned into a permanent cap at 39 percent. The practical effect of changes demanded by the White House is to protect Rupert Murdoch's Fox television network and CBS-Viacom from having to comply with the lower 35 percent ownership caps that conferees had included in the original conference report. The White House is boosting special corporate interests at the expense of the people's interest for balanced news and information.

Overriding the will of the House and Senate conferees, and again at the Bush administration's insistence, 400,000 Federal workers will lose job protections. During negotiations, Congressional Democrats and Republicans agreed to provide basic protections for federal employees whose jobs have been targeted by the Bush White House for privatization. Because of White House intransigence, those basic protections were dropped. What remains provides so many loopholes for the Bush administration to privatize Federal jobs that little protection is provided for workers. The administration's policies encourage unfair treatment of dedicated public servants, many of whom are being forced into early retirement or the prospect of reduced benefits and lower pay.

At this point, the only choice we have is between this omnibus, which funds the Departments of Agriculture, Commerce, Justice, State, Labor, Health and Human Services, Veterans Affairs, Education, Housing and Urban Development, Transportation, and Treasury.

Under a year long continuing resolution, these departments would be funded at last year's levels. And as a result, major programs which benefit millions would be severely underfunded, and many needed projects, including hundreds in California, would receive no funding.

Indeed, there are a number of items in the bill of particular importance to me and to California that I would like to highlight: $225 million for California wildfire relief and prevention; $85 million for COPS grants for interoperable communications; A 5-year Pilot Program for school choice in Washington, DC; Increased NIH Funding; and Funding for Election Reform.

If the Omnibus were not to pass, then none of these programs would receive necessary funding.

As we all know, California suffered devastating wildfires last fall. These fires consumed a total of 738,158 acres, killed 23 people, and destroyed approximately 3,626 residences and 1,184 other structures.

And this is just the tip of the iceberg. In California, 8.5 million acres of Federal land are at the highest risk of catastrophic fire, so it is critical that we protect our forests and nearby communities and avert a similar catastrophe in the future.

That is why I am so pleased that Congressman JERRY LEWIS and I were able to secure $225 million in emergency funding.

This funding will help prevent mudslides, provide relief for farmers whose crops were burned, and eliminate a million trees killed by the bark beetles.

This funding is critical to helping prevent future fires.

As we saw in November, trees killed by the bark beetle become kindling in a serious fire, and put homes and lives at risk.

Removing them is a necessary first step toward preventing fires like the ones we experienced from happening again.

The bill also includes $85 million in grants to help first responders better communicate with each other in times of crisis.

In all too many jurisdictions, police, fire and emergency medical service personnel can't communicate with each other over the radio when an emergency occurs. This means slower response times, less coordination between agencies and lives lost.

To help remedy this problem, I sponsored an amendment to the emergency spending bill passed last year, which provided $109 million to improve the compatibility of first responders' communications systems.

Half of this funding would go to police departments and half would go to fire and emergency departments.

And in the Omnibus Appropriations bill there is $85 million in additional COPS grants for interoperable communications for police.

There are about 2.5 million public safety first responders who operate in the United States today, stationed in some 18,000 law enforcement agencies, 26,000 fire departments and 6,000 rescue departments.

When I speak to representatives of these departments, they tell me that obtaining compatible communications systems is their No. 1 homeland security priority.

The need is certainly there. The recent Council on Foreign Relations Independent Task Force on Emergency Responders report on homeland security funding—entitled ''Drastically Underfunded, Dangerously Unprepared''—determined that the minimum interoperable communications need over the next five fiscal years is $6.8 billion.

As America continues to confront the threat of terrorism, it will be increasingly important to give our law enforcement, fire and emergency personnel the tools they need to respond to a possible terrorist attack effectively and safely.

This will allow fire, police and emergency medical services personnel to better communicate in times of crisis and will ultimately help save lives.

I am also pleased that the Omnibus Appropriations bill contains the $40 million DC School Choice plan to provide educational scholarships for 2,000 low-income students in troubled public schools in Washington, DC.

Washington, DC, has the third highest per pupil spending in the Nation—$10,852 a year goes to the education of each child. Yet, it has 15 failing schools and some of the lowest test scores in the country.

Before supporting Mayor Anthony Williams request for this 5 year pilot program, I thoroughly scrutinized the legislative language as it related to the constitutional safeguards, the criteria, the monitoring—and I believe the program which was ultimately agreed to is balanced, fair, and constitutionally sound.

To develop the best program we could and one that would stand a constitutional test, we made certain that the bill contained language that closely follows the Supreme Court decision in Zelman v. Simmons-Harris to help fortify it against legal challenges.

We helped ensure that the District would have a fair method of acceptance for students using vouchers in private and parochial schools and that there would be full accountability and sufficient oversight by Mayor Williams.

We made sure that the scholarship students would be given the same test

that their peers in public schools receive and that their test scores would be evaluated by an unbiased researcher.

No money is taken from the public schools. As a matter of fact, $13 million in new money is provided to public schools and $13 million in new funds is added for public charter schools.

As a result of this program, some 2,000 students from failing schools will have that opportunity for one of these scholarships over the next 5 years to go to the private school of their parents' choice.

This is a worthy trial.

This bill also includes an $835 million increase in funding for the National Institutes of Health.

While this is less than the $1.5 billion increase I sought on the Senate floor with Chairman SPECTER and ranking member HARKIN, the increase is essential to furthering the advances made by NIH particularly in the field of cancer research.

Working together, Congress and two Presidents successfully completed a doubling of the NIH budget over the past 5 years.

Although the fiscal year 2004 budget increase for NIH is smaller than I had hoped for, every dollar spent will yield health dividends for people.

Because of the mapping of the human genome and the advances in molecular biology, it is now possible to develop and target drugs to specific ailments and therefore to break frontiers, to cross barriers and make uncharted progress.

The NIH is the gold standard for the discovery of these new, targeted cancer drugs such as Gleevec which is used to treat patients with chronic myeloid leukemia.

It is my hope that we can press on even further with the progress made in the fiscal year 2005 so that NIH can move closer to funding the optimal percentage of grant applications it receives.

I am pleased that the Omnibus Appropriations Conference Report meets the Federal Government's commitments under the Help America Vote Act, HAVA, which reformed the way elections are administered.

While the President requested only $500 million for HAVA implementation, the conference report provides $1.5 billion for payments to States for the purpose of meeting Federal election standards established in the act.

Following enactment of this legislation, it is vital that these funds be quickly disbursed to the States and localities so that they may implement changes to voting systems in time for the 2004 Federal elections.

As I said before, beyond process, I have a number of serious problems with the substance of the bill, and I will work over the next year to try to fix them.

One of the most egregious provisions, buried in the bill at the behest of the gun lobby, is a provision which requires next-day destruction of background check records of sales where a gun buyer successfully clears a Brady background check and is permitted to purchase a firearm.

Currently, records of criminal background checks are retained for up to 90 days in order to allow the Department of Justice to effectively identify, prevent, or prosecute attempted or completed illegal transactions.

The ability to retain a record of these transactions for up to 90 days allows law enforcement to audit the system to ensure its integrity and to correct errors that may have occurred—for instance, when a gun buyer is able to purchase a weapon when he should have been prevented from getting it.

If those records are destroyed in 24 hours, the ability to correct such mistakes is gone.

A July 2002 report by the General Accounting Office found that the 90-day retention of records allowed the FBI to investigate more than 200 purchases that were initially approved, but later found to have been sales to prohibited purchasers.

The Department of Justice will also lose the ability to adequately verify whether someone on the terrorist watch list has attempted to purchase a firearm, because the records will no longer exist.

According to the Washington Post, at least 12 and as many as 250 individuals on the terrorist watch list have attempted to buy firearms in recent months.

The bill would also prohibit ATF—now BATFE—from finalizing a proposed rule to require licensed gun dealers to conduct regular inventories of their firearms.

The purpose of the rule is to promote more timely reporting of missing and stolen firearms, in order to help ensure that firearms are not ending up in the wrong hands, as in the case of the rifle used in the DC-area sniper shootings last Fall.

Without such a requirement, gun dealers engaged in illegal sales can easily claim theft when their illegally-sold guns turn up in crime.

That may be what happened to the Bushmaster assault weapon used by John Muhammad in the DC-area sniper shootings.

Although Muhammad, a prohibited purchaser, acquired the weapon from a licensed gun dealer in Takoma, WA, many months earlier, the store reported the gun ''stolen'' only after investigators arrested Muhammad, recovered the gun, ran a trace, and contacted the store.

This provision should never have been put in this bill, and I will work to reverse it.

In addition, I have serious concerns about the impact of delaying country-of-origin labeling.

As we now know, mad cow disease entered the United States via a cow born in Canada. Had we had labeling in place, we could have more quickly traced the cow back to Canada.

Furthermore, polls show that 80–90 percent of Americans want their food to be labeled. In my home State of California, we have the ''California Grown'' program that promotes awareness, consumption and value of California agricultural products, helping the State's consumers enjoy the best of the California harvest.

All Americans deserve what Californians currently have: the opportunity to know where their food comes from, and to choose American-grown products should they wish.

Last year the White House proposed redefining the job descriptions of millions of workers and thus eliminate their right to Federal overtime protection. Left alone, these rules will go into effect this year.

The proposal could wipe out overtime pay protections and increase work hours for at least 8 million workers nationwide. This would result in huge pay cuts for many workers.

In my State of California, State law will protect most workers from the deleterious effects of this rule change. Unfortunately, public employees who are not covered by collective bargaining and some in the film industry could lose overtime protection if the administration's rule is implemented. And, although most workers in California will maintain their right to overtime through protections granted by State law, the rule change represents a movement in the wrong direction when it comes to enhancing worker protections.

For more than 65 years, we have maintained an appropriate balance between family life and work life by requiring employers to pay certain workers time-and-a-half when they work more than 40 hours in a single week.

This requirement has protected the 40-hour work week, which has been a hallmark of our economy for more than six decades.

Our workers are more productive then ever; yet, these new overtime rules will penalize those individuals who have literally built this Nation.

The men and women who will be most hurt by the rules will be the hourly workers that maintain our streets, ring up our groceries, and respond to our calls to 911.

Given the still high unemployment rate and the uncertainty still plaguing our economy, this is not the time to be making it harder for our hardest workers.

Rather, it is a time when we should be helping all workers achieve fairness in the workplace.

As I laid out, there are serious deficiencies in both the substance of and process by which this conference report was completed. That said, I believe that on balance the conference report is better for California and the Nation than the alternative and I will support it.

The PRESIDING OFFICER. The senior Senator from Alaska.

Mr. STEVENS. Mr. President, it is my understanding that the last 10 minutes before the 12 o'clock vote is reserved for the leaders.

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. Mr. President, I have not been on the Appropriations Committee as long as Senator BYRD but I have been there for many years and I can state to the Senate that it is not the first time the Senate has been faced with the prospect of voting for a conference report which had deleted items that had been passed by both the House and the Senate.

I say, frankly, I have voted for the items that had been deleted. One of them was the overtime provision. One was modified and that is the one concerning ownership limitations under the jurisdiction of the FCC of over-the-air media.

In each instance, the reason for our yielding was the other provisions of the bill. We had provisions the House is violently opposed to which many Members on both sides of the aisle thought were absolutely necessary for their constituencies or for the Nation.

I bluntly state I believe the best thing we can do is get a bill that will not be vetoed. We were looking at this in December, hopefully trying to get it passed. We are looking at it today, and I fervently pray it will pass because I know the harm being done to a lot of people all over the country by these bills not having become law when they should have before October 1 of last year.

I will speak about one particular area that has been criticized substantially, and that is the Bering Sea Aleutian Islands crab rationalization plan.

This plan, which was recommended to us by the regional council, was created under the Magnuson-Stevens Act and accomplishes two primary objectives of immediate concern: First, conservation and management of the crab resource; and, second, ending the deadly and inefficient race for this fish.

All of the press attention and misinformation on processor quota share has effectively twisted a fishery management plan for one fishery in the Bering Sea into a national debate on the regional council process and the U.S. fishery policy.

I remind my colleagues that the rationale behind the Magnuson-Stevens Act was to allow the various regions to craft their own unique fishery management plans to answer the conservation and management goals of their localities. The crab rationalization plan is no different in this regard. The North Pacific Council recognized all components of the crab fishery as a balanced, connected system, rather than competing parts. The only difference with the crab plan is a procedural one. Congress specifically directed the North Pacific Council to develop a plan that balanced harvesters, processors, and communities. Now Congress must implement the council's proposal.

The North Pacific Council voted unanimously—11 to 0—to recommend this voluntary, what we call, three-pie cooperative that recognizes investments made by harvesters, processors, and communities. It is a product of extensive analysis with numerous opportunities for public comment, hundreds of hours of public testimony, and an open and transparent public debate by the council.

The Alaska communities that are dependent on the crab resource being processed in their plants all support the plan. The vast majority of opposition has come from a vocal minority that want to receive a better deal and environmental groups that do not want any form of rationalization and would like to lock up marine resources. The state of the Bering Sea crab fisheries is poor, and the crab plan developed through this regional council process needs to be implemented now.

Opponents of the crab rationalization plan raise concerns about anticompetitive effects and potential antitrust violations. The crab plan is not exempt from antitrust laws. It is not exempt from antitrust laws. In fact, the provision specifically states the Secretary may revoke any processor quota share held by a person found to have violated antitrust laws. The plan contemplates no private, anticompetitive action, and will be ''actively supervised'' by the council and the State of Alaska.

Despite the fact that the crab plan is not exempt from antitrust laws and will be reviewed by the council, which can make changes as needed, and there will be a mandatory information collection and review process developed by the Secretary of Commerce and the Department of Justice to determine whether any illegal or anticompetitive acts have occurred, opponents still point to an opinion letter by the Department of Justice that theorizes about ''potential'' anticompetitive abuses. Nowhere does the Department of Justice opinion letter state that individual processor quota shares violate antitrust laws.

The Department of Justice letter—it is an opinion letter—recommends that, what we call, IPQs not be used because they are economically inefficient. However, the Department of Justice admits it ''did not consider factors outside the purview of antitrust laws such as the social goal of protecting jobs in historic fishing villages or balancing the regulatory effects evenly among harvesters and processors.''

This is where the Department of Justice letter and most opponents of the crab plan miss the point entirely. The Magnuson-Stevens Act requires the regional councils to consider—and I quote again—''protecting jobs in historic fishing villages.'' This consideration required by law will always be economically inefficient.

Pursuant to national standard 8 under the Magnuson-Stevens Act:

> Conservation and management measures shall take into account the importance of fishery resources to fishing communities in order to (A) provide for the sustained participation of such communities, and (B) to the extent practicable, minimize adverse economic impacts on such communities.

That is section 301(A)(8) of the Magnuson-Stevens Act.

The North Pacific Council's crab plan is completely consistent with the goals of the Magnuson-Stevens Act to provide for the sustained participation of remote coastal communities in the Bering Sea in the crab fishery and minimize adverse economic impacts on these communities.

I remind the Senate that half the coastline of the United States is off my State of Alaska. This council had an enormous problem to deal with, and it dealt with it unanimously.

Next, the opponents argue that the crab plan is precedent setting and will spread to other regional councils. This is a fishery management plan for only one fishery in the Bering Sea. In fact, the provision of the bill specifically provides that ''a council or the Secretary may not consider or establish any program to allocate or issue an individual processing quota or processor share in any fishery of the United States other than the crab fisheries of the Bering Sea and Aleutian Islands.'' It would take another act of Congress to approve a similar plan.

This crab plan is not precedent setting. It is an extension of the efficiencies and successes achieved under the American Fisheries Act, which we call the AFA. However, where the AFA has a closed class of processors that can participate in the Bering Sea pollock fishery, the crab plan provides for an open class of processors and allows for new entrants in the processing sector.

Opponents of the crab plan have argued that processor quota share is not needed to make the fishery safer or to provide for protections for the communities. My suggestion is these individuals who make those comments should visit the Pribilof Islands 800 miles west of my home near Anchorage. The Pribilof Islands are located in the middle of the Bering Sea. Or they should visit Dutch Harbor in the middle of January when the crab fisheries are in full swing. They can come by my office and see a picture of a crab fishing boat in mid-January, with ice 5 or 6 inches on the deck and on the rigging.

The middle of January is a terrible time, but that is the time when this great crab resource must be harvested. These communities are dependent on this crab resource and have made substantial investments to process rapidly the product during the mad race for fish in the current derby-style fishery. That means there was a very short period of time in which the crab could be harvested, and all the boats rushed in from everywhere trying to see if they could catch a portion of that resource. These communities have become dependent upon the crab resource crossing their docks.

Now, the crab fishery is a unique one in that there is a very high dollar value for a small amount of resource that can be processed quickly. If the crab plan only provided for harvester-only quota share, it would ultimately result in a de facto processing quota for the exclusive group of boat owners that control the harvesting rights to the resource.

Currently, in the Bering Sea crab fishery there is a surplus of catcher-processor vessels and floating crab processors that can be leased or bought cheaply. This mobile processing capacity in combination with a harvester-only share would enable fishermen to form cooperatives and vertically integrate such that none of the crab resource would ever have to come to shore-side processors.

Substantial investments made by shore-based processors would be lost and communities such as Unalaska, Adak, St. Paul, St. George, Akutan, and King Cove would lose out on processing jobs, taxes, and associated revenues. The North Pacific Council understood this and developed a plan that recognized the commitments made by all sectors of this fishery and tied the resource to the communities that have historically processed the crab.

Safety will also be achieved by this crab plan; this point is irrefutable. The reality is, if we do not pass the crab plan in its entirety now, it will be many years, possibly even 10 years, before the council could develop another rationalization plan and fully implement it.

The North Pacific Council is developing other comprehensive rationalization programs for the Gulf of Alaska groundfish fisheries and will likely turn to the Bering Sea nonpollock groundfish fisheries after that. This council cannot simply stop work on these other programs and address crab rationalization again. It would be extremely unfair to those other fisheries and would result in those programs having to be completely redone because data and factors would inevitably change causing the council recommendations and considerations to be vastly different.

If the crab plan does not move forward in its entirety the deadly race for fish will continue.

I believe some harsh realities about the Bering Sea crab fishery will illustrate why we must implement this provision immediately. The Bering Sea/Aleutian Islands crab fishery is rated the most dangerous occupation in the United States. From 1990 to 2001, there were 61 fatalities and 25 vessels were lost; and in the recent October 2003 red king crab fishery, boats were lost and a person killed. This past October crab fishery was one of the worst weatherwise ever, with nearly constant gale force winds and huge ocean swells. Under the crab plan fishermen could have chosen to wait until the weather cleared to harvest the crab.

That is the main point. Instead of regulating the time within which a crab must be caught, they regulate the catching of the crab and let the fishermen decide when it is safe to fish. Lives will be saved if we approve this plan.

Conditions are even more extreme during the winter crab fishery in the Bering Sea when it is almost always dark, extremely cold, and the seas send freezing ocean spray that ice down the crab vessels. I have a picture of that in my office. The derby-style fishery requires deckhands to work all day and all night, outside on icy decks, in rolling 10- to 20-foot seas, retrieving 700-pound steel pots, sorting crab and then dropping the pots in new places.

Obviously, this is very dangerous, but it is also very inefficient and damaging to the resource. The boats are racing to harvest the crab before the guideline harvest levels are reached, which requires them to pull their pots early not allowing them to ''soak'' longer, permitting younger crabs to escape. The result is the younger crabs are unnecessarily killed causing the stocks to suffer. We require the returning to the sea of the younger crabs. This plan will assist in implementing that requirement.

If we do not implement this provision lives will continue to be lost and the resource and the environment will suffer. The opposition of a vocal few that believe they deserve a better deal and environmental groups that want to turn the waters in the North Pacific into vast marine reserves or ''no-take-zones'' are behind the opposition to crab rationalization. Their attacks are shameful, self righteous, and disingenuous. We have an obligation to protect the crab resource in the Bering Sea and prevent any further loss of life in this fishery. This is exactly what crab rationalization will achieve and to argue anything else is just not true.

Three years ago Congress directed the North Pacific Fishery Management Council to analyze the management of the Bering Sea Crab fisheries and determine whether rationalization was necessary. The North Pacific Council completed its study and recommended a rationalization program that recognized the historical participation in the fishery of remote Alaska fishing communities, harvesters, and processors. The ''Three-pie Voluntary Cooperative Program'' developed by the North Pacific Council protects the resource and ends the dangerous race for fish. Section 801 of Title VIII-Alaskan Fisheries of the FY2004 Consolidated Appropriations conference report directs the Secretary to implement the North Pacific Council's crab rationalization program in its entirety.

Section 801 amends section 313 of the Magnuson-Stevens Fishery Conservation and Management Act by adding a new subsection 313(j). Paragraph 313 (j)(1) directs the Secretary to approve and implement the North Pacific Council's rationalization program for the Bering Sea/Aleutian Islands crab fisheries, including all trailing amendments. It also clarifies that the Secretary may approve and implement additional trailing amendments approved by the North Pacific Council. The Secretary must implement all parts of the crab rationalization program that were reported to Congress between June 2002 and April 2003, and all trailing amendments including those reported on May 6, 2003, no later than January 1, 2005. Any further amendments approved by the Council should be corrective in nature or address unforeseen problems with the overall functionality of the crab rationalization program. Primary elements of the Voluntary Three-pie Cooperative crab program that made three separate allocations, one to the harvest sector, one to the processing sector, and one to defined regions, should not change as this was the basis of understanding of how the crab fisheries would be rationalized in the Bering Sea and Aleutian Islands. It is imperative that the deadly and inefficient race for crab in the harsh winter months in the Bering Sea ends. Congress expects the Secretary to meet the statutory deadline of implementation of the rationalization program in time for the 2005 crab fisheries. Congress does not expect the Council to revisit particulars of the crab rationalization program that were part of the initial report to Congress in June of 2002, such as individual harvest shares, processing shares, the 90/10 split of ''Class A'' and ''Class B'' shares, regional share designations, voluntary harvester cooperatives, and community development quota allocations, to name a few.

Paragraph 313(j)(2) directs the Secretary to approve all parts of the North Pacific Council's crab program, including harvester quota, processor quota, and community protections. It also includes a non-severability clause that prevents a court from overruling only certain parts of the program. If any part of the program is found to violate the law, the entire program fails and the Bering Sea/Aleutian Islands crab fisheries will operate under their current open-access management scheme. It also prevents processors from improperly seeking crab deliveries harvested under a harvester's open-delivery quota.

Paragraph 313(j)(3) authorizes the North Pacific Council to recommend to the Secretary and necessary changes after implementation of the crab program to continue to meet conservation and management goals set out in the program for the Bering Sea/Aleutian Islands crab fisheries.

Paragraph 313(j)(4) specifies that the loan program defined under the crab rationalization program for captains and crew be authorized pursuant to relevant sections of Title XI of the Merchant Marine Act as amended for fisheries financing and capacity reduction and for direct loan obligations for fisheries financing and capacity reduction. The loan program for crab fishing vessel captains and crew members is to be a low interest loan program similar to

the loan program under the halibut and sablefish IFQ program.

Paragraph 313(j)(5) authorizes $1,000,000 each year from funds available in the National Marine Fisheries Service account for Alaska fisheries activities to implement the program.

Paragraph 313(j)(6) specifies that the antitrust laws of the United States apply to the crab program. It requires the Secretary of Commerce to work with Department of Justice and the Federal Trade Commission to develop and implement a mandatory information collection and review process to monitor the crab program and ensure no anticompetitive acts occur among persons receiving individual processing quota. If any person receiving individual processor quota is found to have violated a provision of the antitrust laws the Secretary may revoke their processor quota share.

Paragraph 313(j)(7) requires individual processor quota share under the crab program to be considered a permit and subject to sections 307 (Prohibited Acts) and 308 and 309 (penalties and criminal offenses) of the Magnuson-Stevens Fishery Conservation and Management Act. It specifies that, like individual fishing quota, issuance of individual processor quota share does not confer any compensation right if it is revoked or limited, and does not create title or other interest in or to any fish before purchase from a harvester.

Paragraph 313(j)(8) specifies that the restriction on the collection of economic data in section 303(d)(7) of the Magnuson-Stevens Act will not apply for any processor that receives individual processing quota under the crab program. In addition, the restriction on the confidentiality of information in section 402(b)(1) will not apply when the information is used to determine eligibility or verify history for individual processing quota. This is consistent with the exception to the confidentiality of information requirement under the Magnuson-Stevens Act for verifying catch under an individual fishing quota program.

Paragraph 313(j)(9) specifies that sections 308 (civil penalties and permit sanctions), 310 (civil forfeitures), and 311 (enforcement) of the Magnuson-Stevens Act will apply to the processing facilities and fish products of any person holding individual processing quota. In addition, to ensure compliance with the crab program it may be necessary for the Secretary to inspect a processor's facilities, therefore facilities owned or controlled by a person holding individual processing quota will be subject to the prohibited acts of section 307(1) subparagraphs (D), (E) and (L) of the Magnuson-Stevens Act.

The North Pacific Council is recognized for developing novel and innovative approaches to conservation and management of the abundant fisheries in the North Pacific. The ''Three-pie Voluntary Cooperative Program'' for rationalizing the Bering Sea and Aleutian Islands crab fisheries is another example of that creativity. It is the product of three years of public meetings and discussion by industry sectors, citizens and affected communities, two years of discussion and development by the North Pacific Council and its Advisory Panel, and nearly two years of extensive and thorough analysis by Council staff, with technical assistance from the National Marine Fisheries Service, Alaska Department of Fish and Game, and independent economists and fisheries consultants.

The Council meticulously constructed the crab rationalization program to achieve bold conservation and management goals for the resource; but also considered the very unique reality of a high value, capital intensive, high risk fishery that is prosecuted entirely in the distant waters of the Bering Sea and Aleutian Islands. The Council has done a great job crafting the Three-pie Voluntary Cooperative crab rationalization program and it is expected to implement the program in its entirety, including all trailing amendments, as reported to Congress in June of 2002. The Council should not revisit the particulars of the crab program, but should continue to work with the Commerce Department of ensure that the crab program is implemented in its entirety in time for the 2005 winter crab fisheries.

The Magnuson-Stevens Act requires fishery management plans and amendments to provide for the sustained participation of communities in the fisheries it had historically depended on for employment and economic opportunity. Small, isolated communities like St. Paul and St. George located on the Pribilof Islands, and Adak on the Aleutian chain have become dependent on the crab resource crossing their docks. This plan slows down the pace of the fishery, achieves efficiencies in harvesting the resource, manages and conserves the resource better, and helps decapitalize the fishery.

While there will inevitably be a degree of economic dislocation in the communities dependent on the revenues. The crab rationalization program addresses these concerns by tying the crab resource to the communities that historically processed the crab. Processor quota share is a form of community protection which maintains historical processing capacity in the communities. Processor quota share should remain in those unique, isolated committees like St. Paul, St. George, King Cove and Adak; communities completely dependent on the crab fishery, that do not benefit from multispecies processing and other economic opportunities. The North Pacific Council determined that for the crab fisheries, processor quota share was a necessary safeguard to protect the investments made by the processing sector and more importantly, to maintain the economic benefits in the communities that have historically depended on the resource.

Section 802 of Title VIII-Alaskan Fisheries directs the Secretary in consultation with the North Pacific Fishery Management Council to establish a pilot fisheries management program that recognizes the historic participation of fishing vessels and fish processors in the central Gulf of Alaska rockfish fishery. The provision delineates the years and types of rockfish that should be considered for a pilot rationalization program to allow for increased use and value in the fishery. The pilot rockfish program will expire when the North Pacific Council authorizes a comprehensive rationalization program for Gulf of Alaska Groundfish and implemented by the Secretary, or 2 years from the date of implementation, whichever is earlier. The pilot program contemplates new entrants into this fishery and provides a set-aside of up to 5 percent of the total allowable catch of such fishery for catcher vessels not eligible to participate in the program. In addition, the five percent that is available for new entrants must come into Kodiak, Alaska for processing and can be processed by processors that have not historically participated in the fishery. The North Pacific Council will establish catch limits for nonrockfish species and non-target rockfish species currently harvested along with pacific ocean perch, northern rockfish, and pelagic shelf rockfish, which should be based on historical harvesting of such bycatch species. The Gulf of Alaska rockfish pilot program should also recognize the historic fishing and processing participation of catcher-processors that have historically participated in this fishery, and should utilize the same years and species of fish considered under the provision.

The intent of the pilot program is to consider the historic participation of all of those that have been involved in the fishery. The Gulf of Alaska rockfish pilot program does not authorize individual processing quota share for processors in this fishery. The ''historic participation of fish processors'' under this pilot program should be considered pursuant to the cooperative model under the American Fisheries Act, or any other manner the North Pacific Council determines is appropriate. This provision in no way authorizes individual processor quota share for the comprehensive Gulf of Alaska groundfish rationalization program that the North Pacific Council is currently developing. This pilot program is intended to allow for better conservation and management of the central Gulf of Alaska rockfish and extend the work year for processing jobs in Kodiak.

Section 803 of Title VIII—Alaskan Fisheries directs the Aleutian Islands pollock allocation to the Aleut Corporation for economic development in Adak, Alaska. If the North Pacific Council opens the Aleutian pollock fishery, the allocation of pollock for economic development in Adak will be

restricted by the prohibited acts contemplated under section 307 of the Magnuson-Stevens Fishery Conservation and Management Act and subject to the penalties and sanctions under section 308 of the Act, including the forfeiture of any fish harvested or processed. Two classes of vessels may harvest this pollock allocation: vessels that are 60 feet or less in length overall and have a valid fishery endorsement can harvest the Aleutian pollock allocation and deliver it to Adak for processing; and vessels eligible to harvest pollock under section 208 of Title II of Division C of Public Law 105–277 are permitted to form partnerships with the Aleut Corporation to harvest the Aleutian Islands pollock allocation for economic development in Adak. Section 803 does not waive the requirements of the Magnuson-Stevens Act, Endangered Species Act, National Environmental Policy Act or any other federal laws. The North Pacific Council and NMFS should be cautious in implementing section 803(a) to ensure that any reopening of a directed Aleutian Islands pollock fishery is accomplished in full compliance with all applicable law, and without disrupting 2004 groundfish fisheries which have already commenced.

In an effort to gradually establish a small boat fleet in Adak, subsection (b) of section 803 provides that during the years 2004 through 2008, up to 25 percent of the Aleutian allocation may be harvested by vessels 60 feet or less in length overall. During the years 2009 through 2013, up to 50 percent of such allocation may be harvested by vessels 60 feet or less in length overall. After the year 2012, 50 percent of such allocation shall be harvested by vessels 60 feet or less in length overall, and 50 percent shall be harvested by vessels eligible under section 208 of Title II of Division C of Public Law 105–277. Establishing a small boat fleet will be critical for the economic diversification of Adak and the revenues generated from the use of the Aleutian Islands pollock allocation will allow for greater investment opportunities in this community. For purposes of implementing this section, section 206 of the American Fisheries Act (AFA) is redefined so that the allocations in section 206(b) of the AFA should only apply to the Bering Sea portion of the directed pollock fishery.

Subsection (c) of section 803 codifies one of the longest standing conservation and management measures of the North Pacific Fishery Management Council, the 2 million metric ton cap for groundfish in the Bering Sea. The optimum yield for groundfish in the Bering Sea and Aleutian Islands Management Area shall not exceed 2 million metric tons. Upon the recommendation of the North Pacific Council and approval of the Secretary of Commerce, and only if consistent with the conservation and management goals and requirements of the Magnuson-Stevens Fishery Conservation and Management Act, the allocation of Aleutian pollock for economic development in Adak, may be in addition to the 2 million metric ton optimum yield. This treatment of the Aleutian Islands pollock allocation would only be during the 2004 through the 2008 fishing years, but only if harvests in excess of the cap do not result in overfishing and then only to the extent necessary to accommodate a directed pollock fishery in the Aleutian Islands and should not adversely affect the current participants in the Bering Sea pollock fishery in the near term. Eventually this pollock allocation will come under the combined optimum yield for all groundfish in the Bering Sea and Aleutian Islands 2 million metric ton cap by taking proportional reductions in the total allowable catches for each of the existing groundfish fisheries as necessary to accommodate the establishment of the Aleutian Island pollock fishery.

Subsection (d) of section 803 allows the North Pacific Fishery Management Council to recommend and the Secretary to approve an allocation of Aleutian Islands pollock to the Aleut Corporation for the purposes of economic development in Adak pursuant to the requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The North Pacific Council should consider pollock allocations given to the various groups that participate in the Community Development Quota program to recommend a reasonable amount of the Aleutian Islands pollock to the Aleut Corporation for purposes of economic development in Adak and in no case should this amount exceed 40,000 metric tons.

Nothing in this section requires the North Pacific Council to open the Aleutian Islands pollock fishery. The Council should not take any action in regards to this fishery which would require a new consultation under the current biological opinion or Endangered Species Act covering Steller sea lions.

Section 804 of Title VIII—Alaskan Fisheries prohibits any Regional Fishery Management Council or the Secretary from approving any fishery management plan or plan amendments to allocate or issue individual processing quota or processor share in any fishery of the United States other than the crab fisheries of the Bering Sea and Aleutian Islands.

In closing, I don't know of any time when we have tried to be bipartisan on a greater scale than in these seven bills in the omnibus bill. I personally have reviewed requests from Senators from both sides of the aisle. We have done our utmost to meet the most urgent needs in their States. We have talked to chairmen of the various committees and tried to work with them. In some instances the chairmen disagreed, but we have taken positions that are consistent with a majority of the committees in those instances.

I believe this is a good bill. The problem we face now in this cloture vote—I hope all Senators will consider it—is we are in an election year. We must once again face 13 appropriations bills for 2005. If we do not approve this bill, this omnibus bill, we will have to turn and go back and try to do what we should have done by October 1 of last year. That will obviously impede consideration of 2005 bills and, in my judgment, would ultimately lead to a post-election session. I don't know how many other Senators have lived through post-election sessions that were contentious, but I believe one this year would be very contentious. I hope the Senate will set its goal not to be in session after the election this fall.

We have Members who are retiring. Some Members may be defeated. The object of getting done before the election is to put to rest the disputes in the Senate and go on to the Presidential election and give time after the Presidential election to get ready for the next two Congresses which will come under the term from 2005 to 2009.

I thank all members of the committee for their cooperation with me. I have enjoyed working with the minority leader, Senator DASCHLE, the assistant minority leader, Senator REID, as well as our leaders, Senator FRIST and Senator MCCONNELL, and with Members of the House.

This was a most difficult bill. It has been most difficult because of the fact we are at war. We are not only at war, but we created a new department which had to be funded and people had to be taken from the existing departments in order to staff that new department. We had to figure out the allocation of funds to this new department in a fair way that did not disturb the functions of the balance of these entities that were left in the former departments.

This Congress ought to congratulate itself for having reacted to the post-September 11, 2001 tragedy. We created a department which has made the United States safer, and we have funded the needs of our men and women in the Armed Forces who have answered the call of our country and our Commander in Chief.

I pray in this year 2004 we will not have any further disasters of that type, but the war on terrorism continues. A lot of the money that is in this bill goes to try to stave off further attacks on our people and historic objects in this country. We all are conscious of how much money that is taking. All you have to do is go through any airport to realize how life has changed since September 11, 2001. The money in this bill has been efficiently allocated. To the maximum extent possible, we have tried to deal with the requests of every Senator.

I see the minority leader now. He and I have talked at length about the COOL program, the country-of-origin labeling. I opposed that provision. We deleted it here in the Senate. Again, when we got to the conference, it was not possible to have the conference

complete without that provision in it. It was a judgment that we ought to get the bill to the Senate and get it approved and avoid a veto. I am not happy about that.

There are other provisions in this bill I am not happy about. But I can state to the Senate, in all, this bill is a good consensus. It is good for the country, and it will fund the agencies that need the money now. We could not fund this Government during a period of war that is going on in Iraq and our war on terrorism under a continuing resolution. I thank the minority leader for his statements the other day. The worst dream the chairman of the Appropriations Committee can have is the problem of facing up to whether the Deficiency Act will require shutting down the Government if we don't pass the bills. I hope and pray we will pass this bill today and avoid that contingency.

Mr. President, there are several provisions in the FY04 Omnibus Appropriations bill that merit further explanation.

The Transportation measure included $8 million for runway lighting in Alaska. Of the funds made available, it is the Committee's expectation that $3 million would be made available for laser technology in Girdwood, Alaska and Merrill Field in Anchorage, Alaska upon certification of the technology. I urge the FAA to act as quickly as possible to favorably approve the certification petition.

The Transportation bill included $2.3 million for ''trail and parking improvements'' for the Seward multi-agency visitor center in Seward, AK. Those funds are also available, if necessary, for the acquisition and completion of the plaza between Washington Street and the beginning of the historic Iditarod Trail in the Park Service/Portico Group plan.

Both the VA–HUD bill and the Agriculture appropriations bill include funds for rural water and sewer improvements in rural Alaska. The VA–HUD bill directs that beginning in FY05, EPA must set aside 25 percent of the funds for hub communities and a priority list must be established that will remain in effect for three years. The Rural Development Administration should follow the same process so the funds can be administered together to reduce administrative overhead.

In the Energy-Water appropriations bill adopted earlier, questions have been raised concerning Congress' intention with respect to the Douglas Harbor. Congress provided $3 million to the Corps of Engineers to construct the causeway and breakwaters at the harbor entrance. The Committee urges the corps to commence construction of that project during this construction season if at all feasible.

Funds were included in the Commerce, Justice, State section of the bill and earlier in the Interior appropriations bill concerning mass marking of fish that should be implemented to be consistent with one another. Both bills fund mass marking of fish produced in federally funded hatcheries. Marking refers to modifying the appearance of an immature fish in a hatchery so that when it matures there is an external mark that identifies it as originating from a hatchery. Mass marking refers to marking all or a substantial proportion of the fish releases from a hatchery. By mass marking the hatchery fish, fishery management agencies can direct fishery harvests on marked hatchery production while avoiding unmarked fish that might come from a depleted or endangered stock.

However, fishery management agencies all along the Pacific coast, in both Canada and the United States rely on one type of marking as a basis for identifying different stocks of salmon and obtaining information on those stocks that is vital to conservation and management programs. To assure that the mass marking program does not interfere with this crucial scientific program, it is the committee's intent that mass marking programs supported by Federal funding will ensure that hatchery Chinook salmon that are marked by removing all or part of the adipose fin are also tagged with a microwire tag or alternatively mark the fish with some other mark. This will help preserve the validity of the existing stock identification data base while also realizing the objectives of the mass marking programs by enabling increased harvests of threatened or depleted stocks.

The Justice Department budget within the Commerce, Justice, State bill included $12.5 million for internet safety for children. The committee urges the department to work with I–SAFE consistent with the Senate Report.

Mr. President, the significant number of Alaskans that are descendants of our original indigenous Indian, Eskimo, and Aleut inhabitants are a great source of pride and a unique part of our heritage. A majority of those Native Alaskans reside in one of more than 200 small rural villages.

Alaska is also unique in that, since the purchase of Alaska in 1867, Congress has adopted and implemented an Alaska Native policy that is different in a most important respect from the Native American policies that Congress has adopted and implemented in the ''lower 48.''

Congress created Native corporations and since statehood has required Alaska Natives to comply with the same criminal, civil, and regulatory enactments of the Alaska State Legislature to which all other Alaska residents are subject.

Like all citizens of my State, Alaska Natives participate in the development of those enactments by electing residents of the communities in which they live to serve in the Alaska State Legislature. In that regard, I am immensely proud that Alaska has a tradition of Native American involvement in the State political system that is unrivaled by that of any other State. The first Alaska Native was elected to our territorial legislature in 1924. In 1959 ten Alaska Natives served in the first Alaska State Legislature. And today, 10 of the 60 members of the 23rd Alaska State Legislature are Alaska Natives.

During the Clinton administration, the Secretary of the Interior, his solicitor and Ada Deer, the Under Secretary of Indian Affairs, argued that there are more than two hundred sovereign tribal governments in Alaska. Many believe that policy was wrong, as a matter of law, while others assert that tribes have always existed. The provision in this bill creating a rural justice commission does not take sides in that dispute. Rather it seeks a practical solution to the issue of rural justice and law enforcement.

One of the more pressing problems we now face is the issue of Department of Justice grants that have been issued to Alaska Native tribes. These grants have been used to create tribal courts that in some instances may exceed their lawful jurisdiction and to hire tribal police who are not currently authorized to enforce State laws.

Since the Appropriations Committee reported S. 1585 to the Senate in September, I was contacted by a number of Alaska Native leaders who have expressed legitimate concern that the State of Alaska's and the Federal Government's criminal justice systems need to be configured in new and innovative ways in order to better meet the unique law enforcement challenges that we face throughout rural Alaska. In order to facilitate an analysis of, and a constructive dialogue regarding, that very important subject, at my request the conference committee that I co-chaired included section 112(a)(2) in title I of division B of the H.R. 2673 conference report. This provision establishes an Alaska Rural Justice and Law Enforcement Commission that will study the criminal justice system in rural Alaska and then submit recommendations to Congress and the Alaska State Legislature regarding ways in which those systems can be improved.

Also at my request, the conference committee include a new section 112(a)(1) which prohibits the Department of Justice from making grants to Alaska Native organizations that are located in communities that have fewer than twenty-five permanent Alaska Native residents, as well as communities that are located within the municipality of Anchorage or one of six designated boroughs. The purpose of section 112(a)(1) is to allow rural communities grants to continue during the fiscal year during which the Alaska Rural Justice and Law Enforcement Commission will be developing its recommendations.

I want to emphasize that the conference committee does not intend the enactment of section 112(a)(1) to express a view as to whether the 108th

Congress believes that either a prior Congress or the Secretary of the Interior, acting lawfully pursuant to authority he has been delegated by Congress, has created ''federally recognized tribes'' in Alaska. Nor does the conference committee intend the enactment of section 112(a)(1) to create ''federally recognized tribes'' in Alaska by implication. The amendment takes no position on the issues which are now pending before the courts.

I also note that when this provision was originally drafted, we hoped the bill would become law back in September. The deadlines established in the amendment reflected that hope. But now, in January 2004 those deadlines are unrealistic and unachievable. Therefore the Commission should have through this year to complete its work and issue recommendations.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, as I understand it, each leader has 5 minutes prior to the vote. I spoke early this morning. Let me again summarize my concerns.

I have heard others express the fact that on the country-of-origin labeling, we had one position in the Senate and the House had another, and that this represents a compromise. I will come back to that issue. I acknowledge that in the case of country-of-origin labeling, the House and Senate had two different positions. I would say, though, that on the issue of overtime, on the issue of media concentration in particular, both had rollcall votes cast in the House and in the Senate taking strong positions in opposition to what has now been presented to us in conference.

My earlier remarks expressed the deep concern for the institution when in conference there is an ability on the part of a few people to override the majority in both the House and Senate on issues as important as these. So I think we have to be concerned about democracy and about our Republic as occasions such as this arise. Maybe it is not unprecedented, but I don't care how unprecedented or precedented it may be, it is a bad practice. I believe it ought to be stopped.

I also expressed this morning my concern about media concentration. I will not elaborate, except to say I am troubled when not only the White House but those in the House who hold a different position can override the majorities in the House and Senate.

I am also concerned about the policy itself. Increased media concentration is not good for this country, and those who advocate and support the free enterprise system certainly would have to share that concern. We will say a lot more about that also in the future.

My two greatest concerns have to do with the overtime provision and country-of-origin labeling. For the life of me, I cannot understand why this body, this Congress, would ever want to take away the rights to overtime and make the extraordinary statement today that we are not going to reward work, that people who work overtime, work hard and play by the rules, are actually going to be penalized for working hard and overtime in a week or a month.

I know of a lot of people who desperately need these resources to make ends meet, pay for groceries, for insurance, and the house payment. For us, as an official Government policy, to say, no, we are going to devise ways in which to deny you overtime pay for the first time in 70 years is abhorrent. It is just wrong.

I know I only have 5 minutes, so I will leave it at that. Simply again, I will reiterate how deeply concerned many of us are for this dramatic change in the way we look at rewarding work.

Finally, country-of-origin labeling. We have had an unfortunate set of circumstances in the last month right around Christmas; we had the first case of mad cow disease. The administration has done some things right, but, for the life of me, I cannot understand why they would not support an action already in law and a policy in 43 other countries—an action that simply says we have a right to know not only the contents of our food, not only the nutritional value of our food, but the origin of our food. We know the origin of everything else. Why is it so hard for us that we have to say we need 2 more years to study whether it makes sense for us to know the origin of our food?

The Japanese are saying: We are not going to give you 2 years. You are not going to export food to our country unless you can tell us where it came from. We are going to deny American exports so long as you cannot label them.

Again, the administration is saying that doesn't matter; we are for free trade; we just don't care whether the Japanese want us to label our food.

Some have suggested there ought to be a voluntary system. We have tried that. Give me a break. That will not work because it has not worked for years, decades, generations. We need a mandatory system.

I am out of time. I will simply say this, and I will use leader time for the additional time. I know there is a need to vote soon. These issues will not go away. We intend to come back with congressional review resolutions, amendments, freestanding bills, to Rule XIV bills on the calendar. We will come back on these. This is not the end but the beginning. We will not rest until this job is done.

I have indicated to my colleagues that I intended to make a unanimous consent request, as we have with some of these other provisions. I will do so at this time before I yield the floor.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of a concurrent resolution, which I shall send to the desk, correcting the enrollment of the omnibus conference report, striking the language which delays the implementation of country-of-origin meat labeling regulations; that the concurrent resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. BENNETT. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FRIST. Mr. President, the time has come to move ahead and complete the unfinished work of the first session of the 108th Congress.

We have had good debate over the course of the morning and yesterday—in fact, this week. I have made it very clear as to the importance of this vote, the significance of the vote we will take in 4 or 5 minutes. If we fail to enact this legislation, we will do very clear things. We will curtail our efforts in the fight against terrorism; it won't be as effective. We will weaken funding for our food security system if we don't pass this legislation. We will not have as secure and as strong a system inspecting our food. We will create hardships for millions of veterans, which is unnecessary. That is what this vote, in part, is about. We would put at risk millions of lives of people who suffer from AIDS and the global effort to fight one of the most moral humanitarian and public health challenges of our time. We would be shortchanging the needs of our schools, our communities, our States, and needy and disadvantaged Americans.

There are people who have said this legislation spends too much. I will once again point out and stress what I mentioned 2 days ago. This bill abides by the spending limits agreed to by Congress and the executive branch, excluding those two emergency supplementals enacted last year for the conflicts in Iraq.

Appropriations spending authority will increase less than 3 percent between the year 2003 and 2004, with passage of this bill. The alterative to passing this bill is stark—a full-blown continuing resolution for the seven outstanding appropriations bills.

Compared to doing the right thing and passing this legislation, Senators do have to be reminded one more time that the alternative would mean title I and special education programs would be reduced by $2 billion; the National Institutes of Health would be cut by $1 billion; veterans medical care would be reduced by $3.1 billion; highway funding would be reduced by $2.2 billion; global HIV/AIDS funding would be reduced by nearly $1 billion. That is what is at stake in this legislation.

The legislation doesn't please everybody. That is what much of the debate has been about over the last 48 hours. I recognize that, and I recognize that part of the legislative process is for us to come together and express our beliefs and wishes and have that debate and compromise.

Compromises are never going to please everybody. There are provisions in the bill I would have preferred to be different, but I have learned, especially over the course of the last year as majority leader, that you do the best you can. Compromise and negotiation are part of the legislative process.

I want to respond, as the Democratic leader made clear in his remarks this morning, the legislative process isn't over with this legislation. It is not over. This is another very important step that we have taken, but issues that have been expressed as issues of concern on the floor of the Senate will—and I understand that—be revisited again and again in our legislative process. The great thing about our legislative process is that people will have that opportunity.

It is time to move on the country's demand that we complete action on this bill and, thus, in closing, I do ask all my colleagues to vote for cloture and move America forward.

I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, 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. The question is, Is it the sense of the Senate that debate on the conference report to accompany H.R. 2673 shall be brought to a close? The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Georgia (Mr. CHAMBLISS), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Nebraska (Mr. HAGEL), are necessarily absent.

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

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

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

The yeas and nays resulted—yeas 61, nays 32, as follows:

[Rollcall Vote No. 2 Leg.]

YEAS—61

Alexander	Dole	Miller
Allard	Enzi	Murkowski
Allen	Feinstein	Murray
Bennett	Fitzgerald	Nelson (NE)
Bingaman	Frist	Nickles
Bond	Graham (SC)	Reid
Breaux	Grassley	Roberts
Brownback	Gregg	Santorum
Bunning	Harkin	Schumer
Burns	Hatch	Sessions
Campbell	Hollings	Shelby
Carper	Hutchison	Smith
Chafee	Inhofe	Specter
Cochran	Inouye	Stevens
Coleman	Kyl	Sununu
Collins	Landrieu	Talent
Cornyn	Leahy	Thomas
Craig	Lott	Voinovich
Crapo	Lugar	Warner
Dayton	McConnell	
DeWine	Mikulski	

NAYS—32

Akaka	Dorgan	Lincoln
Bayh	Durbin	McCain
Biden	Ensign	Nelson (FL)
Boxer	Feingold	Pryor
Byrd	Graham (FL)	Reed
Cantwell	Jeffords	Rockefeller
Clinton	Johnson	Sarbanes
Conrad	Kennedy	Snowe
Corzine	Kohl	Stabenow
Daschle	Lautenberg	Wyden
Dodd	Levin	

NOT VOTING—7

Baucus	Edwards	Lieberman
Chambliss	Hagel	
Domenici	Kerry	

The PRESIDING OFFICER. On this vote the yeas are 61, the nays are 32. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Under the previous order, the question now is on the adoption of the conference report to accompany H.R. 2673.

Mr. FRIST. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. The yeas and nays are ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Georgia (Mr. CHAMBLISS), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Nebraska (Mr. HAGEL) are necessarily absent.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from North Carolina (Mr. EDWARDS), 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 result was announced—yeas 65, nays 28, as follows:

[Rollcall Vote No. 3 Leg.]

YEAS—65

Akaka	Allen	Bingaman
Alexander	Bennett	Bond
Breaux	Fitzgerald	Murray
Brownback	Frist	Nelson (FL)
Bunning	Graham (SC)	Nelson (NE)
Burns	Grassley	Nickles
Campbell	Gregg	Pryor
Cantwell	Harkin	Reid
Carper	Hatch	Roberts
Chafee	Hollings	Santorum
Cochran	Hutchison	Schumer
Coleman	Inhofe	Sessions
Collins	Inouye	Shelby
Cornyn	Kyl	Smith
Craig	Landrieu	Specter
Crapo	Lincoln	Stevens
DeWine	Lott	Sununu
Dodd	Lugar	Talent
Dole	McConnell	Thomas
Durbin	Mikulski	Voinovich
Enzi	Miller	Warner
Feinstein	Murkowski	

NAYS—28

Allard	Dorgan	Levin
Bayh	Ensign	McCain
Biden	Feingold	Reed
Boxer	Graham (FL)	Rockefeller
Byrd	Jeffords	Sarbanes
Clinton	Johnson	Snowe
Conrad	Kennedy	Stabenow
Corzine	Kohl	Wyden
Daschle	Lautenberg	
Dayton	Leahy	

NOT VOTING—7

Baucus	Edwards	Lieberman
Chambliss	Hagel	
Domenici	Kerry	

The conference report was agreed to.

Mr. MCCONNELL. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. ROCKEFELLER. Mr. President, today I voted against cloture and against the fiscal year 2004 Omnibus appropriations conference report because it does not fund West Virginia's priorities—short changing veteran's healthcare by about $700 million and education by $6 billion, as well as many other essential programs. I was also very concerned that provisions were added to the legislation at the insistence of the White House and over the will of both Houses of Congress to cut overtime pay for 8 million workers. Not long ago, the Senate and the House rejected this administration's Department of Labor regulation that would reduce the overtime pay of workers, and yet this bill includes just such a change.

The process that produced this bill was unfair and does not give Congress its due opportunity to protect the priorities of the citizens of our states. This kind of process means West Virginia loses its right to be properly represented.

Additionally, the will of Congress to implement stronger food safety provisions to require country-of-origin labeling for meat products has been ignored. This legislation delays action on such labeling for another two years; a troubling result given the concerns about mad cow disease.

In previous action, the House and Senate conferees agreed to provide basic protections for Federal employees targeted for privatization by the administration, yet this legislation guts such protection placing 400,000 Federal workers in jeopardy without protections.

What's more, this legislation included an across-the-board cut in all programs, and that is not a responsible budget practice. Such a cut means that 24,000 fewer children will be served by title I in their schools, 26,500 fewer veterans will get health care, and $170 million will be lost for needed highway construction.

Under the process imposed in this must pass legislation, Senators have no chance to offer amendments or make changes. This is simply not right, and therefore, I vote no in protest. I vote no, to taking away the rights of West Virginians.

I understand that the votes are there to pass the underlying legislation to keep the government functioning and provide support to West Virginia projects. I agree that VA healthcare funding needs to be increased, but this bill falls far short. I agree with the $1 billion increase for the Title 1 education program, but I also must point out that we are still $6 billion short of the amount promised for the No Child Left Behind Act.

Again, my vote is a protest vote against the effort to rob West Virginia of its representation in the appropriations process and in opposition to the egregious provisions inserted into this legislation without bipartisan support, or full and fair discussion. I am pleased that after over 4 months, Federal funding is decided, but the process must be changed.

The PRESIDING OFFICER. The Senator from Kentucky.

PENSION FUNDING EQUITY ACT OF 2003

Mr. MCCONNELL. Mr. President, pursuant to the order previously agreed to, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 3108, the pension bill.

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

Pursuant to the previous order, the Committee on Finance is discharged from further consideration of the measure and the clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3108) to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, and for other purposes.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I rise in support of this piece of legislation. I join the Senator from Iowa, the chairman of the Finance Committee, along with the senior Senator from the Democratic party on my committee, Mr. KENNEDY, and I believe Senator BAUCUS. We worked long and hard to address this issue—and it is a critical issue—of how we make sure the pension system in this country, or especially relating to defined benefit pensions, is maintained in a viable and strong way.

The pension system in this country is, regrettably, in trouble. But the amendment being offered today is designed to restore stability to the pension system and give us the time to solve the broad, difficult problems facing the pension system.

Last week, when the Pension Benefit Guaranty Corporation released its annual report outlining record losses, Labor Secretary Chao put the issue in proper perspective when she said:

While PBGC [Pension Benefit Guaranty Corporation] is not in crisis—the agency has sufficient assets to meet its obligations for a number of years into the future—it is clear that the financial integrity of the federal pension insurance system is at risk. It is equally clear that comprehensive reform of the nation's pension funding rules must be enacted to strengthen the financial health of the defined benefit pension system.

Time is the key thing here. That is why we need to legislate today. The amendment gives critical players the time they need in the area of reform to accomplish the changes necessary to get through this period in front of us.

There is in this bill a temporary interest rate fix which gives Congress time to review all of the options and make the right decisions on funding, reporting, and many other issues facing the troubled pension system.

There is also in this bill something called the deficit reduction contribution relief area which gives airlines and steel companies the time they need to get their affairs in order after a unique and unusual period of pressure.

Further, there is reform in the area of the multiemployer pension system which will give relief to management and labor to get their agreements in order relative to collective bargaining in order to make sure those funds are solvent.

No one—Congress, employers, nor unions—is absolved of responsibility under this amendment. By granting time, we do not reduce—that should be stressed—anyone's debts nor allow anyone to avoid liability for debts they have voluntarily accepted.

What we do is provide the necessary breathing room so reforms and repayments are made in a responsible and manageable fashion and not under the threat of ''the sky is falling'' situations we confront today.

The amendment has essentially four elements, as I have outlined. First is reform of the 30-year Treasury note as being the vehicle by which we assess pension funding. Second is temporary relief for specific single-employer pension plans from deficit reduction contributions, such as airlines and steel. Third is a 2-year delay in the amortization of recent investment losses experienced by multiemployer pension plans and the imposition of significant improvements in the disclosure of information requirements of those plans to their participants, which is critical.

Turning to the interest rate fix issue, this is the key issue for me. I have spoken about this a number of times on this floor. In fact, back in May I said: Now is the time to address this. I guess ''now'' has become now. But the fact is, we have today a system where 30-year Treasury bond rates are required in the current pension law for funding purposes.

We will replace that with a conservative rate pegged to the high-quality bond corporate basket. The reason for this is that 30-year bonds essentially do not exist anymore so we have an artificial rate under which we were requiring companies and pension funds to be funded. The practical effect of that was that the bond rate was artificially low, which meant the return on these funds was artificially low and the funding requirements became, unfortunately, in real terms, extraordinarily high and inconsistent with what a realistic rate would be.

By shifting to a corporate basket of high yield corporate bonds, we will correct this problem, significantly improve the viability of the pension system, and allow the corporations, for a period of 2 years, to use this temporary fix. It is a temporary fix.

Two years is a risk, I admit. Whether or not we can put in place the necessary law changes and reach agreement between the various players that are involved at the table, including the unions, corporations, and the guaranteed fund is a question.

It is a short timeframe to resolve this issue. I would have preferred more time so we could be sure we would reach an accommodation and a timeframe that were realistic, but that is not what others wanted. It was not what we were able to accomplish. As we all know, legislating is sometimes the art of compromise, and in this instance that was the case.

So we have a 2-year hiatus using a basket of high yield corporate bonds as the new benchmark for funding. That will be positive relief, and it will mean, in practical terms, that funds which would have been artificially flowing into funding pension funds—and unnecessarily flowing into those funds as a result of having to use the low Treasury rate—will now be flowing into capital investment which translates directly into jobs. That is what this is about, protecting jobs and protecting pensions.

The second area is the deficit reduction contribution relief function. The amendment grants 2 years of relief to the airline and steel industries from mandatory deficit reduction contributions. Other companies may also apply to the Treasury Department for similar relief. Companies getting relief must remain current on their pension obligations and cannot increase the benefits that they create under their pension funds during this period.

Airlines are the main focus of the deficit reduction contribution relief. Airlines are the main focus because of

the unique stress these companies have suffered. In recent years, profit pressures within the U.S. airline industry have been amplified by severe pricing competition, the recession, and, most importantly, by the effects of terrorism and the war in Iraq. Severe acute respiratory syndrome, SARS, also created pressure on the entire industry, especially those flying overseas.

The industry is in transition. The public has been reluctant to return since September 11 to the level of travel we had before September 11. Two airlines have already filed for bankruptcy protection. Others may follow suit. It is our intention with this amendment to ensure that pension rules are not the determining factor in selecting which airlines survive and which fail. We should not be kicking airlines over into bankruptcy on the issue of pensions. If that happens, it should be a function of their operating activity in the area of competing for passengers.

The PBGC is also concerned about the steel industry, especially two specific companies which have filed bankruptcy. Last year the agency absorbed the largest pension plan in its history when it trusteed the Bethlehem Steel plan. Only a few steel company pension plans still exist.

The DRC portion of the amendment gives these plans in this troubled industry a chance to get their finances in order without the imminent threat of a takeover by the PBGC. The DRC provisions are important safeguards to the system and especially to the PBGC. Plans taking the relief must pay 20 percent of their obligation in the first year and 40 percent of their obligation the second year or the plan's expected current liability for the year, whichever is greater. This ensures that no plan will lose ground and become worse off than it was when we started this process. Plans that are funded at only 75 percent or less are also prohibited from increasing benefits during this 2-year moratorium. There is strict accountability. Furthermore, there has been talk of freezing the PBGC guarantee for these plans.

The multiple employer benefit plan relief is another area that this bill addresses. What the amendment does is allow plans to suspend amortizing their experience losses for 2 years. Multis may amortize experience losses over 15 years under current law. Multiemployer plans also would be required, under the amendment, to send annual notices to all participants disclosing the funding status of the plan. This is an important reform. It will mean that we will have transparency in multiemployer programs—something we don't have today—so employees can find out the status of their plans. This reform will have a very positive impact.

Without this relief, many companies participating in multiemployer plans will face significant taxes and monetary penalties. This is an attempt to address that problem over the next 2-year period. It is done as a result of pressure which we are seeing within the industry to move out of these types of plans and, in fact, abandon the field of pensions completely in the area of defined benefits plans.

We understand that if we do not reform these plans and their funding more substantively over the 2-year hiatus being granted to us, we will have lost a huge opportunity to make available to employees effective pension benefits.

Our goal is to make sure we don't arbitrarily force a number of employers out of the pension area simply because we have an artificial rate at which they have to fund their plans; that we don't create an atmosphere where, in the area of airlines and steel, we are essentially forcing these industries into bankruptcy because of their pension structure but, at the same time, not create an atmosphere where we unduly undermine their commitment to their pension structure; thirdly, not create an atmosphere where multiemployers basically abandon the field of pension activity and we end up with many employees not having the opportunity to participate in pensions.

That is our goal. Our basic goal is to assure that we have a viable pension system for our employees and the option, as part of that viable pension system, that we have a strong defined benefit element of the system. We know, regrettably, that as we came out of the period of the bubble of the 1990s, tremendous pressure was put on these different pension plans because of their investment experience. It was not unique to pension plans. Many American citizens who invested in the 1990s found the same problem. At the end of the 1990s, most of these plans were extremely solvent and strong. Today they are weak. They need this type of relief in order to get through this period.

We have been through this type of experience before. I point to the Chrysler bailout process as an example of how the Government, through intelligent approaches toward companies that are in stress, could maintain those industries and be sure that they work their way through the process during the hard times and, as we move back into a strong economy, have the opportunity to do the reform necessary to strengthen those plans so they get them back up to speed.

This is a much more logical approach than the haphazard, sky-is-falling approach of forcing the plans through reorganizations, through dramatic funding events that are artificially created through the interest rates or by making the plans much less attractive because the pension costs are so high. So I think the bill makes sense. There is consensus on it and we should move forward with it.

Before I yield the floor, I thank the chairman of the Finance Committee for his commitment to this effort and the strong work of his staff in this area, and the cooperation which the Health, Education, Labor, and Pensions Committee has had on this effort.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, in turn, I thank the Senator from New Hampshire as the chairman of the committee dealing with some pension legislation. I thank him for his cooperation. That cooperation has been over a long period of time, going back to at least a year when we started efforts to work together on pension legislation so we would have a solid approach on the floor of the Senate.

Mr. President, the replacement of the so-called ''30-year Treasury'' interest rate has reached an emergency. This is the statutory rate used to value pension liabilities.

There is an inverse relationship between interest rates and pension liabilities: As interest rates go up, pension liabilities go down. Conversely, as interest rates go down, pension liabilities go up. Small changes in interest rates mean big differences in pension contributions.

Current interest rates are at historic lows. Low interest rates have caused pension plan liabilities to skyrocket. To make matters worse, the recession that began in 2000 brought down stock values.

The combination of unusually low interest rates and the decline in stock values have combined to worsen the pension plan funding problem. Just when you think things can't get any worse, they do.

In October 2001, the U.S. Department of the Treasury discontinued the 30-year Treasury bond. The 30-year bond is the statutory rate used by pension plans to value their liabilities. While the Treasury Department still calculates the yield on the 30-year Treasury bond, the number is increasingly ''soft.''

To help plans cope with high funding requirements, Congress adjusted the rate to 120 percent of the 30-year Treasury shortly after the terrorist attack of September 2001. That adjustment was effective for 2002 and 2003. Plans were depending on Congress to extend that relief before December 31, 2003. We missed our deadline.

At the end of the last session, we needed unanimous consent to pass an interest rate bill, but we did not have UC to proceed. The objections were not over replacing the rate, they were over deficit reduction contribution, or ''DRC relief'' and over relief to mutliemployer plans.

Let me talk about DRC relief for a moment. There is an honest difference of opinion in the Senate over whether or not to grant DRC relief to underfunded pension plans.

The real answer to the question of whether underfunded plans should be given DRC relief is: It depends.

If a company is otherwise healthy but in a cyclical industry, should the

combination of the economic downturn and an arbitrary pension rule force them into bankruptcy?

I respectfully suggest that DRC payments should not force an otherwise healthy company into bankruptcy. Remember, the company could survive if the Government takes its thumb off the pension DRC scale for a little while.

So what should Congress do?

The Senate Finance Committee decided that we should provide temporary relief to overburden plans. The HELP Committee did not take action on this issue.

Out of respect to the HELP Committee, we agreed to winnow back the relief to qualifying airlines and steel firms, but to allow others to apply to the Government for relief so long as they meet the qualification requirements. The bill provides only 2 years of limited DRC relief. Relief for 2004 is limited to 80 percent of the deficit reduction contribution.

In 2005, the DRC relief is further limited to only 60 percent of the otherwise payable deficit reduction contribution.

Plans that were poorly funded in 2000 are not eligible for this relief. We are concerned that for the healthy companies, the DRC creates an artificial cash demand on companies. The DRC is well-intentioned, but it may be a flawed requirement.

We wish we had time now to simply reform the DRC. If we had anticipated the amount of time it has taken us to get to this point, we would have reformed the DRC. As an alternative to reform, we are providing short-term DRC relief to qualifying companies.

Now, let me turn to the multiemployer plans.

The same fiscal and financial conditions that have caused the pension funding crisis among single-employer plans are working against the multiemployer plans.

Since we have already given 2 years of relief to single-employer plans (in 2002 and 2003), it is only fair that we now provide some relief to the multiemployer plans.

This amendment gives multiemployer plans an extra couple of years to amortize their experience losses. If we don't give them relief, excise taxes will cascade down the employers who contribute to the plan. The excise taxes and penalties will hurt the employers—not the unions. The excise taxes start at 5 percent, but they quickly increase to 100 percent.

These taxes do not help fund the pension plan. They just enrich the Federal Government.

The reason that this relief is a little different from the single-employer language is that the multiemployer plans are structured very differently than a single-employer plan.

A multiemployer plan consists of tens, or hundreds, or a thousand employers contributing to the same fund. Each employer may have a slightly different arrangement for its work force. With all those employers and all the potential differences in the individual arrangements, the plan cannot change overnight.

The language that we are bringing to the floor gives the multiemployer plans a little extra time to rearrange their contributions and benefits before these excise taxes would take effect. It gives the plans time to go back to the bargaining table and renegotiate.

This package has been drafted to give temporary funding relief to both single-employer and multiemployer defined benefit pension plans.

Currently these plans are straining to pay their contributions. Relief is limited in duration. It will expire at the end of 2005.

Our objective is always to balance the requirement that participants' benefits be funded and guaranteed, but to do so without driving otherwise healthy employers into insolvency.

Pension funding rules need to be revised. We know that. While we work toward that goal, however, this proposal will lessen the burden that usually low interest rates place on plan funding.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I rise to speak on behalf of the members of the Finance Committee, and in particular for Senator MAX BAUCUS, and for members of our committee. I think now of our good friend and good ally to the chairman of the committee and to the other members of the Finance Committee who have been working on this legislation for a significant period of time.

Most of us remember the mishap that happened to Senator BAUCUS some time ago, during an event that very few, if any, of us would participate in—a 50-mile road race. During that race, he slipped and had a small accident, or so he thought at the time, but still continued the race. Then, because of complications that took place a number of weeks after the mishap, additional treatment and care was necessary. So he is not present with us today.

Senator BAUCUS wanted the Senate to move ahead on this legislation, which is typical of Senator BAUCUS. He encouraged us to go ahead and he told the leadership on our side and on the other side, that he wants the Senate to work its will on this legislation because it is enormously important.

All of us are very mindful today that Senator MAX BAUCUS has been facing a challenge in terms of recovery. He is doing well. He is getting better. He will soon be back with all of us.

I certainly thank him—and I think I speak for all of us on our side—for all the good work he has done in terms of the development of this legislation. His work has been indispensable and extremely important.

I also thank the chairman of the Finance Committee, Senator GRASSLEY, and the chairman of the HELP Committee, Senator GREGG, for their work on this legislation. This legislation has an enormous impact on workers in this country, and it has an incredible impact on small businesses and other businesses in this country that are trying to be responsible and do the right thing.

All of us understand that retirement income is dependent on a three-legged stool comprised of Social Security, personal savings, and a pension. Those are the three elements which men and women, who have worked hard and played by the rules, look to in terms of their future and of their golden years. That is why it is so important that we preserve Social Security.

We are all mindful of what has happened in recent times in terms of personal savings, where savings have been reduced as a result of a lot of different factors and forces. The market has been off. And although it has come back to some extent in the last few weeks, overall there has been a loss among many of those who had 401(k)s.

Then there is the serious challenge to the whole pension system. It is indispensable that we find common ground and work to deal with this issue which is of such incredible importance. The fact we have been able to work on both sides of the aisle on this extremely important legislation is, I think, enormously significant.

The chairman of the Finance Committee and I have enjoyed working with my colleague and friend from New Hampshire, Senator GREGG. We haven't cosponsored or worked together all that many times, but I always enjoy it when we do, and even when we differ, I enjoy that as well.

I can't underscore enough the importance of this legislation, and we are extremely hopeful that the kind of agreement we have had so far will continue to be the basis of the legislation as it moves forward.

Defined benefit pension plans are, as I mentioned, a key part of retirement security for millions of Americans. They promise a monthly benefit starting at retirement and continuing for the rest of your life. Defined benefit plans are different from defined contribution plans and all the other pension plans. Only a defined benefit plan provides benefits backed by the Pension Benefit Guaranty Corporation.

Americans in every industry benefit from these plans. Nearly 35 million workers and retirees are covered by single employer plans, and 9.7 million more are covered by the multiemployer plans. One in every five workers participates in a defined benefit plan.

But today the secure retirement of these workers is at risk. As we have heard from many experts, a ''perfect storm'' is overtaking defined benefit plans. The longest downturn in the stock market since the Great Depression, combined with a troubled economy, and historically low interest rates have led to the underfunding of many of these pension plans, and the storm threatens to wreck the pension dreams of millions of Americans.

This amendment that Senator BAUCUS, Senator GRASSLEY, Senator GREGG, and I are offering will provide immediate short-term measures needed to deal with this temporary crisis.

The amendment has the broad support of Democrats and Republicans, employers and unions. Despite our differences, all of us agree that employees deserve to receive the benefits promised by their pension plans. To protect the security of their retirement, we need a solution, and we need it quickly.

Our amendment takes three steps to help defined benefit pension plans. First, it temporarily replaces the 30-year Treasury bond rate used to calculate employers' contributions to pension plans with a corporate bond rate.

As the interest rate on 30-year Treasury bonds has fallen, the decline has created huge uncertainties for pension plans. As many as 20 percent of defined benefit pension plans are at risk of being terminated or frozen. Temporarily replacing the 30-year Treasury bond rate will stabilize these plans and enable them to continue to provide the benefits they have promised.

Second, our bill provides for additional deficit reduction contribution relief.

Although the Bush administration keeps speaking of an economic recovery, the recent economic growth has not translated into job security for Americans—indeed, only 1,000 jobs were created in December. Many sectors, such as the airline and steel industries, continue to struggle.

The men and women in the airline industry are well aware of the threat to their jobs. Over 100,000 airline workers have lost their jobs in the last 2 years, and thousands more are accepting cuts in pay and benefits to preserve their jobs. These workers have done their part to keep the skies safe and keep their companies flying and they need our help to protect their jobs and pensions.

The steel industry is also struggling to find new ways to increase efficiency and compete in the world market. But the industry continues to face serious challenges, and relief is essential.

The deficit reduction contribution relief in our amendment would provide relief from these payments to companies that had well-funded pension plans in the past and need extra assistance now. These are companies that have met their responsibility and through the confluence of events are today challenged. This helps provide temporary relief.

This relief is needed to help protect the pensions and jobs of workers in these industries. These are industries that can come back—and must come back—to help drive our economic recovery.

Our amendment also includes important relief for the multiemployer plans, which fill major needs in our pension system by providing pensions to many low-wage workers, as well to short-term and seasonal workers who might not otherwise be able to earn a pension.

Forty percent of these workers are in construction, building homes and offices. They worked around the clock at the World Trade Center site after the tragedy of September 11. Because many construction jobs are short term, these workers rely on multiemployer plans to guarantee their retirement.

Thirty percent of these workers are in retail or service industries. They clean hotel rooms and corporate offices. They bag groceries and serve food in restaurants. They do not have golden parachutes or executive stock options. Without a multiemployer plan, many of them would have no pension at all.

Ten percent are in the trucking services, traveling across the country at all hours of the day and night to deliver goods safely to stores, factories, and homes. A multiemployer plan helps them reach their retirement destination safely, too.

Multiemployer pension plans also help employees of small businesses. Only 8 percent of companies with fewer than 100 employees offer a defined benefit pension plan. Many small businesses find it most affordable to provide such benefits through a multiemployer plan. As one pension expert testified before the House, multiemployer plans ''provide literally tens of thousands of small employers with the opportunity to provide competitive and comprehensive benefit plans to their employees . . . which would otherwise be too expensive and administratively complex for them to provide on their own.'' The larger companies can provide the self-insurance, so to speak, for the pension plans. The smaller ones have to be involved in these multiemployer plans that include a variety of different companies.

Like single-employer plans, the multiemployer plans have been devastated by the stock market. Because of these losses, the plans are in trouble. The modest relief in our amendment will provide both companies and workers with more time to negotiate contracts to meet the soaring funding needs.

These three bipartisan steps provide a vital temporary solution to the problems faced by the Nation's pension plans. Once these problems have passed, more must be done to preserve and expand the defined benefit system that means so much to so many employees today. Our amendment provides 2 years of relief enough to allow us to begin.

I urge my colleagues to join in providing this much-needed protection to the millions of hard-working Americans who have worked for and earned a secure retirement.

To review the highlights of this legislation one further time, there are 35 million Americans who are covered by the single-employer defined benefit pension plans. This gives some idea of the importance. There are 9.7 million, effectively 10 million, more who are covered by multiemployer defined benefit pension plans. This is effectively 45 million employees who are going to be affected, and obviously thousands of employers. Only defined benefit plans provide a secure monthly benefit backed by the Pension Benefit Guaranty Corporation.

What are the factors? Why is this legislation necessary? Why is it needed? I mentioned in my other comments about the ''perfect storm,'' the series of events which have taken place. These are the factors which have impacted these pension programs in an adverse way.

First, the prolonged downturn of the stock market during this administration, the longest since the Great Depression; extremely low 30-year Treasury bond interest rates. Bond interest rates have been low. That has had some positive impact, obviously, in terms of the refinancing of automobiles and homes, which has been extraordinarily important, but adverse in terms of these pension programs. The weak economic conditions mean the companies cannot afford to make the additional payments and pay excise taxes imposed by our pension laws. Because of the economic pressures, the companies are hard pressed to meet their responsibilities. They have been responsible in trying to set up these pension plans. They want to provide for their workers. They want to do the right thing. This helps them, at least in a temporary way, to deal with those issues.

Those are basically the reasons why this legislation is necessary. This is a temporary program, but it affects almost 45 million of our fellow Americans.

I want to mention one other factor, and that is that multiemployer plans provide literally tens of thousands of small employers with the opportunity to provide competitive, comprehensive benefit plans to their employees, which otherwise would be too expensive and administratively complex for them to provide on their own.

This really helps the small businesses in a very important way. I will give some idea to our colleagues about the people who are affected by this action. Multiemployer plans provide pensions to low-wage workers, and workers in seasonal or short-term employment. They provide pension plans for workers in many industries. 38 percent are in the construction industry, clearly the largest industry. Truck transportation is 9.8 percent; services, 15 percent; retail trade, 14.5 percent; 15.2 percent of all of those workers are in manufacturing. I think all of us understand the challenge this Nation is facing in retaining manufacturing jobs in America. This is enormously important in helping preserve it. There are a lot of different elements in terms of what we are going to have to do to preserve manufacturing jobs, but this is vital.

This chart gives the idea. It is manufacturing, it is retail and service, it is transportation, again, it is construction. For individuals who are moving

from project to project, by the nature and definition of the construction industry, they absolutely need the multiemployer plans. They work. They have been successful. But they are hard pressed, as I mentioned.

This is a balanced program. It is a temporary program. It has the broad support of employers, large and small. It has the support of workers from large companies and large unions to small companies and individual workers. It responds to a very important and significant issue, which is, I think, at the heart of the American dream, and that is how we are going to view retirement. The Greeks used to define a great civilization by how it cared for its senior citizens. These are the men and women who have sacrificed, the ones who helped bring this Nation out of recession, who fought in the various wars in which we have been involved and, most important, they have sacrificed for their children. They have sacrificed for their children's educations or for whatever challenges they had.

But they have been working hard, over a lifetime. They have been prudent and they have saved. Now, at the time when they are getting close to retirement, because of forces and factors far beyond their control—that retirement is threatened in a very significant and important way.

This legislation makes sense. It has broad support. I am hopeful we can pass it. It is necessary and it is important.

I commend our leader, Senator FRIST, for scheduling this as an early priority in this session. I think it is a matter of enormous importance and consequence, and it is a great priority. I commend the leaders for giving the Senate the opportunity to take action on it.

Mr. President, I yield.

Mr. GRASSLEY. Mr. President, I want to follow on what Senator KENNEDY said in his opening remarks about this bill being here through a great deal of cooperation between two committees, and Republicans and Democrats within those committees. It also gives me an opportunity to thank Senator BAUCUS because I always have a very close working relationship with him on our Finance Committee. This is a result of that cooperation. But, as I previously said, and it has been alluded to by Senator KENNEDY and Senator GREGG, this is an issue where two committees, the Finance Committee and the Health, Education, Labor, and Pensions Committee share jurisdiction. So we have had a remarkable cooperation between the two committees, and that includes Senator KENNEDY's cooperation to get this bill out and hopefully not only get it to the floor but that this sort of cooperation helps us expedite this bill.

This is a very important piece of legislation and is needed by a lot of segments of the economy in order to keep companies viable.

In addition, I hope we will be able to have Senator BAUCUS back with us quickly. Originally when he left the hospital we heard it might be 2 weeks' recovery. I hope that is coming along OK and he should be back here with us very shortly.

Mr. President, I will suggest the calling of a quorum.

Mr. KENNEDY. If the Senator will withhold, we understand the leaders have set this time now for debate. We are here and ready for debate and discussion. This is enormously important. The leaders wanted us to try to consider the concerns of the Members on both sides of the aisle today. We are going to be at our posts, Senator GRASSLEY and myself, today and also on Monday.

I think it was the leader's desire to stack the votes for Monday afternoon. It is now Thursday afternoon, quarter of 2. We are here and ready for action. We know some Members have spoken with us about their concerns about different provisions. We are ready to deal with those issues, or at least be able to debate them and make sure that our colleagues are going to be fully informed about them by the time we vote.

I certainly hope those who do have amendments would come over here and present them so we might be able to consider them, work on them through the afternoon or through the evening, and make as much progress as we can. I hope we are not going to be left for these to come in at a later period. We are prepared to consider these issues at the earliest possible time.

Mr. GRASSLEY. Yes, the unanimous consent provision does allow for amendments, an equal number on both sides. We hope the people who are interested in following that rule will come over. I have been told there is at least one Member on my side of the aisle who should be here shortly to offer an amendment. I urge that to happen.

Obviously, we will be glad to have debate and accommodate everybody in any way we can.

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

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

Mr. LOTT. Mr. President, what is the parliamentary situation? I wish to speak on the pending legislative issue, the pension bill. Is the floor open for comments?

The PRESIDING OFFICER. Yes, it is.

Mr. LOTT. Mr. President, I rise in support of this legislation. I commend the Senators who have been involved in working out most of the disagreements, including Senators GRASSLEY, BAUCUS, GREGG, KENNEDY, and, of course, our leaders, Senator FRIST and Senator DASCHLE, who have all been involved in working through the difficulties of this legislation.

Quite frankly, this is complicated and difficult legislation to understand. A lot of times, people start referring to issues by acronyms such as COLA or DRC. If you are not really involved in the intricacies of pension issues and, particularly, this area of deficit reduction contribution, you can get lost in the details. You can even be misled as to what the reason for it is and what the impact will be.

I have followed this issue because I am a member of the Finance Committee, which has jurisdiction in the area of pension plan contributions, and also as chairman of the Aviation Subcommittee of the Commerce, Science, and Transportation Committee. I do believe the airline industry is in a difficult situation now, but I think they are a critical part of America's economy and our transportation system. There is no question that they have been greatly impacted by fuel costs, the events of 9/11, and even, temporarily at least, by the war in Iraq. They have been struggling to deal with those issues. They also have had mistakes in their past, in management decisions. Some of the contracts they have with labor put real pressure on them in terms of being able to make enough money to pay all the costs of delivering this service. Regardless of that, I think it is hugely important for America that we have a viable and available airline industry.

We have been doing things to try to help them. Right after 9/11, we passed major airline relief, leading up to the war in Iraq. In the aftermath of 9/11, we provided direct assistance to the airlines. Late last year, we passed the Federal Aviation Administration reauthorization, a significant multiyear legislation that was hard to get through, but we got it done. It was supported by management and labor and the administration in the end. That gives some certainty about what the administration will be doing, what they can do. We opened up some areas that needed some changes. This area is also very important to the survival of some of our airlines.

Some will argue that it gives the major airlines an advantage over the smaller airlines. I certainly am not in a position to want to do that. I want all of our airlines to be able to meet the responsibilities and commitments of their pension plans but also to be able to stay in business and provide service. We need the shorter routes, the ones that fly from point to point, and the hub airlines. I want a healthy airline industry. This is one step in that process.

Some people will attack this legislation and say the airlines brought it on themselves. Sure, they have made mistakes, but a lot of things they are being hit with cannot be put at their doorstep as being their fault. They

didn't cause 9/11. They have not been responsible for the increasing and up and down prices of fuel. A number of factors that have played into their economic situation they cannot be blamed for. They have certainly made mistakes, but this is not something they brought on. This is a requirement in the law that we put on them. This is a part of the PBGC legislation, where they have to pay into the pensions, and we capped how much they could pay in.

A few years ago, in 2000, the airlines were committed and paying, I think, 100 percent of what was needed. But in the last year or two, they have fallen under severe pressure, and, as a result of the quirks in the law, they now would have to pay an accelerated penalty, even more money, because of the 30-year Treasury bond calculation process to determine how much they paid in. That has come to a conclusion. They have to go to a new system.

My point is that I think this DRC relief is the right thing to do. It is a temporary 2-year deal. They are not absolved of all of their responsibilities. It is an 80–60 percent—80 percent relief in the first year, 60 percent in the second year, and only plans that were not subject to the deficit reduction contribution relief in 2000 would be eligible for this relief.

The plans would not be able to increase benefits if they were 75 percent funded or less. An application process would allow companies that are not in those industries to request DRC relief if they were not subject to the DRC in 2000.

This is a temporary modification to provide relief to allow airlines to work through the difficulties they are having now. I believe this relief will enable them to move forward and fulfill their commitments in the future.

It is not going to bring in all of the plans. It is targeted at airlines and steel only, and I understand only a couple of steel companies would be affected by this.

This legislation is bipartisan. Democrats and Republicans have been working to try to address some of the concerns and deal with the recognition that interest rates have contributed to this problem, stock market declines have contributed to this problem, and what would we do to be of assistance to the airlines. But it also makes sure the PBGC is not left holding the bag. I think we have come up with the right solution.

Some people will argue the DRC relief will actually worsen the financial standing of the PBGC. I am concerned about the financial stability of the PBGC, but I think this temporary, limited relief will actually be in its best interest. If we do not do this, some of these airlines will go into bankruptcy and PBGC will have an even more difficult situation on their hands. If these companies wind up taking chapter 11, then the pension fund is going to have a problem.

The point might be made: Let's wait for the bigger pension reform bill. I know Chairman GRASSLEY and others want to have broad pension reform. We need to do that. But we are not going to be able to do it in the next month or two, and I don't even think we are going to be able to get it done this year. We need to do it. We ought to do it. This problem is imminent. If we don't act by April 1, these airlines and steel companies are going to have to pay at the accelerated rate, which they are not going to be able to do. So it is timely. We have to act now because in a very short period of time, the roof will come falling in on these companies.

I understand there may be a couple of amendments. I appreciate the fact that Members did work with me on a provision I had concerning multiemployer withdrawal liability. We worked on compromise language that is in the legislation which I think is acceptable. Many of the questions that were raised by the chairman of the Budget Committee and by Senator KYL of Arizona have been addressed. I understand they may have an amendment or two. We ought to debate those amendments and have a vote. But then I hope my colleagues will allow this legislation to move forward, go on to conference, and let's get it done in a timely fashion. It is in the best interest of the airline industry and, I believe, the PBGC, and the American taxpayer.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, is time controlled?

The PRESIDING OFFICER. It is not.

Mr. BYRD. I thank the Chair.

Is the distinguished senior Senator from Massachusetts a manager of the bill?

Mr. KENNEDY. The Senator is correct. We have had a good discussion by those who are the principal sponsors, and we are awaiting, hopefully, those who would like to amend the bill, but they have not indicated they are on their way just yet, so we have some time. If the Senator would like to speak, we obviously would like to accommodate him in any way.

Mr. BYRD. Mr. President, I thank the distinguished Senator. I always like to be on God's side, and then I like to be on Senator KENNEDY's side. If there is a choice between the two, why, I think I will pass for the moment.

Mr. President, it is not hyperbole to suggest that the sky is falling for too many American workers. You could also say that the ship is sinking. You could say that the mine wall is collapsing, that the dam is giving way, or use any number of metaphors for a looming disaster to describe the current state of America's private pension system.

The entire system is wobbling under assaults from every direction. On the one side, the stock market plunge has left the pensions for over 44 million workers underfunded by an estimated $350 billion. Last year, the Pension Benefit Guaranty Corporation had to assume the pension obligations for scores of bankrupt companies, ranging from airlines to steelmakers, pushing the PBGC's balance sheet into the red by an alarming $11.2 billion.

On the other side, the assault is coming from historically low interest rates that have triggered painful new funding requirements for employers. Even companies that want to provide for their employees find themselves unable to compete in a global marketplace against competitors unencumbered by the legacy costs of pension and health care benefits.

U.S. employers are warning they will be forced to freeze their pension plans or terminate them unless the Congress provides them with relief from their pension obligations. Yet, with $350 billion in underfunded pensions and a growing deficit, the Federal pension insurer is warning that unless those pension obligations are funded, a massive taxpayer bailout, akin to the 1980s savings and loan crisis, is just over the horizon.

At a time when working families are looking for assurances that their pensions will be protected and their retirement will be secure, the Congress is offering neither assurances nor security. This legislation provides funding relief to employers, but it does little to ensure that the pension benefits promised to workers will be there when they retire.

While this short-term patch may be necessary to keep the ship afloat for a while longer, it does not change the fact that the ship is sinking, and the Congress has not yet readied the lifeboats.

The Congress is telling workers that once the needs of business have been addressed, then it can act to ensure their pensions are fully funded. The Congress is wagering that the pension system will stay afloat that long. It is a theme I have noticed repeatedly during the tenure of this administration. While the top of the economic pyramid receives immediate relief, the hard-working middle class is given only vague promises, uncertain promises of uncertain relief and delayed benefits. I have seen it over and over and over. The corporate elite receives immediate tax cuts, while America's working-class families, the people who work with their hands, the people who get their hands dirty, the people who are soiled in grime when it is time to go home and have supper, are told to wait, wait for the economy to survive.

The pharmaceutical industry receives billions of dollars in taxpayer subsidies while middle-class families wait endlessly for lower drug prices.

Corporate profits continue to increase while middle-class families wait for those profits to trickle down to them. In asking middle-class Americans to wait for the economy to improve, wait for health care costs to go down, wait for their wages to rise, it confirms that this administration of

corporate CEOs and Texas oilmen do not have the slightest comprehension of the plight of American workers, the people who work with their hands, who get their hands dirty, who get their fingernails dirty, whose shirt sleeves are dirty. They are the American worker.

It is a grim, bleak time for working Americans. Two and a half million jobs have disappeared under this administration's economic stewardship. Most of them are in our once powerful manufacturing sector, which has lost jobs for 41 consecutive months. Just come to West Virginia and see what has happened. The glass plants have gone. The pottery works have gone. The steel mills, to a large degree, have gone. The coal industry, which used to employ 125,000 men when I first came to Congress, today employs perhaps 15,000, 16,000, 18,000 workers who mine just as much coal as in the days when there were 125,000 men working in the mines.

Yes, 1 million jobs have been lost. Where have they gone? They have gone overseas. Eight million workers are unemployed, without hope for tomorrow, listening to their children, listening to their spouses, saying: Where will we go? What will we do? What will happen to us?

Eight million workers are unemployed. Half a million discouraged workers have dropped out of the labor pool saying there is no hope; hope is gone; the hope to which I held for these many days, these many weeks, these many months is gone. Three and a half million workers are collecting unemployment benefits, with an average 350,000 workers signing up for benefits each week. At the same time, 80,000 jobless workers are exhausting their unemployment benefits each week, forcing them to cut back on health care, forcing them to cut back on food purchases. Workers are losing their health insurance. Two and a half million more people joined the ranks of the uninsured last year, the largest single increase in a decade. Think of that.

Put yourself in the shoes of these who go to bed hungry, who go to bed with heavy burdens, the burdens of forlorn hopes. With health care costs spiraling out of control, 44 million people must do without health insurance. Retired workers are forced to do without lifesaving drugs, without digoxin, without Coumadin, without Singulair. For those workers with health insurance, the out-of-pocket costs are soaring, more than doubling for employees of large companies since 1998. Costs are up sharply and going up more, too, for workers who pay monthly premiums but rarely see a doctor. Worker pensions are in danger, with the Federal pension insurer taking over 122 plans last year, slashing the pension benefit promised to over 200,000 workers. Two million additional Americans fell into poverty in 2002.

Yes, we can afford to rebuild the oil pipeline, the oil wells in Iraq. Yes, we can afford to rebuild the infrastructure in Iraq. What about our own people? What about our own workers, who with their sweat and their toil have built this country and made it the wonder of the world? Not coincidentally, almost 2 million workers earn wages at the statutory minimum, $5.15 per hour. These are real people. It may be hard to comprehend that there are people who are working for that minimum wage, and that that minimum wage is the only thing that stands between them and their children and starvation. These are real people. These are real stories about working people in this land of the free, this home of the brave. These people earn their wages at the statutory minimum of $5.15 per hour. Think of it. Their wages are eroded every year by inflation, with the real value of the minimum wage dropping. While the wealthiest taxpayers receive tens of thousands of dollars in tax cuts, the administration denies a meager $1.50 per hour raise to our most impoverished workers. These administration people who oppose an increase in the minimum wage come from the other side of the tracks.

To quote President Franklin Roosevelt, the test of our progress is not whether we add more to the abundance of those who have much, it is whether we provide enough for those who have too little.

After three colossal tax cuts, this administration has denied much to those who have little in order to provide more to those who have much. The American worker—have you ever been a worker? The American worker has once again become the forgotten man. While the administration is offering only vague promises of hope, the American workforce is forced to endure the most hostile assault in decades. The Bush administration has tried to repeal the 40-hour workweek and strip workers of their right to overtime pay. Think of that. It has attacked the civil service system. It has repealed the safety rules necessary for the protection of America's workers. It has neglected their health and safety in the workplace. Now the administration is blocking an increase in the Federal minimum wage.

It is blocking efforts to provide unemployment benefits to jobless workers. It is trying to push through a rule to strip 8 million workers of their hard-earned overtime pay. And it does so always with the promise that these benefits for businesses and the corporate elite will one day trickle down to the middle class. This is not the record of an administration that understands the needs of working families.

Mr. KENNEDY. Will the Senator be good enough to yield?

Mr. BYRD. Yes.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Massachusetts.

Mr. KENNEDY. I commend my friend from West Virginia on speaking of the forgotten man, the worker of this country, because he has just listed the series of actions which threaten the well-being and the livelihood of millions of families. As he says these words, I think it is important that our colleagues and the American people understand their significance.

He mentions, for example, the failure to act on the minimum wage. It has been 7 years since we have acted on an increase in the minimum wage—7 years. The purchasing power of the minimum wage now is just about as low as it has ever been. The minimum wage, as it is defined, is for people who work hard, who play by the rules. This is an issue which affects women because the majority of recipients of the minimum wage are women. It affects their children because many of the women have children. So it is a children's issue. It is a family issue. It is a civil rights issue because many of those who receive the minimum wage are men and women of color. It is a fairness issue because if you work hard and play by the rules, 40 hours a week, 52 weeks of the year, in the country that has the strongest economy in the world, that is the United States of America, you should not have to live in poverty.

We have been blocked, as the Senator remembers, by our friends on the other side from even having a vote. We have a majority in this body who support an increase, but we are blocked.

The Senator speaks about unemployment compensation. The Senator well knows there are 90,000 workers a week who are losing their unemployment compensation. Our friends on the Republican side, have blocked even a temporary extension on it—90,000 a week.

Overtime? Eight million. I discussed this earlier today. I am not sure whether the Senator is familiar, I am not sure how many Americans are familiar, with the definition of professionalism in the Labor Department's proposed regulation, which will make American workers ineligible for overtime. This definition will include training received in the Armed Forces of this country. There are 200 different training programs that men and women receive in the Armed Forces. They go for this training, they serve in Iraq with the finest military in the world, and then they come back, and are hired here, and under the Bush proposal on overtime, can be denied overtime pay because they have received training in the military.

Can someone possibly tell us why? Why would the administration include training programs in the military? An important incentive for many young people to join the military is to get the education and training. I see my friend from Tennessee, who served as a Secretary of Education. He knows the value of education and training. Here we find the training which veterans of our military have received while serving our country will make them ineligible for overtime pay. This proposed rule would also deny overtime, to firefighters, police officers, and nurses.

The Senator, when he speaks about the forgotten man, speaks wisely about his people in West Virginia, but he speaks for all those workers in my State, too, and I daresay for workers around this country. He mentions these words, these words that have real meaning: before eliminating overtime pay, consider the family that is struggling to pay the mortgage, feed their family, clothe their family—people who are working hard.

The final point I want to mention to the Senator, although I know he knows this already, is that this proposed regulation works against women. Many of the professions which will be denied overtime pay are professions dominated by women, wives, mothers, working hard, trying to provide for their families, playing by the rules.

There are many things wrong with our economy. But maybe the good Senator from West Virginia can tell me, of all the things that are wrong with our economy, why is it that singling out these working families for a reduction in pay is so important? I just cannot understand it. The Senator was here when we voted in this body against the administration's proposal. The House of Representatives voted against it. Then in the middle of the night the provision preserving overtime pay was stripped out of the omnibus bill. I know that is an enormous concern to many families.

I just want to know whether the Senator doesn't believe we ought to be addressing issues in this Congress that are necessary to protect the interests of the working people. Does he join in the challenge this presents? Does he join me in saying to those workers who are listening to the Senator from West Virginia, we are not going to let them down, we are going to battle on these issues on the days ahead?

Mr. BYRD. Mr. President, the very able Senator from Massachusetts, Mr. KENNEDY, has led this fight to increase the minimum wage time and time and time again. I admire him for it.

Yes, this administration has joined in the maiming and the raping of the Constitution and the rules of the Senate and in doing as it did with respect to the items that were changed in conference, the items that were added in conference, the items that passed each of the two Houses and were deleted in conference. What a shame. What a disgrace. I have been a Member of Congress 51 years, going into 52 years, and I have never seen such a disgraceful act as that which was done while you, the American working people out there, were asleep—were asleep. These changes were being made behind closed doors. The minority was not present.

What would John Taber, the Republican chairman of the House Appropriations Committee when I came to the House—what would he think of this underhanded method of operating? What would Joe Martin, Speaker of the House of Representatives from Massachusetts in that day—what would he think? The Republicans of that day would not have stood for it. They believed in the American system. They believed in the Constitution. This is a disgrace. It is a shame, the way this Congress has acted, the way the Republican leadership in both Houses, and the White House, has acted in dealing with the taxpayers' money, the working people, the common people.

You know, I say to the distinguished Senator from Massachusetts, I came into this world and was an orphan after 1 year.

I grew up in a coal miner's home. I married a coal miner's daughter. Some leaders of this administration ought to know what it is to have to buy a stick of pepperoni, a piece of longhorn cheese and a box of crackers, sit down on railroad rails and eat that humble fare, and what is left put into a paper bag to eat the next morning for breakfast. This crowd down here in the White House doesn't know what it is. They come from the other side of the tracks. They do not know what it is to get their hands dirty working long hours at night, working to scratch out a living for their spouses and their children. They do not know what it is to walk into a coal miner's home and go to the cupboard and look and see what that family has left to eat. No. They grew up in the corporate boardrooms of this country. They do not know what it is.

When God turned man out of the Garden of Eden and told him to earn his bread by the sweat of his brow, that has been the lot of the workingman. Then to see that workingman further trampled by the policies and programs of this thoughtless administration is a story in itself.

This is not the record of an administration that understands the needs of working families. American workers are sinking on the *Titanic* and this administration can only promise workers to send back the lifeboats once the first-class passengers have been taken to safety.

I recall the great *Titanic*. It went down I believe on April 15, 1912. I believe 1,517 passengers and workers on that great *Titanic* went to their deaths in the depths of the deep blue ocean. Now this administration promises workers to send back the lifeboats, but only after the first-class passengers have been taken to safety.

Americans would have to look back to the Hoover administration during the nadir of the Great Depression to find an administration that has treated workers more shabbily. I grew up in that Hoover administration. The first 20 years I was in politics, I campaigned against the Hoover administration. It was gone but not forgotten. I have seen those window shades, those boarded-up windows on the store buildings and business places and homes of people in southern West Virginia. They were called ''Hoover window shades.''

In 1932, Presidential candidate Franklin Roosevelt blasted the Hoover administration and blasted the Republican-controlled Congress for ignoring the plight of American workers, workers who Roosevelt claimed had become the ''forgotten man'' under the Hoover administration's top-down economic policies.

I am glad I lived in the Great Depression. I am sorry we had to have one, but since we had one, I am glad I lived in the Great Depression. I am glad that there are a few people still alive in this country who remember the Great Depression.

The ''present condition of our Nation's affairs is too serious to be viewed through partisan eyes for partisan purposes,'' the future President Franklin Delano Roosevelt charged. ''These unhappy times call for the building of plans that rest upon the forgotten, the unorganized but the indispensable units of economic power, for plans . . . that build from the bottom up and not from the top down, that put their faith once more in the forgotten man at the bottom of the economic pyramid.'' The forgotten man.

I urge Senators to heed those words and to offer workers more than just ideologically based promises that would have us view the plight of America's workers from the top down, rather than from the bottom up.

This year, the Congress must extend unemployment benefits. It must protect workers' pensions. It must increase the minimum wage. It must protect the overtime pay of our Nation's workforce.

The administration has invested its energies, its resources, its political fortunes in those at the top of the economic pyramid, and this administration has abandoned—abandoned—the workers at the bottom of the economic pyramid. The elected representatives of the people in this Chamber must not do the same.

I close with Edwin Markham's poem.

THE RIGHT TO LABOR IN JOY

Out on the roads they have gathered,
A hundred-thousand men,
To ask for a hold on life as sure
As the wolf's hold in his den.

Their need lies close to the quick of life
As rain to the furrow sown:
It is as meat to the slender rib,
As marrow to the bone.

They ask but the leave to labor
For a taste of life's delight,
For a little salt to savor their bread,
For houses water-tight.
They ask but the right to labor,
And to live by the strength of their hands—

They who have bodies like knotted oaks,
And sinews like iron bands.

And the right of a man to labor,
And his right to labor in joy—
Not all your laws can strangle that right,
Nor the gates of hell destroy.
For it came with the making of man,
And was kneaded into his bones,
And it will stand at the last of things
On the dust of crumbled thrones.

I yield the floor.

Mr. KENNEDY. 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. 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 know we will have more opportunity to debate this legislation in the coming days. I wanted to come to the floor for a few moments to express my gratitude and my admiration to those colleagues who have worked so diligently to bring us to this point. We deal with a lot of divisive issues in the Senate. We just dealt with one moments ago, the Omnibus appropriations bill. People sometimes ask me, as I travel the country and in my home State: Why don't you all ever get together on something?

Here is an illustration where Republicans and Democrats have gotten together with a work product that I think merits our support, and I say our enthusiastic support. Senator KENNEDY, of course, one of our key sponsors of this legislation, particularly deserves great thanks and great recognition for the work he has done to get us to this point.

We have a pension time bomb in this country. That time bomb is going to explode with even greater impact on the lives of millions and millions of Americans unless we begin dealing with the issues of retirement security.

A couple of nights ago, when I had the pleasure of responding to the State of the Union, one of the points that I made and I know is shared by my colleagues, especially on this side of the aisle, is on the issue of pension security. Retirement security is increasingly becoming an issue of great interest and concern to not only our retirees but to so many of our workers who are today concerned about whether they can retire at all as a result of the problems with pensions.

I have some charts I know have already been used, but in case others missed the opportunity to walk through these charts and to hear the explanation of this legislation, I want to share a couple of observations, first about our circumstances, and then why I believe this bill is as good as it is.

This chart talks about the defined benefit plans that are currently available, and we have defined benefit plans that have worked well over the course of the last 50 or 60 years, in particular. Thirty-five million Americans are covered today by plans that have been incorporated and utilized within corporations and businesses to provide a defined benefit at retirement.

Mr. President, 9.7 million Americans are covered by multiemployer pension plans, only a fraction of what single-employer defined benefit plans entail, but both the multiemployer and single-employer plans are currently the ones that are causing employers, employees, and retirees very serious concern.

Only defined benefit plans provide a secure monthly benefit backed by the Pension Benefit Guaranty Corporation, and that is where we begin to run into some very serious problems.

We have 35 million Americans covered by single-employer plans and 9.7 million Americans covered by multiemployer defined benefit pension plans.

What has happened, of course, over the last couple of years in particular—but it goes back longer than that—is that a perfect storm has been created that has caused grave concern to those analyzing the viability of these pension plans. The perfect storm involves a number of factors that threaten the very essence of defined benefits as we have known them now for so long.

The first factor in the defined benefit plan was a prolonged downturn of the stock market during this administration, the longest downturn we have had since the Great Depression, almost 70 years ago. We have had extremely low 30-year Treasury bond interest rates, and that, too, has contributed to the funding problems some defined benefit plans face. Then we have had weak economic conditions, which means companies cannot afford to make the payments and pay the excise tax imposed in the pension laws themselves.

So we have one of the worst economic circumstances that could possibly befall these pension plans as pension designers and pension officials were attempting to struggle with the responsibilities and the direct legal requirements provided of these pensions.

That is why this legislation is so important. This legislation addresses that perfect storm. It addresses the circumstances we are now facing across the country.

What the Grassley-Baucus-Gregg-Kennedy legislation provides is only temporary relief but, nonetheless, important and essential relief if we are going to deal with this perfect storm of circumstances.

The legislation temporarily replaces the 30-year Treasury bond with a corporate bond rate. That will help stabilize these circumstances and begin putting some greater confidence within the system.

It provides targeted additional deficit reduction contribution relief to the hardest hit industries. We can walk through those, but there are some, such as the airline industry, that are really suffering very serious consequences as a result of this perfect storm. Some industries have been hurt worse than others. Airlines, perhaps, have been hurt the hardest of all.

The legislation also provides temporary relief to the multiemployer pension plans by giving employers and workers time to negotiate changes to the contributions and benefits in order to preserve these pension plans in the first place.

Again, this is a very commonsense approach, an opportunity for us to say, at least in the short term, that we recognize the problem. We understand this is not going to be resolved with only these actions, but this will go a long way to providing that temporary relief and that confidence that is going to be required if we can ensure we begin to turn around the circumstances we are facing in this perfect storm today.

One of the most important aspects of this legislation, in my view, is the third piece of the proposal that I have just described which deals with multiemployer plans. I am concerned, frankly, that we may sometimes minimize the importance of these plans and not fully appreciate the magnitude of their importance to millions of workers. Those 9.7 million workers have only this to fall back on. We need to be fully appreciative of the importance these plans have in the daily lives of the American workers today.

What they allow workers to do is earn pensions under many different employers, as I said a moment ago, helping workers in short-term or seasonal employment. We are talking about construction, hospitality, entertainment, sometimes retail. This is their only opportunity. They have no real access to retirement security unless they have access to a multiemployer plan. They couldn't earn pensions in the single-employer system. It doesn't exist for them. Multiemployer plans provide pensions to low-wage workers—hotel workers, restaurant workers, janitors, the people who work through the night oftentimes so that the buildings are clean when we come back; the people who oftentimes are the workers in the kitchen.

This is a critical source of pensions for employees in small businesses as well. In South Dakota, that is the bulk of our business community—small business. We have thousands and thousands of small business employees who have absolutely no access to pensions today were it not for the multiemployer system that we created.

We are talking about a serious concern and, I would say, a serious response to that concern as we consider this legislation today.

I think this chart lays out very vividly in a picture what I just described in more rhetorical terms. The multiemployer plans provide some help to workers in virtually all industries: 15.2 percent of those 9.7 million Americans are in manufacturing; 14 percent in retail trade; 15 percent in services; almost 10 percent in truck transportation; and 38 percent in construction.

This chart in particular caught my attention because we are talking about South Dakota, and we are talking about rural States in particular, but we could be talking about any State. Multiemployer plans provide literally tens of thousands of small employers with the opportunity to provide competitive, comprehensive benefit plans to their employees, which would otherwise be too expensive and administratively too complex for them to provide on their own.

As so many of my colleagues know, one of the concerns we have in our State is young people taking flight,

leaving our State, once having been educated. We oftentimes in our State compare it to a good crop. The crop is grown, it is nurtured, and then somebody from out of State comes along with a combine, harvests the grain, takes it to another country, sells it, and makes a profit.

In some ways that is a little bit like our young people. We educate them, nurture them, teach them our values, and then somebody comes along and hires them away before the first employer has a chance. One of the reasons they are able to hire them away is oftentimes they can provide better wages and better benefits.

Well, this is an opportunity for South Dakotans, South Dakota small businessmen and other rural small businesses, to say, look, we have an opportunity to keep you in our State, to provide you with a competitive pension benefit, so you do not have to leave and go to a big city. That is important as well to small businesses that otherwise are not able to be competitive.

So this is not just a retirement bill; this is not just a pension security bill. This is legislation that will provide competitiveness to small businesses, whether it is in any one of the industries I mentioned. We have to find ways to ensure that we level the playing field between big business and small. In part, this legislation will do it.

So I will end where I started. I am very appreciative of the efforts made by our colleagues to get us to this point, to contribute to public policy in a way that I think will send hope to millions of workers and retirees who are concerned about being right in the center of that perfect storm today, and, of course, to millions of small businesspeople who want very much to be able to provide benefits in a meaningful way and therefore compete, as they do so effectively each and every day, in our free market system today.

So I likely will have more to say about this legislation prior to the time we vote on final passage. I again thank my colleague Senator KENNEDY for his leadership and those who have brought us to this point. This is good legislation. It merits our support.

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

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

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2233

(Purpose: Substitute amendment to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to temporarily change the determination of the interest rate used for funding and other purposes from use of the 30-year treasury bond rate to a composite corporate bond rate, and for other purposes.)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for himself, Mr. BAUCUS, Mr. GREGG, and Mr. KENNEDY, proposes an amendment numbered 2233.

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

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2234 TO AMENDMENT NO. 2233

Mr. KYL. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 2234 to amendment No. 2233.

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

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

The amendment is as follows:

(Purpose: To limit the liability of the Pension Benefit Guaranty Corporation with respect to a plan for which a reduced deficit contribution is elected)

At the end of section 3, insert:

(____) LIMITATIONS ON PBGC LIABILITY FOR PLANS TO WHICH ALTERNATIVE DEFICIT REDUCTION CONTRIBUTION APPLIES.—

(1) IN GENERAL.—If a plan with respect to which an election under section 412(l)(12) of the Internal Revenue Code or section 302(d)(12) of the Employee Retirement Income Security Act of 1974 (as added by this section) is made terminates during the applicable period, the maximum guarantee limitation under section 4022(b)(3) of such Act, and the phase-in rate of benefit increases under paragraph (5) or (7) of section 4022(b) of such Act, shall be the limitation and rates determined as if the plan terminated on the day before the first day of the applicable period.

(2) APPLICABLE PERIOD.—For purposes of paragraph (1), the term ''applicable period'' means, with respect to any plan, the period—

(A) beginning on the first day of the first applicable plan year with respect to the plan, and

(B) ending on the last day of the second plan year following the last applicable plan year with respect to the plan.

For purposes of this paragraph, the term ''applicable plan year'' has the meaning given such term by section 412(l)(12) of the Internal Revenue Code of 1986 and section 302(d)(12) of the Employee Retirement Income Security Act of 1974 (as added by this section).

Mr. KYL. Mr. President, let me describe briefly what the background of this amendment is and what the amendment will do—the effect of the amendment is actually quite simple—and then I will discuss the reasons for it.

As you are aware, the background of this legislation is the House-passed bill, H.R. 3108. An amendment to that bill has been offered by the chairman of the Finance Committee, the ranking member, and others that would make some corrections to the House bill, H.R. 3108 and, among other things, provide for a partial waiver of some payments that otherwise would be made into the fund that helps to guarantee the pension benefits of employees.

We are aware of the fact that the Federal Government has undertaken a responsibility for ensuring that pensions which are funded by employers will actually be there when the employees need to collect on those pensions. But in some cases, corporations run out of money, go bankrupt, go out of business, or otherwise can't meet these obligations. In that situation, the Federal Government has to step in and has agreed to do so under certain terms through the Pension Benefit Guaranty Corporation. As a result, we have an obligation to ensure that the funding for these contingent liabilities is secure. Part of the way we do that is to ensure that the employers that make the obligations to their employees pay in enough money to be able to pay for the benefits they have promised.

The problem is that some of these corporations are not in very good shape. As a result, there is a fear that they are not going to be able to make the contributions they need to make in order to pay the benefits to their employees when the time comes.

As a result of this concern, what we have done is to say these corporations need to make some catchup payments to ensure the money will be there. This is necessary in part because of a technical problem in the way that the funding was fixed based upon a U.S. Government security that is no longer issued, as a result, we are having to substitute a different basis for the payment which will be a blended corporate bond rate, a technicality, but that is going to be the basis for a couple of years of contributions for corporations until another method is devised.

In the meantime, corporations whose pensions are underfunded are being required to make up some of these contributions, and it is called the deficit

reduction contribution, or the DRC, to reduce the deficit that has been created and that we need to make up if the money is going to be there for the employees when it comes time to collect their pensions.

This deficit reduction contribution, according to the amendment offered by Senators GRASSLEY, BAUCUS, GREGG, and KENNEDY, as I understand it, would apply to those entities that are 90-percent funded or less. In other words, where the plan does not fund its benefits at 100 percent, can't pay 100 percent, it can only pay 90 percent or perhaps even less. So for those entities that are in this kind of financial shape, they are going to have to make a deficit reduction contribution, a special catchup contribution.

Under the amendment, they are going to actually be given a waiver of part of this contribution. The idea is that they can't afford to make the full contribution; therefore, we are only going to make them pay part of it. In fact, we are going to waive 80 percent under the amendment—80 percent of this obligation—in the first year and 60 percent of the obligation in the second year. That means they are only making 20 percent in the first year and 40 percent in the second year of the obligation they have. These are corporations that are in difficult financial condition right now and cannot pay the full 100 cents on the dollar that their employees would be entitled to when those employees attempt to collect their pensions.

We clearly have a difficult situation here. The purpose of the amendment, obviously, is to have them pay something in and try to stay economically viable in the meantime. The concern, of course, of the Pension Benefit Guaranty Corporation and others is that all we are doing is digging the hole deeper or, in effect, throwing bad money after good is another way of putting it.

What we are doing is giving companies that might well fail a chance to incur further obligations, not pay for those obligations, and then put the taxpayers at risk for the additional obligations incurred during this 2-year period of time. That is the risk. That is the concern we have.

Clearly, if that transpired, there would be several losers. In the first place, this partial waiver would be harmful to the workers themselves because they jeopardize the expected pension benefits, especially for those workers who are supposed to receive larger pensions than the Pension Benefit Guaranty Corporation will actually guarantee.

One category of people is airline pilots, for example. So companies should be required, in my view, to fund their pension promises to their employees. They should not be excused from these promises because, in effect, what they are doing is making bargains that are easy to make with unions and with others, promising to make payments, and then saying: We are sorry, we can't make them, but we would like to have the Federal Government bail us out.

The Pension Benefit Guaranty Corporation right now estimates $400 billion in unfunded liabilities. That is a lot of money to be backing up. Last year their deficit was $11.2 billion.

The amount of the waiver we are talking about is about $16 billion in benefits. So according to the relief that is being granted by this partial deficit reduction contribution waiver, the PBGC, or the Pension Benefit Guaranty Corporation, would lose about $16 billion worth of funding relief. That is money that obviously may be required at some future date but will not be there because we are not asking these companies to pay in that amount of money.

Another loser: We think it is unfair to the healthy plans, to those corporations and employees who have actually been part of businesses that have paid attention to their economics, have ensured they are putting enough money into their pensions to fund the benefits that their employees are due.

If the underfunded plan fails to pay the amount they are supposed to and the insurance premiums then go up, the healthy plans are the ones that end up paying that difference. I believe it is unfair to excuse these companies that have made the promises and then not require them to go ahead and pay that money and fulfill their promises.

It is also unfair to competitors. Stop and think about an airline, for example. I feel this may well be the situation because the waiver is granted to certain airline companies that need it, allegedly, and to a couple of steel companies. It is a very selected kind of waiver. The competitors of the airlines—the airlines that have been trying to watch their pennies and not overcommit themselves in their pensions—will be at a disadvantage. They have made their commitments to employees. They have paid the money into their pension plans to make sure they can pay those commitments to employees, and now their competitors, that maybe have overpromised or are now going to be underfunding, will be able to take that difference and apply it to other aspects of their business to compete with the airlines that have done a good job.

There is nothing that says they cannot take the difference and undercut the other airlines in terms of their fare structure. That could easily happen, and there is nothing we have here that precludes that from happening. That is a very big concern I have.

We should not be playing favorites, one company against another, in a particular business, and the airline business is certainly one in which this might apply. In effect, it is a backdoor bailout for some companies, those who have not been able to fund the benefits they have promised to their employees. It seems to me, therefore, another potential loser are the competitors of the airlines we would actually be benefiting here. Finally, it is a big loss to the American taxpayer if the taxpayer ends up on the hook for these deficits.

As I said, the PBGC reported a deficit of $11.2 billion in its single-employer insurance plan for fiscal year 2003, which is a record deficit. Even though it estimates it will have assets sufficient to meet obligations for the foreseeable future, the PBGC estimates the sum total of all the single-employer pension plan underfunding amounts to about $400 billion, and it is Congress, meaning Congress on behalf of all U.S. taxpayers, who will be held responsible to bail out the Pension Guaranty Board rather than to allow the entire insurance system to collapse.

In my view, these waivers are the wrong thing to do for the employees, for the competitors, for the system, and certainly for the American taxpayer. Companies that habitually underfund plans should not be bailed out at the expense of others. I think the primary reason we are even thinking about doing this is because at least one of the companies that would be eligible simply cannot post the security or the bond that is required to obtain a general funding waiver from the Treasury Department.

Let me make a point that in the law there is already an ability of these companies to seek a waiver. It is the general waiver authority that can be sought from the Treasury Department. To do that, you have to prove some things. You have to post a bond and you have to prove some things to the Department of the Treasury. Why can't these companies go through that process? Why do they need special relief from the Congress to bail them out? Is it too much to ask that they just follow the current law and apply for the regular waiver as they have the right to do today? It seems to me that would be the appropriate way to handle this.

We have the amendment before us, and the reason I have offered this second-degree amendment is at least in one small way it limits the liability of the taxpayers should things go wrong. That is the purpose for this amendment.

Now what is it? It is called a hold-harmless provision. What it says is the PBGC, the guaranty board, would be held harmless for any benefit accruals that occurred during the waiver period—the waiver period is 2 years—or that occur 2 years after that. If a plan fails during this DRC waiver period, or within 2 years after the waiver period, then the PBGC would only have to fund the benefits that accrued up to the time the waiver was claimed. It would not have to finance any benefits that accrued after the waiver was claimed. If you stop to think about it, this makes very good sense. It is obviously important to protect the going businesses, the healthy plans, and the taxpayers with this kind of hold harmless.

One of the big dangers with this waiver of these companies that are not funding their pensions adequately is

these plans claiming the waiver are going to fail, anyway. The whole point of doing this for them is they are very close to failing, and the argument made on their behalf is they are about to fail. You do not want them to fail, do you? You do not want the Government to have to make good on all of these pension guarantees. Let's keep going for a little while longer, and if we waive the pension benefit they have to pay in, the amount of the contribution they have to pay in, then maybe they can stay in business a little longer.

Well, maybe they can; maybe they cannot. That is a big gamble we are taking. What we are saying in the legislation is, all right, we will try to help keep you afloat for another couple of years, but if you fail during that period of time or within 2 years of that period of time, we should not be on the hook. We are doing our part to bail you out, but we are not going to pay all of your past benefits, all of the benefits that have accrued to date, plus the benefits you accrue from now forward by virtue of the fact that we have put in the money, or conversely we have granted a waiver to you so you can stay in business during this period of time.

We would in effect be saying we will help you stay afloat to incur new benefits that then we are going to pay for, and it would be unfair for the taxpayers to be on the hook for that. So this hold-harmless provision would mitigate this potential. It would limit the drains on the healthy plans. It would limit the amount of the money the taxpayers would be on the hook for, and I think it is eminently fair. It seems to me to be impossible for these companies to argue that not only should they have this special benefit nobody else has, that gives them an advantage over their competitors, that keeps them in business a little while longer, not only should they have that and put at risk for the American taxpayers that they are going to have to get bailed out, but also during this period of time that they are trying to get back on their feet charge the taxpayers with the new benefits that are accrued during that period of time. That is what the hold harmless is designed to try to protect against. We will take care of the benefits you have incurred up to now, but nothing incurred from now forward during this 4-year window of time. That seems to be eminently reasonable to me, and what I hope is that even though this will not be voted on until probably next Tuesday, my colleagues could take a look at this, consider whether it is worth supporting, and perhaps we could—I will not even call a rollcall vote if Members are willing to support the amendment and we can prevail on it, but I do insist we get this passed.

There is another amendment I will file, but I do not intend to send to the desk at this time, that I think would further strengthen the situation so it is not quite as big a potential drain on the taxpayers. It has to do with the fact that I think it totally reasonable to ask these companies if they are going to ask for this waiver today that that be it, that they not be asking for any more waivers in the future.

The other idea I have that I will perhaps offer later is a plan that accepts this DRC funding waiver we are offering in the original amendment would then not be able to apply for a general funding waiver for 2 years after the waiver period ends. Otherwise, all we are doing is essentially postponing the inevitable. If they intend to file for a general waiver after 2 years, they can clearly file for a general waiver today. If they think they can prove the case that they need to get that general waiver from the Department of the Treasury in 2 years, then they could do it today.

In effect, under the manager's amendment, they have a 2-year holiday for making their full DRC payments, which are designed to bring their plans into full funding. I believe it would be inappropriate to allow a plan that claims this 2-year DRC waiver at the end of that period to then seek the general waiver for 2 more years, and would note the fact that the companies that apply to the Treasury for this have to show there is a substantial business hardship—they ought to be able to show that—that it is temporary. If it is not temporary, then I do not know why we are throwing taxpayer money at the problem in the first place.

It is reasonable to expect the plan cannot continue unless the waiver is granted. That is in effect what at least one of these companies has been telling Members of Congress that they have to have this relief or else they are not going to be able to stay in business. At that point then the Secretary of the Treasury can demand of them some security, some kind of bond, and grant this waiver.

I do not know why that general authority in the statute today is not adequate to take care of this problem and why we have to grant this specific waiver. It seems to me if we grant this specific waiver, then it is not unfair to ask them to commit to us that they are not going to seek additional waivers after that.

But, again, that is something that I think makes sense. I may offer that amendment later. But the amendment that I do offer, which I think is eminently reasonable and which I cannot imagine my colleagues would not support, is simply an amendment that would hold the taxpayers harmless for events that occurred during the period of time this specific waiver is in effect, and for a period of 2 years after that.

I conclude by saying I think we are on a bit of a slippery slope with this entire approach. It was entirely appropriate for the House of Representatives to focus on the need for some kind of temporary substitute formula for contributions because the old formula clearly couldn't work anymore. The Government was no longer issuing the securities on which the formula was based.

There were different choices we could have made. I thought the Treasury Department had the best solution, but that solution would have required the companies to pay in more money than they were willing to pay in. That probably is the most fiscally sound. But what was decided on as a compromise was this temporary corporate bond rate. I do not think that is enough to assure the corporation pension benefits will be secure, but that is what is before us.

By itself, I would be willing to support that for a couple of years. But what I am not willing to support is this waiver of the payment for just two companies in one business, steel, and certain airlines that say they need it and for some reason don't want to go the general waiver route. I think this is entirely too generous.

But if we are going to do that, then I say at least let's ask for a ''hold harmless'' during the period of the waiver and for a period of 2 years afterward so at least we, the taxpayers, are not liable for new benefits accrued during this period of time that we are trying to help these companies out. That, I think, is the least we could expect.

I hope we will have a chance to visit a little bit more on this with colleagues when they are here on Tuesday or perhaps on Monday morning, and we can have a vote at that time. Therefore, for the time being, that is the extent of my discussion on this particular amendment.

Mr. President, seeing no other Member here, 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. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. FRIST. I ask unanimous consent there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

VOTE EXPLANATION

Mr. DOMENICI. Madam President, today, Thursday, January 22, I am necessarily absent because I am needed in New Mexico. Today, President George W. Bush is visiting Roswell, NM to address the pressing issue of terrorism. Not only do I have the pleasure of welcoming the President to my home State, but I also have the distinct honor of introducing him at his speech in Roswell.

Roswell is home to the International Law Enforcement Academy and a short

drive away is the Federal Law Enforcement Training Center in Artesia. These two outstanding facilities are playing critical roles in the ''War on Terrorism.''

Were I present today, I would vote ''yea'' on the Omnibus Appropriations bill, H.R. 2673.

HONORING SENATOR BIRCH BAYH

Mr. DODD. Mr. President, I rise in tribute to a distinguished public servant, and a member of the Senate for 18 years, Senator Birch Bayh of Indiana.

Today, Senator Bayh is celebrating his 76th birthday. Earlier this week, I had the privilege of participating in an event honoring Senator Bayh at the University of Connecticut. Senator Bayh was recognized for his role as a chief architect of title IX, the historic legislation that prohibits discrimination against women in education.

Before title IX became law in 1972, American women and girls were treated as second-class citizens in our educational system. They were discouraged from studying subjects like math, science, and law. Many schools and universities had separate entrance requirements for male and female students—and many others did not admit women at all. Those women who did gain admission were often subject to discriminatory policies. Some were denied scholarships and other forms of financial aid. Others were excluded from honor societies, clubs, and other organizations and activities.

Thanks to title IX, women have taken their rightful place in American education—as students, teachers, professors, even university presidents. And equality in education has helped women find opportunities for success in virtually every aspect of American life. Today's women in America are doctors, lawyers, engineers, and business owners. They are mayors, governors, judges, and legislators. This distinguished body is privileged to count 14 women among its Members. And the day will likely soon come when this country elects its first woman President.

Title IX's impact is felt not only in the classroom and the boardroom, but in the locker room as well. Since title IX was passed, the number of women playing collegiate sports has increased from about 32,000 to nearly 150,000. Today, 3 million high school girls play competitive sports, compared to only 300,000 thirty years ago. America has a successful professional women's basketball league. And every 4 years, the Women's World Cup in soccer attracts thousands of spectators, and millions of TV viewers, across our Nation. The University of Connecticut, whose female student-athletes excel in both academics and athletics, is a shining example of the dramatic and positive change that title IX has brought to our Nation.

Birch Bayh was an ardent supporter of women's rights during his years of service in the Senate. In addition to title IX, he also helped craft the Equal Rights Amendment, which has been ratified by 35 States, including my home State of Connecticut. I would like to thank Senator Bayh as well as the many others who helped make title IX a reality. In particular, I'd like to recognize my friend and colleague Senator TED STEVENS for his role as the lead Senate cosponsor, as well as the bill's sponsors in the House, the late Edith Green of Oregon and the late Patsy Mink of Hawaii.

And last but certainly not least, I'd like to express my appreciation and admiration for the countless girls and women in America over the years who fought to open doors that for so long were closed to them—from schools to offices to military bases to voting booths. The long journey towards gender equality is not yet complete. But achievements like title IX show that there has indeed been taken great and meaningful strides in the right direction.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Madam 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.

Terrianne Summers, a 51-year old transgender activist was shot in the back of the head while getting out of her car in her driveway. Summers, a retired Navy Lieutenant Commander, organized a local protest against the Winn-Dixie supermarket chain in January after an employee was fired for cross-dressing off-duty.

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.

HONORING OUR ARMED FORCES

SERGEANT JARROD BLACK

Mr. BAYH. Madam President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Peru, IN. Sgt. Jarrod William Black, 26 years old, died in Ar Ramadi, a town 60 miles west of Baghdad, on December 12, 2003, after his vehicle was hit by an improvised explosive device. Jarrod joined the Army with his entire life before him. He chose to risk everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Jarrod was the 22nd Hoosier soldier to be killed while serving his country in Operation Iraqi Freedom. Jarrod leaves behind his father, Bill, his mother, Jane, his wife, Shawna, his brother, Brandon, and his sons, Jacob and Jason. Only 1 week after being deployed to Iraq the young couple found out that they were expecting a baby girl. May she grow up knowing that her father gave his life so that young Iraqis will some day know the freedom she will enjoy.

Today, I join Jarrod's family, his friends, and the entire Peru community in mourning his death. While we struggle to bear our sorrow over his death, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is this courage and strength of character that people will remember when they think of Jarrod, a memory that will burn brightly during these continuing days of conflict and grief.

Rowland Garver, Jarrod's grandfather and an Air Force veteran of 20 years, told Jarrod's hometown paper, the Peru Tribune, that the death of his grandson brings home the reality of war. These words of reflection and loss sting the hearts of all who know the worry and honor of having loved ones serve our Nation overseas.

During the last phone conversation that Jarrod had with his family, he called his mother and told her that he loved her and was being safe. His mother says that God granted her that one last conversation with her son. Today, Jarrod's family remembers him as a true American hero, and we honor the sacrifice he made while serving his country.

Jarrod graduated from Peru High School in 1999, where he was an avid Peru Tigers fan. Friends and family members remember Jarrod for the love he had for his entire family, and for his energetic personality, which he often demonstrated while cheering on his favorite team, the Indianapolis Colts.

After joining the Army in 1999, Jarrod left to begin full-time duty in Fort Riley, KS. Jarrod served on a tanker as part of the 1st Battalion, 34th Armor Division, 1st Infantry Division. He was deployed to the Middle East in September.

As I search for words to do justice in honoring Jarrod's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg:

> We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.

This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Jarrod's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Jarrod Black in the official RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and

peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Jarrod's can find comfort in the words of the prophet Isaiah who said, ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.''

May God grant strength and peace to those who mourn, and may God bless the United States of America.

HONORING SPECIALIST LUKE P. FRIST

Mr. BAYH. Madam President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Brookston, IN. Specialist Luke Frist, 20 years old, died at the Brooke Army Medical Center at Fort Sam Houston, TX, on January 5, 2004, following an attack, 3 days prior in Baghdad, Iraq, when the fuel truck he was driving struck an improvised explosive device.

After joining the Army Reserves, Luke was assigned to the 209th Quartermaster Company in Lafayette, IN. Luke served on a fuel tanker as a petroleum specialist during his deployment, which began in May 2003.

Luke was the twenty-third Hoosier soldier to be killed while serving his country in Operation Iraqi Freedom. This brave young soldier leaves behind his father, Dennis, his mother, Pattie, and two sisters. When Luke joined the Army Reserves, he was following in the military footsteps of his parental grandfather, who served in World War II. With his entire life before him, Luke chose to risk everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Today, I join Luke's family, his friends, and the entire Brookston community in mourning his death. While we struggle to bear our sorrow over his death, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Luke, a memory that will burn brightly during these continuing days of conflict and grief.

Luke's family recalls his being in good spirits during his last phone call home. According to his sister Johanna, Luke ''wanted to fight for his country and be the best of the best . . . . He died doing what he loved.'' Today, Luke's family remembers him as a true American hero, and we honor the sacrifice he made while serving his country.

Luke graduated from Tri-County High School in 2001. He was an active member of the student body, playing the trombone and tuba in the band, playing on the football team, and throwing shot put as a member of the track team. Friends and family members alike remember Luke for his energetic personality, his passion for being outdoors, and his dedication to making his dreams become a reality. When Luke was activated, he was working full time while attending classes at Ivy Tech State College in Lafayette, with plans to transfer to Purdue University to pursue a career in landscape design.

As I search for words to do justice in honoring Luke's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg:

> We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.

This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Luke's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Luke P. Frist in the official RECORD of the U.S. Senate for his service to his country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Luke's can find comfort in the words of the prophet Isaiah who said, ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.''

May God grant strength and peace to those who mourn, and may God bless us all.

HONORING SENATOR WILLIAM ROTH

Mr. FEINGOLD. Madam President, today I would like to pay tribute to a man who served in this body with distinction for 30 years, Senator William Roth.

Senator Roth was first elected to the House of Representatives from his adopted State of Delaware in 1966. He immediately made a name for himself as he shed light on wasteful Government spending. His fight against Government waste and abuse continued when he was elected to the Senate in 1970, where he served the people of his State honorably for three decades and chaired both the Governmental Affairs and Finance Committees.

Senator Roth will forever be remembered for the respect he paid to this institution and to his colleagues. That respect was returned many times over by his colleagues, who knew they could count on his integrity, civility and all-around decency. In a time when many feel partisanship is on the rise, those qualities are sorely missed. Senator Roth should be looked to as an example for all Members of the Senate.

Senator Roth's modest demeanor belied his accomplishments and influence. He played significant roles in many tax policy debates over the years and was a lead force in Congress with respect to efforts to ''reinvent'' the Federal Government during the 1990s. He also was a defender of the environment, opposing ocean dumping, oil drilling in the Arctic National Wildlife Refuge, and incineration of toxic waste.

I am honored to have served with Senator Roth and he will be truly missed.

JUDICIAL NOMINATIONS

Mr. LEAHY. Madam President, we open this year confronted with three additional disappointing developments regarding judicial nominations: the Pickering recess appointment, the renomination of Claude Allen, and the pilfering of Democratic offices' computer files by Republican staff.

Late last Friday afternoon President Bush made his most cynical and divisive appointment to date when he bypassed the Senate and unilaterally installed Charles Pickering to the U.S. Court of Appeals for the Fifth Circuit. That appointment is without the consent of the Senate and is a particular affront to the many individuals and membership organizations representing African Americans in the Fifth Circuit who have strongly opposed this nomination.

With respect to his extreme judicial nominations, President George W. Bush is the most divisive President in American history. Through his extreme judicial nominations, President Bush is dividing the American people and undermining the fairness and independence of the federal judiciary on which all Americans depend.

After fair hearings and open debate, the Senate Judiciary Committee rejected the Pickering nomination in 2002. Originally nominated in 2001 by President Bush, this nominee's record underwent a thorough examination by the Senate Judiciary Committee and was found lacking. Rejected for this promotion by the Committee in 2002 because of his poor record as a judge and the ethical problems raised by his handling of his duties in specific instances, Judge Pickering's nomination was nonetheless sent back to the Senate last year by a President who is the first in our history to reject the judgment of the Judiciary Committee on a judicial nominee. This is the only President who has renominated someone rejected on a vote by the Judiciary Committee for a judicial appointment.

The renomination of Charles Pickering lay dormant for most of last year while Republicans reportedly planned further hearings. Judge Pickering himself said that several hearings on his nomination were scheduled and cancelled over the last year by Republicans. Then, without any additional information or hearings, Republicans decided to forego any pretense at proceeding in regular order. Instead, they placed the name of Judge Pickering on the committee's markup agenda and pushed his nomination through with their one-vote majority. The Committee had been told since last January that a new hearing would be held

before a vote on this nomination, but that turned out to be an empty promise.

Why was the Pickering nomination moved ahead of other well-qualified candidates late last fall? Why was the Senate required to expend valuable time rehashing arguments about a controversial nomination that has already been rejected? The timing was arranged by Republicans to coincide with the gubernatorial election in Mississippi. Like so much about this President's actions with respect to the Federal courts, partisan Republican politics seemed to be the governing consideration. Indeed, as the President's own former Secretary of the Treasury points out from personal experience, politics governs more than just Federal judicial nominations in the Bush administration.

Charles Pickering was a nominee rejected by the Judiciary Committee on the merits—a nominee who has a record that does not qualify him for this promotion, who injects his personal views into judicial opinions, and who has made highly questionable ethical judgments. The nominee's supporters, including some Republican Senators, have chosen to imply that Democrats opposed the nominee because of his religion or region. That is untrue and offensive. These smears have been as ugly as they are wrong. Yet the political calculation has been made to ignore the facts, to seek to pin unflattering characterizations on Democrats for partisan purposes and to count on cynicism and misinformation to rule the day. With elections coming up this fall, partisan Republicans are apparently returning to that page of their partisan political playbook.

Never before had a judicial nomination rejected by the Judiciary Committee after a vote been resubmitted to the Senate, but this President took that unprecedented step last year. Never before has a judicial nomination debated at such length by the Senate, and to which the Senate has withheld its consent, been the subject of a Presidential appointment to the Federal bench.

In an editorial following last week's appointment, The Washington Post had it right when it summarized Judge Pickering's record as a federal trial judge as ''undistinguished and downright disturbing.'' As the paper noted: ''The right path is to build consensus that nonpartisanship and excellence are the appropriate criteria for judicial selection.'' Instead we see another dangerous step down the Republican's chosen path to erode judicial independence for the sake of partisanship and their ideological court-packing efforts. I will ask unanimous consent that this editorial be printed in the RECORD. The New York Times also editorialized on this subject and it, too, was correct when it pointed out that this end-run around the advice and consent authority of the Senate is ''absolutely the wrong choice for one of the nation's most sensitive courts.'' I will ask unanimous consent that this editorial also be printed in the RECORD.

Civil rights supporters who so strenuously opposed this nominee were understandably offended that the President chose this action the day after his controversial visit to the grave of Dr. Martin Luther King, Jr. As the Nation was entering the weekend set aside to honor Dr. King and all for which he strived, this President made one of the most insensitive and divisive appointments of his administration. I will ask unanimous consent that the op-ed published in the Chicago Sun Times by the Reverend Jesse Jackson be printed in the RECORD. In this op-ed, Reverend Jackson observed that this President ''has shown a remarkable cynicism about playing racial politics.''

So many civil rights group and individuals committed to supporting civil rights in this country have spoken out in opposition to the elevation of Judge Pickering that their views should have been respected by the President. Contrary to the false assertion made by the Wall Street Journal editorial page this week, the NAACP of Mississippi did not support Judge Pickering's nomination. Indeed, every single branch of the Mississippi State Chapter of the NAACP voted to oppose this nomination—not just once, but three times. When Mr. Pickering was nominated to the District Court in 1990, the NAACP of Mississippi opposed him, and when he was nominated to the Fifth Circuit in 2001 and, again, in 2003, the NAACP of Mississippi opposed him. They have written letter after letter expressing their opposition. That opposition was shared by the NAACP, the Southern Christian Leadership Conference, the Magnolia Bar Association, the Mississippi Legislative Black Caucus, the Mississippi Black Caucus of Local Elected Officials, Representative BENNIE G. THOMPSON and many others. Perhaps the Wall Street Journal confused the Mississippi NAACP with the Mississippi Association of Trial Lawyers, which is an organization that did support the Pickering nomination.

This is an administration that promised to unite the American people but that has chosen time and again to act with respect to judicial nominations in a way that divides us. This is an administration that squandered the goodwill and good faith that Democrats showed in the aftermath of September 11, 2001. This is an administration that refused to acknowledge the strides we made in filling 100 judicial vacancies under Democratic Senate leadership in 2001 and 2002 while overcoming anthrax attacks and in spite of Republican mistreatment of scores of qualified, moderate judicial nominees of President Clinton.

Then, just 2 days ago, the President sent the nomination of Claude Allen back to the Senate. From the time this nomination was originally made to the time it was returned to the President last year, the Maryland Senators have made their position crystal clear. This Fourth Circuit vacancy is a Maryland seat and ought to be filled by an experienced, qualified Marylander. Over the Senate recess, the White House had ample time to find such a nominee, someone of the caliber of sitting U.S. District Court Judges Andre Davis or Roger Titus, two former Maryland nominees whose involvement in the State's legal system and devotion to their local community was clear. This refusal to compromise is just another example of the White House engaging in partisan politics to the detriment of an independent judiciary.

The third disappointment we face is the ongoing fallout from the cyber theft of confidential memoranda from Democratic Senate staff. This invasion was perpetrated by Republican employees both on and off the Committee. As revealed by the Chairman, computer security was compromised and, simply put, members of the Republican staff took things that did not belong to them and passed them around and on to people outside of the Senate. This is no small mistake. It is a serious breach of trust, morals, and possibly the rules and regulations governing the Senate. We do not yet know the full extent of these violations. But we need to repair the loss of trust brought on by this breach of confidentiality and privacy, if we are ever to recover and be able to resume our work in a spirit of cooperation and mutual respect that is so necessary to make progress.

Democratic cooperation with the President's slate of judicial nominees has been remarkable in these circumstances. One way to measure that cooperation and the progress we have made possible is to examine the Chief Justice's annual report on the Federal judiciary. Over the last couple of years, Justice Rehnquist has been ''pleased to report'' our progress on filling judicial vacancies. This is in sharp contrast to the criticism he justifiably made of the shadowy and unprincipled Republican obstruction of consideration of President Clinton's nominees. In 1996, the final year of President Clinton's first term, the Republican-led Senate confirmed only 17 judicial nominees all year and not a single nominee to the circuit courts. At the end of 1996, the Republican Senate majority returned to the President almost twice as many nominations as were confirmed.

By contrast, with the overall cooperation of Senate Democrats, which partisan Republicans are loath to concede, this President has achieved record numbers of judicial confirmations. Despite the attacks of Sept. 11 and their aftermath, the Senate has already confirmed 169 of President Bush's nominees to the Federal bench. This is more judges than were confirmed during President Reagan's entire first 4-year term. Thus, President Bush's 3-year totals rival those achieved by other Presidents in 4 years. That is also true with respect to the nearly 4 years it took for President Clinton to

achieve these results following the Republicans' taking majority control of the Senate in 1995.

The 69 judges confirmed last year exceeds the number of judges confirmed during any of the 6 years from 1995 to 2000 that Republicans controlled the Senate during the Clinton presidency years in which there were far more vacant Federal judgeships than exist today. Among those 69 judges confirmed in 2003 were 13 circuit court judges. That exceeds the number of circuit court judges confirmed during all of 1995, 1996, 1997, 1999, and 2000, when a Democrat was President.

The Senate has already confirmed 30 circuit court judges nominated by President Bush. This is a greater number than were confirmed at this point in the presidencies of his father, President Clinton, or the first term of President Reagan. Vacancies on the Federal judiciary have been reduced to the lowest point in two decades and are lower than Republicans allowed at any time during the Clinton presidency. In addition, there are more Federal judges serving on the bench today than at any time in American history.

I congratulate the Democratic Senators on the Committee for showing a spirit of cooperation and restraint in the face of a White House that so often has refused to consult, compromise or conciliate. I regret that our efforts have not been fairly acknowledged by partisan Republicans and that this administration continues down the path of confrontation. While there have been difficult and controversial nominees whom we have opposed as we exercise our constitutional duty of advice and consent to lifetime appointments on the Federal bench, we have done so openly and on the merits.

For the last 3 years I have urged the President to work with us. It is with deep sadness that I see that this administration still refuses to accept the Senate's shared responsibility under the Constitution and refuses to appreciate our level of cooperation and achievement.

I ask unanimous consent that the materials to which I referred be printed in the RECORD.

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

END RUN FOR MR. PICKERING

[From the Washington Post, Jan. 18, 2004]

President Bush's decision Friday to install controversial judicial nominee Charles W. Pickering Sr. on the U.S. Court of Appeals for the 5th Circuit using a recess appointment is yet another unwarranted escalation of the judicial nomination wars. We have lamented some of the attacks on Mr. Pickering, but his record as a federal trial judge is undistinguished and downright disturbing, and Senate Democrats are reasonable to oppose his nomination. Installing him using a constitutional end run around the Senate only inflames passions. The right path is to build consensus that nonpartisanship and excellence are the appropriate criteria for judicial selection.

The recess appointment—the president's power to temporarily install federal officers without Senate confirmation—is a uniquely bad instrument for federal judges. Judges are supposed to be politically independent. Yet Mr. Pickering will be a controversial nominee before the Senate as he considers cases and will lose his job in a year if he is not confirmed. Even his supporters should understand that he will be subject to the political pressures from which judges are supposed to be insulated.

We don't rule out the recess appointment in all circumstances. At times judges have commanded such uniform support that presidents have used the power to get them in office quickly, leaving the formality of confirmation for later. We supported, moreover, President Bill Clinton's lame-duck recess appointment to the U.S. Court of Appeals for the 4th Circuit of Roger Gregory, who, like Mr. Pickering, was held up in the Senate. But there was a big difference: Mr. Gregory was not controversial. His nomination, in fact, was eventually resubmitted to the Senate by none other than President Bush. It was held up initially because of a long-standing dispute over appointments to that court, not because of any concerns about the nominee himself. There was reason to hope that Mr. Gregory would be confirmed—as, indeed, he was. In this case, Mr. Bush has used a recess appointment for someone who cannot, on his merits, garner a vote of confidence from the Senate and who has no prospect of confirmation in the current Congress.

We don't support the filibuster of nominees, but the answer to Democratic obstruction cannot be the appointment or installation of temporary judges who get to hear a few cases over a few months, all the while looking over their shoulders at the senators who oppose them. The great damage the judicial nomination wars threaten over the long term is to erode judicial independence, to make judges constantly aware of how they might have to answer to the Senate for a given opinion. Using the recess appointment to place Mr. Pickering on the 5th Circuit has made that danger into a realty.

A JUDICIAL END RUN

[From the New York Times, Jan. 17, 2004]

President Bush has used the only avenue remaining to him to install Charles Pickering Sr. of Mississippi on the Fifth Circuit Court of Appeals: a recess appointment, which avoids the confirmation process. That recess appointments are a perfectly legal device used by other presidents in the past does not make this appointment any more palatable. Mr. Pickering is absolutely the wrong choice for one of the nation's most sensitive courts.

Mr. Bush claimed that only a ''handful'' of senators had opposed Mr. Pickering. The opposition was in fact a good deal broader than that.

Mr. Pickering was rejected in 2002 by the Judiciary Committee when the Senate was still in Democratic hands. When the same committee, in Republican control, approved him last fall, the nomination was blocked by a filibuster. Another attempt on the president's part to win Senate approval of Mr. Pickering's nomination would almost certainly have produced the same result.

The reasons are clear enough. Over the years, Mr. Pickering has displayed skepticism toward cases involving civil rights and expressed doubts about well-settled principles like one person one vote. The Senate inquiry into the nomination uncovered troubling questions of judicial ethics. Mr. Pickering took up the case of a man convicted of burning a cross on the lawn of an interracial couple, urging prosecutors to drop a central charge and calling a prosecutor directly. He also seems outside the mainstream on abortion rights.

Mr. Pickering is not the only hard-right candidate Mr. Bush has pushed for high judicial office. But his nomination was among the most troublesome. As Senator Charles Schumer said, Mr. Bush's decision to bypass the Senate in this manner is ''a finger in the eye'' for all those seeking fairness in the nomination process.

BUSH INSULTS KING'S LEGACY AGAIN

[From the Chicago Sun Times, Jan. 20, 2004]

(By Jesse Jackson)

Monday marked what would have been Dr. Martin Luther King's 75th birthday. And once more, President Bush chose the occasion to issue a cold and calculated insult to African Americans and Dr. King's memory.

Last year, the president chose Dr. King's birthday to announce his decision to ask the Supreme Court to overturn our civil rights laws by challenging the University of Michigan's affirmative action program. Despite its conservative majority, even this Supreme Court found that too offensive to constitutional guarantees of equal rights, and ruled against the president's case.

This year, the president took time from his big-donor fund-raising to lay a wreath at Dr. King's grave and call for racial reconciliation. Then after collecting $2.4 million from wealthy beneficiaries of his tax cuts, he announced he would make a recess appointment of Judge Charles Pickering.

Pickering shares views, history and friendship with Mississippi Sen. Trent Lott, who was removed from leadership of the Senate Republicans after he celebrated the segregationist cause of the Dixiecrats. Pickering, with a history of embracing racist causes, was rejected by the Senate Judiciary Committee when Democrats held the majority.

Bush renominated him when Republicans took over, but Pickering's views are so extreme that Democrats made him one of only six judges they have blocked. Now the president chooses Dr. King's holiday to announce his symbolic appointment to the bench. From Willy Horton to Charles Pickering, the Bush family has shown a remarkable cynicism about playing racial politics.

But the true insult to Dr. King's memory is not Bush's symbolic politics; it is the substance of his policies. Here the contrast is stark.

Dr. King called on America to measure itself from the bottom up, not the top down. As the Bible taught, we should be judged on how we treat the ''least of these,'' not how we cater to the most powerful.

Even many of Bush's supporters acknowledge he is the reverse: His policies are designed to reward the wealthy and serve the corporate interests that pay for his party. On his watch, we've mortgaged the store to lavish tax breaks on the wealthy, even as support for the poor has been cut, and working people have been abandoned.

Dr. King devoted his life to fighting against poverty, for peace; against racism, for equal opportunity. In the midst of the Vietnam War, he courageously challenged America's wrongheaded intervention, and warned of the moral poverty of a country that spent more on its military than on its people.

Bush's priorities are literally the reverse. He has done nothing as poverty has worsened, while finding his ''mission'' in endless wars abroad. He'll spend over $200 billion toppling Saddam Hussein, while cutting back on programs designed to give every child a healthy start.

Dr. King's politics came from his deep and abiding faith. Bush's faith seems defined by his politics. King spoke in pulpit after pulpit challenging the faithful to join the movement for social change. Bush, at his best,

goes to churches to preach social service, urging the congregation to accept the status quo and help minister to its victims. Like Moses, King led his people out of oppression. Like Pharaoh, Bush urges people to adjust to their condition.

Dr. King's legacy is as important today as at his death because things haven't gotten much better. A report by United for a Fair Economy shows racial inequities in unemployment, family income, imprisonment, average wealth and infant mortality have gotten worse since he died. And progress in areas like poverty, homeownership, education, and life expectancy has been so slow it will take literally centuries to close the gap.

As Americans celebrate Dr. King's birthday and listen to President Bush's State of the Union address tonight, we must remember King's warning of the moral peril of a nation that fails to create opportunity for all of its people.

No longer do we hear of a War on Poverty, which as Dr. King noted was ''barely a skirmish'' before abandoned for war abroad. Instead, as Dedrick Muhammad, author of the UFE report, observed: We are left with a ''compassionate conservatism, which has been very conservative in its compassion.''

[From the Wall Street Journal, Jan. 19, 2004]

THE PICKERING PRECEDENT

President Bush's recess appointment of Charles Pickering Sr. to the federal appeals bench last Friday is a welcome move, not least because it shows he's willing to carry the fight over judicial nominees from here to November. Mr. Pickering will now get the honor of serving a year on the Fifth Circuit Court of Appeals, and at 66 years old might well make this his career coda. The Mississippi judge was one of Mr. Bush's first nominees, in May 2001, and has always had confirmation support from a bipartisan majority of Senators. But he has been denied a floor vote by a minority filibuster orchestrated by Northeastern liberals Ted Kennedy, Hillary Rodham Clinton and her junior New York partner Chuck Schumer.

Mr. Bush has every right, even an obligation, to use his recess power to counter this unprecedented abuse of the Senate's advice and consent power. A filibuster has never before in U.S. history been used to defeat an appellate court nominee, but Democrats have used it against six of Mr. Bush's choices. All of them have enough bipartisan support to be confirmed if they could only get a full Senate vote.

One of the more despicable elements of the anti-Pickering smear has been the use of the race card, even though the judge has the support of the African-Americans who know him best, including the Mississippi chapter of the NAACP. Mr. Pickering sent his children to the newly integrated public schools in that state in the 1960s, and he helped the FBI in prosecutions of the KKK, testifying against the imperial wizard in 1967 at some personal risk.

But these facts are irrelevant to liberals who are panicked after their recent election defeats and are clinging to their last lever of national power through the appointed judiciary. They're hoping the public won't notice or care much about this power play, which means that Mr. Bush and Republicans will have to keep the issue front and center. Five Southern Senate seats are open this year, and voters in those states in particular deserve to know how much the bicoastal Democratic liberals despise their values.

ELECTRIC RELIABILITY ACT OF 2004 AND ELECTRICITY NEEDS RULES AND OVERSIGHT NOW ACT

Mr. FEINGOLD. Madam President, I would like to express my support for two bills that my colleague, the junior Senator from Washington, introduced this week and that I am pleased to cosponsor: the Electric Reliability Act of 2004 and the Electricity Needs Rules and Oversight Now Act, or ENRON Act. I strongly believe that the country needs to achieve a balanced national energy policy. An essential part of a national energy policy should be to ensure electricity reliability and to protect consumers from energy market manipulation. If Congress cannot agree on an omnibus energy bill, then we must act to pass these stand-alone bills on electricity reliability and market manipulation.

Our citizens deserve a reliable, safe power grid. This is one of the country's most pressing energy needs. We have to do all that we can to prevent blackouts like the one that hit the east coast and Midwest last August and the Electric Reliability Act of 2004 takes a crucial step toward that goal. The bill grants the Federal Energy Regulatory Commission—FERC—the explicit authority to create mandatory electric reliability standards. FERC can also approve the formation of electric reliability organizations, which will, subject to FERC review, enforce these standards. Strong and enforceable electric reliability standards will help ensure that our citizens and businesses do not have to worry about their respective lives and livelihoods being disrupted by blackouts.

In fact, a joint investigation by a United States-Canadian task force found that the lack of mandatory reliability standards contributed to the August 14, 2003, blackout. This massive outage affected 50 million people in eight U.S. States and parts of Canada. The task force report found that an Ohio-based utility and regional grid manager together violated at least six reliability standards on the day of the blackout. Examples of the reliability violations that contributed to the blackout included: not reacting to a power line failure within 30 minutes, not notifying nearby systems of the transmission problems, failing to analyze what was happening to the grid, inadequately training operators, and failing to adequately monitor transmission stations. Since the industry is largely self-regulated, violations of these voluntary reliability standards carry no penalties.

In testimony before the Senate Governmental Affairs Subcommittee on Oversight of Government Management last fall, regulators declared that enforceable reliability standards are vital to a secure power grid. This bill is an important step toward that goal. It provides for enforceable, mandatory electric reliability standards to ensure that our Nation has a secure, reliable power grid.

In addition to securing our Nation's power grid, we must protect consumers from energy market manipulation. We cannot let the market abuses that took place during the Western energy crisis a few years ago happen again. The ENRON Act would prohibit the use of manipulative practices like the schemes used by Enron and other energy traders that raised prices and put consumers, and the reliability of the electric transmission grid, at risk. We learned from this crisis that electricity markets need close Government oversight to ensure that companies do not engage in risky trading schemes leading to soaring energy prices and their own possible financial failure. In both cases, consumers—the people who depend upon the electricity these companies generate or trade—are the losers.

Energy market manipulation crippled the west coast during 2000–2001. Just last month, a former energy trader pleaded guilty to manipulating natural gas markets 2 years ago during the west coast power crisis. This trader admitted to supplying false reports to trade industry publications that calculate the price of natural gas indexes, which are used by derivative traders to buy and sell natural gas futures and real-time transactions. This manipulation apparently benefitted the energy company at the expense of energy consumers.

Other Enron-style trading practices include ''ricochet'' electricity deals. In a ricochet transaction, Enron sent California-generated power to another company. The electricity was then sold back to California, but billed as being generated outside the State. Prosecutors state that this practice allowed Enron to evade California electricity price caps. There is also the ''Death Star'' trading scheme. Apparently, Enron attempted to generate revenue by fraudulently charging fees for services Enron did not provide. Enron charged California for electricity that was not delivered. Charging the State for undelivered power prevented the State from alleviating backlogged transmission lines. This market manipulation scheme was especially harmful since it came at a time when part of the State experienced rolling blackouts.

In June, FERC deprived Enron of its right to trade power and natural gas. Even though the company is barred from the energy-trading industry it helped create, market manipulation remains a threat to consumers. In December 2003, another energy company agreed to pay $1.7 billion to resolve market manipulation claims brought by the California Public Utilities Commission and various business and residential consumers. Other companies allegedly bought and sold natural gas simultaneously at the same price to make demand appear greater.

The ENRON legislation requires the Federal Energy Regulatory Commission to prohibit the use of manipulative practices like these that put at

risk consumers and the reliability of the transmission grid. The Senate recently went on record in support of barring abusive market practices when it approved an amendment to the fiscal year 2004 agricultural appropriations bill offered by Senator CANTWELL. I am disappointed that this language was stripped from the omnibus spending bill.

I think the August blackout should make clear to all of my colleagues the need for improvements in the power grid system. We need to make the electric grid safer and more reliable for all Americans and we also need to prevent manipulation of electricity markets. For those reasons, I encourage the Senate to move forward and act quickly with respect to these bills.

THE NEED FOR COUNTRY-OF-ORIGIN LABELING

Mr. JOHNSON. Madam President, I rise today to speak about country-of-origin-labeling, an issue of critical importance to farmers, ranchers and the consumers in our great country.

Yet even as our country grapples with its first case of mad cow disease, the Republican leadership and special interest groups aligned with the packing industry celebrate the possible delay in the implementation of my country-of-origin labeling law.

Yes, country-of-origin labeling is the law. We voted on it and it was included in the last farm bill. Yet today I stand before you, concerned that an action in the dead of night by certain House members will sink this law, a law that is good for consumers of beef as well as producers of beef.

Country-of-origin-labeling will help American producers market their beef as the superior product we know that it to be. It will also help American producers choose a product they know is safe while avoiding foreign product produced without the safeguards provided by the United States Department of Agriculture.

Just a few weeks ago it was discovered that a cow from Canada was discovered with mad cow disease, yet consumers have no way to distinguish meat from a Canadian cow from meat from an American or Mexican cow.

As recent events have shown Americans still have confidence in American beef and we must give them the ability to choose that beef. This law is also critical to our ability to begin exporting beef to countries, such as Japan, that closed their border to our beef after the recent case of mad cow in Washington State. Forty-eight out of 57 of the United States' largest trading partners, including Japan, have country of origin labeling. Why can't we? I ask, why can't we?

It dismays me, that there are people opposed to this law. It will allow consumers to make their own decisions about food safety, a critical issue in today's world of weapons of mass destruction and terrorism.

I ask unanimous consent to print in the RECORD an article written by Lee Pitts titled ''Who Killed COOL?''

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

WHO KILLED COOL?

(By Lee Pitts)

COOL has been universally praised by producer and consumer organizations alike. The overwhelming majority of farmers and ranchers supported it and COOL even had bipartisan support in Congress. So what went wrong? Who killed COOL?

Here's a Most Wanted list of the thieves who stole COOL from us and killed it in cold blood until COOL is deader than a can of Argentinean corned beef.

THE MAN WHO WOULD BE KING

To see who killed COOL just follow the money. And we can start right at the top. George Bush has been vehemently against COOL from the beginning. But one wonders why Bush would feel so passionate about legislation and use up political capital on something that will anger the very people who helped elect him in a very tight presidential race. Surely Bush must have had good reason to betray us? In fact, he had had millions of reasons. Plain and simple . . . Bush sold out to BIG business.

Remember this name: Tom Hicks. According to Forbes Magazine Mr. Hicks is the 350th richest man in America with an estimated net worth of $750 million. Hicks heads up a leveraged buyout outfit called Hicks, Muse, Tate and Furst. One of their better deals was buying Dr Pepper and 7-Up for $45 million and selling it after two years for $700 million. Hicks is also the man who made our current President a multimillionaire by buying the Texas Rangers from a group that included George W. In some circles Mr. Hicks is known as ''The man behind the throne at the White House.''

In May, 2002, Hicks, Muse, Tate and Furst bought 54 percent interest, along with ConAgra, in Australia Meat Holdings, that country's largest meat processing company. Needless to say, the firm sends a lot of meat in this direction. Do you think Mr. Hicks' meat packing interests might have anything to do with Bush's concern about COOL? If Mr. Hicks calls Bush, I wonder, does he have any trouble getting through?

The Texas Cattle Feeders, no doubt, also leaned on their favorite son. The TCFA's members import thousands of Mexican steers every year into the U.S. where they would like to continue passing them off as domestics. Don't you find it interesting that the Representative who came up with the legislation to delay COOL for one year, Mr. Bonilla, was a Texas House member. In the Senate there was a similar attempt by Senator Cornryn. Surprise, surprise . . . Mr. Cornryn is from Texas too.

USDA: UNITED STATES DEPARTMENT OF ANN

If you're looking for the killers of COOL you can take a line from Casablanca and, ''Round up the usual suspects.'' Ann Veneman and her cronies at the USDA surely are guilty. We all know by now that Veneman is a free trader, that's why she's currently trying to rewrite the rule book to reopen the border with Canada to live cattle. COOL could be an impediment to Veneman's vision of one global marketplace.

We shouldn't be surprised by Ann's actions, she's sold us out before. Like with mandatory price reporting. USDA officials said COOL is a bad idea because ''there is no definitive data available to quantitative the benefits of COOL.'' In one voluminous COOL report there was page after page of reasons why COOL is bad but there was not a single sentence suggesting a benefit. If one didn't know better, a casual observer might think the USDA was being biased. You think?

The USDA completely ignored a University of Florida study that outlined the many benefits of COOL. The USDA came up with cost estimates between $582 million and $3.9 billion but it was always the higher figure they quoted. The Florida study concluded that COOL would cost a fraction of that and said consumers would be given a choice and producers would benefit by increased demand for U.S. produced food. All good! At exactly the same time Veneman saw no benefits to COOL, Japan and Korea were making it clear they wanted only U.S. labeled beef. Also, at the same time a hepatitis outbreak was killing three people and sickening 259 in Georgia and 16 people in North Carolina. The feds aren't completely sure the same strain sickened 600 people in Pennsylvania in the Nation's biggest known outbreak of the disease. But they are sure it was Mexican onions that caused the outbreaks in Georgia, Tennessee and North Carolina. Gosh, if only the onions were labeled so consumers could decide for themselves if they wanted to risk death by liver failure.

If she had bothered to look Veneman could have also seen at least one major benefit from COOL by looking northward to her Canadian buddies. They started labeling their beef after the Mad Cow scare and it paid off big time when Canadian consumers started eating more domestic beef to show their support for the domestic industry.

And how's this for irony: A couple days after killing COOL the feds announced they were launching a major initiative to track food imports for national security reasons!

THE MEAT WE EAT

The food processing industry hates COOL because their business models are based on being able to buy product anywhere around the globe, wherever it is the cheapest. Then they have a U.S. inspection stamp placed on it and mix it in with domestic product. If you doubt that multinationals would have the breadbasket of the world turned into a beggar nation consider that 11.6% of beef eaten in the U.S. is imported, 40% of lamb, 16.6% of all vegetables, 23.1% of fresh and frozen fruit, and even 10% of wheat and wheat products. Talk about carrying coal to Newcastle!

Meat packers don't want COOL because it would diminish the profits they are making on cheap imports, like the obscene profits they are now making on Canadian boxed beef. COOL would derail this business model. So when COOL legislation passed all the hurdles and road blocks and looked like it would become a reality the packers were willing to resort to dirty politics in an effort to kill it.

First the packers said it would cost too much. What they should have said it would cost THEM too much if they had to start buying more U.S. beef because consumers were demanding it. We know exactly how much extra COOL will cost ranchers. You can currently get your calves verified as born and raised in the U.S. using a USDA approved process for 50 cents apiece. That's half of the beef checkoff buck. That doesn't seem like too much, does it?

Globalists hate COOL because it will build demand for U.S. products, exactly what they don't want. COOL would dampen their plans to outsource production to the cheapest supplier because the only place to get U.S. products is guess where? U.S.

THE BOTTOM LINE

Ann Veneman herself helped identify some of the culprits who killed COOL. She fingered the NCBA, the National Pork Producers Council and the United Fresh Fruit

and Vegetable Association as the groups responsible for blocking its implementation. Yes, the primary contractor for your checkoff dollars, an outfit that may not even exist without your beef bucks, the NCBA, stabbed you right in the back. Again.

In the 2004 election cycle so far, agribusiness interests have given President Bush $1.8 million—ten times as much as the next recipient. The NCBA is one of the top agribusiness contributors. They even gave Bush a cowboy hat at their convention.

After the Conference Committee derailed COOL the NCBA issued a press release saying, ''Congress carefully considered possible dangers of the law before delaying implementation for two years.'' Chandler Keys, NCBA's lobbyist said that mandatory labeling would damage trade relations with Mexico. (Although Mexico currently requires country of origin labeling of U.S. beef exports.) NCBA President Eric Davis said, ''Many producers were concerned that these mandatory regulations could have a negative effect on their bottom line.''

Leo McDonnell of R–CALF had a different viewpoint: ''Despite NCBA's claim that independent cattle producers do not want mandatory country of origin labeling, 76 U.S. cattle associations, representing 26 states and including 17 NCBA state affiliates, worked with R–CALIF USA to pass mandatory COOL in the 2002 Farm Bill.''

In every poll this reporter has seen an overwhelming majority of ranchers and consumers voice their support for COOL. Both the American Farm Bureau and the National Farmer's Union supported it. Even the NCBA admits it: ''What our members have told us through votes was they want a country-of-origin labeling program that is beneficial to both them and to the consumers,'' said Jim McAdams, a Texas cattleman and NCBA VP. The NCBA, after killing COOL, then had the audacity to announce it was launching plans to create a VOLUNTARY pilot country-of-origin labeling program that would differentiate U.S. meat products from foreign meat. Dun . . . we already have a voluntary program and it doesn't work.

According to Leo McDonnell the real bottom line is this: ''The interests of producers are being compromised by organizations purporting to represent producers, but who actually incorporate the financial interests of packers in their policies'' That's putting it nicely. Other response to the killing of COOL was swift and angry:

The New Mexico Stockgrowers had given the NCBA a couple chances to come around but COOL was the last straw. It exposed NCBA once and for all for what they really are: A mouthpiece for the Texas and Kansas cattle feeders and the Big Three packers. The stockgrowers recently voted to end their association with the NCBA because they no longer represent them. (I'd argue they never did.)

Fred Stokes of the The Organization of Competitive Markets said: ''Country-of-origin labeling has precipitated a war. Food producers and consumers are on one side with food cartels and their lackeys on the other. Regrettably, the leadership in our government has come down on the wrong side.''

NFU President Dave Frederickson said, ''This two-year delay is undoubtedly a tactic to make this widely popular law more vulnerable to repeal after the presidential elections. The delay will effectively kill COOL for meats, fruits and vegetables. Wild fish would be the only food item exempt from the delay, which should prove beneficial for salmon fishermen in Senate Appropriations Committee Chairman Ted Stevens' state of Alaska. There is definitely something fishy about this process.''

''This is just another example of the White House and Republican leadership allowing their biggest corporate contributors to set policy,'' responded Presidential candidate Howard Dean. ''Since being elected, George Bush has consistently put the interests of corporate agribusiness ahead of family farmers and rural America.''

South Dakota Stockgrowers Assn. President Ken Knuppe said, ''This is a slap in the face to all of the cattle producers who've fought so hard for this legislation. It is clearly a political move, not an attempt to benefit producers or consumers.''

Perhaps Paul Ringling, President of the Montana Cattleman's Assn said it best: ''NCBA, packers and USDA have an unholy, incestuous alliance.''

Some say the battle over COOL is not yet lost. Although the House approved the Conference Committee report the Senate will vote on it on January 20. But Tom Harkin does not expect COOL to be in the final bill. ''They won't remove COOL . . . they just won't give it any money,'' says Harkin.

The only way to override the Conference Committee action is to defeat the omnibus spending bill which would also shut down the federal government. As tempting as that sounds . . . don't count on it happening.

If you must do something to voice your displeasure you could dial the phone number (202–456–1111) and give a tape recorder a piece of your mind. And you could quit any group that played a role in COOL's defeat. I've heard some people who are so upset they are going to refuse to pay the checkoff, seeing how it's unconstitutional anyway. For sure you should join R–CALF. As for Bush . . . if the next Presidential election is as close as the last one, Bush may have a lot more time to spend with his ''BIG Bidness'' buddies as a result of his COOLish behavior.

REMARKS OF DR. JOHN BRADEMAS

Mrs. FEINSTEIN. Madam President, our distinguished former colleague in the House of Representatives, now president emeritus of New York University, Dr. John Brademas, delivered an address last month in Rabat, Morocco, at a conference on ''The Dialogue of Cultures.''

The conference, sponsored by the Ministry of Culture of Morocco, focused on the relationships between the West and the Arab world.

John Brademas served in Congress, from the State of Indiana, for 22 years—1959–1981—the last 4 as House majority whip. He established a particular reputation for his leadership in writing legislation to support schools, colleges and universities, libraries and museums, the arts and humanities, and to provide services for children, the elderly, and the disabled.

A graduate of Harvard University, Dr. Brademas was a Rhodes scholar at Oxford University where he earned a Ph.D. Last year, Oxford University awarded Dr. Brademas the honorary degree of doctor of civil law, with a citation that described him as ''a man of varied talents and extraordinary energy, the most practical of academics, the most scholarly men of action.''

On leaving Congress, Dr. Brademas became president of New York University, a position he served from 1981 until 1992, when he became president emeritus, the position he now holds.

Mr. President, in light of the great importance of developments between the United States and Islamic countries, I believe my colleagues will read with interest Dr. Brademas's thoughtful address in Morocco, and I ask unanimous consent to have his remarks printed in the RECORD.

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

REMARKS OF DR. JOHN BRADEMAS ON ''EDUCATION AND CULTURE: FORCES FOR PEACE IN A TROUBLED WORLD''

I am for several reasons honored to have been invited by the distinguished Minister of Culture of the Kingdom of Morocco, His Excellency, Mohamed Achaari, to take part in this conference on the theme, ''Is the Dialogue Between Cultures Possible?''

This is the first time I have been in Morocco, and my wife and I have immensely enjoyed visiting the famed cities of Casablanca, Fès and Marrakech and seeing some of the wonders of this beautiful country.

I have to thank my friend, a brilliant and energetic Moroccan, Karim Errouaki, for having suggested I join you even as I am pleased to see here other friends such as Dr. Federico Mayor, the former Director General of UNESCO; Professors Edward Nell of the New School University, Bernard Lewis of Princeton and my New York University colleague, Noah Feldman.

And I greatly value the opportunity to meet the distinguished former Prime Minister of France, Michel Rocard, and so many other eminent political leaders, scholars and writers gathered this weekend at the Kingdom's Royal Academy.

As an American, I am well aware that Morocco was the first country, in 1777, to extend diplomatic recognition to the United States, and our two nations have enjoyed friendly and cordial relations now for over 200 years. Secretary of State Colin Powell spoke of this friendship only a few days ago in Marrakech.

In light of 9/11, the war in Iraq, the ongoing strife in Afghanistan, the continuing conflict between Israelis and Palestinians, the attacks in Istanbul and elsewhere, there could not be a more appropriate subject to bring us together than ''The Dialogue of Cultures''.

My own modest offering today will focus on the contributions to a more peaceful world of the institutions and activities of education and culture.

So that you will understand my perspective, please allow me some words of personal background.

A native of Midwest America, I am the son of a Greek immigrant father and an Indiana schoolteacher mother. A graduate of Harvard University, I spent three years at Oxford University where I wrote a doctoral dissertation on the anarchist movement in Spain.

First elected to the Congress of the United States in 1958, I was ten times reelected, serving, therefore, for 22 years and during the Administrations of six President: three Republicans—Eisenhower, Nixon and Ford; and three Democrats—Kennedy, Johnson and Carter.

In Congress I served on the Committee on Education and Labor, where I helped write all the laws enacted between 1959 and 1981 to assist schools, colleges and universities; libraries and museums; the arts and the humanities; and to provide services for children, the elderly, the disabled.

In my last four years on Capitol Hill, I was Majority Whip, third-ranking member of the Leadership of the House of Representatives.

A Democrat, I was defeated in Ronald Reagan's landslide victory over President Carter in 1980. Shortly thereafter I was invited to

become president of New York University, now the world's largest private university, a position in which I served until 1992 when I became president emeritus.

NEW YORK UNIVERSITY

In Congress I was author of the International Education Act of 1966, to provide grants to colleges and universities in the United States for study of other countries. On arriving at New York University or, as we call it, NYU, I continued my interest in international education.

We established during my presidency the Center for Japan-U.S. Business & Economic Studies in our School of Business; an Onassis Program of Hellenic Studies; the Skirball Department of Hebrew and Judaic Studies; a Casa Italiana Zerilli-Marimo; and the King Juan Carlos I of Spain Center for the study of the economics, history and politics of modern Spain.

Beyond such centers at NYU—and I have not named all of them—we have also, for example, the Hagop Kevorkian Center for Near Eastern Studies, a leading center in the United States for teaching and research about the Arab world; as well as centers in Florence, London, Madrid, Paris and Prague, and we hope to set up others in Africa and Latin America.

I add that 4,400 students from the countries are on our campus this year while nearly 2,000 from NYU are studying abroad.

In my judgement, the need for us in the United States to invest in knowledge of other countries and peoples takes on added urgency after the war in Iraq.

It is no secret to any of you that the actions of the United States in Iraq have met—and continue to meet—strong opposition in many countries, as President Bush personally observed during his visit to London a few days ago.

Here I could cite the report last summer issued by The Pew Research Center, Views of a Changing World. Based on a respected survey, the Pew Report found that ''. . . [I]n most countries, opinions of the U.S. are markedly lower than they were a year ago.''

The report continued, ''. . . [T]he war has widened the rift between Americans and Western Europeans, further inflamed the Muslim world, softened support for the war on terrorism and significantly weakened global public support for the pillars of the post-World War II era—the UN and the North Atlantic alliance.''

In the United States and Europe, scholars, journalists and public leaders have engaged in all manner of symposia on the tensions between the United States and Europe as well as the sharpened hostility toward America in the Islamic world.

Nor, as you are aware, is public opinion in the United States overwhelmingly supportive of President Bush's policies toward Iraq, especially in light of the killing of American and British soldiers and the failure of the Bush Administration to plan effectively for the aftermath of the war.

My own view—and I believe that I reflect the opinions of scholars, journalists and many political leaders in our own country and abroad—is that in the war on terrorism and in meeting the other challenges to civil and democratic societies, military power, even when exercised by the strongest nation in history, is not enough.

''SOFT POWER'' VS. ''HARD POWER''

Not only does the United States require partners in post-war Iraq as well as in other places of danger but we must also give far more attention to investing in what my friend, Joseph Nye, Dean of the John F. Kennedy School of Government at Harvard, has called, in contrast to hard power, ''soft power''.

''U.S. military power is essential to global stability and is a critical part of the response to terrorism'', Nye agrees. But it is not enough, he adds: ''Soft power rises from the attractiveness of a country's culture, political ideas and policies''.

Nye's words were echoed recently by a powerful essay published last October in Madrid's El País by Fedrico Mayor, who declared, ''The force of Europe is not the Europe of force . . . [but] the force of the spirit, of creative powers . . . of democratic values . . . of education and culture . . . of conciliation . . . friendship and solidarity among peoples, of openness, of a culture of peace. . . .''

In view of what I have already said, you will understand why I was so pleased to have been invited to Rabat for this conference on the relationship between the West and the Arab world.

Let me here recall that last year, in New York City, speaking to a group of Ambassadors from Islamic countries assigned to the United Nations, I observed that most Americans had never met a Muslim and that most of us were quite ignorant of the traditions of Islam.

Accordingly, I told the Ambassadors, unless you want Americans to think that Islam is represented by Osama Bin Laden, you must give more attention to teaching the best in your religious faith while, on the other hand, those of us who are not Muslims have a similar obligation to listen and to learn.

RISING INTEREST IN U.S. IN ISLAM

In fact, one now finds a burgeoning interest in Islam in the United States. One cannot go into a serious bookshop in New York City without seeing new volumes on Islam.

I think, by way of example, of the book Islam: A Mosaic, Not a Monolith by the distinguished president of the Carnegie Corporation of New York, Vartan Gregorian, and of After Jihad: America and the Struggle for Islamic Democracy by Noah Feldman, a brilliant young scholar on the faculty of the NYU Law School, from whom you will hear shortly.

And in my country there have appeared in recent months several significant reports dealing with the subject of relations between the West and Arab societies. For example, the Center for the Study of Presidency in Washington, DC last July published An Initiative: Strengthening U.S.-Muslim Communications, focusing on failures on the part of the United States in conducting cultural diplomacy in the Muslim world after 9/11.

Only last month, an advisory group chaired by a former U.S. Ambassador, Edward P. Djerejian, submitted to Secretary of State Colin Powell and our Congress a report entitled Changing Minds, Winning Peace: A New Strategic Direction for U.S. Public Diplomacy for the Arab and Muslim World.

I cite two other relevant reports: Arts and Minds: Cultural Diplomacy amid Global Tensions, based on a conference held last April at Columbia University and a Council on Foreign Relations statement, Finding America's Voice: A Strategy for Reinvigorating U.S. Public Diplomacy, prepared by a task force chaired by a highly respected business leader, Peter G. Peterson.

I must, however, draw your particular attention among this blizzard of reports to one, published only last October by the United Nations Development Program, the Arab Human Development Report 2003: Building a Knowledge Society.

This document was written not by Americans or Europeans but by a group of distinguished Arab scholars and opinion leaders.

The report, say its authors, is ''once descriptive and prescriptive, with bold recommendations for change and detailed analyses of the current state of education, scientific research, the media, the publishing industry, culture encompassing religion, intellectual heritage and the Arabic language, and other building blocks of a 'knowledge society' in the Arab world.''

AN ''ARAB KNOWLEDGE SOCIETY''

The report speaks of the ''five pillars'' of an ''Arab knowledge society'', including:

Guaranteeing the key freedoms of opinion, speech and assembly;

The full dissemination of high quality education;

Indigenizing science, investing in research and joining the Information Revolution; and

Developing an authentic, broadminded and enlightened Arab mode of knowledge.

The terrible attacks of recent weeks and months—in Jerusalem, Baghdad, Istanbul and Riyadh—dramatically demonstrate the need for radical change in the Arab world if Arab countries are to look to an era of peaceful development and progress and if we in the non-Islamic world are to live without the omnipresent threat of terrorist activities.

Allow me then to assert my conviction that it is imperative that we in the West, and especially in the United States, learn more about countries other than our own but especially, after 9/11, about the Islamic world even as we must encourage Arab societies to take steps to implement the recommendations in the Arab development report of which I have just spoken.

For further and immediate context for these several reports, let me cite the eloquent words of His Majesty, King Mohammed VI, two months ago, on October 10, at the opening of the Fall session of the Parliament of Morocco. Speaking of his determination ''to set the democratic process on the right track'', His Majesty declared, ''[T]here can be no democracy where there are no democrats. Democracy is a long, arduous exercise, not some sort of battlefield on which to wage a war for positions. Democracy implies a keen sense of commitment to the notion of citizenship.

''Consolidation of democracy requires that the culture of responsible citizenship be fostered and enhances, a task incumbent upon political parties and civil society. . . .''

KING MOHAMMED IV ON ''THE DIGNITY OF WOMEN''

In the same address, King Mohammed drew particular attention to the need for steps to respect, in his words, ''the dignity of women as human beings'', and recalled his own remarks four years earlier: ''. . . [H]ow can society achieve progress'', His Majesty asked, ''while women, who represent half the nation, see their rights violated and suffer as a result of injustice, violence and marginalization, not withstanding the dignity and justice granted them by our glorious religion?''

In his statement of December 3, following his meeting with His Majesty, Secretary Powell congratulated the King on the steps Morocco has taken to strengthen democracy such as elections at the regional and parliamentary level and ''bold reforms . . . for the family code.''

And as I am quoting the King of the Moroccan people, I note also his words of October 16th this year, in Malaysia, at the 10th Summit of the Organization of the Islamic Conference, when His Majesty said: ''. . . [I]n Morocco . . . we have relied on our strong commitment to democracy and our people's unanimous condemnation of terrorism, a phenomenon which is clearly alien to our culture. It is also inconsistent with the tolerant aims of our religion, which forbids the shedding of innocent blood, advocates peaceful coexistence and upholds human dignity. . . .''

This statement of the King of Morocco is in harmony, I believe, with a comment, also last October, in Amman, Jordan, of His Royal Highness, Prince El Hassan bin Talal, President of the Club of Rome and President of the Arab Thought Forum, who said then: ''. . . [L]et us not forget that we are in a region inhabited by the so-called 'people of the Book/ahl al-kitab'—Christians, Jews and Muslims—and whether we pick up the Bible, the Torah or the Qur'an, we will find all of us are taught to practice and promote peace. . . .''

PRINCE HASSAN OF JORDAN OPPOSES TERRORISM

Indeed, only weeks ago, on November 18th, speaking on behalf of the World Conference of Religions for Peace, of which he is Moderator, Prince Hassan declared:

''The despicable attacks this week against two synagogues in Turkey are brutal acts condemned by all people of faith—Jews, Christians, and Muslims alike. . . .

''No religious tradition can or will tolerate these acts. We are united in rejecting terror, the intentional killing of innocent people, whether by individuals or states. . . .

''Muslims, Christians and Jews share a common history. . . .

''In the face of terrorism, all people of faith must redouble their efforts to work together for peace.''

Now everyone here knows that a key question being asked in the West is this: Is it possible for a country where the dominant culture is Islamic to have a genuine democracy?

Most of you will be aware of the speech that President George Bush delivered in Washington, D.C. last month, on November 6, to mark the 20th anniversary of the founding of the National Endowment for Democracy, an organization that makes grants to private groups, including some in Morocco, that are working for democracy.

I was, I should tell you, for seven years chairman of the Endowment.

In his speech, President Bush asserted, ''It should be clear to all that Islam—the faith of one-fifth of humanity—is consistent with democratic rule'', and the President went on to quote the words of King Mohammed to the Parliament of Morocco calling for extending rights to women.

But President Bush also cited the recent report, of which I have told you, in which Arab scholars warned that the global wave of democracy has ''barely reached the Arab states''.

What then is to be done?

STEPS THE UNITED STATES SHOULD TAKE

Even as I urge Arab leaders to act to build an ''Arab Knowledge Society,'' there are several steps that, I believe, we in the United States should take.

Let me speak of some.

First, we must strengthen the programs of educational exchanges between the United States and the Middle East.

A year and a half ago, at a conference on the 50th anniversary of AMIDEAST in Marrakech, our Assistant Secretary of State Patricia Harrison observed how many alumni of these exchanges are heads of state or government or have held other important positions of leadership in countries of the Middle East.

Secretary Harrison said that the State Department is expanding the number of Fulbright scholarships and fellowships to people from the Middle East to study in the United States and for Americans to study in the Middle East.

As we meet in Rabat, let me note that the U.S./Morocco Fulbright program includes faculty and students from both our countries and that the budget is shared by the two sides.

Moroccan Fulbright students focus on courses in the U.S. to assist them in their country's economic development.

The U.S. scholars who come here are professors, whose experience will strengthen their university teaching back home.

Morocco's Fulbright program, by the way, is a leader in a new initiative in the Islamic world, Fulbright Foreign Language Teaching Assistants: young people training to become teachers in Morocco are teaching the Arabic language and Arab culture at colleges and universities in the United States—an exchange positive for both sides.

The Moroccan instructors not only teach in American schools but also give talks about Islam and North Africa to other audiences in the United States.

The U.S. Department of State also supports citizen exchanges of various kinds—to build leadership in sports, women's and other non-governmental organizations, in journalism and the media, legal reform, the environment, democracy and human rights.

Let me add that I think it fortunate that the newly appointed Under Secretary of State for Public Diplomacy is the distinguished former United States Ambassador to Morocco, Margaret Tutwiler.

Certainly we in the U.S. must substantially increase our investment in study of the Arab world.

AN NYU CENTER FOR PUBLIC DIPLOMACY AND DIALOGUE

Even as I have mentioned the Hagop Kevorkian Center for Near Eastern Studies at NYU, I am very glad to say that New York University has only weeks ago responded to the call of the Advisory Group on Public Diplomacy for the Arab and Muslim World in its report, Changing Minds/Winning Peace, by proposing to create, in consultation with the U.S. State Department, a Center for Public Diplomacy and Dialogue, a center my colleagues at NYU believe will be ''an unprecedented effort to launch a serious and ongoing exchange with the Arab and Muslim world''.

Let me tell you what the authors of the proposal hope to do. The Center will offer three approaches.

First, there will be three kinds of conferences. An annual conference will bring together Arab and Muslim leaders from the fields of government, business and religion to discuss such topics as civil society, the rule of law, religion, media, democratic institutions and human rights.

Second, there will be conferences where U.S., Arab and Muslim professionals such as health officials, scientists, educators, and leaders of non-governmental organizations—can meet for three one-week sessions.

Then we hope to have ''Leaders of Tomorrow'' conferences, where young individuals, rising as the next generation of leaders in both the Arab/Muslim world and the United States can get together twice a year.

A second approach under the Center's sponsorship: fellowships to bring annually 100 college-age students from Muslim countries to study at NYU, concentrating on law, public service, education, journalism, business and science. Grants of approximately $50,000 per fellow would cover costs.

New York University hopes eventually to establish a residential presence on campus—to be called ''Dialogue House''—for some of NYU's finest students and faculty from all fields, who would live with the exchange students from Muslim countries.

Because we believe cultural and arts programs are vital to this public diplomacy initiative, we plan exchange programs to bring artists and filmmakers from Arab and Muslim societies to work with their American counterparts. NYU's Tisch School of the Arts already hosts the world's only International Student Film Festival.

We want also, in addition to college-age students, to arrange brief exchange visits from high schoolers from Muslim countries to be exposed to an American university and to visit museums, see plays and tour business firms.

The third approach we hope to create under this proposal is four-fold.

We want to organize, in cooperation with other research libraries in New York City, a Comprehensive Public Diplomacy Resource Center, focusing on the Middle East and open to scholars, students and U.S. government officials, in effect, a clearing house for information on the Arab and Muslim world.

We plan, too, a program to preserve and digitize unique books and texts from the Muslim world as well as explore making U.S. texts available in translation for Muslim and Arab countries.

We also intend to coordinate teacher-training programs with faculty from other colleges and universities as well as high school teachers to inject components of Arab and Muslim understanding into their courses.

Finally, NYU will continue to offer foreign language training in Arabic, Hebrew, Persian, Turkish, Hindi and Urdu.

I hasten to say that NYU is not the only university in the United States that seeks to enhance knowledge of Arab and Muslim societies but I have obviously spoken of the institution I know best.

TO IMPROVE RELATIONSHIP BETWEEN U.S. AND MUSLIM WORLD

Nor have I begun to exhaust the kinds of activities that can be undertaken in the educational and cultural fields to build understanding between the Arab/Muslim world and the West.

Only last summer, at a ''Partners in Humanity'' conference, in Amman, under the leadership of Prince Hassan, 60 leaders convened to produce an action plan to improve the relationship between the United States and the Muslim world.

Here I should like to make a point I believe it important for U.S. policymakers to understand. It is not only the words with which we describe our policy but the substance of the policy itself, that is to say, the deeds as well as the message, that will have an impact in the Arab world.

Marc Lynch, a scholar at Williams College, in an essay, ''Taking Arabs Seriously'', in the journal Foreign Affairs (September/October 2003), calls for ''a fundamentally different approach to the United States' interaction with [this] region—one that speaks with Arabs rather than at them and tries to engage rather than manipulate''.

Lynch added, ''The goal should be to establish the United States, through words and deeds, as an ally of the Arab public in its own demands for liberal reform, rather than making such reform an external imposition.''

Among the several recommendations from the October conference in Amman was to bring together ''Christian and Muslim faith-based development and aid professionals and religious leaders to discuss issues of 'meeting human needs' ''.

WORLD CONFERENCE OF RELIGIONS FOR PEACE

I may say in respect of this proposal for inter-faith cooperation that next week I shall be in Rome for a meeting of the International Council of Trustees, of whom I am one, of the World Conference of Religions for Peace, or WCRP, at the Vatican, under the co-chairmanship of Prince Hassan.

The other co-chair is Richard Blum, husband of United States Senator Diane Feinstein of California.

I add that another trustee of the WCRP is a distinguished Moroccan diplomat, my friend, Ambassador Mokhtar Lamani, Permanent Observer of the Organization of the Islamic Conference to the United Nations.

We shall meet in Rome—Orthodox, Protestant and Roman Catholic Christians as well as Jews, Muslims and Buddhists to discuss the Geneva Accord and the search for peace in the Middle East.

There is one other recommendation form Amman that I applaud, which calls for bringing together ''Presidents of American colleges and universities that are developing or strengthening Islamic studies programs with their counterparts in predominantly Muslim countries who are developing American studies programs.''

Ladies and gentlemen, I have not, I realize, begun to touch on all the ways in which the forces of learning and culture, of education and the arts, can contribute to building peace in a troubled world.

But I trust that what I have had to say offers some rays of hope at a time when we are surrounded by too much darkness.

The distinguished Minister of Culture, Mohamed Achaari, in inviting us all to Morocco, posed the question: ''Is a dialogue between cultures possible?''

That we meet here this week in Rabat demonstrates that the answer to the Minister's question is ''Yes!''

So let the dialogue deepen . . . and continue!

ADDITIONAL STATEMENTS

RECOGNIZING GONZALO MARTINEZ'S DECADE OF SERVICE TO DELAWARE

• Mr. CARPER. Madam President, I rise today in recognition of Gonzalo Martinez for his ten years of service to Delaware. Gonzalo will be leaving us shortly to move to Florida. His leadership and dedication over the years have won him the respect and gratitude of our entire State. He has been, and remains, a trusted friend.

Gonzalo was born in Santiago, Chile. He graduated from the University of Chile's School of Law in 1964, and moved to Washington, DC, in 1966 to work as a bilingual attorney in the legal department of the Inter-American Development Bank. There, he worked toward the bank's goal of fostering the economic and social development of Latin-America and the Caribbean.

While visiting a friend in Delaware in the early 1980s, Gonzalo fell in love with a house he saw here. He bought the house, and while continuing to work in Washington, he spent much of his spare time remodeling his home in Delaware. After 23 years of hard work at the bank, Gonzalo retired and moved to his beloved home in the first State. Upon his arrival in Delaware, Gonzalo became an active member of the Sussex County community.

When Gonzalo moved to Delaware, he was approached by the Sussex Arts Council to help fill the ''black hole'' in Sussex County's Hispanic community. He saw a desperate need for community centers, health programs and other services. For years, Gonzalo tried to work with agencies and programs. When it became apparent that they were unwilling to change and meet the emerging needs of the growing Hispanic community, Gonzalo finally partnered with other community advocates to create new institutions.

Gonzalo Martinez is a founding Board Member and a volunteer at El Centro Cultural, La Esperanza Community Center, Primeros Pasos Child Care Center, and La Red Health Center. Gonzalo believes that through the arts we can create social justice. He founded El Centro Cultural and The Hispanic Festival, which attract thousands of people each year. La Esperanza Community Center focuses on immigration services, comprehensive pre- and postnatal care, helping domestic violence victims, English and citizenship classes, and other general translation and interpretation services. Primeros Pasos provides safe child-care and early childhood education to approximately 50 children a year.

Gonzalo is not afraid to take risks to change the status quo and to prove how State government and non-profit organizations can work together to provide more efficient, cost-effective, and culturally appropriate services in the community.

During my governorship, I had the opportunity to appoint Gonzalo to three councils. When I re-established the Governor's Council on Hispanic Affairs in February of 1995, I appointed Gonzalo to the council. The goal of the council is to advise the Governor and Secretary of Health and Social Services on means to improve the delivery of services to the Hispanic community in Delaware.

In June of 1995, I also named Gonzalo to the Delaware State Arts Council. As a member of the State Council, Gonzalo contributed to the evaluation of grant applications and actively participated in policy discussions. Finally, I appointed Gonzalo to the Neighborhood Assistance Act Advisory Council in August of 2000. The Neighborhood Assistance Act Advisory Council was established to provide guidance and recommendations to the Director of the Economic Development Office and the Tax Appeal Board. Its purpose is to establish program priorities and to determine the impoverished areas that are in need of financial assistance.

More recently, in my first term as a U.S. Senator, Gonzalo Martinez has served on my National Parks Committee, a committee established in 2003 to recommend the best possible location for a National Park Unit here in Delaware.

I respect and admire Gonzalo for his dedication, his passion, and most of all, for his humility. He never takes credit for the accomplishments of the organizations. Instead of trying to build one large organization to meet all of the needs, Gonzalo has partnered with others who have expertise in certain areas to create organizations to meet a specific need. While the partners are all different, and the organizations have different missions, the thing they have in common is Gonzalo Martinez. He sees not only what could be, but what should be.

Through Gonzalo's tireless efforts, he has made a profound difference in the lives of thousands and enhanced the quality of life for an entire State. Upon his departure, he will leave behind a legacy of commitment to public service for both our children and grandchildren and for the generations that will follow. I thank him for the friendship that we share, and I congratulate him on a remarkable second career. I wish him only the very best in all that lies ahead.•

HAL SHROYER

• Mr. ALLARD. Madam President, I rise today to offer a few words for a friend of mine and a friend of the State of Colorado, Mr. Hal Shroyer. Mr. Shroyer has selflessly served, and continues to serve, both the Nation and Colorado. He has always fought for what is right and just, a warrior in both military and civilian life.

Prior to the United States entering World War II, barely 20 years old, Hal Shroyer joined the Royal Canadian Air Force and flew bombing missions over Europe. When the United States entered the war, Hal joined the U.S. Army Air Corps where he piloted bombing missions across the English Channel into occupied lands. While serving in the Army Air Corps Hal met and married his wife Maxine, joining her in a loving union that lasted for more than 50 years. Around 1953 Hal and Maxine moved to Colorado where, day after day, year after year, Hal has given generously of his time and energy to his fellow Coloradans.

Among Hal Shroyer's many professional and civic accomplishments stand a few I would mention today. Hal was instrumental in the addition of photographs to Colorado driver's licenses, helping to make the State the second in the Nation to include a picture. More recently Hal Shroyer led the fight for a motor voter program, allowing for voters to register to vote at their local Department of Motor Vehicles. Each of these programs represent the norm today across the United States. Hal Shroyer's tireless dedication to the betterment of Colorado cannot be simply summed up by these examples, but I am pleased to offer them as illustrations of this man's tremendous contributions.

As a young man in Indiana Hal Shroyer tried out for his local track team. The track coach told Hal he would never make the team because he walked like a duck. Needless to say Hal made the track team and he has been a dynamo ever since. As Hal Turns 83 years old in the coming days I send him my thanks for his lifetime of service and wishes for joy in the years to come.•

RECOGNIZING THE 10TH ANNIVERSARY OF PUBLIC ALLIES DELAWARE

• Mr. CARPER. Madam President, I recognize the 10th anniversary of Public Allies Delaware. This organization is celebrating a decade of mobilizing diverse groups of young leaders by both civic participation and community outreach. Public Allies Delaware has built a reputation for providing integral community service throughout Delaware. If this organization's first decade is any indication of what it will offer in the future, we have much to look forward to.

In 1992, a diverse group of young social entrepreneurs were helped by a number of established community and national leaders to create Public Allies. They believed that there were many energetic, talented young people who wanted to address critical issues in their communities and that many organizations and communities could benefit from such contributions to society.

Through the signature AmeriCorps program, Public Allies identifies talented young adults from diverse backgrounds and advances their leadership through a 10-month program of full-time, paid apprenticeships in nonprofit organizations, weekly leadership trainings, and team service projects.

In order to effectively achieve its goals and uphold its values, the program consists of apprenticeships, leadership training, and team service projects. The apprenticeships offer Allies the opportunity to gain ''real world'' experience through service in nonprofit and public agencies. In these apprenticeships, Allies face important issues such as youth development, education, and public safety.

Furthermore, the leadership training aspect of the program helps Allies develop the necessary knowledge, skills, and abilities so they can work productively and effectively with people from all walks of life. Through this leadership training, Allies attain skills in communication, critical thinking, appreciation of diversity, conflict resolution, and community asset recognition from a multitude of community leaders, professional consultants, and executives from nonprofit and corporate organizations.

Recognized by the Bush and Clinton administrations as a model for national service, Public Allies has grown to 11 communities nationwide in which more than 1,350 Allies have served. Evaluations have demonstrated Public Allies' effectiveness at advancing diverse young leaders, strengthening communities, strengthening nonprofits, and strengthening civic participation.

In 1994, full-time volunteer Suzanne Sysko, founded the fourth site of the fledgling Public Allies national organization in Wilmington, DE. With her father's assistance, she obtained free office space in the PNC Building on Delaware Avenue. After putting together a strong Board of Directors, she began working with Antoine Allen in the implementation of the program. The first class graduated in 1995 with financial support from five corporations and foundations and a grant from AmeriCorps.

In the 10 years subsequent to its inception, Public Allies Delaware has made substantial progress in the areas of funding and development. In 1995, the organization was able to successfully secure a 100 percent increase in Public Allies Delaware's Grant-in-Aid allocation from the State legislature. By 1998, the board and program staff members were able to dramatically increase program funding by obtaining a line item in the State of Delaware Department of Labor's operating budget.

More recently, in 1999, the program began an invaluable partnership with the University of Delaware's College of Human Resources, Education and Public Policy. Through this affiliation, Public Allies Delaware alumni are offered the opportunity to supplement the education and experience they gained from the Public Allies program with a full-tuition undergraduate or graduate scholarship. To date, program alumni have utilized more than a half million dollars of Federal Government scholarship funds and matching fund awards provided by the University of Delaware in pursuit of higher education.

Currently, Public Allies operates both in Wilmington, DE, and at a new satellite site in Georgetown, DE. The program continues to maintain a statewide presence through 11 Allies located in Sussex and Kent Counties and another 11 located in New Castle County. By presenting a vehicle by which young people can both get involved in their community and receive scholarship opportunities, Public Allies Delaware has provided an essential service to the State.

I thank the Public Allies for all that they do not only in Delaware but all across the country, and I wish them a very happy 10th anniversary. I today offer my full support and congratulate them on a remarkable decade of success.•

RECOGNITION OF BRIGADIER GENERAL TYMESON

• Mr. GRASSLEY. Madam President, I rise today to honor an exceptional Iowan. On October 20, 2003, Iowa National Guard Assistant Adjutant General Jodi S. Tymeson was promoted to the rank of Brigadier General. She has the distinct honor of being the first female General Officer in the history of the Iowa National Guard. Her hard work and dedication to service are celebrated by this promotion. I want to extend my deepest congratulations to Brigadier General Tymeson.

Serving in the Iowa Army National Guard for nearly 30 years, she continues to prove herself a capable and responsible leader and one who garners respect from her colleagues. She has received numerous Army awards and decorations, including the Legion of Merit and the Meritorious Service Medal. She also completed the U.S. Army War College in 1999. Brigadier General Tymeson also serves as a member of the Iowa House of Representatives. She chairs the House Education Committee and is a member on both the Human Resources and Ways and Means Committees. She is also active in many community and civic organizations and serves on the boards of directors for the Fort Des Moines Memorial Park and Education Center and Iowa Jobs for America's Graduates.

Congratulations again to Brigadier General Tymeson. She continues to serve her country with dedication and I thank her for her continued energy and devotion to Iowa and to America.•

IN HONOR OF MR. BILL SIMPSON, JR.

• Mr. KOHL. Madam President, I rise today to honor the memory of Mr. Bill Simpson. The following speeches, ''The Celebration of the Life and Times of Bill Simpson'' and ''Bill's Table,'' were originally delivered after the occasion of Bill Simpson's burial at Arlington National Cemetery by Mr. Bill Simpson III and David Lambert, respectively. I ask consent the speeches be printed in the RECORD.

The material follows:

THE CELEBRATION OF THE LIFE AND TIMES OF BILL SIMPSON

Thank you for being here today. Our family takes great comfort in your support and kindness through these trying times. We are eternally grateful.

Today, I would like to acknowledge the Veteran's Medical Center in Washington, DC. The staff in this great hospice and nursing home provided excellent care to my father, while preserving his dignity in the last days of his life. The patient care staff are angels on earth. They are truly engaged in a labor of love, and that means so much to families who have loved ones under their care.

I must also acknowledge the most supportive, faithful and loyal person in our father's life. Our mother, Evelyn, never wavered, not even for a single day.

In honor of my father, the Simpson family has established ''The William Simpson Veteran's Assistance Account'' to provide some needed purchases to enhance the lives of those old warriors in their last days on this earth. Donations are appreciated, not only by my family, but also by the veterans and their families.

We have also begun to compile some of my father's favorite stories. We have catalogued hundreds of his speeches that were written while serving with the late former Governor Paul B. Johnson of Mississippi, the late Senator James Eastland, former President Jimmy Carter and others when he returned to the private sector. My father loved the power and influence of language and words and it is reflected in his writings and stories.

If you have a story from my father's life that you would like to share—or one that we haven't heard—and there are millions, please send them to us. We want to share these stories with his friends and family.

This event is being held here at the ''116 Club,'' which is appropriate for many reasons. A celebration of the life and times of

William Simpson would be incomplete without the 116 Club. This place was his home away from home. It was where he was comfortable. Here he was surrounded by people he truly loved. The people in this room carried him throughout his life. He loved this place. Here were people he truly admired—always sharing good stories and, of course, good food! Once again, we are grateful for your presence here today. It is such a moving testament to my father and we thank you.

My father was my closest and most faithful friend. My sister Ellen and I were extremely fortunate, in these times when people thirst for a hero and role model, we didn't have to look very far. We just looked to my father. He was a great father, not only to my sister and me, but as a leader and mentor for so many people—many who are here today.

My father was one of the most genuinely modest people that I have ever known. He never stood above people. He never forgot where he came from, and he never forgot or lost sight of his mission to serve—to serve others unselfishly. From his early days in the family seafood factory in Gulfport, Mississippi, he rose to work for the President of the United States, but he never lost his touch with his common roots.

My father was a faithful and loyal husband for over 56 years to our mother, Evelyn. Faithful and loyal are words used most to describe him. It is fitting that he was laid to rest in the hallowed ground at Arlington National Cemetery, surrounded by veterans who have faithfully served this country. Our father took the oath of service to the United States of America to heart—it set the course for the rest of his life. Being ''faithful and loyal'' were not mere commodities to be used when it was popular, and then to be cast aside or compromised when it became a burden. These ideals were at the core of the fabric that represented the character of our father. He was ''faithful and loyal'' all his life—when he wore his uniform, when he served Governor Johnson, Senator Eastland, President Carter and his beloved home state of Mississippi and most importantly his family and friends.

He would tell me a story many times over in my life and he would say, ''Bill, some of our friends die, and I wish we could do something about it, but we can't, that's life, but what we can control in this life is how you treat your friends. You never quit your friends, even if they lose an election, or are in trouble, or are in need. That's when you need to be there.''

For many of us here, he was our Atticus Finch, our backstop, always there with support and counsel, never having to look over your shoulder, because you knew he was there. My father was a man of character and courage. A great author once said ''courage is grace under pressure.'' If that is the case, this man was filed with grace.

In the tough times in Mississippi during the Civil Rights Era, my father provided sound, courageous leadership. I know that he prevented bloodshed across the state. He was color-blind when it wasn't popular to be so. I attribute this to his strong faith and love for humanity.

Money, fame and power meant nothing to him. He understood the proper use of power to help people, not for self-interest, but as a tool for service; especially for the under-represented. He would captivate crowds with his words and passion. He was gracious, kind, and gentle. He always kept a low profile, while maintaining unshakeable integrity. He was in every sense an American treasure.

As Senator Kennedy stated last week on the floor of the Senate, ''Seeing him so often reminded me of those happy times when the Senate was full of friendships and goodwill in spite of huge disagreements on the issues. I know the beautiful memories of his long and productive life will last forever.''

We also received a note form Hiram Eastland who told his story better than I can—''What a wonderful life and wealth of friends he had. He deeply touched and brought joy and inspiration to the lives of many people . . . a legendary bedrock character with spirit and good humor . . . keen on Mississippi and Washington insight and stories that will live on in our memories. No man ever loved his family or his state or country more, and no man ever understood, enjoyed, or knew better how to engage and practice the art of politics for the public good than Bill Simpson''.

As we say goodbye to this fine and decent man, let us take comfort in his accomplishments and most importantly remember the impact he had on our lives.

In closing, I would like to use one of my father's favorite quotes that I think really defined his character—

The thoughts of others were light and fleeting.
Of lover's meeting or luck or fame.
Mine were of trouble and mine were steady.
So I was ready when trouble came.

My Father was ready.
Thank you.

lBill Simpson, III, January 12, 2004.

BILL'S TABLE

When we gathered at Bill's table we knew from that twinkle and grin that we were wrapped warm in his welcome. We knew that friendship mattered most, and that our politics could be checked at the door. We knew our day was about to get better because we were going to spend an hour with someone very special. We all knew we were about to be enriched—kindred spirits listening and laughing and learning with Bill.

Yes, we listened, we laughed, and we learned. He told us of Governors and sheriffs, of gamblers and rebels, of saints and scoundrels, of Committee Chairmen and of Chairman's Representatives. We heard about politics and politicians and public servants. We learned about Bay of St. Louis and Gulfport and Pass Christian, and, oh, yes, about the wrath of the terrible Camille; he talked of the Mighty River—its mischief and its majesty. Bill shared stories of his Pacific comrades—heroes who saved the world in an Ocean half a world away; of the Chepachet and her amphibious campaigns; of battles and of brave men.

He spoke with quiet admiration of those who defined who he was—his family most of all, but also of a Governor named Johnson, of a Senator named Eastland, and of a President named Carter. We heard about the Old South and the New South—this Son of Mississippi had a big hand in both. He talked of striving to build bridges, of civil rights; of justice and of the Department of Justice; of compassion and of reconciliation; of understanding and of progress.

But those were all words, and the essence of Bill was not what he said, but who he was. Much more important than his words were what we learned from Bill—and in the spirit of his own lively metaphors the images of his life lessons for us will keep coming back.

We learned from Bill that character could be as strong and deep-rooted as his State's live oaks, and that friendships should be as durable and as sweet as an aged bourbon. We learned that trust should be as strong as the Great River levees his generation helped build, and that the embrace of a friend could be as warm as a Delta summer.

We learned that loyalty could be as fierce as a Gulf storm, and personal presence as gentle as a family prayer. My own prayer now is that my sons will always have a Bill Simpson in their lives.

We thought Bill always would be at his table. Well, take heart. He is still there, and he will be, next month—and next year. There will be no new stories—only those we know by heart—at least 116 of them. And in time they will become richer—as will we—because we had a place at Bill's table.

David Lambert, January 12, 2004●

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.)

MESSAGES FROM THE HOUSE

At 3:55 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that pursuant to section 214(a) of the Help America Vote Act of 2002 (42 U.S.C. 15344), the Minority Leader appoints 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.

The message also announced that pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act of Fiscal Year 2001 (Public Law 106–398), the Minority Leader reappoints Ms. Carolyn Bartholomew of the District of Columbia, for a 2-year term that expires December 31, 2005, to the United States-China Review Commission.

The message further announced that pursuant to section 491 of the Higher Education Act (20 U.S.C. 1098(c)), the order of the House of December 8, 2003, and upon the recommendation of the Minority Leader, the Speaker appoints the following member on the part of the House of Representatives to the Advisory Committee on Student Financial Assistance for a 3-year term: Mr. Robert Shireman of Oakland, California.

ENROLLED BILL SIGNED

At 3:50 p.m., a message from the House of Representatives, delivered by one of its clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2673. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

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–5804. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: General Electric Company CF6–80E142 and 80E1A4 Turbofan Engines; Doc. No. 2003–NE–26'' (RIN2120–AA64) received on January 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5805. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: General Electric Company CF34–8C1 Series and CF34 8C5 Series Turbofan Engines; Doc. No. 2003–NE–58'' (RIN2120–AA64) received on January 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5806. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Anjoy Aeronautique Safety Belts and Restraint Systems; Doc. No. 2003–CE–31'' (RIN2120–AA64) received on January 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5807. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–100, 200, 200C, 300, 400, and 500 Series Airplanes; Doc. No. 2000–NM–422'' (RIN2120–AA64) received on January 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5808. 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, 7AH, and 7J Turbofan Engines; Doc. No. 2003–NE–52'' (RIN2120–AA64) received on January 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5809. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas MD 90 30 Airplanes; Doc. No. 2002–NM–103'' (RIN2120–AA64) received on January 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5810. A communication from the Program Analyst, 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 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5811. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Augusta SpA Model A109E Helicopters; Doc. No. 2003–SW–36'' (RIN2120–AA64) received on January 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5812. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Titeflex Corporations; Correction; Doc. No. 2002–NE–22'' (RIN2120–AA64) received on January 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5813. 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 A319, A320, and A321 Series Airplanes Equipped With Certain Litton Air Data Inertial Reference Units; Doc. No. 2002–NM–92'' (RIN2120–AA64) received on January 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5814. 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 A300 B4–600 Series Airplanes, Model A300 B4 600R Series Airplanes, Model A300 C4 605R Variant Airplanes; Doc. No. 2002–NE–40'' (RIN2120–AA64) received on January 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5815. 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 PW 4074, PW4074D, PW4077, PW4977, PW4977D, PW4084, PW4084D, PW4090, PW4090D, PW4090–e, and PW 4098 Turbofan Engines; Doc. No. 2003–NE–40'' (RIN2120–AA64) received on January 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5816. 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 A319, A320, and A321 Series Airplanes; Doc. No. 2002–NM–125'' (RIN2120–AA64) received on January 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5817. 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 A319–113, and –114 Series Airplanes; Doc. No. 2002–N–61'' (RIN2120–AA64) received on January 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5818. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747–100, 100B, 100B SUD, 200B, 200C, 200F, 300, 400, 747SR, and 747SP Series Airplanes; Doc. No. 2001–NM–180'' (RIN2120–AA64) received on January 20, 2004 ; to the Committee on Commerce, Science, and Transportation.

EC–5819. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–100, 200, 200C, 300, 400, and 500 Series Airplanes; Doc. No. 2003–NM–243'' (RIN2120–AA64) received on January 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5820. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Dassault Model Falcon 900 EX and Mystere-Falcon 900 Series Airplanes; Doc. No. 2001–N–269'' (RIN2120–AA64) received on January 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5821. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model DC 10 10, 10 10F, 10 15, 10 30, 10 30F, 10 40, and 10 40F Airplanes; Doc. No. 2002–NM–08'' (RIN2120–AA64) received on January 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5822. A communication from the Program Analyst, 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–163'' (RIN2120–AA64) received on January 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5823. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model MD 90 30 Airplanes; Doc. No. 2003–NM–169'' (RIN2120–AA64) received on January 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5824. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model DHC 8 400, 401, and 402 Airplanes; Doc. No. 2002–NM–78'' (RIN2120–AA64) received on January 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5825. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model DHC 8 102, 103, 106, 201, 202, 301, 311, and 315 Airplanes; Doc. No. 2001–N–266'' (RIN2120–AA64) received on January 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5826. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 777–200 and 777–300 Series Airplanes; Doc. No. 2001–NM–295'' (RIN2120–AA64) received on January 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5827. 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 A300 B4 622R and A300 F4 622R Airplanes, and Model A310 324 and 325 Series Airplanes; Doc. No. 2000–NM–137'' (RIN2120–AA64) received on January 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5828. 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 A319 and A320 Series Airplanes Equipped with Elevator and Aileron Computer; Doc. No. 2002–NM–57'' (RIN2120–AA64) received on January 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5829. 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 7R4 Series Turbofan Engines; Doc. No. 2003–NE–01'' (RIN2120–AA64) received on January 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5830. 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 (59) Amendments No. 3086'' (RIN2120–AA65) received on January 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5831. 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: Chicago, IL; Doc. No. 03–AGL–11'' (RIN2120–AA66) received on January 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5832. 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: Wilmington, Clinton Field, OH; Doc. No. 03–AGL–13'' (RIN2120–AA66) received on January 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5833. 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; Canby, MN Doc. No. 03–AGL–15'' (RIN2120–AA66) received on January 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5834. 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; Zanesville, OH Doc. No. 03–AGL–14'' (RIN2120–AA66) received on January 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5835. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Honesdale, PA Doc. No. 03–AEA–15'' (RIN2120–AA66) received on January 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5836. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Doc. No. 03–AEA–12'' (RIN2120–AA66) received on January 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5837. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Erie, PA Doc. No. 03–AEA–13'' (RIN2120–AA66) received on January 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5838. 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; Hilton Head Island, SC Doc. No. 03–ASO–18'' (RIN2120–AA66) received on January 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5839. 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; Johnson, KS Doc. No. 03–ACE–77'' (RIN2120–AA66) received on January 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5840. 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 D Airspace; and Modification of Class E Airspace; Topeka, Phillip Billiard Municipal Airport, KS Doc. No. 03–ACE–75'' (RIN2120–AA66) received on January 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5841. 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; Doc. No. 03–ACE–76'' (RIN2120–AA66) received on January 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5842. 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; Sidney, NE Doc. No. 03–ACE–78'' (RIN2120–AA66) received on January 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5843. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Service Difficulty Report; Delay of Effective Date; Doc. No. FAA–2000–7952'' (RIN2120–AI13) received on January 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5844. A communication from the Senior Legal Adviser, 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 (Carrollton, Gurley, Meridianville, and Tuscumbia, AL)'' (MB Doc. No. 02–114) received on January 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5845. A communication from the Senior Legal Adviser, 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 (Silverton and Memphis, TX; Leedey, OK)'' (MB Doc. Nos. 03–72, 73, 75) received on January 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5846. A communication from the Senior Legal Adviser, 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 (Alpine and Presidio, TX)'' (MB Doc. No. 02–239) received on January 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5847. A communication from the Senior Legal Adviser, 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 (Hartington, NB)'' (MB Doc. No. 02–121) received on January 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5848. A communication from the Senior Legal Adviser, 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 (Centerville, TX)'' (MB Doc. No. 02–128) received on January 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5849. A communication from the Senior Legal Adviser, 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 (Salina, UT)'' (MB Doc. No. 02–166) received on January 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5850. A communication from the Senior Legal Adviser, 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 (Carrizozo, NM)'' (MB Doc. No. 03–69) received on January 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5851. A communication from the Senior Legal Adviser, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Reexamination of the Comparative Standard for Noncommercial Educational Applicants'' (MM Doc. No. 95–31) received on January 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5852. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Validation of Merchant Mariner's Vital Information and Issuance of Coast Guard Merchant Mariner's Documents'' (RIN1625–AA81) received on January 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5853. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: [CDG08–03–048], Mississippi River, Dubuque Iowa'' (RIN1625–AA09) received on January 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5854. 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): [CGD08–02–035], [CGD07–03–141], [CGD07–03–094]'' (RIN1625–AA09) received on January 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5855. 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: [CGD09–03–289], Renaissance Center, Cobo Hall, North American International Auto Show, Detroit River, Detroit MI'' (RIN1625–AA00) received on January 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5856. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Deepwater Ports [USCG–1998–3884]'' (RIN1625–AA20) received on January 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5857. A communication from the Senior Attorney, Research and Special Programs Administration, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials Regulations: Compatibility with the Regulations of the International Atomic Energy Agency'' (RIN2137–AD40) received on January 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5858. A communication from the Director, Bureau of the Census, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Mandatory Electronic Filing of Exports (Re-Exports) of Rough Diamonds Through the Automated Export System'' (RIN0607–AA39) received on

January 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5859. A communication from the Trial Attorney, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Computer Reservations System Regulations Comprehensive Review'' (RIN2105–AC65) received on January 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5860. 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: Hazardous Liquid Pipeline Operator Annual Reports'' (RIN2137–AD59) received on January 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5861. A communication from the Chairman, National Transportation Safety Board, transmitting, pursuant to law, the Board's appeal letter to the Office of Management and Banking regarding the initial determination of our Fiscal Year 2005 Budget Request; to the Committee on Commerce, Science, and Transportation.

EC–5862. A communication from the Chairman, Consumer Product Safety Commission, transmitting, pursuant to law, the Commission's new Strategic Plan; to the Committee on Commerce, Science, and Transportation.

EC–5863. A communication from the Chairman, Office of Proceedings, Surface Transportation Board, transmitting, pursuant to law, the report of a rule entitled ''Public Participation in Railroad Abandonment Proceedings'' (STB Ex Parte No. 537) received on January 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5864. A communication from the Chief, Wireline Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Ensuring Compatibility of Enhanced 911 Emergency Calling Systems; Non-Initialized Phones'' (CC Doc. No. 94–102) received on January 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5865. A communication from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of 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 Allocations 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'' (FCC03–296) received on January 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5866. A communication from the Deputy Division Chief, Competition Policy Division, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled ''Revisions of the Commission's Rules to Ensure Compatibility With Enhanced 911 Calling Systems'' (FCC03–290) received on January 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5867. A communication from the Deputy Division Chief, Wireline Telecommunications Branch, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Service Rules for Advanced Wireless Service in the 1.7 GHz and 2.1 GHz Bands'' (FCC03–251) received on January 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5868. A communication from the General Counsel, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled ''Household Products Containing Hydrocarbons; Final Rules'' (RIN3401–AB57) received on January 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5869. A communication from the Acting Director, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled ''Recision and Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area'' received on January 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5870. A communication from the Deputy Assistant Administrator, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled ''International Fisheries; Pacific Tuna Fisheries; Final Rule; 2003 Management Measures for Tuna Purse Seine Fisheries in the Eastern Pacific Ocean'' (RIN0648–AQ93) received on January 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5871. A communication from the Acting Director, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled ''Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area'' received on January 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5872. 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; Prohibition of Directed Fishing by Vessels Using Trawl Gear in the Gulf of Alaska'' received on January 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5873. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Commercial Availability of Navigation Devices and Compatibility Between Cable Systems and Consumer Electronics Equipment'' (FCC03–329) received on January 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5874. 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 Schools and Libraries Universal Service Support Mechanism'' (FCC03–323) received on January 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5875. A communication from the Deputy Director, Bureau of Transportation Statistics, Department of Transportation, transmitting, pursuant to law, the Bureau's Transportation Statistics Report; to the Committee on Commerce, Science, and Transportation.

EC–5876. A communication from the Attorney Advisor, Department of Transportation, transmitting, pursuant to law, the report of a nomination confirmed for the position of General Counsel, Department of Transportation, received on January 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5877. A communication from the Attorney Advisor, Department of Transportation, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary for Aviation and International Affairs, Department of Transportation, received on January 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5878. A communication from the Attorney Advisor, Department of Transportation, transmitting, pursuant to law, the report of a designation of acting officer and nomination confirmed for the position of Deputy Secretary, Department of Transportation, received on January 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–5879. 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 ''Karnal Bunt; Regulated Areas'' (Doc#03–047–1) received on January 13, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5880. 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 ''Golden Nermatode; Regulated Areas'' (Doc#03–082–1) received on January 13, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5881. 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 ''Pine Shoot Beetle; Additions to Quarantined Areas'' (Doc#03–102–1) received on January 13, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5882. 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 ''Importation of Artificially Dwarfed Plants in Growing Media from the People's Republic of China'' (Doc#03–103–5) received on January 13, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5883. 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 ''Importation of Eucalyptus Logs, Lumber, and Wood Chips from South America'' (Doc#03–097–2) received on January 13, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5884. 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 ''Oriental Fruit Fly; Designation of Quarantined Area'' (Doc#03–096–2) received on January 13, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5885. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tomatoes Grown in Florida; Increased Assessment Rate'' (FV03–966–4) received on January 13, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5886. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Amendment to the Soybean Promotion and Research Rules and Regulations'' (Doc#LS–02–14) received on January 13, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5887. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Revision of Fees for the Fresh Fruit and Vegetable Terminal Market Inspection Service'' (RIN0581–AB63) received on January 13, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5888. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Removal of Cottonseed Chemist Licensing Program, Updating of Commodity Laboratory and Office Addresses, and Adoption of Information Symbols'' (7 CFR Parts 91 and 96) received on January 13, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5889. 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 ''Sale of Disposal of National Forest System Timber; Extension of Timber Sale Contracts to Facilitate Urgent Timber Removal From Other Lands'' (RIN0596–AB48) received on January 13, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5890. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Extensions of Tolerances for Emergency Exemptions Multiple'' (FRL#7339–8) received on January 13, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5891. A communication from the Regulatory Contact, Grain Inspection, Packers and Stockyards Administration, transmitting, pursuant to law, the report of a rule entitled ''Fees for Processed Commodity Analytical Services'' (RIN0580–AA84) received on January 13, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5892. A communication from the Administrator, Rural Business Cooperative Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Debt Collection Improvement Act—Treasury Offset and Cross Servicing'' (RIN0570–AA52) received on January 20, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5893. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Unique Identification and Valuation'' (DFARS Case 2003–D081) received on January 13, 2004; to the Committee on Armed Services.

EC–5894. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to expenditure of funds for planning, design, and construction of a chemical weapons destruction facility in the Russian Federation; to the Committee on Armed Services.

EC–5895. A communication from the Deputy Secretary of Defense, Department of Defense, transmitting, the Department's Fiscal Year 2003 Performance and Accountability Report; to the Committee on Armed Services.

EC–5896. 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 57825'' (44 CFR Part 67) received on January 13, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–5897. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of January 23, 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–5898. A communication from the Assistant to the Board of Governors of the Federal Reserve System, Division of Consumer and Community Affairs, transmitting, pursuant to law, the report of a rule entitled ''Home Mortgage Disclosure Act'' (Doc. No. 1178) received on January 13, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–5899. 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; 68 FR 67051'' (FEMA Doc. 7821) received on January 13, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–5900. 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; 68 FR 67052'' (FEMA Doc. D–7547) received on January 13, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–5901. 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 67056'' (44 CFR Part 67) received on January 13, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–5902. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, a report relative to the benefits of fee reductions effected as a result of the Investor and Capital Fee Relief Act of 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–5903. A communication from the President of the United States, transmitting, pursuant to law, a report relative to an Executive Order issued on January 15, 2004 that terminates the national emergency with respect to Sierra Leone that was declared in Executive Order 13213 of May 22, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–5904. A communication from the Counsel for Legislation and Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Government-wide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for a Drug-Free Workplace (Grants)'' (RIN2501–AC81) received on January 13, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–5905. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, the Administration's ''Short-Term Energy Outlook'' for October 2003; to the Committee on Energy and Natural Resources.

EC–5906. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, a draft bill to adjust the boundary of John Muir National Historic Site, and for other purposes; to the Committee on Energy and Natural Resources.

EC–5907. 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–047–FOR) received on January 13, 2004; to the Committee on Energy and Natural Resources.

EC–5908. A communication from the Administrator, Energy Information Administration, transmitting, pursuant to law, the Energy Information Administration's Annual Energy Review 2002; to the Committee on Energy and Natural Resources.

EC–5909. A communication from the Secretary of the Interior, transmitting, pursuant to law, a copy of the Final Engineering Report and Water Conservation Plan for the Lewis and Clark Rural Water System; to the Committee on Energy and Natural Resources.

EC–5910. A communication from the Secretary of Energy, transmitting, pursuant to law, two reports relative to clean coal technology programs; to the Committee on Energy and Natural Resources.

DISCHARGED NOMINATION

The Senate Committee on Governmental Affairs was discharged from further consideration of the following nomination and the nomination was returned to the President:

James C. Miller III, of Virginia, to be a Governor of the United States Postal Service for a term expiring December 8, 2010.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN (for herself and Mr. FITZGERALD):

S. 2016. A bill to provide for infant crib safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SANTORUM:

S. 2017. A bill to designate the United States courthouse and post office building located at 93 Atocha Street in Ponce, Puerto Rico, and the ''Luis A. Ferre United States Courthouse and Post Office Building''; to the Committee on Governmental Affairs.

By Mr. BUNNING:

S. 2018. A bill to amend the National Trails System Act to extend the Lewis and Clark National Historic Trail to include additional sites associated with the preparation or return phase of the expedition, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BREAUX (for himself and Mr. LOTT):

S. 2019. A bill to amend the Internal Revenue Code of 1986 to restore equity and complete the transfer of motor fuel excise taxes attributable to motorboat and small engine fuels into the Aquatic Resources Trust Fund, and for other purposes; to the Committee on Finance.

By Mrs. BOXER (for herself, Mr. CORZINE, Mrs. MURRAY, Mr. LAUTENBERG, Mrs. CLINTON, Ms. CANTWELL, Mr. JEFFORDS, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mr. SARBANES, and Ms. MIKULSKI):

S. 2020. A bill to prohibit, consistent with Roe v. Wade, the interference by the government with a woman's right to choose to bear a child or terminate a pregnancy, and for other purposes; to the Committee on the Judiciary.

By Mrs. CLINTON (for herself, Ms. MIKULSKI, Mrs. BOXER, Ms. STABENOW, Mr. SCHUMER, Mr. SARBANES, Mr. LAUTENBERG, and Mr. DURBIN):

S. 2021. A bill to provide for a domestic defense fund to improve the Nation's homeland defense, and for other purposes; to the Committee on Governmental Affairs.

By Mr. DURBIN (for himself and Mr. FITZGERALD) (by request):

S. 2022. A bill to designate the Federal building located at 250 West Cherry Street in Carbondale, Illinois the ''Senator Paul Simon Federal Building''; to the Committee on Environment and Public Works.

By Mrs. BOXER (for herself and Mr. LAUTENBERG):

S. 2023. A bill to limit Department of Defense contracting with firms under investigation by the Inspector General of the Department of Defense; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 517

At the request of Mr. SCHUMER, his name was added as a cosponsor of S. 517, a bill to amend title 38, United States Code, to provide improved benefits for veterans who are former prisoners of war.

S. 846

At the request of Mrs. LINCOLN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 846, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance, and for other purposes.

S. 1019

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

S. 1092

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

S. 1304

At the request of Ms. SNOWE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1304, a bill to improve the health of women through the establishment of Offices of Women's Health within the Department of Health and Human Services.

S. 1508

At the request of Mr. HAGEL, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1508, a bill to address regulation of secondary mortage market enterprises, and for other purposes.

S. 1545

At the request of Mr. HATCH, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1545, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents.

S. 1588

At the request of Ms. LANDRIEU, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1588, a bill to authorize the National Institute of Environmental Health Sciences to develop multidisciplinary research centers regarding women's health and disease prevention and conduct and coordinate a research program on hormone disruption, and for other purposes.

S. 1595

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1595, a bill to amend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax with respect to employees who participate in the military reserve components and are called to active duty and with respect to replacement employees and to allow a comparable credit for activated military reservists who are self-employed individuals, and for other purposes.

S. 1647

At the request of Mr. CAMPBELL, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1647, a bill to amend title XVIII of the Social Security Act to provide for direct access to audiologists for medicare beneficiaries, and for other purposes.

S. 1733

At the request of Mr. KOHL, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1733, a bill to authorize the Attorney General to award grants to States to develop and implement State court interpreter programs.

S. 1792

At the request of Mr. DOMENICI, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 1792, a bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 1793

At the request of Mr. KENNEDY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1793, a bill to provide for college quality, affordability, and diversity, and for other purposes.

S. 1807

At the request of Mr. MCCAIN, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 1807, a bill to require criminal background checks on all firearms transactions occurring at events that provide a venue for the sale, offer for sale, transfer, or exchange of firearms, and for other purposes.

S. 1930

At the request of Mr. BROWNBACK, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1930, a bill to provide that the approved application under the Federal Food, Drug, and Cosmetic Act for the drug commonly known as RU–486 is deemed to have been withdrawn, to provide for the review by the Comptroller General of the United States of the process by which the Food and Drug Administration approved such drug, and for other purposes.

S. 1948

At the request of Mr. REID, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1948, a bill to provide that service of the members of the organization known as the United States Cadet Nurse Corps during World War II constituted active military service for purposes of laws administered by the Secretary of Veterans Affairs.

S. 1968

At the request of Mr. ENZI, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1968, a bill to amend the Higher Education Act of 1965 to enhance literacy in finance and economics, and for other purposes.

S. 2006

At the request of Mr. KENNEDY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2006, a bill to extend and expand the Temporary Extended Unemployment Compensation Act of 2003, and for other purposes.

S. 2007

At the request of Mr. DURBIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2007, a bill to provide better protection against bovine spongiform encephalopathy and other prion diseases.

S. CON. RES. 80

At the request of Mr. COLEMAN, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. Con. Res. 80, a concurrent resolution urging Japan to honor its commitments under the 1986 Market-Oriented Sector-Selective (MOSS) Agreement on Medical Equipment and Pharmaceuticals, and for other purposes.

S. CON. RES. 81

At the request of Mrs. FEINSTEIN, the names of the Senator from Nevada (Mr. REID) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. Con. Res. 81, a concurrent resolution expressing the deep concern of Congress regarding the failure of the Islamic Republic of Iran to adhere to its obligations under a safeguards agreement with the International Atomic Energy Agency and the engagement by Iran in activities that appear to be designed to develop nuclear weapons.

S. RES. 164

At the request of Mr. ENSIGN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. Res. 164, a resolution reaffirming support of the Convention on the Prevention and Punishment of the Crime of

Genocide and anticipating the commemoration of the 15th anniversary of the enactment of the Genocide Convention Implementation Act of 1987 (the Proxmire Act) on November 4, 2003.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Mr. FITZGERALD):

S. 2016. A bill to provide for infant crib safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. FEINSTEIN. Mr. President. I rise along with Senator FITZGERALD to reintroduce the Infant Crib Safety Act. This legislation is designed to reduce injuries and deaths that come from infant crib accidents.

Earch year, about 11,500 children ages 2 and under are injured in cribs seriously enough to require hospital treatment. Approximately, 26 children die a year from such injuries, the highest number of deaths caused by nursery-related products.

In fact, according to the Consumer Product Safety Commission, cribs cause more deaths than all other nursery items combined.

While strict guidelines exist on the manufacture of and sale of new cribs, there are millions of cribs sold throughout the U.S. in ''secondary markets'' such as thrift stores and resale furniture stores.

As many as half of the 4 million infants born in this country each year are placed in second hand cribs. Many of these used cribs are unsafe and should be taken off the market and either repaired or destroyed.

These used cribs can have dangerous features such as protruding corner post extensions, missing or broken parts, excessive slat width, poor fitting crib sheets, inadequate mattress supports, latches that do not prevent unintentional collapse of the crib. Cribs built before 1978 have a higher lead content than current regulations allow.

Let me give you some of the real life examples of the tragedies caused by unsafe cribs.

At the age of 23 months, Danny Lineweaver was injured during an attempt to climb out of his crib. Danny caught his shirt on a decorative knob on the cornerpost of his crib and hanged himself. Though his mother was able to perform CPR the moment she found him, Danny lived in a semi-comatose state for 9 years and died in 1993.

In another case, Luke Torgerson, a 13-month-old infant, died due to an unsafe crib at this daycare facility in Minnesota.

Parents should have confidence that a crib is a safe place to leave an infant. The design and construction of a baby crib must ensure that it is safe to leave an infant while sleeping.

Since cribs are the only juvenile product manufactured expressly for leaving a child unattended, every necessary measure should be taken to ensure that the crib is the safest possible environment.

The Infant Crib Safety Act keeps unsafe secondhand or hand-me-down cribs out of the stream of commerce by prohibiting their sale, resale, lease, and use in lodging facilities or day care centers.

This bill does not apply to individuals who provide cribs to their friends, or to any type of individual sale of a crib such as at a garage sale. The bill focuses on commercial users. And currently, controls over cribs provided by transient public lodging establishments or sold at thrift stores are nonexistent.

Studies have shown that hotels and motels continue to use unsafe cribs and thrift stores continue to sell them. In the year 2000, the National Safe Kids Campaign did an investigation of cribs used by hotels and motels. Spot checks by the Campaign identified unsafe cribs in 80 percent of the cribs visited.

A year earlier, the Consumer Product Safety Commission found that 12 percent of the cribs sold in a survey of thrift stores did not meet existing voluntary industry or Federal safety standards for new cribs.

Comparable legislation has already been adopted by a number of States. Eleven States including Arizona, Arkansas, California, Colorado, Illinois, Louisiana, Michigan, Oregon, Pennsylvania, Vermont, and Washington have already passed legislation prohibiting the sale of cribs that do not meet current safety standards.

There is no good reason why cribs in all 50 States should not meet these reasonable safety standards.

The legislation is supported by the Consumer Federation of America and the Danny Foundation.

I look forward to working with my Senate colleagues to turn this common-sense legislation into law.

By Mr. SANTORUM:

S. 2017. A bill to designate the United States courthouse and post office building located at 93 Atocha Street in Ponce, Puerto Rico, and the ''Luis A. Ferré United States Courthouse and Post Office Building''; to the Committee on Governmental Affairs.

Mr. SANTORUM. Mr. President, I rise today to introduce a bill to designate the United States courthouse and post office building at 93 Atocha Street in Ponce, Puerto Rico as the ''Luis A. Ferré Courthouse and Post Office Building.'' This legislation is meant to honor the distinguished life and career of Mr. Luis A. Ferré, a dedicated statesman and humanitarian of Puerto Rico.

Luis A. Ferré was born in 1904 in Ponce, Puerto Rico. During his remarkable career, Mr. Ferré was a member of the Constitutional Convention of Puerto Rico in 1951, a member of the House of Representatives of Puerto Rico from 1953–1956, Governor of Puerto Rico from 1969–1972, as well as the President of the Senate of Puerto Rico from 1977–1980. Perhaps most remarkable, however, was his commitment to humanitarian and philanthropic activities, which included the founding of the Ponce Public Library and the Ponce Museum of Art.

In addition to serving the people of Puerto Rico, this building will stand as a reminder of the dedicated service Luis A. Ferré provided to all Puerto Ricans.

I am hopeful that my colleagues will join me in supporting this bill and that it will be enacted in the near future.

By Mr. BUNNING:

S. 2018. A bill to amend the National Trails System Act to extend the Lewis and Clark National Historic Trail to include additional sites associated with the preparation or return phase of the expedition, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BUNNING. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2018

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 ''Lewis and Clark National Historic Trail Extension Act of 2004''.

SEC. 2. EXTENSION OF LEWIS AND CLARK NATIONAL HISTORIC TRAIL.

Section 5(a)(6) of the National Trails System Act (16 U.S.C. 1244(a)(6)) is amended—

(1) in the first sentence, by striking ''The'' and inserting ''(A) The''; and

(2) by adding the following new subparagraph:

''(B) In addition to the route designated in subparagraph (A), the trail shall be extended to include the route followed by Meriwether Lewis and William Clark, whether independently or together, in the preparation phase of the expedition starting at Monticello, located near Charlottesville, Virginia, and traveling to Wood River, Illinois, and in the return phase of the expedition from Saint Louis, Missouri, to Washington, DC. The extended route shall include designated Lewis and Clark sites in Virginia, the District of Columbia, Maryland, Delaware, Pennsylvania, West Virginia, Ohio, Kentucky, Tennessee, Indiana, and Illinois. The Secretary shall complete a suitability and feasibility study to include the extended route within three years from the date funds are first made available for that purpose.''.

By Mrs. BOXER (for herself, Mr. CORZINE, Mrs. MURRAY, Mr. LAUTENBERG, Mrs. CLINTON, Ms. CANTWELL, Mr. JEFFORDS, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mr. SARBANES, and Ms. MIKULSKI):

S. 2020. A bill to prohibit, consistent with Roe v. Wade, the interference by the government with a woman's right to choose to bear a child or terminate a pregnancy, and for other purposes; to the Committee on the Judiciary.

Mrs. BOXER. Mr. President, today, I am proud to introduce the Freedom of Choice Act.

Thirty-one years ago, the Supreme Court handed down its decision in Roe v. Wade. It was a monumental day for women because for the first time, a woman's right to choose whether or not to continue a pregnancy was protected under the constitutional right to privacy. Roe v. Wade has kept women from being forced to continue pregnancies that could endanger their health or render them infertile. And for the past 31 years, countless lives have been saved by getting women out of back alleys and into safe, clean and legally protected facilities. That is why I have been fighting throughout my adult life to protect the right to choose.

However, women's reproductive rights are rapidly eroding. And anti-choice advocates make no secret that their ultimate goal is to overturn Roe v. Wade. With just a one-vote margin protecting Roe in the Supreme Court, we cannot afford to take these fundamental rights for granted. The threats we face to our right to choose are real and dangerous.

That is why I am introducing new Federal legislation that will protect a woman's right to choose. The Freedom of Choice Act of 2004 would establish a statutory right to choose within the same parameters articulated by the Supreme Court in Roe v. Wade. Under the bill, women would have the absolute right to choose whether to continue or terminate their pregnancies before fetal viability. The bill also supersedes any law, regulation or local ordinance that impinges on a woman's right to choose and prohibits federal and state governments from discriminating against women, who exercise their right to choose.

That means a poor woman cannot be denied the use of Medicaid if she chooses to have an abortion. That means that abortions cannot be prohibited at public hospitals, thus giving women more options. That means that we respect a woman's ability to make her own decision and don't force women to attend anti-choice propaganda lectures, which submit women to misleading information, the purpose of which is to discourage abortion. That means that women serving our country in the military overseas would be able to afford safe abortions that can be performed in a military hospital.

We need to take steps to secure our right to choose. Anti-choice is anti-woman and anti-equality, and it demonstrates a lack of respect for the intelligence and compassion that women possess.

I thank the 10 cosponsors of this legislation—Senators LAUTENBERG, CORZINE, MURRAY, CLINTON, JEFFORDS, LIEBERMAN, CANTWELL, FEINSTEIN, SARBANES AND MIKULSKI—and I encourage all my colleagues to join this effort to write Roe v. Wade into Federal law.

By Mrs. CLINTON (for herself, Ms. MIKULSKI, Mrs. BOXER, Ms. STABENOW, Mr. SCHUMER, Mr. SARBANES, Mr. LAUTENBERG, and Mr. DURBIN):

S. 2021. A bill to provide for a domestic defense fund to improve the Nation's homeland defense, and for other purposes; to the Committee on Governmental Affairs.

S. 2021

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Domestic Defense Fund Act of 2004''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
Sec. 4. Grants to States, units of general local government, and Indian tribes; authorizations.
Sec. 5. Statement of activities and review.
Sec. 6. Activities eligible for assistance.
Sec. 7. Allocation and distribution of funds.
Sec. 8. State and regional planning and communication systems.
Sec. 9. High-threat, high-density urban areas.
Sec. 10. Flexible emergency assistance fund.
Sec. 11. Federal preparedness, equipment, and training standards.
Sec. 12. Nondiscrimination in programs and activities.
Sec. 13. Remedies for noncompliance with requirements.
Sec. 14. Reporting requirements.
Sec. 15. Consultation by Attorney General.
Sec. 16. Interstate agreements or compacts; purposes.
Sec. 17. Matching requirements; suspension of requirements for economically distressed areas.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Since the September 11, 2001, terrorist attacks on our country, communities all across America have been on the front lines in the war against terrorism on United States soil.

(2) Since September 11, 2001, communities have been forced to bear a significant portion of the burden that goes along with the war against terrorism, a burden that local governments should not have to bear alone.

(3) Our homeland defense will only be as strong as the weakest link at the State and local level. By providing our communities with the resources and tools they need to bolster emergency response efforts and provide for other emergency response initiatives, we will have a better-prepared home front and a stronger America.

SEC. 3. DEFINITIONS.

(a) DEFINITIONS.—As used in this Act, the following definitions shall apply:

(1) CITY.—The term ''city'' means—

(A) any unit of general local government that is classified as a municipality by the United States Bureau of the Census; or

(B) any other unit of general local government that is a town or township and which, in the determination of the Secretary—

(i) possesses powers and performs functions comparable to those associated with municipalities;

(ii) is closely settled; and

(iii) does not contain within its boundaries any incorporated place, as defined by the United States Bureau of the Census, that has not entered into cooperation agreements with such town or township to undertake or to assist in the performance of homeland security objectives.

(2) FEDERAL GRANT-IN-AID PROGRAM.—The term ''Federal grant-in-aid program'' means a program of Federal financial assistance other than loans and other than the assistance provided by this Act.

(3) INDIAN TRIBE.—The term ''Indian tribe'' means any Indian tribe, band, group, and nation, including Alaska Indians, Aleuts, and Eskimos, and any Alaskan Native Village, of the United States, which is considered an eligible recipient under the Indian Self-Determination and Education Assistance Act (Public Law 93–638) or was considered an eligible recipient under chapter 67 of title 31, United States Code, prior to the repeal of such chapter.

(4) METROPOLITAN AREA.—The term ''metropolitan area'' means a standard metropolitan statistical area as established by the Office of Management and Budget.

(5) METROPOLITAN CITY.—

(A) IN GENERAL.—The term ''metropolitan city'' means—

(i) a city within a metropolitan area that is the central city of such area, as defined and used by the Office of Management and Budget; or

(ii) any other city, within a metropolitan area, which has a population of not less than 50,000.

(B) PERIOD OF CLASSIFICATION.—Any city that was classified as a metropolitan city for at least 2 years pursuant to subparagraph (A) shall remain classified as a metropolitan city. Any unit of general local government that becomes eligible to be classified as a metropolitan city, and was not classified as a metropolitan city in the immediately preceding fiscal year, may, upon submission of written notification to the Secretary, defer its classification as a metropolitan city for all purposes under this Act, if it elects to have its population included in an urban county under subsection (d).

(C) ELECTION BY A CITY.—Notwithstanding subparagraph (B), a city may elect not to retain its classification as a metropolitan city. Any unit of general local government that was classified as a metropolitan city in any year, may, upon submission of written notification to the Secretary, relinquish such classification for all purposes under this Act if it elects to have its population included with the population of a county for purposes of qualifying for assistance (for such following fiscal year) under section 5(e) as an urban county.

(6) NONQUALIFYING COMMUNITY.—The term ''nonqualifying community'' means an area that is not a metropolitan city or part of an urban county and does not include Indian tribes.

(7) POPULATION.—The term ''population'' means total resident population based on data compiled by the United States Bureau of the Census and referable to the same point or period of time.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of the Department of Homeland Security.

(9) STATE.—The term ''State'' means any State of the United States, or any instrumentality thereof approved by the Governor; and the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(10) UNIT OF GENERAL LOCAL GOVERNMENT.—The term ''unit of general local government'' means any city, county, town, township, parish, village, or other general purpose political subdivision of a State; a combination of such political subdivisions is recognized by the Secretary; and the District of Columbia.

(11) URBAN COUNTY.—The term ''urban county'' means any county within a metropolitan area.

(b) BASIS AND MODIFICATION OF DEFINITIONS.—

(1) BASIS.—Where appropriate, the definitions listed in subsection (a) shall be based, with respect to any fiscal year, on the most recent data compiled by the United States

Bureau of the Census and the latest published reports of the Office of Management and Budget available 90 days before the beginning of such fiscal year.

(2) MODIFICATION.—The Secretary may by regulation change or otherwise modify the meaning of the terms defined in subsection (a) in order to reflect any technical change or modification thereof made subsequent to such date by the United States Bureau of the Census or the Office of Management and Budget.

(c) DESIGNATION OF PUBLIC AGENCIES.—The chief executive officer of a State or a unit of general local government may designate 1 or more public agencies, including existing local public agencies, to undertake activities assisted under this Act.

(d) INCLUSION OF LOCAL GOVERNMENTS IN URBAN COUNTY POPULATION.—With respect to program years beginning with the program year for which grants are made available from amounts appropriated for fiscal year 2004 under section 4, the population of any unit of general local government which is included in that of an urban county shall be included in the population of such urban county for 3 program years beginning with the program year in which its population was first so included and shall not otherwise be eligible for a grant as a separate entity, unless the urban county does not receive a grant for any year during such 3-year period.

(e) EXCLUSION OF LOCAL GOVERNMENTS FROM URBAN COUNTY POPULATION.—

(1) NOTIFICATION BY URBAN COUNTY.—Any county seeking qualification as an urban county, including any urban county seeking to continue such qualification, shall notify each unit of general local government, located within its geographical boundaries and eligible to elect to have its population excluded from that of the urban county, of its opportunity to make such an election. Such notification shall, at a time and in a manner prescribed by the Secretary, be provided so as to provide a reasonable period for response prior to the period for which such qualification is sought.

(2) FAILURE OF LOCAL GOVERNMENT TO ELECT TO BE EXCLUDED.—The population of any unit of general local government which is provided such notification and which does not inform, at a time and in a manner prescribed by the Secretary, the county of its election to exclude its population from that of the county shall, if the county qualifies as an urban county, be included in the population of such urban county as provided under subsection (d).

SEC. 4. GRANTS TO STATES, UNITS OF GENERAL LOCAL GOVERNMENT AND INDIAN TRIBES; AUTHORIZATIONS.

(a) AUTHORIZATION.—The Secretary may award grants to States, units of general local government, and Indian tribes to carry out activities in accordance with this Act.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out section 7—

(A) $4,000,000,000 for each of the fiscal years 2005 through 2008; and

(B) such sums as may be necessary for fiscal year 2009 and each fiscal year thereafter.

(2) STATE, REGIONAL, AND LOCAL PLANNING, TRAINING, AND COMMUNICATION SYSTEMS.—There are authorized to be appropriated to carry out section 8—

(A) $1,000,000,000 for each of the fiscal years 2005 through 2008; and

(B) such sums as may be necessary for fiscal year 2009 and each fiscal year thereafter.

(3) HIGH-THREAT, HIGH-DENSITY URBAN AREAS.—There are authorized to be appropriated to carry out section 9—

(A) $1,500,000,000 for each of the fiscal years 2005 through 2008; and

(B) such sums as may be necessary for fiscal year 2009 and each fiscal year thereafter.

(4) HOMELAND SECURITY FLEXIBLE EMERGENCY ASSISTANCE.—There are authorized to be appropriated to carry out section 10—

(A) $500,000,000 for each of the fiscal years 2005 through 2008; and

(B) such sums as may be necessary for fiscal year 2009 and each fiscal year thereafter.

(c) SUPPLEMENT NOT SUPPLANT.—Funds appropriated pursuant to the authority of this section shall be used to supplement and not supplant full Federal funding for other first responder programs, including—

(1) the Community Oriented Policing Services Program, as authorized under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.);

(2) the Local Law Enforcement Block Grant Program, as authorized under the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) and described in H.R. 728, as passed by the House of Representatives on February 14, 1995;

(3) the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, as authorized under part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.); and

(4) the Assistance to Firefighters Grant Program, as authorized under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229).

SEC. 5. STATEMENT OF ACTIVITIES AND REVIEW.

(a) APPLICATION.—

(1) IN GENERAL.—A State, metropolitan city, urban county, or unit of general local government desiring a grant under subsection (b) or (i) of section 7 shall submit an application to the Secretary that contains—

(A) a statement of homeland security objectives and projected use of grant funds; and

(B) the certifications required under paragraph (2) and, if appropriate, subsection (b).

(2) GRANTEE STATEMENT.—

(A) CONTENTS.—

(i) LOCAL GOVERNMENT.—In the case of metropolitan cities or urban counties receiving grants under section 7(b) and units of general local government receiving grants under section 7(i)(3), the statement of projected use of funds shall consist of proposed homeland security activities.

(ii) STATES.—In the case of States receiving grants under section 7, the statement of projected use of funds shall consist of the method by which the States will distribute funds to units of general local government.

(B) CONSULTATION.—In preparing the statement required under this subsection, the grantee shall consult with appropriate law enforcement agencies and emergency response authorities.

(C) FINAL STATEMENT.—A copy of the final statement and the certifications required under paragraph (3) and, where appropriate, subsection (b), shall be furnished to the Secretary and the Attorney General.

(D) MODIFICATIONS.—Any final statement of activities may be modified or amended from time to time by the grantee in accordance with the same procedures required under this paragraph for the preparation and submission of such statement.

(3) CERTIFICATION OF ENUMERATED CRITERIA BY GRANTEE TO SECRETARY.—A grant under section 7 shall not be awarded unless the grantee certifies to the satisfaction of the Secretary that the grantee—

(A) has developed a homeland security plan that identifies both short- and long-term homeland security needs that have been developed in accordance with the primary objective and requirements of this Act; and

(B) will comply with the other provisions of this Act and with other applicable laws.

(b) SUBMISSION OF ANNUAL PERFORMANCE REPORTS, AUDITS, AND ADJUSTMENTS.—

(1) IN GENERAL.—Each grantee shall submit to the Secretary, at a time determined by the Secretary, a performance and evaluation report concerning the use of funds made available under section 7, together with an assessment by the grantee of the relationship of such use to the objectives identified in the grantee's statement under subsection (a)(2).

(2) UNIFORM REPORTING REQUIREMENTS.—

(A) RECOMMENDATIONS BY NATIONAL ASSOCIATIONS.—The Secretary shall encourage and assist national associations of grantees eligible under section 7, national associations of States, and national associations of units of general local government in nonqualifying areas to develop and recommend to the Secretary, not later than 1 year after the date of enactment of this Act, uniform recordkeeping, performance reporting, evaluation reporting, and auditing requirements for such grantees, States, and units of general local government, respectively.

(B) ESTABLISHMENT OF UNIFORM REPORTING REQUIREMENTS.—Based on the Secretary's approval of the recommendations submitted pursuant to subparagraph (A), the Secretary shall establish uniform reporting requirements for grantees, States, and units of general local government.

(3) REVIEWS AND AUDITS.—Not less than annually, the Secretary shall make such reviews and audits as may be necessary or appropriate to determine—

(A) in the case of grants awarded under section 7(b), whether the grantee—

(i) has carried out its activities;

(ii) where applicable, has carried out its activities and its certifications in accordance with the requirements and the primary objectives of this Act and with other applicable laws; and

(iii) has a continuing capacity to carry out those activities in a timely manner; and

(B) in the case of grants to States made under section 7(i), whether the State—

(i) has distributed funds to units of general local government in a timely manner and in conformance to the method of distribution described in its statement;

(ii) has carried out its certifications in compliance with the requirements of this Act and other applicable laws; and

(iii) has made such reviews and audits of the units of general local government as may be necessary or appropriate to determine whether they have satisfied the applicable performance criteria described in subparagraph (A).

(4) ADJUSTMENTS.—The Secretary may make appropriate adjustments in the amount of the annual grants in accordance with the Secretary's findings under this subsection. With respect to assistance made available to units of general local government under section 7(i)(3), the Secretary may adjust, reduce, or withdraw such assistance, or take other action as appropriate in accordance with the Secretary's reviews and audits under this subsection, except that funds already expended on eligible activities under this Act shall not be recaptured or deducted from future assistance to such units of general local government.

(c) AUDITS.—Insofar as they relate to funds provided under this Act, the financial transactions of recipients of such funds may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by such recipients pertaining to such financial transactions and necessary to facilitate the audit.

(d) METROPOLITAN CITY AS PART OF URBAN COUNTY.—In any case in which a metropolitan city is located, in whole or in part, within an urban county, the Secretary may, upon the joint request of such city and county, approve the inclusion of the metropolitan city as part of the urban county for purposes of submitting a statement under subsection (a) and carrying out activities under this Act.

SEC. 6. ACTIVITIES ELIGIBLE FOR ASSISTANCE.

Activities assisted under this Act may include—

(1) funding additional law enforcement, fire, and emergency resources, including covering overtime expenses;

(2) purchasing and refurbishing personal protective equipment for fire, police, and emergency personnel and acquire state-of-the-art technology to improve communication and streamline efforts;

(3) improving cyber and infrastructure security by improving—

(A) security for water treatment plants, distribution systems, other water infrastructure, nuclear power plants, electrical grids, and other energy infrastructure;

(B) security for tunnels, bridges, locks, canals, railway systems, airports, land and water ports, and other transportation infrastructure;

(C) security for oil and gas pipelines and storage facilities;

(D) security for chemical plants and transportation of hazardous substances;

(E) security for agriculture infrastructure; and

(F) security for national icons and Federal facilities that may be terrorist targets;

(4) assisting local emergency planning committees so that local public agencies can design, review, and improve disaster response systems;

(5) assisting communities in coordinating their efforts and sharing information with all relevant agencies involved in responding to terrorist attacks;

(6) establishing timely notification systems that enable communities to communicate with each other when a threat emerges;

(7) improving communication systems to provide information to the public in a timely manner about the facts of any threat and the precautions the public should take; and

(8) devising a homeland security plan, including determining long-term goals and short-term objectives, evaluating the progress of the plan, and carrying out the management, coordination, and monitoring of activities necessary for effective planning implementation.

SEC. 7. ALLOCATION AND DISTRIBUTION OF FUNDS.

(a) SET-ASIDE FOR INDIAN TRIBES.—

(1) IN GENERAL.—The Secretary shall reserve 1 percent of the amount appropriated for each fiscal year for grants pursuant to section 4(b)(1) (excluding the amounts for activities described in section 6) for grants to Indian tribes.

(2) SELECTION OF INDIAN TRIBES.—

(A) IN GENERAL.—The Secretary shall distribute amounts under this paragraph to Indian tribes on the basis of a competition conducted pursuant to specific criteria for the selection of Indian tribes to receive such amounts.

(B) RULEMAKING.—The Secretary, after notice and public comment, shall promulgate regulations, which establish the criteria described in subparagraph (A).

(b) ALLOCATION TO METROPOLITAN CITIES AND URBAN COUNTIES.—

(1) ALLOCATION PERCENTAGE.—Of the amount remaining after allocations have been made to Indian tribes under subsection (a), the Secretary shall, not later than 60 days after the date on which such funds are appropriated, allocate and directly transfer 70 percent to metropolitan cities and urban counties.

(2) ENTITLEMENT.—Except as otherwise specifically authorized, each metropolitan city and urban county shall be entitled to an annual grant, to the extent authorized beyond fiscal year 2008, from such allocation in an amount not to exceed its basic amount computed pursuant to subsections (c) and (d).

(c) COMPUTATION OF AMOUNT ALLOCATED TO METROPOLITAN CITIES.—

(1) VULNERABILITY AND THREAT FACTORS.—The Secretary shall calculate the amount to be allocated to each metropolitan city, which shall bear the same ratio to the allocation for all metropolitan cities as the weighted average of—

(A) the population (including tourist, military, and commuting populations) of the metropolitan city divided by the population of all metropolitan cities;

(B) the population density of the metropolitan city;

(C) the proximity of the metropolitan city to international borders;

(D) the vulnerability of the metropolitan city as it pertains to chemical security;

(E) the vulnerability of the metropolitan city as it pertains to nuclear security;

(F) the vulnerability of the metropolitan city as it pertains land and water port security;

(G) the vulnerability of the metropolitan city as it pertains to the security of energy infrastructure;

(H) the vulnerability of the metropolitan city as it pertains to the security of inland waterway infrastructure;

(I) the vulnerability of the metropolitan city as it pertains to the security of freight and passenger rail transportation infrastructure;

(J) the vulnerability of the metropolitan city as it pertains to the security of aviation infrastructure;

(K) the vulnerability of the metropolitan city as it pertains to the security of agriculture infrastructure;

(L) the proximity of the metropolitan city to the nearest national icons and Federal facilities that may be a terrorist target, as determined by the Department of Homeland Security, and the proximity of all metropolitan cities to the nearest national icons and Federal buildings that may be a terrorist target, as determined by the Department of Homeland Security; and

(M) the threat to the metropolitan city based upon intelligence information from the Department of Homeland Security;

(2) CLARIFICATION OF COMPUTATION RATIOS.—

(A) RELATIVE WEIGHT OF FACTORS.—In determining the weighted average of the ratios under paragraph (1)—

(i) the factor involving population shall constitute 38 percent;

(ii) the factor involving population density shall constitute 12 percent; and

(iii) the remaining factors shall be equally weighted.

(B) POPULATION DENSITY.—The metropolitan cities shall be ranked according to the density of their populations in calculating the weighted average of this factor. The population density ratio shall be 1 divided by the total number of metropolitan cities, not to exceed 100.

(C) PROXIMITY TO INTERNATIONAL BORDERS.—If a metropolitan city is located within 50 miles of an international border, the ratio under paragraph (1)(C) shall be 1 divided by the total number of metropolitan cities, not to exceed 100, which are located within 50 miles of an international border.

(D) VULNERABILITY AS IT PERTAINS TO CHEMICAL SECURITY.—If a metropolitan city is within the vulnerable zone of a worst-case chemical release (as specified in the most recent risk management plans filed with the Environmental Protection Agency or another instrument development by the Environmental Protection Agency or the Department of Homeland Security that captures the same information for the same facilities), the ratio under paragraph (1)(D) shall be 1 divided by the total number of metropolitan cities that are within such a zone, not to exceed 100.

(E) VULNERABILITY AS IT PERTAINS TO NUCLEAR SECURITY.—If a metropolitan city is located within 50 miles of an operating nuclear powerplant, as identified by the Nuclear Regulatory Commission, the ratio under paragraph (1)(E) shall be 1 divided by the total number of metropolitan cities, not to exceed 100, which are located within 50 miles of an operating nuclear powerplant.

(F) VULNERABILITY AS IT PERTAINS TO PORT SECURITY.—If a metropolitan city is located within 50 miles of—

(i) one of the 75 largest United States ports, as stated by the Department of Transportation, Bureau of Transportation Statistics, United States Ports Report by All Land Modes; or

(ii) one of the 25 largest United States water ports by metric tons and value, as stated by the Department of Transportation, Maritime Administration, United States Foreign Waterborne Transportation Statistics,

the ratio under paragraph (1)(F) shall be 1 divided by the total number of metropolitan cities that are located within 50 miles of a United States land or water port, not to exceed 100.

(G) VULNERABILITY AS IT PERTAINS TO ENERGY INFRASTRUCTURE SECURITY.—If a metropolitan city is among the 100 metropolitan cities that are closest to, or within 50 miles of, non-nuclear power generating plants, compressors, and other significant components of critical energy infrastructure as identified by the Department of Energy or the Department of Homeland Security, the ratio under paragraph (1)(G) shall be 1 divided by the total number of metropolitan cities that are located within 50 miles of critical energy infrastructure, not to exceed 100.

(H) VULNERABILITY AS IT PERTAINS TO INLAND WATERWAY INFRASTRUCTURE SECURITY.—If a metropolitan city is among the 100 metropolitan cities that are closest to, or within 50 miles of, the most significant locks, canals, and other components of critical inland waterway system infrastructure as identified by the Department of Transportation, the ratio under paragraph (1)(H) shall be 1 divided by the total number of metropolitan cities that are located within 50 miles of critical inland water infrastructure, not to exceed 100.

(I) VULNERABILITY AS IT PERTAINS TO RAIL TRANSPORTATION INFRASTRUCTURE SECURITY.—If a metropolitan city is among the 100 metropolitan cities that are closest to, or within 50 miles of, the largest railroad hubs and other significant components of critical freight and passenger rail infrastructure, as identified by the Department of Transportation, the ratio under paragraph (1)(I) shall be 1 divided by the total number of metropolitan cities that are located within 50 miles of critical inland water infrastructure, not to exceed 100.

(J) VULNERABILITY AS IT PERTAINS TO AVIATION INFRASTRUCTURE SECURITY.—If a metropolitan city is among the 100 metropolitan cities that are closest to, or within 50 miles of, major passenger or cargo airports that

are significant components of the Nation's air transportation infrastructure as identified by the Department of Transportation, the ratio under paragraph (1)(J) shall be 1 divided by the total number of metropolitan cities that are located within 50 miles of critical aviation transportation infrastructure, not to exceed 100.

(K) VULNERABILITY AS IT PERTAINS TO AGRICULTURE INFRASTRUCTURE SECURITY.—If a metropolitan city is among the 100 metropolitan cities that are closest to, or within 50 miles of, major feed yards, food processing facilities, and other significant components of the nation's agriculture infrastructure, as defined and determined by the Department of Agriculture and the Department of Homeland Security, the ratio under paragraph (1)(K) shall be 1 divided by the total number of metropolitan cities that are located within 50 miles of critical agriculture infrastructure, not to exceed 100.

(L) PROXIMITY TO NATIONAL ICONS AND FEDERAL BUILDINGS.—If a metropolitan city is among the 100 metropolitan cities that are closest to, or within 50 miles of, national icons and Federal buildings that the Department of Homeland Security determines are most vulnerable with respect to a terrorist attack, the ratio under paragraph (1)(L) shall be 1 divided by the total number of metropolitan cities that are located within 50 miles of such icons or Federal buildings, not to exceed 100.

(M) INTELLIGENCE.—If a metropolitan city is among the 100 metropolitan cities that have been identified by the Department of Homeland Security as being special alert or heightened alert status for the longest periods of time, the ratio under paragraph (1)(M) shall be 1 divided by the total number of metropolitan cities that have been identified by the Department of Homeland Security, not to exceed 100.

(d) COMPUTATION OF AMOUNT ALLOCATED TO URBAN COUNTIES.—

(1) VULNERABILITY AND THREAT FACTORS.—The Secretary shall determine the amount to be allocated to each urban county, which shall bear the same ratio to the allocation for all urban counties as the weighted average of—

(A) the population (including tourist, military, and commuting populations) of the urban county divided by the population of all urban counties;

(B) the population density of the urban county;

(C) the proximity of the urban county to international borders;

(D) the vulnerability of the urban county as it pertains to chemical security;

(E) the vulnerability of the urban county as it pertains to nuclear security;

(F) the vulnerability of the urban county as it pertains land and water port security;

(G) the vulnerability of the urban county as it pertains to the security of energy infrastructure;

(H) the vulnerability of the urban county as it pertains to the security of inland waterway infrastructure;

(I) the vulnerability of the urban county as it pertains to the security of freight and passenger rail transportation infrastructure;

(J) the vulnerability of the urban county as it pertains to the security of aviation infrastructure;

(K) the vulnerability of the urban county as it pertains to the security of agriculture infrastructure;

(L) the proximity of the urban county to the nearest national icons and Federal facilities that may be a terrorist target, as determined by the Department of Homeland Security, and the proximity of all urban counties to the nearest national icons and Federal buildings that may be a terrorist target, as determined by the Department of Homeland Security; and

(M) the threat to the urban county based upon intelligence information from the Department of Homeland Security;

(2) CLARIFICATION OF COMPUTATION RATIOS.—

(A) RELATIVE WEIGHT OF FACTORS.—In determining the weighted average of the ratios under paragraph (1)—

(i) the factor involving population shall constitute 38 percent;

(ii) the factor involving population density shall constitute 12 percent; and

(iii) the remaining factors shall be equally weighted.

(B) POPULATION DENSITY.—The population density ratio shall be 1 divided by the total number of urban counties, not to exceed 100. The urban counties shall be ranked according to the density of their populations in calculating the weighted average of this factor.

(C) PROXIMITY TO INTERNATIONAL BORDERS.—If an urban county is located within 50 miles of an international border, the ratio under paragraph (1)(C) shall be 1 divided by the total number of urban counties, not to exceed 100, which are located within 50 miles of an international border.

(D) VULNERABILITY AS IT PERTAINS TO CHEMICAL SECURITY.—If an urban county is within the vulnerable zone of a worst-case chemical release (as specified in the most recent risk management plans filed with the Environmental Protection Agency or another instrument development by the Environmental Protection Agency or the Department of Homeland Security that captures the same information for the same facilities), the ratio under paragraph (1)(D) shall be 1 divided by the total number of urban counties that are within such a zone, not to exceed 100.

(E) VULNERABILITY AS IT PERTAINS TO NUCLEAR SECURITY.—If an urban county is located within 50 miles of an operating nuclear power plant, as identified by the Nuclear Regulatory Commission, the ratio under paragraph (1)(E) shall be 1 divided by the total number of urban counties, not to exceed 100, which are located within 50 miles of an operating nuclear power plant.

(F) VULNERABILITY AS IT PERTAINS TO PORT SECURITY.—If an urban county is located within 50 miles of—

(i) one of the 75 largest United States ports, as stated by the Department of Transportation, Bureau of Transportation Statistics, United States Ports Report by All Land Modes; or

(ii) one of the 25 largest United States water ports by metric tons and value, as stated by the Department of Transportation, Maritime Administration, United States Foreign Waterborne Transportation Statistics,

the ratio under paragraph (1)(F) shall be 1 divided by the total number of urban counties that are located within 50 miles of a United States land or water port, not to exceed 100.

(G) VULNERABILITY AS IT PERTAINS TO ENERGY INFRASTRUCTURE SECURITY.—If an urban county is among the 100 urban counties that are closest to, or within 50 miles of, non-nuclear power generating plants, compressors, and other significant components of critical energy infrastructure as identified by the Department of Energy or the Department of Homeland Security, the ratio under paragraph (1)(G) shall be 1 divided by the total number of urban counties that are located within 50 miles of critical energy infrastructure, not to exceed 100.

(H) VULNERABILITY AS IT PERTAINS TO INLAND WATERWAY INFRASTRUCTURE SECURITY.—If an urban county is among the 100 urban counties that are closest to, or within 50 miles of, the most significant locks, canals, and other components of critical inland waterway system infrastructure as identified by the Department of Transportation, the ratio under paragraph (1)(H) shall be 1 divided by the total number of urban counties that are located within 50 miles of critical inland water infrastructure, not to exceed 100.

(I) VULNERABILITY AS IT PERTAINS TO RAIL TRANSPORTATION INFRASTRUCTURE SECURITY.—If an urban county is among the 100 urban counties that are closest to, or within 50 miles of, the largest railroad hubs and other significant components of critical freight and passenger rail infrastructure, as identified by the Department of Transportation, the ratio under paragraph (1)(I) shall be 1 divided by the total number of urban counties that are located within 50 miles of critical inland water infrastructure, not to exceed 100.

(J) VULNERABILITY AS IT PERTAINS TO AVIATION INFRASTRUCTURE SECURITY.—If an urban county is among the 100 urban counties that are closest to, or within 50 miles of, major passenger or cargo airports that are significant components of the Nation's air transportation infrastructure as identified by the Department of Transportation, the ratio under paragraph (1)(J) shall be 1 divided by the total number of urban counties that are located within 50 miles of critical aviation transportation infrastructure, not to exceed 100.

(K) VULNERABILITY AS IT PERTAINS TO AGRICULTURE INFRASTRUCTURE SECURITY.—If urban county is among the 100 urban counties that are closest to, or within 50 miles of, major feed yards, food processing facilities, and other significant components of the Nation's agriculture infrastructure, as defined and determined by the Department of Agriculture and the Department of Homeland Security, the ratio under paragraph (1)(K) shall be 1 divided by the total number of urban counties that are located within 50 miles of critical agriculture infrastructure, not to exceed 100.

(L) PROXIMITY TO NATIONAL ICONS AND FEDERAL BUILDINGS.—If an urban county is among the 100 urban counties that are closest to, or within 50 miles of, national icons and Federal buildings that the Department of Homeland Security determines are most vulnerable with respect to a terrorist attack, the ratio under paragraph (1)(L) shall be 1 divided by the total number of urban counties that are located within 50 miles of such icons or Federal buildings, not to exceed 100.

(M) INTELLIGENCE.—If an urban county is among the 100 urban counties that have been identified by the Department of Homeland Security as being special alert or heightened alert status for the longest periods of time, the ratio under paragraph (1)(M) shall be 1 divided by the total number of urban counties that have been identified by the Department of Homeland Security, not to exceed 100.

(e) EXCLUSIONS.—

(1) IN GENERAL.—In computing amounts or exclusions under subsection (d) with respect to any urban county, units of general local government located in the county that are not included in the population of the county in determining the eligibility of the county to receive a grant under this subsection shall be excluded, except that any independent city (as defined by the Bureau of the Census) shall be included if it—

(A) is not part of any county;

(B) is not eligible for a grant;

(C) is contiguous to the urban county;

(D) has entered into cooperation agreements with the urban county which provide that the urban county is to undertake or to

assist in the undertaking of essential community development and housing assistance activities with respect to such independent city; and

(E) is not included as a part of any other unit of general local government for purposes of this section.

(2) INDEPENDENT CITIES.—Any independent city that is included in any fiscal year for purposes of computing amounts pursuant to the preceding sentence shall not be eligible to receive assistance under subsection (i) for that fiscal year.

(f) INCLUSIONS.—

(1) LOCAL GOVERNMENT STRADDLING COUNTY LINE.—In computing amounts under subsection (d) with respect to any urban county, there shall be included all of the area of any unit of local government which is part of, but is not located entirely within the boundaries of, such urban county if—

(A) the part of such unit of local government that is within the boundaries of such urban county would otherwise be included in computing the amount for such urban county under this section; and

(B) the part of such unit of local government that is not within the boundaries of such urban county is not included as a part of any other unit of local government for the purpose of this section.

(2) USE OF GRANT FUNDS OUTSIDE URBAN COUNTY.—Any amount received under this section by an urban county described under paragraph (1) may be used with respect to the part of such unit of local government that is outside the boundaries of such urban county.

(g) POPULATION.—

(1) EFFECT OF CONSOLIDATION.—Where data are available, the amount to be allocated to a metropolitan city that has been formed by the consolidation of 1 or more metropolitan cities within an urban county shall be equal to the sum of the amounts that would have been allocated to the urban county or cities and the balance of the consolidated government, if such consolidation had not occurred.

(2) LIMITATION.—Paragraph (1) shall apply only to a consolidation that—

(A) included all metropolitan cities that received grants under this section for the fiscal year preceding such consolidation and that were located within the urban county;

(B) included the entire urban county that received a grant under this section for the fiscal year preceding such consolidation; and

(C) took place on or after January 1, 2004.

(3) GROWTH RATE.—The population growth rate of all metropolitan cities defined in section 3(a)(6) shall be based on the population of—

(A) metropolitan cities other than consolidated governments the grant for which is determined under this paragraph; and

(B) cities that were metropolitan cities before their incorporation into consolidated governments.

(4) ENTITLEMENT SHARE.—For purposes of calculating the entitlement share for the balance of the consolidated government under this subsection, the entire balance shall be considered to have been an urban county.

(h) REALLOCATION.—

(1) IN GENERAL.—Except as provided under paragraph (2), any amounts allocated to a metropolitan city or an urban county under this section that are not received by the city or county for a fiscal year because of failure to meet the requirements of subsection (a) or (b) of section 5, or that otherwise became available, shall be reallocated in the succeeding fiscal year to the other metropolitan cities and urban counties in the same metropolitan area that certify to the satisfaction of the Secretary that they would be adversely affected by the loss of such amounts from the metropolitan area.

(2) RATIO.—The amount of the share of funds reallocated under this subsection for any metropolitan city or urban county shall bear the same ratio to the total of such reallocated funds in the metropolitan area as the amount of funds awarded to the city or county for the fiscal year in which the reallocated funds become available bears to the total amount of funds awarded to all metropolitan cities and urban counties in the same metropolitan area for that fiscal year.

(3) TRANSFER.—Notwithstanding paragraphs (1) and (2), the Secretary may, upon request, transfer to any metropolitan city the responsibility for the administration of any amounts received, but not obligated, by the urban county in which such city is located if—

(A) such city was an included unit of general local government in such county prior to the qualification of such city as a metropolitan city;

(B) such amounts were designated and received by such county for use in such city prior to the qualification of such city as a metropolitan city; and

(C) such city and county agree to such transfer of responsibility for the administration of such amounts.

(i) ALLOCATION TO STATES ON BEHALF OF NON-QUALIFYING COMMUNITIES.—

(1) IN GENERAL.—Of the amount appropriated pursuant to section 4 that remains after allocations under subsections (a) and (b), the Secretary shall allocate 30 percent among the States for use in nonqualifying communities.

(2) ALLOCATION RATIO.—

(A) POPULATION-BASED.—The allocation for each State shall be based on the population of that State, relative to the populations of all States, excluding the population of qualifying communities.

(B) PRO-RATA REDUCTION.—The Secretary shall make a pro rata reduction of each amount allocated to the nonqualifying communities in each State under subparagraph (A) so that the nonqualifying communities in each State will receive the same percentage of the total amount available under this subsection as the percentage that such communities would have received if the total amount available had equaled the total amount allocated under subparagraph (A).

(3) DISTRIBUTION.—

(A) STATES.—A State shall distribute amounts it receives under this subsection to units of general local government located in nonqualifying areas of the State in such manner and at such time as the Secretary shall prescribe, consistent with the statement submitted under section 5(a), and not later than 45 days after the date on which the State receives such amounts from the Federal Government.

(B) CERTIFICATION.—Before a State may receive or distribute amounts allocated under this subsection, the State must certify that—

(i) with respect to units of general local government in nonqualifying areas, the State—

(I) provides, or will provide, technical assistance to units of general local government in connection with homeland security initiatives;

(II) will not refuse to distribute such amounts to any unit of general local government on the basis of the particular eligible activity selected by such unit of general local government to meet its homeland security objectives, except that this clause may not be considered to prevent a State from establishing priorities in distributing such amounts on the basis of the activities selected; and

(III) has consulted with local elected officials from among units of general local government located in nonqualifying areas of that State in determining the method of distribution of funds required by subparagraph (A); and

(ii) each unit of general local government to be distributed funds will be required to identify its homeland security objectives, and the activities to be undertaken to meet such objectives.

(4) MINIMUM AMOUNT.—

(A) IN GENERAL.—Except as provided under subparagraph (B), each State shall be allocated, for each fiscal year authorized under this Act and under this section, the greater of—

(i) 0.75 percent of the total amount appropriated in the fiscal year for grants to States under this section; or

(ii) the amount the State would otherwise be allocated under the formula set forth in this section.

(B) EXCEPTION.—Notwithstanding subparagraph (A), the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.25 percent of the total amount appropriated in each fiscal year for grants to States under this section.

(5) ADMINISTRATION.—

(A) IN GENERAL.—Each State shall be responsible for the administration of all funds received and distributed under paragraph (1). Except as provided under subparagraph (B), the State shall pay for all administrative expenses incurred by the State in carrying out its responsibilities under this Act.

(B) FEDERAL SHARE.—From the amounts received by each State for distribution in nonqualifying areas, the State may deduct an amount to pay—

(i) the first $150,000 of its administrative expenses under this subsection; and

(ii) 50 percent of any State administrative expenses under this subsection in excess of $150,000, which amount shall not exceed 2 percent of the amount received by the State under paragraph (1).

(C) DISTRIBUTION.—Any distribution by the Secretary under paragraph (1) shall be made in accordance with—

(i) determinations of the Secretary;

(ii) statements submitted and the other requirements under section 5 (except for subsection (c));

(iii) regulations and procedures prescribed by the Secretary.

(D) REALLOCATION.—

(i) FAILURE TO COMPLY.—Any amounts allocated for use in a State under paragraph (1) that are not received by the State for any fiscal year because of failure to meet the requirements of subsection (a) or (b) of section 5 shall be added to amounts allocated to all States under paragraph (1) for the succeeding fiscal year.

(ii) CLOSEOUT.—Any amounts allocated for use in a State under paragraph (1) that become available as a result of the closeout of a grant made by the Secretary under this section in nonqualifying areas of the State shall be added to amounts allocated to the State under paragraph (1) for the fiscal year in which such amounts become available.

(6) SINGLE UNIT.—Any combination of units of general local governments may not be required to obtain recognition by the Secretary to be treated as a single unit of general local government for purposes of this subsection.

(7) DEDUCTION.—From the amounts received under paragraph (1) for distribution in nonqualifying areas, the State may use not more than 1 percent to provide technical assistance to local governments.

(8) APPLICABILITY.—Any activities conducted with amounts received by a unit of general local government under this subsection shall be subject to the applicable provisions of this Act and other Federal law in the same manner and to the same extent as activities conducted with amounts received by a unit of general local government under subsection (a).

(j) QUALIFICATIONS AND DETERMINATIONS.—The Secretary may prescribe such qualification or submission dates as the Secretary determines to be necessary to permit the computations and determinations required by this section to be made in a timely manner, and all such computations and determinations shall be final and conclusive.

(k) PRO RATA REDUCTION AND INCREASE.—

(1) REDUCTION.—If the total amount available for distribution in any fiscal year to metropolitan cities and urban counties under this section is insufficient to provide the amounts to which metropolitan cities and urban counties would be entitled under this section, and funds are not otherwise appropriated to meet the deficiency, the Secretary shall meet the deficiency through a pro rata reduction of all amounts determined under this section.

(2) INCREASE.—If the total amount available for distribution in any fiscal year to metropolitan cities and urban counties under this section exceeds the amounts to which metropolitan cities and urban counties would be entitled under this section, the Secretary shall distribute the excess through a pro rata increase of all amounts determined under this section.

SEC. 8. STATE AND REGIONAL PLANNING AND COMMUNICATION SYSTEMS.

(a) ALLOCATIONS.—From the amounts appropriated pursuant to section 4(b)(2), the Secretary shall allocate $1,000,000,000 to States, regional cooperations, and units of general local government for—

(1) homeland defense planning within the States;

(2) providing increased security through additional first responder personnel;

(3) purchasing and refurbishing personal protective equipment for first responder personnel;

(4) homeland defense planning within the regions;

(5) the development and maintenance of Statewide training facilities and homeland security best-practices clearinghouses; and

(6) the development and maintenance of communications systems that can be used between and among first responders, including law enforcement, fire, and emergency medical personnel.

(b) USE OF FUNDS.—Of the amount allocated under subsection (a)—

(1) $500,000,000 shall be used by the States for homeland defense planning and coordination within each State;

(2) $50,000,000 shall be used by regional cooperations and regional, multistate, or intrastate authorities for homeland defense planning and coordination within each region;

(3) $50,000,000 shall be used by the States to develop and maintain statewide training facilities and best-practices clearinghouses; and

(4) $400,000,000 shall be used by the States and units of general local government to develop and maintain communications systems that can be used between and among first responders at the State and local level, including law enforcement, fire, and emergency personnel.

(c) ALLOCATIONS TO STATES.—

(1) IN GENERAL.—Amounts allocated to States under this section shall be allocated among the States based upon the population for each State relative to the populations of all States.

(2) MINIMUM AMOUNT PROVISION.—The provision under section 7(i)(4) relating to a minimum amount shall apply to amounts allocated to States under this section.

(3) LOCAL COMMUNICATIONS SYSTEMS.—

(A) IN GENERAL.—Not less than 50 percent of the amounts allocated under subsection (b)(4) shall be used for the development and maintenance of local communications systems.

(B) DISTRIBUTION OF FUNDS.—Each State shall distribute amounts reserved for local communications systems in that State under subparagraph (A) to units of general local government not later than 45 days after the State receives such amounts from the Federal Government.

(d) ALLOCATIONS TO REGIONAL COOPERATIONS.—Funds allocated under subsection (b)(2) shall be allocated to regional cooperations and regional, multistate, or intrastate authorities, based upon the population of the areas covered by each regional cooperative.

SEC. 9. HIGH-THREAT, HIGH-DENSITY URBAN AREAS.

(a) ALLOCATIONS.—

(1) IN GENERAL.—From the amounts appropriated pursuant to section 4(b)(3), the Secretary shall allocate $1,500,000,000 for discretionary grants to high-threat, high-density urban areas, as determined by the Secretary, and for the protection of critical infrastructure.

(2) DISTRIBUTION.—Grant funds awarded under this section shall be transferred directly to high-threat, high-density urban areas not later than 60 days after the date on which funds are appropriated pursuant to section 4(b)(3).

(b) SELECTION CRITERIA.—In selecting grantees under this section, the Secretary shall consider—

(1) credible threat;

(2) vulnerability;

(3) the presence of critical infrastructure, including infrastructure described in section 7;

(4) population;

(5) population density; and

(6) identified needs of public agencies.

(c) HOMELAND SECURITY PLAN.—Each high-threat, high-density urban area awarded a grant under this section shall submit a homeland security plan to the State in which it is located and to the Secretary that describes the intended use of grant funds received under this section.

(d) MINIMUM AMOUNT.—Section 1014(c)(3) of the USA PATRIOT ACT (42 U.S.C. 3711(c)(3)) and section 7(i)(4) of this Act shall not apply to funds awarded under this section.

SEC. 10. FLEXIBLE EMERGENCY ASSISTANCE FUND.

(a) IN GENERAL.—From the amounts appropriated pursuant to section 4(b)(4), $500,000,000 shall be used to create a flexible emergency assistance fund, from which the Secretary shall provide funds directly to State and units of local government that incur extraordinary homeland security costs.

(b) RELEASE OF FUNDS.—The Secretary may release emergency assistance funds to a State or local community as the Secretary determines to be appropriate, including—

(1) when the Secretary determines that a State or local community may be the specific target of a terrorist threat;

(2) when a local community is the venue of a high profile trial related to homeland security or terrorism;

(3) when the State or local community has been asked to assist in a Federal investigation concerning homeland security or terrorism; and

(4) when an agency of the Federal Government has requested the State or local community to assist that agency in performing homeland security functions.

(c) REIMBURSEMENTS.—The Secretary may disburse flexible emergency assistance funds to reimburse States and units of general local government for increased personnel costs associated with the activation of first responders who serve in the Reserves or National Guard.

(d) MINIMUM AMOUNT.—Section 1014(c)(3) of the USA PATRIOT ACT (42 U.S.C. 3711(c)(3)) and section 7(i)(4) of this Act shall not apply to funds awarded under this section.

SEC. 11. FEDERAL PREPAREDNESS, EQUIPMENT, AND TRAINING STANDARDS.

(a) IN GENERAL.—The Department of Homeland Security shall develop national homeland security preparedness, first responder training, and equipment standards, and best practices to facilitate the most effective and efficient use of funds authorized under this Act.

(b) CONSULTATION.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop the standards described in subsection (a) in consultation with first responders, States, local communities, nongovernmental homeland security experts, and such other persons and organizations as the Secretary determines to be appropriate.

(c) REPORTS.—The Secretary shall submit a report to Congress on the progress made in developing the standards and best practices described in subsection (a)—

(1) not later than 90 days after the date of enactment of this Act; and

(2) not later than 180 days after the date of enactment of this Act.

SEC. 12. NONDISCRIMINATION IN PROGRAMS AND ACTIVITIES.

(a) IN GENERAL.—No person in the United States shall on the ground of race, color, national origin, religion, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this Act.

(b) AGE OR HANDICAP.—Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.) or with respect to an otherwise qualified handicapped individual as provided in section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) shall also apply to any such program or activity.

SEC. 13. REMEDIES FOR NONCOMPLIANCE WITH REQUIREMENTS.

If the Secretary finds, after reasonable notice and opportunity for a hearing, that a recipient of assistance under this Act has failed to comply substantially with any provision of this Act, the Secretary shall—

(1) terminate payments to the recipient under this Act;

(2) reduce payments to the recipient under this Act by an amount equal to the amount of such payments which were not expended in accordance with this Act; or

(3) limit the availability of payments under this Act to programs, projects, or activities not affected by such failure to comply.

SEC. 14. REPORTING REQUIREMENTS.

(a) IN GENERAL.—Not later than 180 days after the end of each fiscal year in which assistance is awarded under this Act, the Secretary shall submit to Congress a report containing—

(1) a description of the progress made in accomplishing the objectives under this Act;

(2) a summary of the use of such funds during the preceding fiscal year; and

(3) a description of the activities carried out under section 7.

(b) REPORTS TO SECRETARY.—The Secretary may require recipients of assistance under this Act to submit such reports and other information as may be necessary in order for the Secretary to comply with subsection (a).

SEC. 15. CONSULTATION BY ATTORNEY GENERAL.

In carrying out the provisions of this Act including the issuance of regulations, the Secretary shall consult with the Attorney General and other Federal departments and agencies administering Federal grant-in-aid programs.

SEC. 16. INTERSTATE AGREEMENTS OR COMPACTS; PURPOSES.

The consent of Congress is hereby given to any 2 or more States to enter into agreements or compacts, not in conflict with any law of the United States—

(1) for cooperative effort and mutual assistance in support of homeland security planning and programs carried out under this Act as they pertain to interstate areas and to localities within such States; and

(2) to establish such agencies, joint or otherwise, that the States consider desirable for making such agreements and compacts effective.

SEC. 17. MATCHING REQUIREMENTS; SUSPENSION OF REQUIREMENTS FOR ECONOMICALLY DISTRESSED AREAS.

(a) MATCHING REQUIREMENT.—Grant recipients shall contribute, from funds other than those received under this Act, an amount equal to 10 percent of the total funds received under this Act, which shall be used in accordance with the grantee's statement of homeland security objectives.

(b) WAIVER FOR ECONOMIC DISTRESS.—The Secretary shall waive the matching requirement under subsection (a) for grant recipients that the Secretary determines to be economically distressed.

By Mr. DURBIN (for himself and Mr. FITZGERALD) (by request):

S. 2022. A bill to designate the Federal building located at 250 West Cherry Street in Carbondale, IL the ''Senator Paul Simon Federal Building''; to the Committee on Environment and Public Works.

Mr. DURBIN. Mr. President, recently we lost our colleague Paul Simon, a great public servant and a great friend.

At the age of 19, Paul Simon became the Nation's youngest editor-publisher when he accepted a Lion's Club challenge to save the Troy Tribune in Troy, IL. From that start, he built a chain of 13 newspapers in southern and central Illinois. He also used his post in the newspaper world to expose criminal activities and in 1951, at age 22, he was called as a key witness to testify before the U.S. Senate's Crime Investigating Committee.

Paul Simon served the state of Illinois and the United States for years. He is the only individual to have served in both the Illinois House of Representatives and the Illinois Senate, and the U.S. House of Representatives and U.S. Senate. He also served as Lieutenant Governor for Illinois. In addition, he served in the U.S. Army.

Paul Simon highly valued education and the youth of our Nation. In addition to his work in Congress to strengthen public education in America, he started the public affairs reporting program at Sangamon State University, now the University of Illinois at Springfield. He later became the founder and director of the Public Policy Institute at Southern Illinois University in Carbondale, IL, and taught there for more than 6 years. In addition, Paul Simon wrote over 20 books and earned over 50 honorary degrees.

From journalism to government to education, Paul Simon set the standard for honesty and caring in public life. He was an unapologetic champion of the less fortunate. He was genuine in his politics, life and values.

Now those of us who loved and respected him will do our best to carry on his tradition. We will find many ways, great and small, to honor him.

Today, I am introducing companion legislation to a bill Congressman JERRY COSTELLO has introduced in the House. This bill would designate the federal building at 250 West Cherry Street in Carbondale, IL, as the ''Senator Paul Simon Federal Building.'' I am happy to have Senator FITZGERALD as a cosponsor of this legislation.

Paul Simon moved to Carbondale in 1974, where he was elected to serve in the U.S. House of Representatives. He continued to call the Carbondale area his home until his death. Naming this building in Carbondale after him will help present and future generations remember and honor Paul Simon, a great man who lived in and worked for the people of Carbondale and served our federal government with the greatest integrity. I urge my colleagues to work with Congressman COSTELLO and me to quickly pass this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2022

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF FEDERAL BUILDING.

The Federal building located at 250 West Cherry Street in Carbondale, Illinois shall be known and designated as the ''Senator Paul Simon Federal Building''.

SEC. 2. REFERENCE.

Any reference in a law, map, regulation, document, paper or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the Senator Paul Simon Federal Building.

By Mrs. BOXER (for herself and Mr. LAUTENBERG):

S. 2023. A bill to limit Department of Defense contracting with firms under investigation by the inspector General of the Department of Defense; to the Committee on Armed Services.

Mrs. BOXER. Mr. President, I am introducing legislation, along with my good friend from New Jersey, Senator LAUTENBERG, to ensure that American taxpayers are given greater protection when the Defense Department seeks to procure property or services. The United States is spending billions of dollars in its military and reconstruction efforts in Iraq and Afghanistan, and much of this money is going to private companies.

The purpose of this legislation is simple. It would ban companies under investigation for procurement abuse and possible criminal conduct from receiving no-bid defense contracts. By closing a loophole in current law, the Department of Defense would no longer be permitted to enter into contracts, through a process that does not ensure full and open competition, with contractors simultaneously being investigated by the Pentagon's Office of Inspector General. The legislation also provides that if the President chooses to waive the prohibition in the interest of national security, he must notify Congress with a full and public explanation.

While our men and women in the Armed Services are making extraordinary sacrifices for this country, companies under investigation by the Pentagon's Inspector General should be barred from lining their pockets with money from no-bid contracts.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2233. Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. GREGG, and Mr. KENNEDY) proposed an amendment to the bill H.R. 3108, to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, and for other purposes.

SA 2234. Mr. KYL proposed an amendment to amendment SA 2233 proposed by Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. GREGG, and Mr. KENNEDY) to the bill H.R. 3108, supra.

TEXT OF AMENDMENTS

SA 2233. Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. GREGG, and Mr. KENNEDY) proposed an amendment to the bill H.R. 3108, to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisons, and for other purposes; as follows:

Strike all after the first word, and insert:

1. SHORT TITLE.

This Act may be cited as the ''Pension Stability Act''.

SEC. 2. TEMPORARY REPLACEMENT OF INTEREST RATE ON 30-YEAR TREASURY SECURITIES WITH INTEREST RATE ON CONSERVATIVELY INVESTED LONG-TERM CORPORATE BONDS.

(a) INTERNAL REVENUE CODE OF 1986.—

(1) DETERMINATION OF PERMISSIBLE RANGE.—

(A) IN GENERAL.—Section 412(b)(5)(B)(ii) of the Internal Revenue Code of 1986 is amended—

(i) in subclause (I), by inserting ''or (III)'' after ''subclause (II)'';

(ii) by redesignating subclause (II) as subclause (III);

(iii) by inserting after subclause (I) the following new subclause:

''(II) SPECIAL RULE FOR 2004 AND 2005.—In the case of plan years beginning in 2004 or 2005, the term 'permissible range' means a rate of interest which is not above, and not

more than 10 percent below, the weighted average of the conservative long-term corporate bond rates during the 4-year period ending on the last day before the beginning of the plan year. The Secretary shall, by regulation, prescribe a method for periodically determining conservative long-term bond rates for purposes of this paragraph. Such rates shall reflect the rates of interest on amounts invested conservatively in long-term corporate bonds and shall be based on the use of 2 or more indices that are in the top 2 quality levels available reflecting average maturities of 20 years or more.''; and

(iv) in subclause (III), as so redesignated—

(I) by inserting ''or (II)'' after ''subclause (I)'' the first place it appears; and

(II) by striking ''subclause (I)'' the second place it appears and inserting ''such subclause''.

(2) DETERMINATION OF CURRENT LIABILITY.—Section 412(l)(7)(C)(i) of such Code is amended by adding at the end the following new subclause:

''(IV) SPECIAL RULE FOR 2004 AND 2005.—For plan years beginning in 2004 or 2005, notwithstanding subclause (I), the rate of interest used to determine current liability under this subsection shall be the rate of interest under subsection (b)(5).''.

(3) CONFORMING AMENDMENT.—Section 412(m)(7) of such Code is amended to read as follows:

''(7) SPECIAL RULE FOR 2002.—In any case in which the interest rate used to determine current liability is determined under subsection (l)(7)(C)(i)(III), for purposes of applying paragraphs (1) and (4)(B)(ii) for plan years beginning in 2002, the current liability of the plan for the preceding plan year shall be redetermined using 120 percent as the specified percentage determined under subsection (l)(7)(C)(i)(II).''.

(4) LIMITATION ON CERTAIN ASSUMPTIONS.—Section 415(b)(2)(E)(ii) of such Code is amended by inserting '', except that in the case of plan years beginning in 2004 or 2005, '5.5 percent' shall be substituted for '5 percent' in clause (i)'' before the period at the end.

(5) ELECTION TO DISREGARD MODIFICATION FOR DEDUCTION PURPOSES.—Section 404(a)(1) of such Code is amended by adding at the end the following new subparagraph:

''(F) ELECTION TO DISREGARD MODIFIED INTEREST RATE.—An employer may elect to disregard subsections (b)(5)(B)(ii)(II) and (l)(7)(C)(i) of section 412 solely for purposes of determining the interest rate used in calculating the maximum amount of the deduction allowable under this section for contributions to a plan to which such subsections apply.''

(b) EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) DETERMINATION OF PERMISSIBLE RANGE.—

(A) IN GENERAL.—Section 302(b)(5)(B)(ii) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1082(b)(5)(B)(ii)) is amended—

(i) in subclause (I), by inserting ''or (III)'' after ''subclause (II)'';

(ii) by redesignating subclause (II) as subclause (III);

(iii) by inserting after subclause (I) the following new subclause:

''(II) SPECIAL RULE FOR YEARS 2004 AND 2005.—In the case of plan years beginning in 2004 or 2005, the term 'permissible range' means a rate of interest which is not above, and not more than 10 percent below, the weighted average of the conservative long-term corporate bond rates (as determined under section 412(b)(5)(B)(ii)(II) of the Internal Revenue Code of 1986) during the 4-year period ending on the last day before the beginning of the plan year.''; and

(iv) in subclause (III), as so redesignated—

(I) by inserting ''or (II)'' after ''subclause (I)'' the first place it appears; and

(II) by striking ''subclause (I)'' the second place it appears and inserting ''such subclause''.

(2) DETERMINATION OF CURRENT LIABILITY.—Section 302(d)(7)(C)(i) of such Act (29 U.S.C. 1082(d)(7)(C)(i)) is amended by adding at the end the following new subclause:

''(IV) SPECIAL RULE FOR 2004 AND 2005.—For plan years beginning in 2004 or 2005, notwithstanding subclause (I), the rate of interest used to determine current liability under this subsection shall be the rate of interest under subsection (b)(5).''.

(3) CONFORMING AMENDMENT.—Section 302(e)(7) of such Act (29 U.S.C. 1082(e)(7)) is amended to read as follows:

''(7) SPECIAL RULE FOR 2002.—In any case in which the interest rate used to determine current liability is determined under subsection (d)(7)(C)(i)(III), for purposes of applying paragraphs (1) and (4)(B)(ii) for plan years beginning in 2002, the current liability of the plan for the preceding plan year shall be redetermined using 120 as the specified percentage determined under subsection (d)(7)(C)(i)(II).''.

(4) PBGC.—Section 4006(a)(3)(E)(iii) of such Act (29 U.S.C. 1306(a)(3)(E)(iii)) is amended by adding at the end the following new subclause:

''(V) In the case of plan years beginning in 2004 or 2005, the annual yield taken into account under subclause (II) shall be the annual yield computed by using the conservative long-term corporate bond rate (as determined under section 412(b)(5)(B)(ii)(II) of the Internal Revenue Code of 1986) for the month preceding the month in which the plan year begins.''

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years beginning after December 31, 2003.

(2) LOOKBACK RULES.—For purposes of applying subsections (l)(9)(B)(ii) and (m)(1) of section 412 of the Internal Revenue Code of 1986, and subsections (d)(9)(B)(ii) and (e)(1) of section 302 of the Employee Retirement Income Security Act of 1974 to plan years beginning after December 31, 2003, the amendments made by this section may be applied as if such amendments had been in effect for all years beginning before such date.

(3) TRANSITION RULE FOR SECTION 415 LIMITATION.—In the case of any participant or beneficiary receiving a distribution after December 31, 2003 and before January 1, 2005, the amount payable under any form of benefit subject to section 417(b)(3) of the Internal Revenue Code of 1986 and subject to adjustment under section 415(b)(2)(B) of such Code shall not, solely by reason of the amendment made by subsection (a)(4), be less than the amount that would have been so payable had the amount payable been determined using the applicable interest rate in effect as of the last day of the last plan year beginning before January 1, 2004.

SEC. 3. ELECTION OF ALTERNATIVE DEFICIT REDUCTION CONTRIBUTION.

(a) AMENDMENT OF 1986 CODE.—Section 412(l) of the Internal Revenue Code of 1986 (relating to applicability of subsection) is amended by adding at the end the following new paragraph:

''(12) ALTERNATIVE INCREASE FOR CERTAIN PLANS MEETING REQUIREMENTS IN 2000.—

''(A) IN GENERAL.—In the case of a defined benefit plan established and maintained by an applicable employer, if this subsection did not apply to the plan for the plan year beginning in 2000 (determined without regard to paragraph (6)), then, at the election of the employer, the increased amount under paragraph (1) for any applicable plan year shall be the greater of—

''(i) 20 percent (40 percent in the case of an applicable plan year beginning after December 27, 2004) of the increased amount under paragraph (1) determined without regard to this paragraph, or

''(ii) the increased amount which would be determined under paragraph (1) if the deficit reduction contribution under paragraph (2) for the applicable plan year were determined without regard to subparagraphs (A), (B), and (D) of paragraph (2).

''(B) RESTRICTIONS ON BENEFIT INCREASES.—No amendment which increases the liabilities of the plan by reason of any increase in benefits, any change in the accrual of benefits, or any change in the rate at which benefits become nonforfeitable shall be adopted during any applicable plan year, unless—

''(i) the funded current liability percentage (as defined in paragraph (8)(B)) as of the end of such plan year is projected (taking into account the effect of the amendment) to be at least 75 percent,

''(ii) the amendment provides for an increase in benefits under a formula which is not based on a participant's compensation, but only if the rate of such increase is not in excess of the contemporaneous rate of increase in average wages of participants covered by the amendment,

''(iii) the amendment is required by a collective bargaining agreement which is in effect on the date of enactment of this subparagraph, or

''(iv) the amendment is otherwise described in subparagraph (A) or (C) of subsection (f)(2).

If a plan is amended during any applicable plan year in violation of the preceding sentence, any election under this paragraph shall not apply to any applicable plan year ending on or after the date on which such amendment is adopted.

''(C) APPLICABLE EMPLOYER.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'applicable employer' means an employer which is—

''(I) a commercial passenger airline,

''(II) primarily engaged in the production or manufacture of a steel mill product, or

''(III) an organization described in section 501(c)(5) and which established the plan to which this paragraph applies on June 30, 1955.

''(ii) OTHER EMPLOYERS MAY APPLY FOR RELIEF.—

''(I) IN GENERAL.—Except as provided in subclause (II), an employer other than an employer described in clause (i) shall be treated as an applicable employer if the employer files an application (at such time and in such manner as the Secretary may prescribe) to be treated as an applicable employer for purposes of this paragraph.

''(II) EXCEPTION.—Subclause (I) shall not apply to an employer if, within 90 days of the filing of the application, the Secretary determines (taking into account the application of this paragraph) that there is a reasonable likelihood that the employer will be unable to make future required contributions to the plan in a timely manner.

''(D) APPLICABLE PLAN YEAR.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'applicable plan year' means any plan year beginning after December 27, 2003, and before December 28, 2005, for which the employer elects the application of this paragraph.

''(ii) LIMITATION ON NUMBER OF YEARS WHICH MAY BE ELECTED.—An election may not be made under this paragraph with respect to more than 2 plan years.

''(E) ELECTION.—An election under this paragraph shall be made at such time and in

such manner as the Secretary may prescribe.''

(b) AMENDMENT OF ERISA.—Section 302(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1082(d)) is amended by adding at the end the following new paragraph:

''(12) ALTERNATIVE INCREASE FOR CERTAIN PLANS MEETING REQUIREMENTS IN 2000.—

''(A) IN GENERAL.—In the case of a defined benefit plan established and maintained by an applicable employer, if this subsection did not apply to the plan for the plan year beginning in 2000 (determined without regard to paragraph (6)), then, at the election of the employer, the increased amount under paragraph (1) for any applicable plan year shall be the greater of—

''(i) 20 percent (40 percent in the case of an applicable plan year beginning after December 27, 2004) of the increased amount under paragraph (1) determined without regard to this paragraph, or

''(ii) the increased amount which would be determined under paragraph (1) if the deficit reduction contribution under paragraph (2) for the applicable plan year were determined without regard to subparagraphs (A), (B), and (D) of paragraph (2).

''(B) RESTRICTIONS ON BENEFIT INCREASES.—No amendment which increases the liabilities of the plan by reason of any increase in benefits, any change in the accrual of benefits, or any change in the rate at which benefits become nonforfeitable under the plan shall be adopted during any applicable plan year, unless—

''(i) the funded current liability percentage (as defined in paragraph (8)(B)) as of the end of such plan year is projected (taking into account the effect of the amendment) to be at least 75 percent,

''(ii) the amendment provides for an increase in benefits under a formula which is not based on a participant's compensation, but only if the rate of such increase is not in excess of the contemporaneous rate of increase in average wages of participants covered by the amendment,

''(iii) the amendment is required by a collective bargaining agreement which is in effect on the date of enactment of this subparagraph, or

''(iv) the amendment is otherwise described in subparagraph (A) or (C) of section 304(b)(2).

If a plan is amended during any applicable plan year in violation of the preceding sentence, any election under this paragraph shall not apply to any applicable plan year ending on or after the date on which such amendment is adopted.

''(C) APPLICABLE EMPLOYER.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'applicable employer' means an employer which is—

''(I) a commercial passenger airline,

''(II) primarily engaged in the production or manufacture of a steel mill product, or

''(III) an organization described in section 501(c)(5) of the Internal Revenue Code of 1986 and which established the plan to which this paragraph applies on June 30, 1955.

''(ii) OTHER EMPLOYERS MAY APPLY FOR RELIEF.—

''(I) IN GENERAL.—Except as provided in subclause (II), an employer other than an employer described in clause (i) shall be treated as an applicable employer if the employer files an application (at such time and in such manner as the Secretary of the Treasury may prescribe) to be treated as an applicable employer for purposes of this paragraph.

''(II) EXCEPTION.—Subclause (I) shall not apply to an employer if, within 90 days of the filing of the application, the Secretary of the Treasury determines (taking into account the application of this paragraph) that there is a reasonable likelihood that the employer will be unable to make future required contributions to the plan in a timely manner.

''(D) APPLICABLE PLAN YEAR.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'applicable plan year' means any plan year beginning after December 27, 2003, and before December 28, 2005, for which the employer elects the application of this paragraph.

''(ii) LIMITATION ON NUMBER OF YEARS WHICH MAY BE ELECTED.—An election may not be made under this paragraph with respect to more than 2 plan years.

''(E) NOTICE REQUIREMENTS FOR PLANS ELECTING ALTERNATIVE DEFICIT REDUCTION CONTRIBUTIONS.—

''(i) IN GENERAL.—If an employer elects an alternative deficit reduction contribution under this paragraph and section 412(l)(12) of the Internal Revenue Code of 1986 for any year, the employer shall provide, within 30 days (120 days in the case of an employer described in subparagraph (C)(ii)) of filing the election for such year, written notice of the election to participants and beneficiaries and to the Pension Benefit Guaranty Corporation.

''(ii) NOTICE TO PARTICIPANTS AND BENEFICIARIES.—The notice under clause (i) to participants and beneficiaries shall include with respect to any election—

''(I) the due date of the alternative deficit reduction contribution and the amount by which such contribution was reduced from the amount which would have been owed if the election were not made, and

''(II) a description of the benefits under the plan which are eligible to be guaranteed by the Pension Benefit Guaranty Corporation and an explanation of the limitations on the guarantee and the circumstances under which such limitations apply, including the maximum guaranteed monthly benefits which the Pension Benefit Guaranty Corporation would pay if the plan terminated while underfunded.

''(iii) NOTICE TO PBGC.—The notice under clause (i) to the Pension Benefit Guaranty Corporation shall include—

''(I) the information described in clause (ii)(I),

''(II) the number of years it will take to restore the plan to full funding if the employer only makes the required contributions, and

''(III) information as to how the amount by which the plan is underfunded compares with the capitalization of the employer making the election.

''(F) ELECTION.—An election under this paragraph shall be made at such time and in such manner as the Secretary of the Treasury may prescribe.''

(c) EFFECT OF ELECTION.—An election under section 412(l)(12) of the Internal Revenue Code of 1986 or section 302(d)(12) of the Employee Retirement Income Security Act of 1974 (as added by this section) with respect to a plan shall not invalidate any obligation (pursuant to a collective bargaining agreement in effect on the date of the election) to provide benefits, to change the accrual of benefits, or to change the rate at which benefits become nonforfeitable under the plan .

(d) PENALTY FOR FAILING TO PROVIDE NOTICE.—Section 502(c)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(c)(3)) is amended by inserting ''or who fails to meet the requirements of section 302(d)(12)(E) with respect to any participant or beneficiary'' after ''101(e)(2)''.

SEC. 4. MULTIEMPLOYER PLAN FUNDING NOTICES.

(a) IN GENERAL.—Section 104 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 104) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

''(d) MULTIEMPLOYER DEFINED BENEFIT PLAN FUNDING NOTICES.—

''(1) IN GENERAL.—The administrator of a defined benefit plan which is a multiemployer plan shall for each plan year provide a plan funding notice to each plan participant and beneficiary, to each labor organization representing such participants or beneficiaries, and to each employer that has an obligation to contribute under the plan.

''(2) INFORMATION CONTAINED IN NOTICES.—

''(A) IDENTIFYING INFORMATION.—Each notice required under paragraph (1) shall contain identifying information, including the name of the plan, the address and phone number of the plan administrator and the plan's principal administrative officer, each plan sponsor's employer identification number, and the plan number of the plan.

''(B) SPECIFIC INFORMATION.—A plan funding notice under paragraph (1) shall include—

''(i) a statement as to whether the plan's funded current liability percentage (as defined in section 302(d)(8)(B)) for the plan year to which the notice relates is at least 100 percent (and, if not, the actual percentage);

''(ii) a statement of the value of the plan's assets, the amount of benefit payments, and the ratio of the assets to the payments for the plan year to which the report relates;

''(iii) a summary of the rules governing insolvent multiemployer plans, including the limitations on benefit payments and any potential benefit reductions and suspensions (and the potential effects of such limitations, reductions, and suspensions on the plan); and

''(iv) a general description of the benefits under the plan which are eligible to be guaranteed by the Pension Benefit Guaranty Corporation, along with an explanation of the limitations on the guarantee and the circumstances under which such limitations apply.

''(C) OTHER INFORMATION.—Each notice under paragraph (1) shall include any additional information which the plan administrator elects to include to the extent not inconsistent with regulations prescribed by the Secretary.

''(3) TIME FOR PROVIDING NOTICE.—Any notice under paragraph (1) shall be provided no later than two months after the deadline (including extensions) for filing the annual report for the plan year to which the notice relates.

''(4) FORM AND MANNER.—Any notice under paragraph (1)—

''(A) shall be provided in a form and manner prescribed in regulations of the Secretary,

''(B) shall be written in a manner so as to be understood by the average plan participant, and

''(C) may be provided in written, electronic, or other appropriate form to the extent such form is reasonably accessible to persons to whom the notice is required to be provided.''

(b) PENALTIES.—Section 502(c)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(c)(1)) is amended by striking ''or section 101(e)(1)'' and inserting '', section 101(e)(1), or section 104(d)''.

(c) REGULATIONS AND MODEL NOTICE.—The Secretary of Labor shall, not later than 1 year after the date of the enactment of this Act, issue regulations (including a model notice) necessary to implement the amendments made by this section.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2004.

SEC. 5. AMORTIZATION HIATUS FOR NET EXPERIENCE LOSSES IN MULTIEMPLOYER PLANS.

(a) AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) IN GENERAL.—Section 302(b)(7) of the Employee Retirement Income Security Act of 1974 (29 U.S.C.1082(b)(7)) is amended by adding at the end the following new subparagraph:

''(F)(i) If a multiemployer plan has a net experience loss for any plan year beginning after June 30, 2002, and before July 1, 2006—

''(I) the plan may elect to have the 15-year amortization period under paragraph (2)(B)(iv) with respect to the loss begin in any plan year selected by the plan from among the 3 immediately succeeding plan years, and

''(II) if the plan makes an election under subclause (I) for any plan year, the net experience loss for the year shall, for purposes of determining any charge to the funding standard account, or interest, with respect to the loss, be treated in the same manner as if it were a net experience loss occurring in the year selected by the plan under subclause (I) (without regard to any net experience loss or gain otherwise determined for such year).

Notwithstanding the preceding sentence, a plan may elect to have this subparagraph apply to net experience losses for only 2 plan years beginning after June 30, 2002, and before July 1, 2006.

''(ii) An amendment which increases the liabilities of the plan by reason of any increase in benefits, any change in the accrual of benefits, or any change in the rate at which benefits become nonforfeitable under the plan shall not take effect for any plan year in the hiatus period, unless—

''(I) the funded current liability percentage (as defined in subsection (d)(8)(B)) as of the end of the plan year is projected (taking into account the effect of the amendment) to be at least 75 percent,

''(II) the plan's actuary certifies that, due to an increase in contribution rates, the normal cost attributable to the benefit increase or other change is expected to be fully funded in the year following the year the increase or other change takes effect, and any increase in the plan's accrued liabilities attributable to the benefit increase or other change is expected to be fully funded by the end of the third plan year following the end of the last hiatus period of the plan, or

''(III) the plan amendment is otherwise described in subparagraph (A) or (C) of section 304(b)(2).

''(iii) Clause (ii) shall not apply to an increase in benefits for a group of participants resulting solely from a collectively bargained increase in the contributions made on their behalf.

''(iv) For purposes of this subparagraph, the term 'hiatus period' means any period during which the amortization of a net experience loss is suspended by reason of this subparagraph.

''(v) Interest accrued on any net experience loss during a hiatus period shall be charged to a reconciliation account and not to the funding standard account.

''(vi) If a plan elects an amortization hiatus under this subparagraph and section 412(b)(7)(F) of the Internal Revenue Code of 1986 for any plan year, the plan administrator shall provide, within 30 days of filing the election for such year, written notice of the election to participants and beneficiaries, to each labor organization representing such participants or beneficiaries, and to each employer that has an obligation to contribute under the plan. Such notice shall include with respect to any election the amount of the net experience loss to be deferred and the period of the deferral. Such notice shall also include the maximum guaranteed monthly benefits which the Pension Benefit Guaranty Corporation would pay if the plan terminated while underfunded.

''(vii) An election under this subparagraph shall be made at such time and in such manner as the Secretary, after consultation with the Secretary of the Treasury, may prescribe.''

(2) PENALTY.—Section 502(c)(4) of such Act (29 U.S.C. 1132(c)(4)) is amended to read as follows:

''(4) The Secretary may assess a civil penalty of not more than $1,000 a day for each violation by any person of section 302(b)(7)(F)(vi).''

(b) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Section 412(b)(7) of the Internal Revenue Code of 1986 (relating to special rules for multiemployer plans) is amended by adding at the end the following new subparagraph:

''(F) AMORTIZATION HIATUS.—

''(i) IN GENERAL.—If a multiemployer plan has a net experience loss for any plan year beginning after June 30, 2002, and before July 1, 2006—

''(I) the plan may elect to have the 15-year amortization period under paragraph (2)(B)(iv) with respect to the loss begin in any plan year selected by the plan from among the 3 immediately succeeding plan years, and

''(II) if the plan makes an election under subclause (I) for any plan year, the net experience loss for the year shall, for purposes of determining any charge to the funding standard account, or interest, with respect to the loss, be treated in the same manner as if it were a net experience loss occurring in the year selected by the plan under subclause (I) (without regard to any net experience loss or gain otherwise determined for such year).

Notwithstanding the preceding sentence, a plan may elect to have this subparagraph apply to net experience losses for only 2 plan years beginning after June 30, 2002, and before July 1, 2006.

''(ii) RESTRICTIONS ON BENEFIT INCREASES.—An amendment which increases the liabilities of the plan by reason of any increase in benefits, any change in the accrual of benefits, or any change in the rate at which benefits become nonforfeitable under the plan shall not take effect for any plan year in the hiatus period, unless—

''(I) the funded current liability percentage (as defined in subsection (l)(8)(B)) as of the end of the plan year is projected (taking into account the effect of the amendment) to be at least 75 percent,

''(II) the plan's actuary certifies that, due to an increase in contribution rates, the normal cost attributable to the benefit increase or other change is expected to be fully funded in the year following the year in which the increase or other change takes effect, and any increase in the plan's accrued liabilities attributable to the benefit increase or other change is expected to be fully funded by the end of the third plan year following the end of the last hiatus period of the plan, or

''(III) the plan amendment is otherwise described in subparagraph (A) or (C) of subsection (f)(2).

''(iii) COLLECTIVELY BARGAINED INCREASES IN CONTRIBUTIONS.—Clause (ii) shall not apply to an increase in benefits for a group of participants resulting solely from a collectively bargained increase in the contributions made on their behalf.

''(iv) HIATUS PERIOD DEFINED.—For purposes of this subparagraph, the term 'hiatus period' means any period during which the amortization of a net experience loss is suspended by reason of this subparagraph.

''(v) INTEREST ACCRUED DURING HIATUS.—Interest accrued on any net experience loss during a hiatus period shall be charged to a reconciliation account and not to the funding standard account.

''(vi) ELECTION.—An election under this subparagraph shall be made at such time and in such manner as the Secretary of Labor, after consultation with the Secretary, may prescribe.''

(2) QUALIFICATION REQUIREMENT.—Section 401(a) of such Code is amended by inserting after paragraph (34) the following new paragraph:

''(35) BENEFIT INCREASES IN CERTAIN MULTIEMPLOYER PLANS.—A trust which is part of a plan shall not constitute a qualified trust under this section if the plan adopts an amendment during a hiatus period (within the meaning of section 412(b)(7)(F)(iv)) which the plan is prohibited from adopting by reason of section 412(b)(7)(F)(ii).''.

SEC. 6. 2-YEAR EXTENSION OF TRANSITION RULE TO PENSION FUNDING REQUIREMENTS.

(a) IN GENERAL.—Section 769(c) of the Retirement Protection Act of 1994, as added by section 1508 of the Taxpayer Relief Act of 1997, is amended—

(1) by inserting ''except as provided in paragraph (3),'' before ''the transition rules'', and

(2) by adding at the end the following:

''(3) SPECIAL RULES.—In the case of plan years beginning in 2004 and 2005, the following transition rules shall apply in lieu of the transition rules described in paragraph (2):

''(A) For purposes of section 412(l)(9)(A) of the Internal Revenue Code of 1986 and section 302(d)(9)(A) of the Employee Retirement Income Security Act of 1974, the funded current liability percentage for any plan year shall be treated as not less than 90 percent.

''(B) For purposes of section 412(m) of the Internal Revenue Code of 1986 and section 302(e) of the Employee Retirement Income Security Act of 1974, the funded current liability percentage for any plan year shall be treated as not less than 100 percent.

''(C) For purposes of determining unfunded vested benefits under section 4006(a)(3)(E)(iii) of the Employee Retirement Income Security Act of 1974, the mortality table shall be the mortality table used by the plan.''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2003.

SEC. 7. PROCEDURES APPLICABLE TO DISPUTES INVOLVING PENSION PLAN WITHDRAWAL LIABILITY.

(a) IN GENERAL.—Section 4221 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1401) is amended by adding at the end the following new subsection:

''(f) PROCEDURES APPLICABLE TO CERTAIN DISPUTES.—

''(1) IN GENERAL.—If—

''(A) a plan sponsor of a plan determines that—

''(i) a complete or partial withdrawal of an employer has occurred, or

''(ii) an employer is liable for withdrawal liability payments with respect to the complete or partial withdrawal of an employer from the plan,

''(B) such determination is based in whole or in part on a finding by the plan sponsor under section 4212(c) that a principal purpose of a transaction that occurred before January 1, 1999, was to evade or avoid withdrawal liability under this subtitle, and

''(C) such transaction occurred at least 5 years before the date of the complete or partial withdrawal,

then the special rules under paragraph (2) shall be used in applying subsections (a) and (d) of this section and section 4219(c) to the employer.

''(2) SPECIAL RULES.—

''(A) DETERMINATION.—Notwithstanding subsection (a)(3)—

''(i) a determination by the plan sponsor under paragraph (1)(B) shall not be presumed to be correct, and

''(ii) the plan sponsor shall have the burden to establish, by a preponderance of the evidence, the elements of the claim under section 4212(c) that a principal purpose of the transaction was to evade or avoid withdrawal liability under this subtitle.

Nothing in this subparagraph shall affect the burden of establishing any other element of a claim for withdrawal liability under this subtitle.

''(B) PROCEDURE.—Notwithstanding subsection (d) and section 4219(c), if an employer contests the plan sponsor's determination under paragraph (1) through an arbitration proceeding pursuant to subsection (a), or through a claim brought in a court of competent jurisdiction, the employer shall not be obligated to make any withdrawal liability payments until a final decision in the arbitration proceeding, or in court, upholds the plan sponsor's determination.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to any employer that receives a notification under section 4219(b)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1399(b)(1)) after October 31, 2003.

SA 2234. Mr. KYL proposed an amendment to amendment SA 2233 proposed by Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. GREGG, and Mr. KENNEDY) to the bill H.R. 3108, to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, and for other purposes; as follows:

At the end of section 3, insert:

(____) LIMITATIONS ON PBGC LIABILITY FOR PLANS TO WHICH ALTERNATIVE DEFICIT REDUCTION CONTRIBUTION APPLIES.—

(1) IN GENERAL.—If a plan with respect to which an election under section 412(l)(12) of the Internal Revenue Code or section 302(d)(12) of the Employee Retirement Income Security Act of 1974 (as added by this section) is made terminates during the applicable period, the maximum guarantee limitation under section 4022(b)(3) of such Act, and the phase-in rate of benefit increases under paragraph (5) or (7) of section 4022(b) of such Act, shall be the limitation and rates determined as if the plan terminated on the day before the first day of the applicable period.

(2) APPLICABLE PERIOD.—For purposes of paragraph (1), the term ''applicable period'' means, with respect to any plan, the period—

(A) beginning on the first day of the first applicable plan year with respect to the plan, and

(B) ending on the last day of the second plan year following the last applicable plan year with respect to the plan.

For purposes of this paragraph, the term ''applicable plan year'' has the meaning given such term by section 412(l)(12) of the Internal Revenue Code of 1986 and section 302(d)(12) of the Employee Retirement Income Security Act of 1974 (as added by this section).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on January 22, 2004, at 9:30 a.m., in closed session to receive a classified operations/intelligence briefing regarding ongoing military activities in Iraq and Afghanistan, as well as other areas of interest.

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

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Thursday, January 22, 2004, at 10 a.m., on ''Judicial Nominations,'' in the Dirksen Senate Office Building Room 226.

Panel I: Senators.

Panel II: Raymond W. Gruender to be United States Circuit Judge for the Eighth Circuit.

Panel III: 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, Neil Vincent Wake to be United States District Judge for the District of Arizona.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on January 22, 2004 at 2:30 p.m. to hold a closed hearing on Intelligence Matters.

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

PRIVILEGES OF THE FLOOR

Mr. GRASSLEY. Mr. President, I ask unanimous consent that Kathleen West, a fellow on the Finance Committee staff, be permitted access to the floor during debate on the Pension Funding Equity Act.

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

Mr. GRASSLEY. Mr. President, I ask unanimous consent that people on Senator BAUCUS's staff, Jane Bergeson, Simon Chabel, and Trace Thaxton, interns with the Finance Committee, be granted the privilege of the floor for the remainder of the debate on H.R. 3108, the 30-year Treasury bill.

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

THE SENATE WEEK

Mr. FRIST. Madam President, I take a minute and again welcome everyone back for this second session, this being close to completion of the first week. We have had a very good and productive week in the Senate.

The President delivered his State of the Union Address Tuesday night, which is always an uplifting experience for all who have the opportunity to participate directly. And very much I express my appreciation for his very positive, constructive message as we all work together to move this country forward. Indeed, as the President said, the state of the Union is strong, and it is confident.

Today we were able to finish our appropriations work for this fiscal year, really the unfinished business for last year. It took a strong, bipartisan vote of 65 to 28. And with that, we adopted the Omnibus appropriations conference report, which will allow us to proceed to a regular order for this upcoming fiscal year.

In a few moments we will be considering and confirming several executive nominations. We have been working on that over the course of this afternoon. We will continue to discuss further nominations tomorrow, and I am very hopeful we will have a number of other nominations to be approved tomorrow. I am personally appreciative and glad we have been able to continue this process. It is important for us to continue that work and bring these nominations forward as soon as they are available.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Madam President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 511, 512, 513. I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, and the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF VETERANS AFFAIRS

Cynthia R. Church, of Virginia, to be an Assistant Secretary of Veterans Affairs (Public and Intergovernmental Affairs).

Robert N. McFarland, of Texas, to be an Assistant Secretary of Veterans Affairs (Information and Technology).

Gordon H. Mansfield, of Virginia, to be Deputy Secretary of Veterans Affairs.

NOMINATION DISCHARGED

Mr. FRIST. Madam President, I ask unanimous consent that the nomination of James C. Miller III, PN99, be discharged from the Governmental Affairs Committee, returned to the President, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR FRIDAY, JANUARY 23, 2004

Mr. FRIST. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Friday, January 23. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. The Senator from Nevada.

THANKING THE PAGES

Mr. REID. Reserving the right to object, Madam President, we have had a very difficult year that has just been completed. The majority leader and those of us who have the honor of serving in the Senate have our names appear in print, we are on television, and people see and know what we do. But the one reason for our success is these wonderful pages. I have served now going on 22 years in the Congress, and they are just part of our lives. We take them for granted. They do the most menial things but which are so meaningful to us.

For example, a lot of times I have meetings in Senator DASCHLE's office. My office is up on the third floor. These pages have taken my briefcase upstairs 50 times. They bring us water. They make sure the people at the desk have the right amendment. They do so many things that make us look good, and they get no honor or glory for doing this.

These pages are juniors in high school. They are going to graduate. The reason I mention this is that they are graduating in the morning and we likely, Mr. Leader, will never see these young people again. Some of them we will, maybe.

But over the years, as I have indicated, I have developed such a great affection for these wonderful young men and women. They sit on different sides of the rostrum: Democrats here, Republicans here. But to us they are just wonderful young people, and they are representative of what our country is all about.

We are here doing the Nation's business and these young people represent the future. I want each of these young people to know, even though they get none of the glory, how essential they are to the running of this institution.

I know the leader joins me, and I know he will be a speaker in the morning at their graduation.

There are just a few people there. Here there are people watching. I want them to know all over the country that this is a long tradition of the Congress to have these young people helping us. We could not make it without them.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Madam President, I would like to reinforce what the assistant Democratic leader just said in that the operation of this body is dependent on the boys and girls who are here with us. We don't have that opportunity very often to publicly say thank you. It is important to do that. I will have the opportunity tomorrow to briefly thank them and their parents and family members who will be here.

I will simply add to what the assistant leader has said: It is a lot of hard work being a page. We are here a lot of hours in the day. Tonight is a reasonable time to get out, 6:20. We start early in the morning at 9:30. That is hard work. On top of that, they are going to school. So they are putting in hours every day and at the same time carrying a heavy workload in high school. At the same time they are here and working, they realize later tonight they will be doing homework, class work. It is pretty remarkable that they are here all day allowing us to carry on the Nation's business and facilitating that and helping in ways that, if they were not here, this would not be possible, or it would take longer and be a lot less efficient, and at the same time they are committing the time and the energy and hard work to education, which is a big subject on the floor all the time as we work.

It leads me to say thank you. We all have tremendous respect for you. It has been a hard 5 months. We know that. We thank you for that. The curriculum itself is fascinating here because at the same time they are learning from great teachers through the Senate in terms of formal education, they are picking up what makes this great democracy the shining light that it is for the world.

Mr. REID. No objection.

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

PROGRAM

Mr. FRIST. Tomorrow morning the Senate will be in a period of morning business. We will not have rollcall votes during tomorrow's session. Members who wish to speak to the pending bill, the pension bill, are encouraged to do so. We want to continue to make progress on that important bill, and we do ask that they come to the floor to continue that debate tomorrow.

We will resume consideration of that legislation on Monday to allow Members to offer their amendments. However, it is my intent to stack votes on those amendments on Tuesday. Therefore, to clarify statements made earlier today, we will have no rollcall votes on Monday. Again, I encourage Senators to be available for the consideration of their amendments on that day, continuing the progress on this bill.

It is our intention to finish the legislation Tuesday or Wednesday of next week.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Madam President, if the assistant Democratic leader has no further comment and if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:20 p.m., adjourned until Friday, January 23, 2004, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate January 22, 2004:

EXECUTIVE OFFICE OF THE PRESIDENT

DAVID SAFAVIAN, OF MICHIGAN, TO BE ADMINISTRATOR FOR FEDERAL PROCUREMENT POLICY, VICE ANGELA STYLES.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD RESERVE UNDER TITLE 10, U.S.C., SECTION 12203(A):

To be captain

LARRY L. JONES, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

VINCENT T. JONES, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

RICHARD H. VILLA, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ROBERT J. BERNARD, 0000
WILLIAM A. BLANCHETTE, 0000
DEBORA K. ESQUE, 0000
ALLEN F. GILBAR, 0000
JAMES T. PATTERSON, 0000
ROBERT A. SOUSA, 0000
OBA L. VINCENT, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

HARRIS H. BROOKS, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

PAULA C. GOULD, 0000
RICHARD W. KLEPERIS, 0000
CALVIN R. LOTT JR., 0000
MARK A. SCHULER, 0000
ROBERT R. SINGLETON, 0000
GERT J. P. VISSER, 0000
JOHN J. WINKOPP III, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JEFFREY S. ALDERFER, 0000
KEITH AMBURGEY, 0000
NORMAN C. ANDERSON, 0000
JERRY W. ANGUS, 0000
JEFFREY C. ARMSTRONG, 0000
ROBERT S. ARTHUR, 0000
LYNN A. ASPEGREN, 0000
AUDREY A. BAHLER, 0000
WILLIAM E. BAIRD JR., 0000
JEFFREY K. BARNSON, 0000
HAL K. BIRD, 0000
CHARLES F. BOIVIN II, 0000
ALAN J. BOYKIN, 0000
MARGARET A. BRADLEY, 0000

MICHAEL T. BRANHAM, 0000
MICHAEL J. BRILL, 0000
ROBERT F. II BRITTON, 0000
HERBERT L. BROWN JR., 0000
HERBERT T. BROWN, 0000
MICHAEL A. BUNCH, 0000
DEBORAH D. BUONASSISI, 0000
DOUGLAS H. CASANOVA, 0000
ELIO J. CASTELLANO, 0000
MICHAEL D. CHAMPNESS, 0000
CLAYTON W. CHILDS, 0000
KLESA J. CHRISTIAN, 0000
CHARLES R. COGHLIN JR., 0000
KATHLEEN A. COSAND, 0000
MICHAEL J. COUGHLAN, 0000
VIRL E. CROUSE, 0000
HENRY R. DARIENZO, 0000
STEPHEN J. DEWERFF, 0000
GORDON R. DEXTER, 0000
PEGGY A. DIONNE, 0000
FRANKLIN J. DOLCATER, 0000
ROBERT K. DOWNEY, 0000
MICHAEL B. DUNN, 0000
ALEXANDER M. EARLE JR., 0000
MICHAEL J. EDWARDS, 0000
ANNA EIKELBARNER, 0000
KARL L. ELDERS, 0000
GORDON H. ELWELL JR., 0000
CAROLINE B. EVERNHAM, 0000
SCOTT L. FAHSHOLTZ, 0000
CATHERINE A. FAIRLIE, 0000
KIRK L. FANSHER, 0000
RONALD L. FARRIS, 0000
GUY C. FOWL, 0000
GERALYN G. FOX, 0000
DAVID A. GARCIA, 0000
PAUL D. GEIGER, 0000
KING W. GILLESPIE, 0000
MARK S. GLIBBERY, 0000
STEPHEN D. GOEMAN, 0000
CHRIS E. C. GOGGINS, 0000
DANIEL J. GRASSICK, 0000
MICHAEL L. GRUMELLI, 0000
STEPHEN J. HAGEL, 0000
NORMAN R. HAM JR., 0000
EVELYN E. HARRINGTON, 0000
ALFRED D. HAWLEY III, 0000
MARY S. HENDERHAN, 0000
LONNIE D. HENDRIX, 0000
ALICE E. HENK, 0000
KATHLEEN A. HIGHTAIAN, 0000
TERRANCE C. HOLLIDAY, 0000
JAMES R. HOSEY JR., 0000
MICHAEL W. HURST, 0000
ANGELO A. IGLESIAS, 0000
CATHY L. ILER, 0000
JOSEPH L. ITZ, 0000
ANTHONY D. JOHNSON, 0000
ROBERT D. JOHNSON, 0000
JOHN A. JONES, 0000
LYNDA G. KENYON, 0000
STEVEN L. KETT, 0000
DONNA M. KETTERLE, 0000
VIRGIL R. KICKER, 0000
MICHAEL D. KIM, 0000
PAUL W. KIRBY, 0000
STEVEN W. KIRKPATRICK, 0000
MARK D. KOCH, 0000
WILLIAM M. KOHNKE, 0000
MICHAEL B. KOHUT, 0000
DANIEL KORNACKI, 0000
JOHN KOTCH, 0000
RAYMOND A. KOZAK, 0000
CAROLINE H. KREWSON, 0000
VICTOR D. KUCHAR, 0000
KEVIN V. LACY, 0000
CARROLL L. LAMB JR., 0000
GERARD C. LAUTH JR., 0000
CAM J. LEBLANC, 0000
DAVID A. LENGYEL, 0000
RICHARD D. LEPMAN, 0000
STEPHEN J. LINSENMEYER JR., 0000
DAVID L. LINT, 0000
JOHN D. LUNSFORD, 0000
MICHAEL L. MALONE, 0000
EFRAIN MARRERO, 0000
RICHARD A. MAUGHMER, 0000
GERALD C. MAXWELL, 0000
PETER C. MAYNARD, 0000
MARK B. MCCLELLAND, 0000
JOSEPH J. MCCOURT, 0000
LINDA M. MCCOURT, 0000
MAYNARD M. MENDOZA, 0000
CHRISTOPHER T. C. MILLER, 0000
DREW MILLER, 0000
JEFFREY T. MINEO, 0000
DAVID L. MITCHELL, 0000
JOHN J. MOONEY III, 0000
PATRICK M. MOORE, 0000
STEPHEN D. MOORE, 0000
PETER J. MORELLO, 0000
JOSEPH A. MORGANTI JR., 0000
KEITH M. MORLOCK, 0000
MARILYN R. MORRIS, 0000
RAYMOND A. MOTES, 0000
KEVIN L. MUIR, 0000
PHILLIP J. NEELY, 0000
WILLIAM K. NICHOLS, 0000
PEGGY A. NORELIUS, 0000
THOMAS A. OBRA, 0000
STEVEN L. OSTER, 0000
EVELIO OTERO JR., 0000
ANDREW C. PATE, 0000
DANIEL J. PENDERGAST, 0000
MURRY G. PETERMAN, 0000
KURT I. PETERSON, 0000
JOHN W. PHARR, 0000
MICHAEL N. PIERCE, 0000
JACK H. PITTMAN JR., 0000
KEVIN E. POTTINGER, 0000
CHARLES A. PUGH, 0000
WILLIAM V. RANDALL II, 0000
ROBERT R. REDWINE, 0000
CARL D. REHBERG, 0000
JOHN A. RICE JR., 0000
PEDRO RIVAS, 0000
KAREN ANN RIZZUTI, 0000
ANDREW C. ROBERTS, 0000
RUTH E. ROBINS, 0000
NANCY C. ROBINSON, 0000
MARK A. RODRIGUEZ, 0000
JEFFREY A. RODSETH, 0000
JANE C. ROHR, 0000
MARK A. RONCO, 0000
PATRICIA A. ROSE, 0000
JOSEPH H. ROY, 0000
DONALD E. RYAN JR., 0000
JAMES G. SALE, 0000
STEVEN SCAGLIONE, 0000
WILLIAM F. SCHAUFFERT, 0000
REINHARD L. SCHMIDT, 0000
ANNA M. SCHULTE, 0000
KENNETH E. SEGUIN, 0000
JOCELYN M. SENG, 0000
KIRK V. SHARP, 0000
LINDA G. SHEPARD, 0000
JOHN H. SHIVEL II, 0000
JAMES H. SHOENHARD, 0000
ERIC D. SILLERY, 0000
MICHAEL J. SLONE, 0000
LONNIE W. SMITH, 0000
PAUL D. SMITH, 0000
THOMAS R. SMITH, 0000
MARTHA V. SMYTH, 0000
WARREN D. SNELL, 0000
GEORGE A. SPENCER, 0000
THERON H. STANCIL JR., 0000
COLLEEN G. STEEL, 0000
MARK D. STILLWAGON, 0000
PAUL J. SYKES, 0000
WESTON R. TAYLOR, 0000
JOHN D. THOMAS, 0000
ROXANE TOWNER, 0000
MICHAEL J. UNDERKOFLER, 0000
ROGER L. VANCLEAVE, 0000
LARRY W. VANNOY, 0000
LOUIS A. VILLAFANE, 0000
MONA R. M. VOLLMER, 0000
CHARLES W. F. WADDLE JR., 0000
LESA M. WAGNER, 0000
FAY E. WALDEN, 0000
PETER T. WANGLER, 0000
DAVID C. WARD, 0000
RONALD W. WARD, 0000
PAUL WATERS, 0000
STEPHEN B. WEST, 0000
MELISSA M. WEYDERT, 0000
HARLEY D. WHITE, 0000
EDWARD T. WHITELEY, 0000
DOUGLAS A. WHITLOW, 0000
MICHAEL WILK, 0000
JIMMY L. WILSON, 0000
MICHAEL L. WILSON, 0000
SUSAN J. WISNOM, 0000
HARRY S. WOODSON III, 0000
THEODORE R. WRIGHT, 0000
DENNIS W. YAMROSE JR., 0000
EDWARD P. YARISH, 0000
SANDRA L. YOPE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL RICHARD W. ASH, 0000
BRIGADIER GENERAL RUSSELL C. AXTELL, 0000
BRIGADIER GENERAL JOHN W. CLARK, 0000
BRIGADIER GENERAL ROGER E. COMBS, 0000
BRIGADIER GENERAL THOMAS G. CUTLER, 0000
BRIGADIER GENERAL GERALD E. HARMON, 0000
BRIGADIER GENERAL DAVID K. HARRIS, 0000
BRIGADIER GENERAL GEORGE B. PATRICK III, 0000
BRIGADIER GENERAL FRED R. SLOAN, 0000

To be brigadier general

COLONEL CRAIG E. CAMPBELL, 0000
COLONEL GEORGE N. CLARK JR., 0000
COLONEL ROBERT M. COCKEY, 0000
COLONEL WILLIAM R. COTNEY, 0000
COLONEL NORMAN L. ELLIOTT, 0000
COLONEL MICHAEL L. HARDEN, 0000
COLONEL ROBERT D. IRETON, 0000
COLONEL EMIL LASSEN III, 0000
COLONEL THADDEUS J. MARTIN, 0000
COLONEL ROBERT B. NEWMAN, 0000
COLONEL WILLIAM P. ROBINSON JR., 0000
COLONEL RAYMOND L. WEBSTER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL ROBERT E. DUIGNAN, 0000
BRIGADIER GENERAL MICHAEL K. LYNCH, 0000
BRIGADIER GENERAL KEITH W. MEURLIN, 0000
BRIGADIER GENERAL MARK A. PILLAR, 0000
BRIGADIER GENERAL RICHARD D. ROTH, 0000
BRIGADIER GENERAL PETER K. SULLIVAN, 0000
BRIGADIER GENERAL FLOYD C. WILLIAMS, 0000

To be brigadier general

COLONEL ROBERT B. BARTLETT, 0000
COLONEL EDWARD F. CROWELL, 0000
COLONEL ANITA R. GALLENTINE, 0000
COLONEL STEPHEN P. GROSS, 0000
COLONEL ELAINE L. KNIGHT, 0000
COLONEL CHARLES L. O'TOOLE JR., 0000
COLONEL FRANK J. PADILLA, 0000
COLONEL LOREN S. PERLSTEIN, 0000
COLONEL CHARLES E. REED JR., 0000
COLONEL NEIL A. ROHAN, 0000
COLONEL JAMES T. RUBEOR, 0000
COLONEL RICHARD R. SEVERSON, 0000
COLONEL MICHAEL N. WILSON, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

THOMAS M. BESCH, 0000
ROBERT B. BILLINGTON, 0000
ARIE D. BOGAARD, 0000
JAMES S. BRISTOW, 0000
JOSEPH D. BROWN, 0000
PAUL T. CALBOS, 0000
MARK B. CHAKWIN, 0000
GREGORY T. CHASTEEN, 0000
JOHN E. CHERE JR., 0000
JOHN V. CHRISTIAN, 0000
THOMAS D. COFFMAN, 0000
DAVID A. COOK, 0000
MICHAEL A. CURCI, 0000
DOUGLAS A. DEVER, 0000
NORBERT S. DOYLE JR., 0000
MARK C. EASTON, 0000
KENNETH FLOWERS, 0000
DANIEL J. GALLAGHER, 0000
MICHAEL E. GARRISON, 0000
JACOB B. HANSEN, 0000
GALE A. HARRINGTON, 0000
DONALD A. HAZELWOOD, 0000
RAYMOND C. HODGKINS, 0000
JEFFREY S. HOLACHEK, 0000
LARRY D. HOLLINGSWORTH, 0000
WILLIAM C. HOPPE, 0000
DANIEL P. HUGHES, 0000
DAVID E. HUNTERCHESTER, 0000
LUWANDA F. JONES, 0000
RAYMOND D. JONES, 0000
RUSSELL J. KERN, 0000
SCOTT R. KIDD, 0000
OLE A. KNUDSON, 0000
JOHN L. KOSTER, 0000
GEORGE D. KUNKEL, 0000
CRAIG G. LANGHAUSER, 0000
CARL A. LIPSIT, 0000
KEVIN W. MADDEN, 0000
CATHERINE A. MCNERNEY, 0000
CHRISTOPHER M. MILLER, 0000
SCOT C. MILLER, 0000
THOMAS J. MILTON, 0000
EDWARD L. MULLIN, 0000
PEDRO J. OLIVER, 0000
RICHARD K. ORTH, 0000
DEREK J. PAQUETTE, 0000
EDWIN W. PASSMORE, 0000
RICHARD B. PENNYCUICK, 0000
CHRISTOPHER M. ROSS, 0000
RICHARD C. RUNNER JR., 0000
ULISES J. SOTO, 0000
DANIEL N. TARTER, 0000
MICHAEL J. VOGL, 0000
KENNETH A. WHEELER, 0000
ALBERT S. WILLNER, 0000
ALBERT M. ZACCOR, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

KENNETH L. ALFORD, 0000
NATHAN A. BUCHHEIT, 0000
BILLY J. BUCKNER, 0000
FRANKLIN F. CHILDRESS, 0000
TIMOTHY J. CREAMER, 0000
MARYANN B. CUMMINGS, 0000
ARCHIE L. DAVIS III, 0000
ERIC W. FATZINGER, 0000
MICHAEL O. GRAY, 0000
THOMAS R. GREGORY, 0000
GARY M. GRIGGS, 0000
MARK W. HINTON, 0000
JAMES P. HOGLE, 0000
RICHARD A. HOWARD, 0000
GARY L. KECK, 0000
LEE D. LEBLANC, 0000
JOHN A. LUCYNSKI II, 0000
DENNIS A. OBRIEN, 0000
TIMOTHY F. OHARA, 0000
JOSEPH F. PUETT III, 0000
JOHN B. SNYDER, 0000
MICHAEL A. SPENCER, 0000
TIMOTHY R. TRITCH, 0000
GREGORY N. TUBBS, 0000
DOUGLAS H. WHEELOCK, 0000
JAMES R. YONTS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

THOMAS E. BAILEY, 0000
MICHAEL P. BARBERO, 0000
WALTER S. BARGE II, 0000

CRAIG L. BOLLENBERG SR., 0000
LESLIE M. BREHM, 0000
THOMAS E. BRYANT, 0000
CHARLES C. BUSH, 0000
JILL W. CHAMBERS, 0000
THOMAS J. CLEARY III, 0000
DAVID C. COBURN, 0000
DAVID K. COX, 0000
THOMAS R. FAUPEL, 0000
DAVID P. FIELY, 0000
RALPH H. GAY III, 0000
DAVID M. GILL, 0000
JERRY A. GLASOW, 0000
BRYAN S. GODA, 0000
SCOTT E. HAMPTON, 0000
JOHN K. HENDRICK, 0000
THOMAS A. HORLANDER, 0000
STEVEN B. HORTON, 0000
JANET E. JONES, 0000
THOMAS M. KASTNER, 0000
CHRIS A. KING, 0000
DANIEL M. KLIPPSTEIN, 0000
WINSTON E. LEWIS, 0000
VIDA D. LONGMIRE, 0000
ROBERT M. MCCALEB, 0000
RONALD F. MITCHELL, 0000
JOEL A. MITTELSTAEDT, 0000
BRUCE MOORE, 0000
BRIAN E. MORETTI, 0000
MATTHEW MOTEN, 0000
CONRAD H. MUNSTER JR., 0000
JOHN D. NELSON, 0000
THURMAN M. PITTMAN JR., 0000
TIMOTHY A. RAINEY, 0000
MARITZA S. RYAN, 0000
EARL M. SILVER, 0000
MICHAEL J. TERIBURY, 0000
NORMA P. TOVAR, 0000
STEPHEN M. TOWNSEND, 0000
ROBERT M. VISBAL, 0000
STEPHEN K. WALKER, 0000
KENNETH L. WILSON, 0000
DANIEL S. ZUPAN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

EILEEN M. AHEARN, 0000
ROBIN B. AKIN, 0000
JOHN S. ALEXANDER, 0000
CAMPBELL D. ALLISON, 0000
STEVEN P. APLAND, 0000
MARK H. ARMSTRONG, 0000
ERIC L. ASHWORTH, 0000
MARY A. BAKER, 0000
PETER R. BAKER, 0000
THOMAS A. BALISH, 0000
ARTHUR T. BALL JR., 0000
DANIEL L. BALL, 0000
MARK J. BARBOSA, 0000
GERALD G. BARRETT, 0000
JOHN F. BECK, 0000
MICHAEL F. BEECH, 0000
HUGH M. BELL III, 0000
ROBERT T. BELL JR., 0000
MARK A. BIEHLER, 0000
MICHAEL A. BILLS, 0000
GLORIA D. BLAKE, 0000
KENT R. BOLSTER, 0000
DAVID V. BOSLEGO, 0000
STEPHEN T. BOSTON, 0000
MICHAEL W. BOWERS, 0000
BRIAN T. BOYLE, 0000
WILLIAM H. BRADY III, 0000
KELVIN L. BRIGHT, 0000
GREGORY A. BROCKMAN, 0000
TYRONE J. BRUMFIELD, 0000
DREW A. BRYNER, 0000
JOHN C. BUCKLEY II, 0000
MARGARET W. BURCHAM, 0000
RICHARD B. BURNS, 0000
ROBERT T. BURNS, 0000
JOHN C. BUSS, 0000
CAROL L. BUTTS, 0000
JAMES A. CAMPBELL, 0000
CAMPBELL P. CANTELOU, 0000
ROGER E. CAREY, 0000
DAMIAN P. CARR, 0000
MICHAEL J. CARROLL, 0000
VICTOR J. CASTRILLO, 0000
CHELSEA Y. CHAE, 0000
JOHN G. CHAMBLISS, 0000
MICHAEL S. CHESNEY, 0000
CLEMENT B. CHOLEK, 0000
SCOTT G. CILUFFO, 0000
DAVID J. CLARK, 0000
DAVID L. CLARK, 0000
KENNETH H. CLARK JR., 0000
DONALD I. CLARKE, 0000
JAMES C. CLOSE, 0000
RUSSELL C. CLOY, 0000
JEFFREY A. COBB, 0000
JOSEPH B. COLEMAN, 0000
JEFFREY N. COLT, 0000
MARK E. CONDRY, 0000
CINDY L. CONNALLY, 0000
JAMES P. CONNOLLY, 0000
MICHAEL A. COSS, 0000
RODERICK M. COX, 0000
THOMAS R. CRABTREE, 0000
CYNTHIA A. CROWELL, 0000
JAMES G. CURRIE JR., 0000
MICHAEL J. CURRY, 0000
PETER J. CURRY, 0000
CATHERINE M. CUTLER, 0000
GERALD B. DANIELS, 0000
ANNE L. DAVIS, 0000
MARK S. DAVIS, 0000
WINSTON L. DAVIS JR., 0000
JOSEPH P. DEANTONA, 0000
ROBERTO L. DELGADO, 0000
RODERICK G. DEMPS, 0000
BRANDON F. DENECKE, 0000
WAYNE S. DENEFF, 0000
PATRICK DEVINE, 0000
JOYCE P. DIMARCO, 0000
MICHAEL J. DIXON, 0000
DAVID E. DODD, 0000
JOHN J. DONOGHUE, 0000
EDWARD F. DORMAN III, 0000
KAREN A. DOYLE, 0000
VINCENT M. DREYER, 0000
FLOYD J. DRIVER, 0000
DAVID E. DUNCAN, 0000
CARL E. DURHAM, 0000
JOANN Y. EBERLE, 0000
JOSE R. ENRIQUEZ, 0000
DOUGLAS J. EVANS, 0000
JASON T. EVANS, 0000
MICHAEL L. EVERETT, 0000
KEVIN G. FAGEDES, 0000
BONNIE B. FAUTUA, 0000
TERRY R. FERRELL, 0000
MARK F. FIELDS, 0000
RANDALL L. FOFI, 0000
STEPHEN G. FOGARTY, 0000
ROBERT W. FORRESTER, 0000
PAUL N. FORTUNE, 0000
DAVID G. FOX, 0000
RICHARD M. FRANCEY JR., 0000
TIMOTHY H. FRANK, 0000
STEPHEN D. FRAUNFELTER, 0000
TIMOTHY A. FREELON, 0000
LEAH R. FULLERFRIEL, 0000
PAUL E. FUNK II, 0000
WILLIE E. GADDIS, 0000
THOMAS K. GAINEY, 0000
MICHAEL X. GARRETT, 0000
CHRISTINE M. GAYAGAS, 0000
BRUCE A. GEORGIA, 0000
EDWARD G. GIBBONS JR., 0000
RICKY D. GIBBS, 0000
WILLIAM C. GIBSON, 0000
GARY D. GIEBEL, 0000
DAVID F. GILBERT, 0000
STEVEN M. GRAHAM, 0000
STEVEN A. GREENE, 0000
WAYNE W. GRIGSBY JR., 0000
ROBERT S. GUARINO, 0000
EDWARD C. GULLY, 0000
CYRUS E. GWYN JR., 0000
BRICE A. GYURISKO SR., 0000
JOHN A. HADJIS, 0000
BENJAMIN T. HAGAR, 0000
GLENN W. HARP, 0000
KENNETH R. HARRISON, 0000
STUART G. HARRISON, 0000
CASEY P. HASKINS, 0000
DEBBRA A. HEAD, 0000
JAMES P. HERSON JR., 0000
RAYMOND S. HILLIARD, 0000
THOMAS G. HOPKINS, 0000
RUSSELL W. HORTON, 0000
DWAYNE A. HOUSTON, 0000
BART HOWARD, 0000
LAWRENCE M. HUDNALL, 0000
NATHANIEL IDLET, 0000
HEATHER J. IERARDI, 0000
MARK S. INCH, 0000
FERDINAND IRIZARRY II, 0000
DONALD E. JACKSON, 0000
THOMAS S. JAMES JR., 0000
DENNIS J. JAROSZ, 0000
DANA D. JENNINGS III, 0000
RICHARD A. JODOIN JR., 0000
MICHAEL A. JOINER, 0000
ANN J. JOSEPH, 0000
JAMES H. KAISER, 0000
DONNA M. KAPINUS, 0000
GREGORY G. KAPRAL, 0000
GEORGE G. KELLY, 0000
MICHAEL H. KEOGH, 0000
TIMOTHY J. KEPPLER, 0000
JAMES S. KESTNER, 0000
EDRIC A. KIRKMAN, 0000
JAMES J. KLINGAMAN, 0000
MICHAEL J. KLINGELE, 0000
MARK D. KLINGELHOEFER, 0000
JOHN A. KLOTSKO JR., 0000
PERRY L. KNIGHT, 0000
DAVID J. KOLLEDA, 0000
GREGORY C. KRAAK, 0000
KATHI L. KREKLOW, 0000
PAUL J. LACAMERA, 0000
CHRISTOPHER L. LADRA, 0000
WILLIAM S. LARESE, 0000
BRIAN W. LAURITZEN, 0000
CALVIN D. LAWYER, 0000
KIM G. LINDAHL, 0000
MARK S. LOWE, 0000
STEPHEN R. LYONS, 0000
VICTOR MACCAGNAN JR., 0000
MICHAEL H. MACNEIL, 0000
MICHAEL B. MAHONEY, 0000
ROBERT L. MANNING, 0000
RICHARD A. MARCINOWSKI, 0000
DAVID A. MCBRIDE, 0000
JEFFREY D. MCCLAIN, 0000
MARK S. MCCONKEY, 0000
KENNETH O. MCCREEDY, 0000
KEVIN M. MCDONNELL, 0000
THOMAS J. MCGRATH, 0000
STEPHEN J. MCHUGH, 0000
SIDNEY H. MCMANUS III, 0000
JOHN T. MCNAMARA JR., 0000
LARRY D. MCNEAL, 0000
JOSEPH M. MCNEILL, 0000
TOD D. MELLMAN, 0000
MATT R. MERRICK, 0000
JOHN M. METZ, 0000
JAMES D. MEYER, 0000
RAYMOND G. MIDKIFF, 0000
KATHERINE N. MILLER, 0000
WILLIAM P. MILLER, 0000
ZECHARA J. MILLER, 0000
ROBERT J. MONTGOMERY JR., 0000
KEVIN R. MOORE, 0000
WILLIAM H. MORRIS, 0000
MARK R. MUELLER, 0000
JAMES A. MUSKOPF, 0000
ROBERT R. NAETHING, 0000
VANCE J. NANNINI, 0000
ERIC M. NELSON, 0000
KEVIN G. OCONNELL, 0000
MICHAEL P. OKEEFE, 0000
ROBERT B. OLIVERAS, 0000
MORTON ORLOV II, 0000
TERRENCE L. OSULLIVAN, 0000
BRYAN R. OWENS, 0000
PHILLIP R. PARKER, 0000
JAMES F. PASQUARETTE, 0000
ANTHONY R. PAUROSO, 0000
GUSTAVE F. PERNA, 0000
VICTOR PETRENKO, 0000
ROBERT W. PETRILLO, 0000
CHRISTOPHER R. PHILBRICK, 0000
GARY M. POTTS, 0000
CHARLES A. PREYSLER, 0000
JOHN E. PULLIAM JR., 0000
CHRISTOPHER J. PUTKO, 0000
MARK R. QUANTOCK, 0000
CHRISTOPHER E. QUEEN, 0000
CHARLES D. RAINEY, 0000
RICARDO E. RAMIREZ, 0000
WILLIAM E. RAPP, 0000
WILLIAM M. RAYMOND JR., 0000
MICHAEL J. REAGOR, 0000
DANIEL K. REED, 0000
STEVENSON L. REED, 0000
EDWARD M. REEDER JR., 0000
LYNDRA REID, 0000
KARL E. REINHARD, 0000
DARRYL J. REYES, 0000
JAMES M. RICHARDSON, 0000
STEPHEN J. RIVIERE, 0000
CASSANDRA V. ROBERTS, 0000
RUSSELL G. ROBERTSON, 0000
CHARLES R. ROCKHOLD, 0000
DANIEL S. ROPER, 0000
THOMAS ROTONDI JR., 0000
THOMAS G. ROXBERRY, 0000
MARVIN N. RUSSELL, 0000
RICHARD H. SADDLER, 0000
FERDINAND D. SAMONTE, 0000
JOSEPH F. SARTIANO JR., 0000
JOSEPH E. SCHULZ, 0000
JOSEPH P. SCHWEITZER, 0000
WILLIAM J. SCOTT, 0000
JAMES D. SCUDIERI, 0000
GEORGE F. SEIFERTH, 0000
LEWIS F. SETLIFF III, 0000
PATRICK J. SHARON, 0000
DONNA L. SHAW, 0000
ROBERT C. SHAW, 0000
LUTHER F. SHEALY III, 0000
KENNETH W. SHREVES, 0000
JAMES G. SINGLETON, 0000
THOMAS F. SMALL, 0000
JOHN L. SMITH, 0000
LESLIE C. SMITH, 0000
THOMAS T. SMITH, 0000
RANDALL K. STAGNER, 0000
RONALD C. STEPHENS, 0000
RICHARD L. STEVENS, 0000
DANIEL S. STEWART, 0000
RONALD R. STIMEARE, 0000
RICHARD C. STOCKHAUSEN, 0000
DEAN C. STODTER, 0000
JAMES M. STUTEVILLE, 0000
EDWARD A. SWANDA JR., 0000
PATRICK J. SWEENEY, 0000
ROBERT A. SWENSON, 0000
MICHAEL C. TALBOTT, 0000
JOHN A. TANZI, 0000
CHARLES A. TENNISON, 0000
JEFFREY W. TERHUNE, 0000
CURTIS L. THALKEN, 0000
JERRY W. THOMAS, 0000
HALIMA M. TIFFANY, 0000
TRACEY E. TINSLEYNICHOLSON, 0000
ROBERT A. TIPTON, 0000
SAMUEL D. TORREY, 0000
KENNETH E. TOVO, 0000
KENNETH A. TURNER, 0000
WILLIAM D. TURNER, 0000
STEPHEN M. TWITTY, 0000
RONDA G. UREY, 0000
JOHN A. VIAENE, 0000
ROBERT E. VITTETOE, 0000
MICHAEL P. WADSWORTH, 0000
HENRICUS F. WAGENAAR, 0000
RICHARD P. WAGENAAR, 0000
MICHAEL S. WARBURTON, 0000
KENNETH M. WARD, 0000
PATRICK T. WARREN, 0000
BRYAN G. WATSON, 0000
FORREST C. WENTWORTH, 0000
JOHN C. WILHELM, 0000
STEPHEN P. WILKINS, 0000

DARRELL K. WILLIAMS, 0000
DENISE F. WILLIAMS, 0000
GEORGETTE P. WILSON, 0000
STEPHEN N. WOOD, 0000
MELINDA S. WOODHURST, 0000
LAMONT WOODY, 0000
DONALD H. WOOLVERTON, 0000
RAYMOND T. YOCUM, 0000
CHARLES M. YOMANT, 0000
MARK A. ZAMBERLAN, 0000
JAMES J. ZANOLI, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS, UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

CHRISTIAN F. ACHLEITHNER, 0000
GEORGE R. BARBER, 0000
MARK R. BAUS, 0000
TIMOTHY A. BECKER, 0000
GEORGE L. BRUCE, 0000
DEBORAH L. DALVIT, 0000
PHILIP DENICOLO, 0000
CHRISTOPHER G. FIELDING, 0000
LARRY B. FISHER, 0000
MICHAEL E. GARVIN, 0000
JEFFREY A. GRASSER, 0000
PETER M. GRONET, 0000
GEORGE J. HUCAL, 0000
ANTHONY P. JOYCE, 0000
KENNETH R. KLIER, 0000
CASEY P. LESER, 0000
MICHAEL P. MAHONEY, 0000
ROBERT J. MILLER, 0000
PHILIP J. PANDOLFI, 0000
DAVID G. SMITH, 0000
STEVEN A. TAYLOR, 0000
THOMAS R. TEMPEL JR., 0000
THOMAS G. WICHGERS, 0000
RICHARD J. WINDHORN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

KEVIN C. ABBOTT, 0000
GREGORY J. ARGYROS, 0000
JOHN H. ARMSTRONG, 0000
KENNETH S. AZAROW, 0000
CONRAD S. BELNAP, 0000
CHRISTOPHER P. BLACK, 0000
KERRY M. BRADY, 0000
MICHAEL R. BRUMAGE, 0000
THOMAS R. BURKLOW, 0000
NORMAN E. BUSSELL, 0000
WILLIAM W. CAMPBELL, 0000
LEOPOLDO C. CANCIO, 0000
KEVIN R. CANNARD, 0000
THOMAS J. CASEY, 0000
JOHN M. CHO, 0000
JAMES E. COOK, 0000
LISE A. COTE, 0000
BRIAN J. CRISP, 0000
BARBARA A. CROTHERS, 0000
PAUL J. CUTTING, 0000
CARROLL J. DIEBOLD, 0000
RICHARD T. DOMBROSKI, 0000
PAUL J. DOUGHERTY, 0000
PATRICK E. DUFFY, 0000
RANDALL A. ESPINOSA, 0000
JOEL T. FISHBAIN, 0000
DIANE M. FLYNN, 0000
JEFFREY M. GAMBEL, 0000
THOMAS P. GARIGAN JR., 0000
DAVID L. GILLESPIE, 0000
WILLIAM R. GILLILAND, 0000
KATHY L. HARRINGTON, 0000
KENNETH C. HARRIS, 0000
DAVID W. HAUSE, 0000
ROMAN A. HAYDA, 0000
DALLAS W. HOMAS, 0000
DAVID G. HOOKER, 0000
RICHARD A. JORDAN, 0000
THASAN N. KANESA, 0000
ROBERT J. KAZRAGIS JR., 0000
CHRISTOPHER K. KIM, 0000
RICHARD W. KNIGHT, 0000
STEVEN J. KNORR, 0000
JOHN F. KRAGH JR., 0000
STEPHEN J. KRIVDA, 0000
TIMOTHY R. KUKLO, 0000
WILLIAM L. LANG, 0000
MARTHA K. LENHART, 0000
GEOFFREY S. LING, 0000
ERNEST G. LOCKROW, 0000
MICHAEL H. LUSZCZAK, 0000
JULIA A. LYNCH, 0000
RANDALL J. MALCHOW, 0000
TIMOTHY M. MALLON, 0000
GONZALEZ R. MARIN, 0000
JOSEPH F. MCKEON, 0000
MARK D. MENICH, 0000
PAUL D. MONGAN, 0000
LEON E. MOORES, 0000
ALLEN F. MOREY, 0000
MICHAEL J. MORRIS, 0000
KEVIN P. MURPHY, 0000
ROBERTO N. NANG, 0000
PETER E. NIELSEN, 0000
FELICIA F. PEHRSON, 0000
STEPHEN C. PHILLIPS, 0000
JOSEPH C. PIERSON, 0000
JOSEPH S. PINA, 0000
SIMON H. PINCUS, 0000
RONALD J. PLACE, 0000
DOUGLAS A. PRAGER, 0000
JOSEPH P. PULCINI, 0000
WILLIAM B. REECE, 0000
JOHN R. ROWE, 0000
ERIC J. RUBEL, 0000
GUY P. RUNKLE, 0000
DAVID T. SCHACHTER, 0000
FRANK W. SCRIBBICK III, 0000
BRADEN A. SHOUPE, 0000
MICHAEL J. SIGMON, 0000
MARK T. SISSON, 0000
RONALD E. SMITH JR., 0000
CAROLYN A. SULLIVAN, 0000
ALLEN J. TAYLOR JR., 0000
JOACHIM J. TENUTA, 0000
RICHARD F. TROTTA, 0000
BRAD E. WADDELL, 0000
DAVID M. WATTS, 0000
PETER V. WEBER, 0000
MARK R. WITHERS, 0000
MARK G. ZIEMBA, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

MARK A ADAMS, 0000
JEFFREY S ALLEN, 0000
VICTOR E AMBROSE, 0000
GINO P AMOROSO, 0000
WALTER T ANDERSON, 0000
MATTHEW J ANS, 0000
JOHN R ARMOUR, 0000
SOREN P ASHMALL, 0000
EUGENE M AUGUSTINE JR., 0000
MARY A AUGUSTITUS, 0000
JAY M BARGERON, 0000
BRUCE W BARNHILL, 0000
BRETT M BARTHOLOMAUS, 0000
ROBERT E BENSON, 0000
STEVEN W BERGER, 0000
RICHARD T BEW, 0000
DAVID J BLIGH, 0000
ROY M BLIZZARD III, 0000
HAROLD W BLOT JR., 0000
MICHAEL S BODKIN, 0000
RICHARD T BOYER, 0000
RANDOLPH J BRESNIK, 0000
ALLEN D BROUGHTON, 0000
KEVIN W BROWN, 0000
LEX A BROWN, 0000
DAVE W BURTON, 0000
AARONPAUL CAMELE, 0000
JOHN W CAPDEPON, 0000
PATRICK J CARROLL, 0000
TIMOTHY M CASSIDY, 0000
MICHAEL S CEDERHOLM, 0000
PAIGE L CHANDLER, 0000
JEFFREY R CHESSANI, 0000
MARY K CHURCH, 0000
BRADLEY C CLOSE, 0000
CHRISTOPHER P COKE, 0000
STEVEN J COLCOMBE, 0000
NATHAN S COOK, 0000
ROGER L CORDELL, 0000
MICHAEL E CORDERO, 0000
JOSEPH A CRAFT, 0000
FRANCISCO B CRISAFULLI, 0000
MICHAEL T CUCCIO, 0000
STEVEN M CUNNINGHAM, 0000
ROBERT E CURRAN, 0000
TRACY A DALY, 0000
JOHN M DANTIC, 0000
RICHARD G DEGUZMAN, 0000
STEVE A DELACRUZ, 0000
JAMES F DESY, 0000
TIMOTHY J DEVLIN, 0000
THOMAS D DICKEN III, 0000
CHRISTOPHER S DOWLING, 0000
DAVID J DOWLING, 0000
FRANCIS A DOWSE, 0000
EMILY J ELDER, 0000
KENNETH E ENNEY JR., 0000
JOHN K FAIRCLOTH JR., 0000
MICHAEL FARRELL, 0000
CHRISTOPHER L FATHEREE, 0000
SCOTT J FAZEKAS, 0000
WILLIAM H FERRELL III, 0000
DONALD R FINN, 0000
PATRICK S FLANERY, 0000
JAMES G FLYNN, 0000
LYLE E FORCUM, 0000
SCOTT G FOSDAL, 0000
JAMES W FUHS, 0000
ROBIN A GALLANT, 0000
JAMES M GARRETT III, 0000
RUBEN J GARZA, 0000
BRADFORD J GERING, 0000
CHRIS A GIBSON, 0000
JOHN R GILTZ, 0000
JAMES F GLYNN, 0000
JONATHAN C GOFF, 0000
MICHAEL W GRADY, 0000
JOSEPH M GRANT, 0000
STEVEN J GRASS, 0000
PHILIP E GRATHWOL, 0000
CHARLES S GRAY, 0000
JIMMIE G GRUNY, 0000
JEFFREY A HAGAN, 0000
ROBERT M HAGAN, 0000
BRADLEY R HALL, 0000
STEPHEN W HALL, 0000
JAMES B HANLON, 0000
ERNEST A HARPER, 0000
LYLE M HARRISON, 0000
ERIC C HASTINGS, 0000
SETH A HATHAWAY, 0000
DIMITRI HENRY, 0000
JOHN M HENRY, 0000
PATRICK L HERNANDEZ, 0000
JOHN P HESFORD JR., 0000
JAMES L HOGAN, 0000
JOHN R HOLLANDER, 0000
ADAM P HOLMES, 0000
EDWARD A HOWELL, 0000
MICHAEL W HUFF, 0000
CRAIG W HUNGERFORD, 0000
VINCENT M HUTCHERSON, 0000
DANIEL C IRCINK, 0000
JAMES E IZEN, 0000
MARK K JAMISON, 0000
OLIVER G JENKINS, 0000
SCOTT S JENSEN, 0000
KARLA M JESSUP, 0000
DIETER G JOBE, 0000
CLAXTON R JOHNSON JR., 0000
MARK D JOHNSON, 0000
DAVID M JONES, 0000
MATTHEW L JONES, 0000
ROBERT W JONES, 0000
CHRISTOPHER A KEANE, 0000
JANET L KEECH, 0000
KURT A KEMPSTER, 0000
GREGG R KENDRICK, 0000
THOMAS M KEOGH, 0000
SEAN A KERR, 0000
PATRICK E KLINE, 0000
GARY A KLING, 0000
ROBERT J KOCHANSKI, 0000
JEFFREY G KOFFEL, 0000
CRAIG S KOZENIESKY, 0000
ROBERT A KREKEL, 0000
ROBERT W KRIEG, 0000
BRIAN L KU, 0000
JOSEPH P KUGEL, 0000
BRIAN E KUHN, 0000
BRYANT E LANDEAN, 0000
LANCE K LANDECHE, 0000
KENNETH M LASURE, 0000
GREGORY L LEMONS, 0000
STEPHEN B LEWALLEN JR., 0000
RICHARD E LOUCKS, 0000
WILLIAM S LUCAS, 0000
SAMUEL A MAGLIANO, 0000
ANDREW G MANCHIGIAH, 0000
KENNETH P MANEY, 0000
ROBERT L MANION, 0000
MICHAEL W MANZER JR., 0000
DEBORAH M MCCONNELL, 0000
MICHAEL G MCCOY, 0000
RALPH V MCCREARY II, 0000
ROGER J MCFADDEN, 0000
MATTHEW P MCLUCKIE, 0000
REID K MERRILL, 0000
CHRISTOPHER J MICHELSEN, 0000
JAMES L MILLER, 0000
MICHAEL S MILLER, 0000
PAUL D MONTANUS, 0000
JAY B MONTGOMERY, 0000
RICHARD E MYRICK, 0000
RANDY A NASH, 0000
NATHAN I NASTASE, 0000
DWIGHT C NEELEY, 0000
RONALD D NEFF, 0000
MARK W NELSON, 0000
THOMAS J NEMETH III, 0000
TIMOTHY W NICHOLS, 0000
KYLE J NICKEL, 0000
TIMOTHY J OLIVER, 0000
JOHN A OSTROWSKI, 0000
CHRISTOPHER L PAGE, 0000
RANDEL W PARKER, 0000
WILLIAM J PARKER III, 0000
CHRISTOPHER J PARKHURST, 0000
JOSEPH F PASCHALL, 0000
MATTHEW J PAUL, 0000
BRIAN J PAYNE, 0000
JOSEPH R PERLAK, 0000
MICHAEL W PERRY, 0000
ALEX G PETERSON, 0000
WILLIAM B PITMAN, 0000
CHRISTOPHER R POLLARD, 0000
DUNCAN C PORTER, 0000
ERIC V PORTER, 0000
AARON F POTTER, 0000
PAUL G POWER, 0000
WILLIS E PRICE III, 0000
STEPHEN W PRIMM, 0000
FRANKLIN L PUGH JR., 0000
EDWARD F RAMSEY, 0000
WILLIAM C RANDALL, 0000
ROBERT L RAUENHORST, 0000
LINDSEY B READING, 0000
JAMES E RECTOR, 0000
WILLIAM M REDMAN, 0000
JOHN C REEVE, 0000
JAMES P RETHWISCH, 0000
GEORGE W RIGGS, 0000
DOMINIC E ROBERTS, 0000
MARK L ROBERTS, 0000
JUSTIN C RODRIGUEZ, 0000
MICHAEL J RODRIGUEZ, 0000
THEODORE RUBSAMEN III, 0000
JAIME M RUVALCABA, 0000
PAUL P RYAN, 0000
WILLIAM J RYSANEK IV, 0000
MARK S SANCHEZ, 0000
MICHAEL L SCALISE, 0000
CRAIG W SCHEIDEGGER, 0000

BRADLEY R SCHIEFERDECKER, 0000
KEVIN M SCHMIEGEL, 0000
PATRICK H SCHOLES, 0000
NEIL C SCHUEHLE, 0000
HARVEY T SCHWARTZ, 0000
TIMOTHY B SEAMON, 0000
HALLIBURTO J SELLERS, 0000
JOHN R SHAFER, 0000
KEVIN M SHEA, 0000
JON E SHEARER, 0000
ROBERT C SHERRILL, 0000
MICHAEL D SHOUP, 0000
PHILIP E SIMMONS, 0000
KENT D SIMON, 0000
WAYNE A SINCLAIR, 0000
BRUCE K SIZEMORE, 0000
ROBERT B SKANKEY, 0000
HORACE W SMITH, 0000
THOMAS J SOBEY, 0000
MATTHEW G STCLAIR, 0000
CRAIG E STEPHENS, 0000
DONALD G STERLING, 0000
KRIS J STILLINGS, 0000
JAMES B STOPA, 0000
CHARLES D STOUT, 0000
CURTIS A STRADER, 0000
ROBERT L TANZOLA III, 0000
TODD S TAYLOR, 0000
JOHN J THOMAS, 0000
BRUCE J THOMSEN, 0000
DAVID S THORN, 0000
WILLIAM R TIBBS, 0000
CHRISTOPHER E TIERNAN, 0000
ROBERT T TOBIN III, 0000
MATTHEW E TRAVIS, 0000
KEITH H TREADWAY, 0000
TERENCE D TRENCHARD, 0000
JOEL B TURK, 0000
ROGER B TURNER JR., 0000
GREGORY P UTLEY, 0000
HAROLD R VANOPDORP JR., 0000
JOHN C VARA, 0000
WILLIAM L WADE, 0000
PATRICK L WALL, 0000
JOHN M WALLS, 0000
MARC A WEBSTER, 0000
ANNE M WEINBERG, 0000
ROBERT E WHITE JR., 0000
BRIAN K WILHOITE, 0000
ROBERT A WILKERSON, 0000
CHRISTOPHER W WILLIAMS, 0000
BLAKE M WILSON, 0000
DANIEL H WILSON, 0000
STEPHEN M WILSON, 0000
STEVEN L WILSON, 0000
ANTHONY A WINICKI, 0000
DANIEL S WISNIEWSKI, 0000
KENNETH M WOODARD, 0000
PHILLIP W WOODY, 0000
ERIN L ZELLERS, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

AMY E. PREEN, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

CHRISTOPHER J AABY, 0000
LEONARDO R ABERCROMBIE, 0000
STEPHEN J ACOSTA, 0000
AARON W ADAMS, 0000
DAVID A ADAMS, 0000
MARC A ALEXANDER, 0000
DAVID C ANDERSON, 0000
ROBERT L ANDERSON III, 0000
SCOTT R ANDERSON, 0000
DAVID M ANGERSBACH, 0000
LANCE T ARP, 0000
ANDREW A AUSTIN, 0000
MIGUEL A AVILA, 0000
RAMZY C AYACHI, 0000
RAYMOND P AYRES III, 0000
BRANDEN G BAILEY, 0000
LARRY A BAILEY JR., 0000
ROBERT O BAILEY, 0000
TIMOTHY M BAIRSTOW, 0000
DANIEL J BAKER, 0000
WILLIAM T BAKER, 0000
AISHA M BAKKARPOE, 0000
HERNAN BARRERO, 0000
JOEL N BARTIS, 0000
WILLIAM J BARTOLOMEA, 0000
DANIEL L BATES, 0000
ARTHUR R BEHNKE JR., 0000
MATTHEW T BELISLE, 0000
ROBERT H BELKNAP II, 0000
JASON A BELL, 0000
ROMAN V BENITEZ, 0000
CLAY A BERARDI, 0000
DAVID C BERGUM, 0000
GUY G BERRY, 0000
WAYNE R BEYER JR., 0000
STEVEN D BICKFORD, 0000
NED M BIEHL, 0000
BENJAMIN T BIERLY, 0000
ETHAN C BISHOP, 0000
MICHAEL J BLACK, 0000
PETER D BLADES JR., 0000
LORIN D BODILY, 0000
JEFFREY M BOLDUC, 0000
JEFFREY M BONNER, 0000
CHRISTA M BOWDISH, 0000
DANIEL J BRADLEY, 0000
PHILLIP M BRAGG, 0000
ROBERT G BREITBEIL, 0000
HENRY J BREZILLAC, 0000
ROBERT B BRODIE, 0000
JOHN M BROOKS, 0000
ERIC C BROWN, 0000
LARRY G BROWN, 0000
NGAIO I BROWN, 0000
BRIAN T BRUGGEMAN, 0000
ROBERT R BRUNKALLA, 0000
ALVIN BRYANT JR., 0000
DUNCAN J BUCHANAN, 0000
MICHAEL S. BURKS, 0000
TITUS R. BURNS, 0000
ERIC T. BURTON, 0000
ADAM L. BUSH, 0000
CHRISTOPHER W. BUSHEK, 0000
JOHN F. BUXTON, 0000
ALBERT S. CALAMUG, 0000
DAYTON CALHOUN IV, 0000
CHARLES D. CAMPBELL, 0000
THOMAS H. CAMPBELL III, 0000
OLIN M. CANNON, 0000
RONALD G. CAPES JR., 0000
TOMAS CARLOS, 0000
JANO R. CARLSON, 0000
CHRISTOPHER L. CARTER, 0000
WILLIAM J. CASLER JR., 0000
CHARLES R. CASSIDY, 0000
ROBERT T. CASTRO, 0000
HENRY CENTENO JR., 0000
GREGORY L. CHANEY, 0000
FRANCIS K. CHAWK III, 0000
VINCENT J. CIUCCOLI, 0000
DAVID W. CLAPP, 0000
JULIET B. CLAPP, 0000
KEVIN E. CLARK, 0000
TREVOR B. CLARK, 0000
MILTON J. CLAUSEN JR., 0000
JOSEPH E. CLEARY, 0000
BRIAN CLEMENS, 0000
ANDREW H. CLEVENGER, 0000
CRISTIN M. COADY, 0000
BRIAN C. COLLINS, 0000
KEVIN G. COLLINS, 0000
SEAN C. COLLINS, 0000
NORBERTO COLON, 0000
CHAD J. COMUNALE, 0000
DEAN G. CONATSER, 0000
CARROLL J. CONNELLEY, 0000
WILLIAM J. CONNER, 0000
HUGH K. CONNOLLY, 0000
BRIAN H. CONRAD, 0000
JESSE C. CONSTANTE, 0000
RIAN E. COOK, 0000
JAMES B. COOKSEY, 0000
SCOTT C. CORNELIUS, 0000
CHRISTIAAN P. CORRY, 0000
KEVIN S. CORTES, 0000
LEE A. CRACKNELL, 0000
MITCHELL A. CRIGER, 0000
ROBERT C. CRUM II, 0000
WARREN J. CURRY, 0000
GEORGE J. DAVID JR., 0000
SCOTT R. DAVIDSON, 0000
JEFFREY L. DAVIS, 0000
SHAWN B. DAVIS, 0000
EDWARD J. DEBISH, 0000
JOSEPH C. DEIGAN, 0000
MICHAEL DELGROSSO, 0000
DOUGLAS S. DEWOLFE, 0000
MARK D. DISS, 0000
KEVIN J. DOBZYNIAK, 0000
JOSE P. DOMINGUEZ, 0000
BRYAN E. DONOVAN, 0000
PETER J. DORAN, 0000
SCOTT E. DORNISCH, 0000
BARRY A. DOWDY, 0000
JASON C. DRAKE, 0000
ERIC R. DROWN, 0000
ALFREDO DUBOIS, 0000
MICHAEL S. DUCAR, 0000
MATTHEW A. DUMENIGO, 0000
WADE J. DUNFORD, 0000
JUSTIN S. DUNNE, 0000
PETER C. DUNNING, 0000
BRIAN P. DUPLESSIS, 0000
JOHN R. DUPREE, 0000
TOBY G. DYER, 0000
GORDON R. DYKES, 0000
ANDREW C. EANNIELLO, 0000
NATHANIEL T. EARLES, 0000
EDWARD J. EIBERT JR., 0000
GEOFFREY S. EICH, 0000
PETER J. EPTON, 0000
THOMAS G. ESPOSITO, 0000
AMADOR R. ESTRADA JR., 0000
BRIAN W. EVANS, 0000
RYAN M. EYER, 0000
ROBERT B. FANNING, 0000
HAYTHAM FARAJ, 0000
GUY J. FARMER, 0000
LINDA N. FERRELL, 0000
SEAN B. FILSON, 0000
MICHAEL D. FISK, 0000
PATRICK L. FITZGERALD, 0000
SHAUN T. FITZPATRICK, 0000
GREGORY P. FLAHERTY, 0000
CRAIG A. FORRESTER, 0000
CARLETON D. FORSLING, 0000
BRYAN C. FORTE, 0000
BRIAN W. FOSTER, 0000
ANTHONY N. FRASCO, 0000
CHRISTOPHER M. FREY, 0000
PAUL A. FUNK, 0000
KELVIN W. GALLMAN, 0000
ANTHONY E. GALVIN, 0000
RAYMUNDO R. GAMBOL, 0000
RICHARD J. GANNON, 0000
WENDY S. GARRITY, 0000
MICHAEL A. GAVRE, 0000
DAVID S. GIBBS, 0000
HIETH D. GIBLER, 0000
MARK W. GILDAY, 0000
MATTHEW M. GIOIA, 0000
BRETT A. GIORDANO, 0000
DOUGLAS W. GLOVER, 0000
THOMAS R. GLUECK JR., 0000
PAUL M. GOMEZ, 0000
RUFINO H. GOMEZ, 0000
BRUCE D. GORDON, 0000
RONALD S. GOUKER, 0000
GARY W. GRAHAM, 0000
JASON T. GREENE, 0000
CHRISTEON C. GRIFFIN, 0000
STANLEY P. GRIFFIN, 0000
ALLEN D. GRINALDS, 0000
DARRY W. GROSSNICKLE, 0000
GREGORY L. GRUNWALD, 0000
JASON S. GUELLO, 0000
PETER J. GUERRANT, 0000
ANDREW J. GWYNN, 0000
DENNIS W. HACKER, 0000
MICHAEL P. HADLEY, 0000
MATTHEW J. HAEFNER, 0000
NIKOLAS D. HALATSIS, 0000
HOWARD F. HALL, 0000
ANDREW D. HAMILTON, 0000
MYLE E. HAMMOND, 0000
ERIC J. HAMSTRA, 0000
JEFFREY C. HANIFORD, 0000
JARED J. HANSBROUGH, 0000
ANTHONY A. HARDINA, 0000
DOUGLAS HARDY, 0000
JOHN W. HARMAN, 0000
CASEY S. HARMON, 0000
JACKIE D. HARRIS, 0000
JAMES A. HARRIS IV, 0000
DAVID E. HART, 0000
GREGORY R. HAUCK, 0000
BRIAN C. HAWKINS, 0000
EMILY H. HAYDON, 0000
EDWARD J. HEALEY JR., 0000
MONROE H. HENDERSON, 0000
RICHARD F. HENDRICK, 0000
MAURA M. HENNIGAN, 0000
MARK A. HERMES, 0000
SHAWN R. HERMLEY, 0000
GEORGE A. HERRERA, 0000
MANLEE J. HERRINGTON, 0000
JOHN R. HESS, 0000
RUSSELL L. HICKS, 0000
SHANNON V. HOLLOWAY, 0000
JAY M. HOLTERMANN, 0000
SCOTT K. HORNBUCKLE, 0000
SAMUEL N. HOTZ, 0000
DANNY L. HOWARD JR., 0000
NICOLE K. HUDSPETH, 0000
CHARLES A. HULME, 0000
DARYL S. HURST, 0000
KEVIN H. HUTCHISON, 0000
DAVID G. IRVING, 0000
JAMES M. ISAACS, 0000
LANCE A. JACKOLA, 0000
ERIC S. JAKUBOWSKI, 0000
BRENT M. JAMES, 0000
PETER J. JANOW, 0000
DARRYL L. JELINEK, 0000
BETHANY D. JENKINS, 0000
MICHAEL H. JOHNSON, 0000
SHANNON L. JOHNSON, 0000
WILLIAM W. JOHNSON, 0000
JOSEPH W. JONES, 0000
KIRK W. JORGENSEN, 0000
GILBERT D. JUAREZ, 0000
JASON W. JULIAN, 0000
HENRY JUNE JR., 0000
IVAN J. KANAPATHY, 0000
JOHN D. KAUFFMAN, 0000
STEPHEN F. KEANE, 0000
MATTHEW M. KEENEY, 0000
JOSHUA A. KEISLER, 0000
MATTHEW J. KENT, 0000
LINDA G. KERRICK, 0000
GRANT C. KILLMER, 0000
KEITH P. KINCANNON, 0000
CATHERINE A. KING, 0000
THOMAS T. KING, 0000
DARREN J. KISSELBURGH, 0000
BRIAN E. KISTNER, 0000
PETER W. KOENEMAN, 0000
DAVID L. KOWALSKI, 0000
MICHAEL R. KROHMER, 0000
ROBERT M. KUDELKO JR., 0000
DAVID A. KULIK, 0000
RAYMOND C. LABBE, 0000
THOMAS G. LACROIX, 0000
DWAINE D. LAMIGO, 0000
JONATHAN E. LANGLOIS, 0000
JOSEPH G. LAPAN JR., 0000
JON M. LAUDER, 0000
STEPHEN J. LAVELLE, 0000
RICHARD B. LAWSON, 0000
ELRIDGE C. LEBLANC, 0000
JEFFREY D. LEE, 0000
KENNETH G. LEE, 0000
ERIC J. LEHMAN, 0000

DOUGLAS LEMOTT JR., 0000
THOMAS A. LENHARDT, 0000
JOSEPH P. LENTIVECH III, 0000
JOHN C. LEWIS, 0000
STEPHEN J. LIGHTFOOT, 0000
FRANCIS X. LILLY JR., 0000
KEVIN M. LILLY, 0000
MATTHEW E. LIMBERT, 0000
THOMAS S. LITTLE II, 0000
FERDINAND F. LLANTERO, 0000
DAVID W. LOCKNER, 0000
BART W. LOGUE, 0000
CHARLES M. LONG JR., 0000
MICHAEL J. LONG, 0000
WILLIAM A. LOVEWELL, 0000
BENJAMIN J. LUCIANO, 0000
GARRETT C. LUNDE, 0000
CHRISTOPHER C. LYNCH, 0000
JOHN W. LYNCH III, 0000
WILLIAM P. MACNAUGHTON, 0000
GIAN F. MACONE, 0000
CHRISTOPHER G. MADELINE, 0000
VICTOR I. MADUKA, 0000
ROBERT K. MALDONADO, 0000
BENJAMIN W. MALMANGER, 0000
EUGENE A. MAMAJEK JR., 0000
JAMES E. MANEL, 0000
LESLIE B. MANSFIELD, 0000
ANDREW J. MARCELIS, 0000
MICHAEL R. MARKO, 0000
WENDY L. MAROTTA, 0000
MARIA A. MARTE, 0000
JON G. MARTIN, 0000
AARON C. MARX, 0000
ROBERT F. MASON JR., 0000
RICHARD P. MATYSKIELA, 0000
GREGORY K. MAVOR, 0000
PETER MCALEER, 0000
MICHAEL T. MCCOMAS, 0000
ALEXANDER K. MCCRAIGHT JR., 0000
PATRICK W. MCCUEN, 0000
SCOTT D. MCDONALD, 0000
JEREMY S. MCELROY, 0000
MATTHEW R. MCGATH, 0000
WILLIAM H. MCHENRY II, 0000
JAMES A. MCLAUGHLIN, 0000
RONALD H. MCLAUGHLIN, 0000
ARTHUR C. MCLEAN, 0000
CARL L. MCLEOD, 0000
ROBERT V. MCMILLEN JR., 0000
JAMES E. MEEK, 0000
PAUL M. MELCHIOR, 0000
MARK A. MERRILL, 0000
CRAIG G. MERRIMAN, 0000
RICARDO MIAGANY, 0000
MICHAEL W. MIDDLETON, 0000
JOHN J. MILES, 0000
DUNCAN W. MILLER, 0000
NATHAN M. MILLER, 0000
TIMOTHY P. MILLER, 0000
TODD M. MILLER, 0000
JOHN E. MING, 0000
KEITH B. MISHOE, 0000
MATTHEW B. MIXA, 0000
DARON M. MIZELL, 0000
ROSS A. MONTA, 0000
KEVIN L. MOODY, 0000
ALONZO B. MOORE, 0000
BILLY R. MOORE JR., 0000
DAVID A. MOORE, 0000
DAVID E. MOORE, 0000
KYLE J. MOORE, 0000
JAY E. MOORMAN, 0000
COBY M. MORAN, 0000
PATRICK C. MORAN, 0000
MARC H. MORGAN, 0000
NICHOLAS A. MORRIS, 0000
MATTHEW T. MORRISSEY, 0000
TYREL W. MOXEY, 0000
EDWARD P. MULLIN, 0000
MICHAEL B. MULLINS, 0000
JEFFREY V. MUNOZ, 0000
NEIL F. MURPHY JR., 0000
KEVIN F. MURRAY, 0000
LEONARD E. NEAL, 0000
MELISSA J. NELSON, 0000
JOSEPH L. NEWCOMB, 0000
JONATHAN R. NEWELL, 0000
THOMAS F. NICHOLS, 0000
SCOTT A. NICHOLSEN, 0000
NICHOLAS M. NICHOLSON, 0000
CHRISTOPHER M. NIEMANN, 0000
PAUL D. NOYES, 0000
TILEY R. NUNNINK, 0000
CHADWIC G. OAKLEY, 0000
DOUGLAS B. OGDEN, 0000
JOSEPH R. ONIZUK, 0000
TRAVIS F. OSELMO, 0000
RAMON A. OZAMBELA, 0000
MARK T. PALIOTTA, 0000
MARIA J. PALLOTTA, 0000
MATTHEW J. PALMA, 0000
ROBERT G. PALMER, 0000
GEORGE E. PAPPAS, 0000
THOMAS F. PAQUIN, 0000
LARRY D. PARKER JR., 0000
MATTHEW D. PARKER, 0000
KEITH A. PARRELLA, 0000
SEAN W. PASCOLI, 0000
JOHN G. PAYNE JR., 0000
TODD R. PEERY, 0000
TROY M. PEHRSON, 0000
MICHAEL J. PEITZ, 0000
MICHAEL J. PELAK, 0000
BRADLEY S. PENNELLA, 0000
ANTHONY R. PERRETTA JR., 0000
JASON S. PERRY, 0000
ERIC J. PETERSON, 0000
KRISTIAN D. PFEIFFER, 0000
DAVID M. PHILLIPPI, 0000
BRYAN S. PITCHFORD, 0000
TIM B. POCHOP, 0000
JEFFREY R. POE, 0000
GREGORY T. POLAND, 0000
KATHERINE I. POLEVITZKY, 0000
JOHN S. POSTORINO, 0000
KENNETH C. POTTER, 0000
CHRISTOPHER A. POWERS, 0000
ROBERT C. POWERS, 0000
WESLEY T. PRATER, 0000
ANDREW T. PRIDDY, 0000
STEPHEN PRITCHARD, 0000
SCOTT T. PROFFITT, 0000
JAMES M. QUIRK, 0000
RONALDO RACINEZ, 0000
CHRISTOPHER K. RAIBLE, 0000
CHRISTIAN M. RANKIN, 0000
WILLIAM A. RASGORSHEK, 0000
WALTER D. REECE, 0000
JACKSON L. REESE, 0000
GARY R. REIDENBACH, 0000
MATTHEW A. REILEY, 0000
MICHAEL D. REILLY, 0000
RYAN W. REILLY, 0000
CHRISTIAN D. RICHARDSON, 0000
DEAN R. RIDGWAY, 0000
JAMES A. RIGHTER, 0000
MELINDA L. RIZER, 0000
RALPH J. RIZZO JR., 0000
MATTHEW B. ROBBINS, 0000
SCOTT A. ROBINSON, 0000
GARY T. ROESTI, 0000
DANIEL D. ROSE, 0000
WILLIAM H. ROTHERMEL, 0000
ALAN B. ROWE, 0000
DANIEL N. RUBEL JR., 0000
ROBERT V. RUBIO, 0000
EDWARD T. RUSH JR., 0000
NATHAN M. RUSH, 0000
JAMES A. RYANS II, 0000
WILLIAM A. SABLAN, 0000
SEAN M. SADLIER, 0000
MATTHEW R. SALE, 0000
JOHN B. SALMON, 0000
CHRISTOPHER J. SAMPLE, 0000
SHENANDOAH SANCHEZ, 0000
KENNETH M. SANDLER, 0000
REX W. SAPPENFIELD, 0000
MATTHEW R. SASSE, 0000
WILLIAM R. SAUERLAND JR., 0000
DENNIS L. SAUGSTAD JR., 0000
MORGAN N. SAVAGE, 0000
PIETRO P. SCARSELLI, 0000
TODD R. SCHIRO, 0000
TIMOTHY L. SCHNEIDER, 0000
SCOTT D. SCHOEMAN, 0000
WILLIAM A. SCHUTZ II, 0000
ROBERT T. SCHWEIGER, 0000
MARIO F. SCHWEIZER, 0000
CRAIG R. SCHWETJE, 0000
JEFFREY B. SCOTT, 0000
MATTHEW R. SEAY, 0000
MATTHEW K. SEIPT, 0000
MATTHEW A. SENN, 0000
JOEL V. SEWELL, 0000
CHRISTOPHER B. SHAW, 0000
MATTHEW R. SHENBERGER, 0000
DONALD L. SHOVE, 0000
JOHN R. SIARY, 0000
CORY G. SIMMONS, 0000
BRIAN D. SIMON, 0000
PATRICK E. SIMON, 0000
RICHARD F. SIMS JR., 0000
SCOTT A. SITTERLE, 0000
JAMIESON J. SLOUGH, 0000
DUANE F. SMILE, 0000
ANDREW Q. SMITH, 0000
BRIAN C. SMITH JR., 0000
CHARLES E. SMITH, 0000
DAVID J. SMITH JR., 0000
GREGORY I. SMITH, 0000
JASON E. SMITH, 0000
JOHN E. SMITH, 0000
RAHMAN K. SMITH, 0000
SINCLAIR D. SMITH, 0000
STEPHEN M. SMITH, 0000
BRYAN M. SMYLIE, 0000
BLAIR J. SOKOL, 0000
PAUL F. SPANGENBERGER, 0000
WILLIAM R. SPEIGLE II, 0000
DEMETRY P. SPIROPOULOS, 0000
JOHN M. STAFFORD, 0000
PHILIP K. STAUFFACHER, 0000
DAVID M. STEELE, 0000
TIMOTHY STEFANICK, 0000
SEAN E. STEPHENS, 0000
MATTHEW W. STERNI, 0000
KYLE M. STODDARD, 0000
KARL J. STOETZER, 0000
MATTHEW W. STOVER, 0000
MICHAEL A. STROUD, 0000
EDWARD R. SULLIVAN, 0000
DAVID C. SUMMERS, 0000
CHAD M. SUND, 0000
SHAWN M. SWANSON, 0000
JONATHAN S. SWOPE, 0000
DANIEL B. TAYLOR, 0000
CHRISTOPHER J. THIELEMANN, 0000
GERALD A. THOMAS, 0000
MATTHEW L. THOMAS, 0000
TERRANCE L. THOMAS, 0000
ALISON J. THOMPSON, 0000
MICHAEL G. TIRONE, 0000
ADAM J. TKACH, 0000
CHRISTOPHER G. TOLAR, 0000
JONATHON A. TONEY, 0000
TRUETT A. TOOKE, 0000
BRADLEY S. TRAGER, 0000
SCOTT B. TRAIL, 0000
JAMES R. TRAVER, 0000
PHILIP J. TREGLIA, 0000
KAREN F. TRIBBETT, 0000
KEVIN C. TRIMBLE, 0000
TERRY L. TROGDON, 0000
CLIFTON L. TURNER, 0000
MICHAEL S. TYSON, 0000
JOON H. UM, 0000
STEWART T. UPTON, 0000
JOHN P. VALENCIA, 0000
MATTHEW J. VALIQUETTE, 0000
CARLOS A. VALLEJO, 0000
ROBERT J. VANDERWOUDE, 0000
DAVID W. VANHOOF, 0000
JOEL D. VANPROYEN, 0000
MARK E. VANSKIKE, 0000
VERNON T. VEGGEBERG, 0000
TIMOTHY B. VENABLE, 0000
ROBERT S. VOLKERT, 0000
EVAN R. WAHL, 0000
JORDAN D. WALZER, 0000
GILBERT A. WARNER, 0000
LAWRENCE A. WASHINGTON, 0000
DEREK J. WASTILA, 0000
CARL A. WATT, 0000
MATTHEW O. WATT, 0000
PATRICK D. WAUGH, 0000
BRENT A. WEATHERS, 0000
DAVID A. WEINSTEIN, 0000
GARRETT R. WELCH, 0000
MARK C. WELCH, 0000
TIMOTHY E. WERNIMONT, 0000
BRIAN D. WHITE, 0000
STEPHAN F. WHITEHEAD, 0000
JAMES S. WHITEKER, 0000
ERIC S. WHITTINGTON, 0000
JEFFREY S. WIDEMAN, 0000
KEVIN A. WILLIAMS, 0000
MICHAEL F. WILONSKY, 0000
CRAIG A. WINGARD, 0000
ANDREW R. WINTHROP, 0000
ROBERT L. WISER, 0000
DANIEL J. WITTNAM, 0000
THOMAS D. WOOD, 0000
ARTHUR J. WOODS, 0000
HAROLD C. YOUNG, 0000
RICHARD B. YOUNG II, 0000
MARK W. ZIPSIE, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

DAVID B. WEIDING, 0000

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

JONATHAN Q. ADAMS, 0000
STEVEN P. BRABEC, 0000
STANFORD P. COLEMAN, 0000
JOHN D. CRADDOCK, 0000
NORRIS L. ELLIS, 0000
WILLIAM J. FRANCIS, 0000
JEFFREY J. JUERGENS, 0000
MATTHEW M. KAWAS, 0000
JAMES T. KEENE, 0000
RICHARD R. MCCARTY, 0000
LEONARD L. MILLIKEN, 0000
CHRISTOPHER M. NICHOLS, 0000
MATTHEW M. PEDERSON, 0000
MACK F. SCHMIDT, 0000
JOHN F. SHEEHAN, 0000
BRIAN B. SKIMKAVEG, 0000
ALLEN R. STAMBAUGH, 0000
MICHAEL S. TAYLOR, 0000
COREY C. WOFFORD, 0000
STACEY W. YOPP, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate January 22, 2004:

DEPARTMENT OF VETERANS AFFAIRS

CYNTHIA R. CHURCH, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (PUBLIC AND INTERGOVERNMENTAL AFFAIRS).

ROBERT N. MCFARLAND, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (INFORMATION AND TECHNOLOGY).

GORDON H. MANSFIELD, OF VIRGINIA, TO BE DEPUTY SECRETARY OF VETERANS AFFAIRS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

Daily Digest

HIGHLIGHTS

Senate agreed to the Conference Report to accompany H.R. 2673, Agriculture Appropriations Act (Omnibus Appropriations).

Senate

Chamber Action

Routine Proceedings, pages S127–S203

Measures Introduced: Eight bills were introduced, as follows: S. 2016–2023. **Pages S184–85**

Agriculture Appropriations Act (Omnibus Appropriations)—Conference Report: By 65 yeas to 28 nays (Vote No. 3) Senate agreed to 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, clearing the measure for the President. **Pages S129–57**

During consideration of this measure today, Senate also took the following actions:

Pursuant to the order of January 21, 2004, the motion to proceed to the motion to reconsider the vote by which cloture was not invoked on January 20, 2004 was agreed to. **Page S156**

Pursuant to the order of January 21, 2004, the motion to reconsider the vote by which cloture was not invoked on January 20, 2004 was agreed to. **Page S156**

By 61 yeas to 32 nays (Vote No. 2), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the conference report. **Page S156**

Pension Funding Equity Act: Pursuant to the order of December 9, 2003, Committee on Finance was discharged from further consideration of H.R. 3108, to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, and the Senate then began consideration of the bill, taking action on the following amendments proposed thereto: **Pages S157–68**

Pending:

Grassley Amendment No. 2233, of a perfecting nature. **Pages S166–68**

Kyl Amendment No. 2234 (to Amendment No. 2233), to limit the liability of the Pension Benefit Guaranty Corporation with respect to a plan for which a reduced deficit contribution is elected. **Pages S166–68**

Nominations Confirmed: Senate confirmed the following nominations:

Cynthia R. Church, of Virginia, to be an Assistant Secretary of Veterans Affairs (Public and Intergovernmental Affairs).

Robert N. McFarland, of Texas, to be an Assistant Secretary of Veterans Affairs (Information and Technology).

Gordon H. Mansfield, of Virginia, to be Deputy Secretary of Veterans Affairs. **Pages S197, S203**

Nominations Received: Senate received the following nominations:

David Safavian, of Michigan, to be Administrator for Federal Procurement Policy.

41 Air Force nominations in the rank of general.

Routine lists in the Air Force, Army, Coast Guard, Marine Corps, Navy. **Pages S198–S203**

Nominations Returned to the President: The following nomination was discharged from the Committee on Governmental Affairs and returned to the President:

James C. Miller III, of Virginia, to be a Governor of the United States Postal Service. **Pages S184, S197**

Messages From the House: **Page S180**

Executive Communications: **Pages S181–84**

Additional Cosponsors: **Pages S185–86**

Statements on Introduced Bills/Resolutions: **Pages S186–93**

Additional Statements: **Pages S178–80**

Amendments Submitted: **Pages S193–97**

Authority for Committees to Meet: Page S197

Privilege of the Floor: Page S197

Record Votes: Two record votes were taken today. (Total—3) Page S156

Adjournment: Senate convened at 9:30 a.m., and adjourned at 6:20 p.m., until 9:30 a.m., on Friday, January 23, 2004. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S198.)

Committee Meetings

(Committees not listed did not meet)

NIH

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education and Related Agencies concluded a hearing to examine avoiding conflicts of interest at the National Institutes of Health (NIH), focusing on the executive branch ethics program and the role of the Office of Government Ethics (OGE), OGE program reviews at NIH, and recusals and audits, policies and procedures for avoiding conflicts of interest, after receiving testimony from Elias A. Zerhouni, Director, Stephen I. Katz, Director, National Institute of Arthritis and Musculoskeletal and Skin Diseases, Edgar M. Swindell, Associate General Counsel, Ethics Division, Ruth Kirschstein, Senior Advisor to the Director, and John I. Gallin, Director, Warren G. Magnuson Clinical Center, all of the National Institutes of Health, Department of Health and Human Services; and Marilyn L. Glynn, Acting Director, Office of Government Ethics.

IRAQ AND AFGHANISTAN

Committee on Armed Services: Committee met in closed session to receive a briefing on ongoing military activities in Iraq and Afghanistan from Peter W. Rodman, Assistant Secretary of Defense for International Security Affairs; Rear Admiral Robert B. Murrett, USN, Director for Intelligence, J–2, and Lieutenant General Norton A. Schwartz, USAF, Director for Operations, J–3, both of U.S. Joint Forces Command; and Reuben Jeffery III, Coalition Provisional Authority.

NOMINATIONS

Committee on the Judiciary: Committee concluded a hearing to examine the nominations of Raymond W. Gruender, of Missouri, to be United States Circuit Judge for the Eighth Circuit, who was introduced by Senators Bond and Talent; Ricardo S. Martinez, to be United States District Judge for the Western District of Washington, who was introduced by Senator Murray; Gene E. K. Pratter, to be United States District Judge for the Eastern District of Pennsylvania, who was introduced by Senators Specter and Santorum; and Neil Vincent Wake, to be United States District Judge for the District of Arizona, who was introduced by Senator Kyl, after each nominee testified and answered questions in their own behalf.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

House of Representatives

Chamber Action

The House was not in session today. It will meet at 10:00 a.m. on Friday, January 23 in pro forma session.

Committee Meetings

No committee meetings were held.

COMMITTEE MEETINGS FOR FRIDAY, JANUARY 23, 2004

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No committee meetings are scheduled.

Next Meeting of the **SENATE**

9:30 a.m., Friday, January 23

Senate Chamber

Program for Friday: Senate will be in a period of morning business.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Friday, January 23

House Chamber

Program for Friday: The House will meet in pro forma session.

Congressional Record

The *Congressional Record* (USPS 087–390). The Periodicals postage is paid at Washington, D.C. The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. ¶Public access to the Congressional Record is available online through *GPO Access*, a service of the Government Printing Office, free of charge to the user. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through GPO Access at www.gpo.gov/gpoaccess. Customers can also access this information with WAIS client software, via telnet at swais.access.gpo.gov, or dial-in using communications software and a modem at (202) 512–1661. Questions or comments regarding this database or GPO Access can be directed to the GPO Access User Support Team at: E-Mail: gpoaccess@gpo.gov; Phone 1–888–293–6498 (toll-free), 202–512–1530 (D.C. area); Fax: 202–512–1262. The Team's hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. ¶The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $252.00 for six months, $503.00 per year, or purchased as follows: less than 200 pages, $10.50; between 200 and 400 pages, $21.00; greater than 400 pages, $31.50, payable in advance; microfiche edition, $146.00 per year, or purchased for $3.00 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954, or phone orders to (866) 512–1800 (toll free), (202) 512–1800 (D.C. Area), or fax to (202) 512–2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.

POSTMASTER: Send address changes to the Superintendent of Documents, Congressional Record, U.S. Government Printing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.