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## Senate

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

### PRAYER

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

Let us pray.

Gracious God of all, we have heard glorious things about Your goodness. Let Your glory be over all the Earth. Our hearts make melody to You because of Your exceeding greatness. Thank You for Your faithfulness that endures forever. Today, give us steadfast hearts that we may honor You with our lives.

Be near to our Senators, giving them a powerful awareness of Your presence. Empower them in their labors to heal broken hearts and to bind the wounds of the oppressed. Remind them of the importance of reverential awe, for You take pleasure in those who delight in doing Your will.

We lift to You again our Nation's military, asking that You will use it as an instrument of peace in our world. Lord, grant us wisdom and courage for the living of these days. We pray this in the Name of the Prince of Peace. Amen.

### PLEDGE OF ALLEGIANCE

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

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

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. FRIST. Mr. President, today we have a period of morning business until

3:30 this afternoon. At 3:30, the Senate will resume consideration of the Homeland Security appropriations bill. It is my understanding that several Members will be here to offer amendments to the legislation; therefore, we hope to make good progress on the bill over the course of the day.

Under the order from Friday, at 5:30 today, the Senate will vote in relation to the Schumer amendment related to HAZMAT trucks. It would be my hope that we would have an additional amendment ready to be voted on immediately after the 5:30 vote. Therefore, Senators should expect two votes beginning at 5:30 today.

I remind my colleagues that we need to finish this legislation either tomorrow evening or early Wednesday morning so that Senators may observe the Rosh Hashanah holiday, which begins Wednesday. Given that time constraint, I encourage Members to show restraint during the amendment process. We will need to have a full day and possibly a late evening tomorrow in order to complete the Homeland Security appropriations bill. I know my colleagues concur that this is an important piece of legislation that we should not, will not, delay.

I also inform Senators we are working on agreements with respect to other appropriations measures, and I will continue to consult with Democratic leadership in an effort to expedite those bills as well.

I thank everyone for their attention as we begin these busy days of the session.

Mr. President, I yield the floor.

### RESERVATION OF LEADER TIME

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

### MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a

period for the transaction of morning business for debate only until 3:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

Who seeks recognition?

The Senator from Texas is recognized.

### MEDICAL LIABILITY REFORM

Mr. CORNYN. Mr. President, it was 1 year ago today that the voters in my home State of Texas passed proposition 12, a referendum that paves the way for substantive medical liability reform and provides hope that quality health care will win out over the interests of a handful of politically powerful personal injury lawyers.

The people of Texas spoke, and the doctors across the State are reopening their doors. In fact, two obstetricians in the small town of Fredericksburg, TX, announced their return with an advertisement in the local newspaper that proclaimed: "We're Back!"

One of these obstetricians, Dr. David Cantu, had been working for more than 10 years as an obstetrician with no claims, but he and his partner had to quit practicing obstetrics because of the cost of insurance. Dr. Cantu's overhead was hitting 100 percent, and he had a 3-month stretch with no pay.

As soon as they stopped delivering babies, the practice saw an immediate decrease in insurance costs, but their patients were forced to travel elsewhere to have their babies delivered. This was doubly difficult for them considering the fact that 70 percent of Dr. Cantu's patients are Medicaid patients, and 40 percent were Spanish speaking.

But with proposition 12, Dr. Cantu and his partner are now able to deliver babies again. Proposition 12 has placed a \$250,000 cap on noneconomic damages in medical liability cases. When Dr. Cantu was asked, How has that helped you and your patients, he said:

Because now I come out ahead instead of paying to be an Obstetrician. Prop. 12 made the practice of Obstetrics affordable.

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



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When it comes to health care, I strongly believe the proper role of Government is to protect the freedom of all of us to improve our own health and to deal with our own health care needs. We must ensure that decisions about a patient's health are not made by the Government but by individuals and families; that is, between the patient and his or her doctor.

Patients and their doctors—not lawyers, not bureaucrats—should be trusted to decide what treatment is best for them. I strongly believe when people have good choices in health care, it ultimately translates into higher quality and better care.

Dr. Cantu's story shows us that our current medical liability system is the biggest challenge we face in this regard. Our current system is wasteful and dangerous, and it too often serves the interests of greed, not justice and common sense. The overall results of our current system are sky-high costs for liability insurance, costs that have created a crisis of enormous proportions—a crisis that is threatening quality of care, diminishing access to care, and exploding the cost of care.

But there is hope. Evidence is mounting that reforms such as proposition 12 in the State of Texas are working. We can see that in real terms and not just because of advertisements of doors to doctors' offices reopening. Even though these reforms have been in place for only 1 year in Texas, early results are encouraging.

After a decrease in Texas insurance carriers from 17 to 4—that is the number of medical liability insurance companies that would actually insure a physician or a health care provider against medical liability claims—proposition 12 has created an environment where 10 different carriers have now sought reentry into the Texas market to write physician policies. The largest insurer in the State, Texas Medical Liability Trust, reduced its premiums by 12 percent. A Texas hospital association survey shows, for hospitals in our State, a 17-percent reduction across the board.

Why this response? Lawsuits against hospitals are down 70 percent from last summer's race to the courthouse, when Texas courts were flooded by personal injury lawyers with more than 10,000 medical malpractice lawsuits, shortly before voters approved proposition 12.

Let me repeat that because it is important for everyone to understand. Knowing that proposition 12 was likely to pass, personal injury trial lawyers filed more than 10,000 medical liability lawsuits shortly before the reform was to take effect in order to beat the people's mandate that health care should be more widely available and, certainly, medical liability insurance available more readily to more physicians. Why? To help doctors, to help hospitals and the corporations that own those hospitals?

Everybody knows that corporations don't practice medicine, and the only

way you can get your baby treated or yourself treated is to have a doctor who will see you. So what we are talking about is not a benefit directly to doctors or the hospitals; what we are talking about is a benefit to patients—in other words, to all of us—as a result of this commonsense reform.

The best news is that doctors such as David Cantu are responding. In Austin, 16 new obstetricians have started their practice in the last year, reversing a trend over the previous 2½ years when Austin lost 16 obstetricians due to the medical liability crisis. Driscoll Children's Hospital is recruiting close to a dozen new pediatric specialists, three neonatologists, two cardiologists, a hematologist, a general surgeon, and four other specialists, something they could not do under the earlier environment.

These successes are not limited to just the State of Texas. A recent study by the Rand Institute found that California's 1975 medical liability reform, known as MICRA, reduced defendants' liabilities by 30 percent and plaintiffs' attorneys fees by 60 percent. That was a means to an end because the result in California has been that insurance rates have actually risen at a rate of about two-thirds of what the rate has been in the rest of the Nation. These are signs that reforms such as proposition 12, or California's MICRA, have worked. Yet still we find that in the U.S. Senate today, we are unable to get a solution for families all across the Nation in States that have no such reforms in place. This is a national problem and it calls for a national solution.

I want to say a few words about our Nation's need for serious medical liability reform and the U.S. Senate's appalling refusal to address that problem with real solutions. Unfortunately, special interests continue to win out over mainstream America, and our health care system continues to bear the burden of costly and frivolous lawsuits. We see that medical care and medical liability insurance rates continue to grow unabated.

I couldn't help but notice this quote from Senator KERRY at the Democratic National Convention in his acceptance speech. He noted specifically:

Since 2000, four million people have lost their health insurance. Millions more are struggling to afford it. You know what's happening. Your premiums, your co-payments, your deductibles have all gone through the roof.

I am actually very pleased to hear this acknowledgment by the Senator from Massachusetts, recognizing the seriousness of our situation. He is right about one thing: These are real problems, and they deserve real and immediate solutions.

With all due respect, he and some of our colleagues in the Senate continue to avoid the most obvious and primary cause of escalating health care costs and the decrease in availability of medical liability insurance and the consequential lack of access to real health care—that is, runaway lawsuits.

Three times in the 108th Congress alone Republican leadership has brought meaningful medical liability reform to the Senate which, if passed, President Bush would readily sign into law. This chart shows three different bills that have been brought to the Senate floor by the majority leader: S. 11, the Patients First Act of 2003; S. 2061, the Healthy Mothers and Healthy Babies Access to Care Act; and S. 2207, the Pregnancy and Trauma Care Access Protection Act.

Over a year ago, the majority leader brought forth a comprehensive reform proposal known as S. 11. Earlier we brought forth two additional proposals which dealt more with specialty practices such as obstetricians who deliver babies and emergency room physicians, hoping that even if we were not able to get broad medical liability reform, we might be able to achieve it for those specialties that are most acutely affected and where access to health care hits the hardest.

I do not begin to claim that the legislative proposals we have advanced were the only solution to the problems. Indeed, I applaud other reforms. But it is clear, as this chart indicates, that each time we have tried to come up with a solution, we have been denied an opportunity to go forward with the debate and to have amendments, if any Senator wished to offer amendments, and to try to get good, commonsense medical liability reform that would increase access to health care.

I don't believe medical liability reform is the only problem that confronts our health care system today. I applaud many other reforms that have been proposed by the President and others, including the innovation of health savings accounts, which were part of the Medicare bill we passed about a year ago, and the use of new technology to make the practice of medicine more efficient and to reduce the likelihood of medical errors. These and other reforms do represent commonsense proposals that hold great promise, not only for improved health care but to make sure the cost of health care remains affordable and thus more available to more people.

Above all, it is clear that any of these bills would offer much-needed relief to the health care system brought to a state of crisis by politically powerful personal injury lawyers in as many as 23 States across the country. I find it sad that any special interest group—and the Senators voting according to the wishes of those groups and not the American people, a list that includes the Democratic nominees for President and Vice President—has denied us the opportunity on each of these three occasions to begin the debate, begin the legislative process, and hopefully accomplish meaningful reform and improve access to health care. But we were denied even the chance to debate and vote on the issue, even when a bipartisan majority of this body agrees that we need reform and we have the

tools to effect that reform within our reach. Their choice to deny us that opportunity was not ours; it was theirs. To this day, those who obstruct meaningful medical liability reform leave the American people with the sad reality of the status quo, a broken civil justice system and little hope for a national solution.

While the problem persists in all aspects of our health care system, the crisis is particularly acute among specialty doctors—for example, neurosurgeons, brain and spinal surgeons, emergency room physicians, and, notably, obstetricians and gynecologists, the doctors who actually care for women who are pregnant and who deliver their babies. A handful of powerfully connected personal injury lawyers is seriously jeopardizing patient care for women and their newborns. I and others find that completely unacceptable.

Across the country liability insurance for obstetrician/gynecologists has become prohibitively expensive. Premiums have tripled and quadrupled, leaving OB/GYNs without the ability to get liability insurance at all as insurance companies fold or stop insuring doctors.

This last week, the Washington Post wrote an article on a malpractice insurer, known as NCRIC, right here in the District of Columbia, which is "feeling the squeeze," losing over \$4 million in 2003 alone.

This chart shows that 23 States are on red alert—in a medical liability crisis—while just 3, including Texas, are in crisis pending effect of reform. Others noted by the hash marks on the chart are those where the crisis is still brewing.

These skyrocketing medical malpractice premiums literally are driving physicians out of business and leaving Americans without access to quality health care. Between 2002 and 2003, rates rose as much as 40 percent in some States, with the impact hitting specialty doctors such as obstetricians/gynecologists the hardest.

When an OB/GYN cannot find or afford medical liability insurance, they are forced to stop delivering babies, forced to curtail surgical services, or close their doors altogether. Now more than one in seven across the Nation is simply leaving the profession and walking away.

For example, in my home State of Texas, the entire obstetrics unit at Spring Branch Medical Center in Houston was forced to close just prior to an expected 2003 increase of 67 percent in the hospital's medical liability premiums.

Today, because the effects of proposition 12 have not been fully realized, out of 254 counties in Texas—one of the States in crisis pending effect of the reforms—more than half of the counties in Texas simply do not have available a single doctor who specializes in delivering babies. In many cases, doctors simply chose to stop serving certain

patients to avoid costly litigation; or even if they were not involved in litigation, they were still forced to pay ultra-high medical liability premiums, making it simply impossible to make ends meet.

One rural obstetrics/gynecologist who serves mostly Medicaid, or poor patients, was forced to stop seeing high-risk patients altogether because his insurance premiums had increased 300 percent.

The effects are felt almost entirely by the poorer members of our society who depend, of course, on Medicaid to help them with their health care premiums.

Perhaps most disconcerting of all, however, is the trend of doctors engaging in defensive medical practice. When we ask why is the cost of health care going up so dramatically and why are health care premiums paid by employers or by self-employed persons going up so dramatically, it is in part because of the effect of defensive medicine—physicians who provide tests and services, not because they think it is medically indicated but because they simply want to defend themselves against a potential lawsuit.

According to the Department of Health and Human Services, a majority of doctors say they recommend invasive procedures and painful tests they consider unnecessary in medical terms in hopes of avoiding litigation. That is the point we have reached.

The most basic principles of justice require that we embrace national reform as soon as possible, striving to protect access both to the courts and to our hospitals and to physicians. As a matter of principle, those who are wrongly injured deserve their day in court; there is no question about that. We all agree. If a doctor is responsible or negligent, he or she should be held fully accountable. But the sad fact is that the current system does not foster accountability. Instead, it has nearly destroyed any hope for quality and affordable health care in America. The time for that to change is now and we must change it.

It is time for Congress to act and to provide a national solution so all Americans can benefit from medical liability reform, so all Americans can open their newspapers and see an advertisement from their neighborhood doctor, who may have once been forced out of his practice now happily, proclaiming: We are back.

I yield the floor.

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. FRIST. Mr. President, I wish to make some comments on intelligence reform, an issue that is a real focus for the Senate, with activities both on the floor as well as off the floor and most of it in committee and task forces right now.

Before doing so, I thank my colleague from Texas, who so carefully and deliberately and comprehensively laid out a huge problem that, as he

said, affects access to health care now. As he described it, obstetricians and gynecologists are leaving the practice of delivering babies and getting out of taking care of women who need it because they simply cannot afford it any longer. Trauma surgeons and centers are stopping doing surgery, not because they want to, but they cannot afford to and still provide for their family.

The driver for those OB/GYNs, the trauma centers, neurosurgeons, and orthopedic surgeons is the liability system that is out of control. It used to be that people would talk about it and it didn't have much traction with the American people because they would say those doctors make so much money and they can take care of it. But when you have neurosurgeons paying \$400,000 a year just for liability insurance, you simply cannot keep delivering care. If it is \$100,000 or \$200,000, you can pass it on to the patients. But remember, the skyrocketing premiums are costing the American people—you, the people listening to me, who are having to pay more for health care—because it drives the cost up.

I very much appreciate him coming to the floor and addressing that issue. Health care costs right now are increasing each and every year. We all know that and it is our obligation to address that. It is about 15 percent of our gross domestic product right now. Whether that is too much or too little, the point is, it is going up, and one of the big drivers of that is the medical liability cost.

Americans deserve affordable health care, reliable health care, accessible health care, and good quality health care. We are getting to a point where we simply cannot afford it; thus, as we look to the future, and whether it is in individual Senate races or the Presidential race, I encourage the American people to ask these questions: Who is addressing the root causes of these escalating costs in health care? Is it Democrats or Republicans? Is it the nominee or the incumbent? Is it President Bush or nominee Kerry? Who is addressing the root causes of driving these costs sky high and out of everybody's control, when ultimately the American taxpayer pays it, and your premium is going to go up, whether or not you are involved in a lawsuit, because that cost is passed on to you.

As my colleague pointed out on the floor, on three occasions, we have addressed the root cause—these frivolous lawsuits, the personal injury lawyers, who are putting money in their pockets instead of the pockets of the victims who may have been hurt; or the predatory personal injury lawyers—not all of them but the ones filing frivolous lawsuits, in order to hit that litigation lottery and line their pocketbooks. We have tried to do this three times unsuccessfully basically because of the Democrats—not all because one voted with us. They said they were not going to discuss it on the floor of the Senate. So I think it is an issue that we must

address, and I appreciate our distinguished colleague bringing it to the floor. It is an important issue that we have to address on this floor and I think will play out in races across the country. Who is for reasonable, commonsense medical liability reform which allows obstetricians to keep delivering babies, trauma centers to stay open, and allows doctors to do what they want to do, and that is to practice medicine and take care of patients, instead of driving them away. It is as simple as that.

We are going to try to get it before the Senate, probably not in the next 18 days we have left in our legislative session, but we will bring it back again and again until we are successful.

I should mention as an aside as well, in the Presidential race, it is important, as we look at who is addressing the root causes in terms of a vision for health care, we do need to take a look at the health care plans.

The American Enterprise Institute released today a very good paper—I am sure there will be other papers—that looked at the Kerry health care plan and said it is going to cost \$1.5 trillion. That is twice what the Kerry campaign has said.

Mr. President, \$1.5 trillion is huge. The only way it can be paid for, obviously, is by increasing taxes on everybody—everybody. I encourage people to look at that document.

#### INTELLIGENCE REFORM

Mr. FRIST. Mr. President, I do want to bring people up to date—and I will be brief—on where we are with the Senate intelligence reform initiatives in light of the 9/11 Commission. Over the next several days, we will have a very busy week. It is cut a little bit short by the Jewish holidays. I believe our central focus in this body, given the fact we have so few legislative days, must be on the security of the American people, and that means the bill that is currently on the floor that we are turning to and will be voting on one of the amendments at 5:30 p.m. today, the Homeland Security appropriations bill.

It says “Homeland Security” appropriations. We have had good debate. We all hope to pass that bill late tomorrow night or Wednesday morning for sure.

Second, we need to focus on reforming our intelligence community, something people do understand—broadly the American people understand—that is reflected in the 9/11 Commission recommendations, the update of that report, the discussion of that report, and we have responded aggressively in terms of hearings, recognizing that reform should be done now, not knee-jerk but deliberate reform, and begin it in a way that will have an impact to make our intelligence better, to make our intelligence sharing among our various entities better, that makes our oversight better.

Last week, the leadership on both sides of the aisle, on both sides of the

Capitol, met with the President of the United States, who presented his plan for reorganizing the intelligence community. It was a good meeting. It was a productive meeting. There was a good discussion by the participants. The general consensus was we need to respond quickly but also very responsibly, and that really is our charge.

We are responding to the reform we all know needs to occur, but it was spelled out by the 9/11 Commission. It does not mean we should take every recommendation and do exactly what they said, but it means we need to look at those recommendations, study them, get new information, make them even more current, and then act on many of those recommendations.

The President mentioned that they in the administration have addressed 36 of the recommendations. There are really two recommendations that apply to reorganization of this body, 39 to the executive branch, and the administration has addressed 36 of those 39 recommendations.

Before we recessed in July, Senator DASCHLE and I announced that the Governmental Affairs Committee would be the vehicle, that they would have the responsibility for leading the reorganization of the executive branch, the branch outside the legislative branch.

For our internal reorganization, we announced a task force that is led by the leadership, represented by the majority whip, Senator MCCONNELL, and the minority whip, Senator REID, that would address the recommendations of Senate oversight.

The McConnell-Reid task force is meeting to discuss the whole range of options that have been put on the table, several of which were put on the table by the 9/11 Commission. Indeed, there are a lot more options that are available to be discussed and debated, and then to make a proposal as to what, based on all of this input, would be most appropriate, most responsible for this body to do, to accomplish that Senate oversight of intelligence and homeland security.

It is a bipartisan effort. When we talk about safety and security of the American people, politics falls aside pretty quickly. Senator DASCHLE and the Democratic leadership and the leadership on our side are working closely together to address the challenges before us. We have tapped into the expertise of the Congressional Research Service and other outside experts in a search for additional or other ways and means to improve Senate oversight.

The McConnell-Reid task force will meet several more times over the coming weeks. They will be assessing the 9/11 Commission's proposals, as well as other proposals. Our goal is to get a resolution to the floor before the Senate adjourns on October 8.

Meanwhile, the arm that I mentioned, the Governmental Affairs Committee arm, led by Senators COLLINS

and LIEBERMAN, continues to make steady progress. Last week, the Governmental Affairs Committee held a briefing with Robert Mueller, who is Director of the FBI, and John McLaughlin, who is Acting Director of the CIA. This morning they held another hearing with Secretary of State Colin Powell and Secretary of Homeland Security Tom Ridge.

I mention all these hearings so my colleagues and the American people know we are aggressively addressing these issues. We can expect more hearings to be held this week and in the weeks ahead, culminating in a draft bill that will be marked up that week of September 20. The bill will address the 9/11 Commission's key recommendations dealing with the establishment of a national intelligence director—we are using that little acronym NID—as well as the creation of the National Counterterrorism Center, as well as the proposals of the reorganization of the executive branch.

The committee's bill will reflect the views and the input of a number of Senate committees and Members of Congress, as well as proposals that are put forth by the President and the White House.

I am confident that the Governmental Affairs Committee product will serve as a strong, comprehensive, and serious bill that will be the baseline for our deliberations on the floor of the Senate on September 27. There will be a continuation of hearings. The main action on the Senate floor will begin soon.

I do want to show my colleagues and the American people that the Senate is moving deliberately, quickly, and in this bipartisan manner to address these national security needs.

As I said at the outset, our highest responsibility is to the safety, the security of the American people. We are working hard to meet that responsibility to move America forward, and I am confident we will get that job done. Over the course of this week, we will continue with the appropriations bills and, as I mentioned in my opening statement a few minutes ago, we are working out an agreement to address the next appropriations bill. Hopefully, we will be able to announce that either later today or tomorrow.

Mr. President, I yield the floor.

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

#### EMERGENCY ASSISTANCE FOR FEMA

Mr. NELSON of Florida. Mr. President, before the majority leader leaves, I spoke with the chairman of the Appropriations Committee as he was leaving the floor and inquired as to what he is anticipating. He told me that he is anticipating there will be a House bill that would be sent sometime today on emergency assistance for FEMA and, I assume, other agencies as well.

If that is the case, then that is new information, and we can proceed on

that basis. That, in large part, is the commentary I am wanting to make, having just come back from Florida, visiting a number of the devastated areas. We will await the latest information on handling that information tonight.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I thank our distinguished colleague from Florida for his leadership. We were on the floor talking last Tuesday and Wednesday and will continue talking every day about the real tragedy that has gone on with the people of Florida and that whole part of the world as a result of the assault by Mother Nature again and again.

I pledge to him we will continue this dialog. He understands our commitment from the leadership—Democrats and Republicans—to address the issue of the flow of funds and that the resources necessary to respond in a responsible and quick way are first and foremost and that we will be right there and will continue to work over the course of today and will update each other as to the best, quickest, and most responsible way to address the issue.

Mr. NELSON of Florida. It does not look as though we are going to be spared the third one because the latest track, as of 11 this morning, now has it moving back east, hitting the Florida coast somewhere around Destin and Fort Walton, whereas this morning's track had it going into some place like Pensacola. The only good news is it is not coming back to that part of Florida where the two other hurricanes crisscrossed and hit the same area of central Florida. Of course, the last storm was so massive that it virtually covered up the entire State, not only with the deluge of rain but with whipping winds, so that its winds, albeit not a category 4 like Charley was, nevertheless did a great deal of damage.

As the majority leader exits, I am going to tick off a number of those particular estimates. It is rather extraordinary. I thank the majority leader for working with me on behalf of the people of Florida.

Mr. President, I have returned from Florida and I will tell my colleagues about some of the devastation I have seen over the course of this past weekend. Our folks are hurting and a number of their needs are unmet. As of this morning, some 8 to 9 days after the last hurricane, Frances—and, remember, we have been hit twice in a row, first with Charley and then with Frances—there are still about 350,000 people in Florida without power.

Now, if one is a young person, such as a lot of our pages, they can make do. But if one is a senior citizen and has special needs, particularly with life-saving equipment, and does not have any electricity in the house, it is very difficult to be able to exist. Thus, we have to take special-needs folks and put them in shelters and then, if a shel-

ter does not have electricity, provide by generators the electricity in order to run the particular machines that are lifesaving machines.

Of course, this is beginning to wear thin on a lot of our folks in Florida and yet they have such an optimistic, can-do spirit. They are going about the process of rehabilitating themselves and repairing all of the damage and cleaning up from all of the destruction, but they are looking forward to what the Federal Government does, one of its charter reasons for existing, and that is protecting its people in times of disaster.

My colleagues heard my exchange with the majority leader on the necessity for us to pass this special legislation because last week FEMA ran out of money. We had to pass a special \$2 billion appropriation, but all of us knew that was not even going to take care of the expenses for FEMA for the first hurricane, which was Charley. So now we have to have an additional package of at least \$2.5 billion that includes not only FEMA but also a host of other agencies, such as the Department of Agriculture; the Small Business Administration, which offers low-interest loans to businesses and individuals; the Department of Agriculture because we have extraordinary crop losses in Florida as a result of these two hurricanes, the Department of Transportation for the damage that has been done particularly to airports in Florida; for the military, the damage that was done to Patrick Air Force Base, and NASA at the Kennedy Space Center, as well as the American Red Cross, and economic development funding.

There are news accounts going around right now about the President sending a disaster package requesting \$2.5 billion, and that it may include FEMA, the Small Business Administration, and NASA. But what about all the other agencies? Conspicuously absent is the Department of Agriculture. That is why I sent a letter to the President on Friday and pointed out the Florida Department of Agriculture has estimated that Florida agriculture itself suffered to the tune of \$2 billion in losses due to those two hurricanes.

For example, most people do not realize we have a huge nursery industry in Florida. We have one of the biggest fern industries in the world. Nurseries have suffered a half a billion dollars in damages. Citrus growers, a half a billion dollars in damages; sod producers, \$300 million from the standing water.

You will have to excuse my raspy throat because, in and out of all of the elements, the gremlins grabbed hold of my throat. But I am going to croak it through so that people understand we really have some losses. Cattlemen, \$100 million; dairy producers, about \$12 million; timber, \$150 million. The need is great. It is in an industry, agriculture, that is huge in Florida. It is a \$62 billion-a-year industry in Florida.

I mentioned the Federal Aviation Administration under the Department of

Transportation. It estimates \$64 million in losses, and that includes about \$50 million in losses to the Orlando International Airport. There is \$12 million in losses, almost total, to the little Charlotte County Municipal Airport where it was ground zero and where the Charlotte County Emergency Operations Center had the roof ripped off when Charley hit with 145-mile-an-hour winds.

Last week, I participated in a hearing with the NASA Administrator. The highest winds, interestingly, were recorded in a gust at the Kennedy Space Center, 120 miles an hour. This is from Frances, the second storm. They are estimating \$100 million in damage. That took 900 panels off the big vehicle assembly building. Those panels are huge, 10 feet high and about 4 feet wide. They are out, and there are 900 open windows now into the vehicle assembly building where we assemble the stack of the space shuttle vertically. So that is another \$100 million.

If you look back to Hurricane Andrew, its supplemental—which ended up costing over \$6 billion for the Federal Government, and that was 12 years ago; that was the monster hurricane—that even included \$75 million for the Economic Development Administration, which had a lot of projects, including dislocation caused by the hurricane and replacement of such things as sewer and water treatment facilities and the construction of a drainage system to deal with the flooding.

I mentioned Patrick Air Force Base, the military. It suffered. Also the National Guard, the Navy, the Air Force, the Coast Guard—they all report funding needs into the millions because of those storms.

I wanted to lay the predicate for this request when it comes over. When the White House sends their request, if it is \$2.5 billion, it is not going to start to cover all the things that are needed. If that is what comes to us with the House originating this legislation tonight, then this Senator is not going to have any choice but to accept this so we can go ahead and get something over to the White House to be signed into law because of the many needs we have. Yet there is going to be more to come in the future, and we will have to identify those. I want to make sure, in these requests that are made by the White House and then in whatever the House passes tonight, that we do not forget these additional needs such as Florida agriculture where the damage has been so significant.

That is my story. I am going to continue to tell this story like a broken record. As I go home and I come back and I go home and I come back, I will continue to help out these folks who are suffering, these folks who are so courageous in the midst of the utter devastation around them.

If two storms were not enough, we have another one coming. I was thinking over the course of the last 24 hours that we might be spared this, that it

might inch on out there in its track to the west. It is now, as we speak, starting to round the western end of Cuba, between the west end of Cuba and the Yucatan Peninsula of Mexico. But now the track, instead of sending it further west out of Florida, has it coming back.

I see my colleague from Florida, my distinguished senior Senator, is here. Just to share with him the latest 11 o'clock advisory from this morning, instead of coming in at Pensacola, it has now moved back east in the area of Destin, WaterColor, San Destin, that area. It doesn't look like we are going to get spared the third hurricane.

My family has been in Florida 175 years. I know there have been times in that span of time where we have had back-to-back hurricanes, but not hurricanes of the magnitude of a category 4 and then a category 2, a category 2 that had gusts up to 120 miles an hour, which is category 3. But never have I heard where we have had three major hurricanes in a row all hitting the same State. Mind you, as Hurricane Ivan is rounding the tip of western Cuba tonight, it is a category 5, and as it comes around Cuba, what does it hit? It hits the warm waters of the Gulf of Mexico. Unless there is some shearing action at the top of the hurricane, it is even going to intensify more from the 160-mile-an-hour winds it has right now. No State should have to suffer three big ones in a row, yet this is what we are facing.

I ask, I implore, I plead with my colleagues, don't hesitate a moment to help our people in Florida.

#### ASSAULT WEAPONS BAN

Mr. NELSON of Florida. Mr. President, before I get into this hurricane discussion, my eye caught an Associated Press newswire out early this morning. A Miami-Dade County police officer was shot several times after a driver she stopped fired nearly two dozen bullets at her with an AK-47 assault rifle.

The assault rifle ban has been in effect for over a decade. According to the Department of Justice, it expired this past weekend and now AK-47s are allowed to be purchased under U.S. law.

My family has been in Florida 175 years. I grew up in the country. I grew up on a ranch. I have hunted all my life. I have a son who is an avid hunter. We enjoy the outdoors, but we do not hunt with AK-47s. AK-47s and assault rifles are for killing, not for hunting.

Why is it that law enforcement, at every level of government—Federal, State and local—is against terminating this law that prohibited the sale of assault rifles? Why is law enforcement opposed to the termination of this law? For exactly this reason: A Miami-Dade County police officer was shot two dozen times by an AK-47. I rest my case, and I think it is a sad day that we could not reenact an extension of the law on the abolition of assault weap-

ons, primarily for the sake of law enforcement.

I am a defender of the constitutional right to bear arms. I am a defender of the right to have guns of all kinds except when getting to the common sense that it is not worth it in our society to be able to purchase AK-47s.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM of Florida. Mr. President, as he leaves, I would like to commend Senator NELSON, my good friend and colleague, who has given an enormous amount of attention to two disastrous hurricanes that have already hit our State, both before and in the aftermath. He is now continuing that as we face yet another hurricane in our State.

I extend my appreciation, admiration, and, as a Floridian, my thanks.

#### INTELLIGENCE REFORM, III

Mr. GRAHAM of Florida. Mr. President, on Saturday the Nation paused to observe the third anniversary of the horrible tragedy of September 11, 2001. In the first hours and weeks after the attack on the World Trade Center and the Pentagon, the Nation was shocked by what had been the unthinkable—a terrorist plot carried out on the soil of the United States of America.

We have seen grisly images of terrorism on our television screens from the Middle East, from Africa, from the Baltics, even from Great Britain. But now we have been hit here at home seemingly without warning, without the chance to have prevented the loss of over 3,000 innocent lives.

We now know that the terrorist attack of September 11 was the result of a sophisticated plot, a plot that developed over many months, a plot that required the coordination among a number of individuals and we know that had our national intelligence agencies been better organized and more focused on the problem of international terrorism this tragedy would have been avoided.

Incredibly, it is now more than 3 years after that tragic event and the basic problems in our national intelligence community that contributed to our vulnerability on September 11, 2001, are now for the first time being seriously considered. Let me be clear.

These problems were not a mystery before September 11. Before September 11, there had been a series of reviews of our national intelligence, reviews of our national intelligence in the context of terrorism and a series of very similar conforming recommendations. These weaknesses that contributed to September 11 were well known. They were well known by the administration and a majority in this Congress. What had occurred is that they had been essentially dismissed.

I am delighted that the good work of the 9/11 Commission has finally shaken the administration and my colleagues out of their lethargy.

In my last statement I identified five major problems and challenges of the U.S. intelligence community. Today I would like to suggest the direction the reforms should take in response to each of these problems and challenges.

First, the failure to adapt to a changing adversary and a changing global environment.

In the final report of the congressional joint inquiry, we optimistically stated:

The cataclysmic events of September 11, 2001 provided a unique and compelling mandate for strong leadership and constructive changes throughout the intelligence community.

However, the record is that since September 11 the intelligence community has been slow to accept the concept that a non-nation state can challenge the United States of America. We are all familiar with those scenes immediately after September 11 when the finger of responsibility was pointed not at al-Qaida, not at the Taliban, not at the place in which the terrorist plot had emerged but, rather, to Iraq because only a nation state could carry out a plot as complex and as devastating as September 11. We have taken only first steps to understand the real enemy, international terror.

Satellites will not give us the understanding, the capability, nor the intentions of Osama bin Laden. Yet the allocation of our intelligence resources continues to be dominated by the maintenance of the cold war satellite architecture and the development of yet a new generation of satellite technology. The recruitment and training of human intelligence agents has accelerated but remains inadequate. A sense of urgency is required to dramatically increase the number of men and women in the intelligence agencies with the command of the languages and the cultures of the Middle East, Central Asia, and China. In none of our intelligence agencies is this failure to transition to new threats and to new demand more evident than in the Federal Bureau of Investigation.

The FBI is, first and foremost, a law enforcement agency and it deserves its reputation as the best in the world. In that important responsibility, the priorities and professional rewards are for investigating a crime after it has occurred, arresting the culprit, providing the court admissible evidence to secure a conviction, and sending the criminal to jail. That is not the orientation of an intelligence agency. There the objective is to understand the threat before the act has occurred so the plot can be interdicted.

So what should we do? The United States can begin by learning a lesson from our foe.

Since our unfinished war in Afghanistan, al-Qaida has regrouped and decentralized. It has established alliances with terrorist groups in over 60 countries. This may seem counterintuitive, but in public administration there is

an admonition that in order to decentralize, an organization must first centralize.

Since their inception, the intelligence agencies have focused on their specific assignments, such as the collection of communications or the analysis of visual images.

As an example, the National Reconnaissance Office is paid to think about the capabilities of the next generation of satellites, not whether the relative importance of satellites in relation to human intelligence is declining. The larger realities—such as the changed nature of our enemies—go unattended. That is why the joint inquiry recommended that we centralize greater control over the intelligence agencies in a director of national intelligence to “make certain the entire U.S. intelligence community operates as a coherent whole.”

Once the agencies are retrieved into a coherent whole, I would then recommend that they, as the combined military commands of Goldwater-Nichols, be then decentralized around specific missions such as countering global proliferation of weapons of mass destruction and terror.

This new architecture would itself be subject to constant change as old threats decline and go away and new ones emerge to replace them. Such a structure would require constant attention to these questions: Who is the enemy today? Who is the enemy likely to be tomorrow? And what do we need to know in order to successfully confront this enemy?

A second reform designed to keep the intelligence community focused on both today and tomorrow is to increase the linkages between the intelligence communities and other sources of information and analysis. There have been some successful attempts to reach out to, for instance, academic programs and private sector think tanks. These initiatives should be expanded and integrated as a permanent component of the intelligence agency rather than an occasional effort.

I also believe the intelligence communities need to reach out to the consumer. Just as in a commercial venture, where the needs and desires of the consumer drive the success of the provider, the intelligence community should do likewise. What a difference it might have made if before September 11 someone had worked with the administrators of our most vulnerable systems—airlines, seaports, power, and industrial plants—to understand their vulnerabilities and assess whether current intelligence would indicate the need for change in their traditional means of operation in order to harden them from terrorist attacks.

It was no mystery that terrorists were considering using commercial airlines as weapons of mass destruction. That had been discussed for the better part of a decade. The problem was we did not connect that information with those who had a responsibility for the safety of commercial airlines.

Finally, if we are to recentralize our intelligence agency so we can then decentralize based on specific tasks, we need to change the position of the Director of Central Intelligence. Since 1947, when the intelligence community of the United States was first established, the Director of Central Intelligence has also been the head of the CIA. Given the divergent responsibilities of both jobs, that needs to be changed.

To give an analogy, we do not ask the Secretary of Defense to also be the Secretary of the Army. Each job has its own special perspectives and responsibilities. Yet that is essentially what we are doing with a merger of one of the intelligence operative agencies—the CIA—with the head of the individual who is supposed to have a view across the entire intelligence community. The head of the central intelligence function is designed to be one who can make strategic decisions regardless of how they affect the CIA or any other specific functional agency. It is time, today, to apply the same rule we have applied since immediately after World War II to our military, to our intelligence community.

A second failure of intelligence is the repeated instances in which the intelligence community has failed to provide strategic intelligence. Our late colleague, Pat Moynihan, as the Presiding Officer knows, used to have his seat in the back row, middle section of the Chamber of the Senate. From there he often complained that while the United States intelligence services can provide us with information on how many telephones there were in the Kremlin and information on how many sailors man the latest class of Soviet warships, the intelligence community had not been able to figure out that the Soviet Union was on the verge of collapse due to its weakening economy. Sometimes that kind of information gleaned both from publicly available sources and a knowledge of the country, rather than wiretaps and satellites, is the most important information there is.

Senator Moynihan had a solution. He wanted to abolish the American intelligence agency. I believe the need to collect, analyze, integrate, and disseminate intelligence is too great. Instead, rather than abolition, we need a series of reforms designed to enhance the gathering of strategic intelligence. For starters, the President should direct the next Director of Central Intelligence, whatever title he or she might have, to expand the number and orientation of voices that contribute to the intelligence process. The Bush administration has been accused—correctly, in my opinion—of practicing incestuous amplification.

In other words, the only people who were at the table are people who have the same point of view. Their views are then vetted through people who again share the same beliefs. As a result, the original conclusion is not only vali-

dated, it is amplified. After the attacks of September 11, the intelligence community was accused of failing to connect the dots. Incestuous amplification is unlikely to either connect the dots or expand the number of dots which are visible.

Two places to start this report would be the State Department and openly available sources of information. Unfortunately, the State Department has been the orphan of this administration. This is a particular shame, given the fact that the State Department has gotten it right more often than any other security agency.

From the beginning, the Secretary of State was skeptical of the stories coming out of Africa and Damascus about the status of Saddam Hussein's restoration of his nuclear capabilities. Using information from our own sources as well as European allies, the State Department had the best assessment of conditions in postwar Iraq. The intelligence community needs to be more amenable to the use of open source information.

The percentage of information which we contributed to a wise ultimate judgment derived from open sources—such as journalists, regional television and the Internet—is increasing. The duty of reading and assessing the significance of events reported openly in a foreign post is too often assigned to the newest, the least experienced intelligence officer or Foreign Service officer. There are indicators, for example, that press and television reports in the Middle East should have raised concerns before September 11 that a tragedy in the homeland of the United States was in the making.

It is for that reason that the joint inquiry recommended that “Congress and the administration should ensure the full development within the Department of Homeland Security of an effective all-source terrorism information fusion center that will dramatically improve the focus and quality of counter terrorism analysis and facilitate the timely dissemination of relevant intelligence information both within and beyond the boundaries of the Intelligence Community.”

I wish to pause to give particular credit to those words and that wise policy to our colleague, Senator RICHARD SHELBY. He served for an extended period of time as both chairman and vice chairman of the Intelligence Committee and throughout that period was particularly adamant in his support for integrating intelligence collection sources so that all could be taken into account with the wisest analysis and use of intelligence.

This idea—the fusion center—was signed into law within the Department of Homeland Security. But what has happened since? What has happened since is this very good idea has languished. The goal of the fusion center was not only to perform analysis that would fill the gap between foreign and domestic intelligence, but it also was

to share information with State and local law enforcement and to access their capability. This is not happening.

The third failure is the failure to establish within the intelligence community priorities and then deploy behind them. Rather than set up intelligence systems to validate convenient political notions, we need a system that pursues mutually agreed upon intelligence priorities. To that end, the President must assure that clear, consistent, and current policies are established and enforced through the intelligence agency. The President needs to charge the National Security Council with the preparation of a government-wide strategy for combating terrorism at home and abroad. It is an outrage that we are now more than 3 years from September 11 and we do not have a clear national strategy of how we are going to eradicate international terrorists.

The restructuring of the intelligence community suggested above can significantly contribute to a more coherent set of intelligence initiatives, but without leadership and commitment from the President, little progress will be made.

Fourth, the intelligence community has not implemented the policies necessary to recruit, train, reward or sanction, maintain the talents, or diversify its human intelligence capabilities. The intelligence community's current recruitment and training regime has been inadequate to overcome this handicap.

Of particular concern to me is the difficulty of receiving a security clearance for a first-generation American of Arabic ancestry. These young Americans, who have a heritage in the countries of the Middle East and Central Asia, are most likely to have absorbed colloquial Arabic, Farsi or Pashtun, at home, and could have the personal skills that will increase their value as a case agent. Of course, they are likely to have something else; that is, they are likely to have a family.

An intelligence security background check—an important part of assuring the patriotism of our intelligence community—includes interviews with family members. And if those family members live in Syria, for example, it may be difficult or impossible to get a clearance. If one of the family members, even a distant one, has been in the service of that foreign government, the recruit is likely to be rejected, even though he or she may meet every standard of being a patriotic American. By failing to find ways to overcome this bias, we are denying ourselves the benefit of one of our Nation's greatest assets, our diversity.

Another frequently cited reason for difficulty of recruitment of intelligence officers is the mid-1950s culture of the intelligence community. While most other aspects of our society have become accustomed to frequent turnover in careers—in fact, the average American can anticipate working at

seven or more distinctly different jobs or places of employment throughout his or her worklife—intelligence agencies continue to seek to employ people who are prepared to make a lifetime commitment.

Our Joint Inquiry recommended a series of reforms to bring the human talent in the community, which is in line with the current challenges, to the intelligence community. Those included a focus on bringing midcareer professionals into the intelligence community, allowing for more time-limited service for college graduates, finding ways to bring more native language speakers into the intelligence agencies, and other efforts at diversification.

At this point, I commend the former Director of Central Intelligence, Mr. George Tenet, for the work he has done to initiate these policies. I am pleased that the recently enacted Defense appropriations bill for fiscal year 2005 includes seed money for the development of a reserve officers training corps style program for the intelligence community at several universities, a recruitment and training program which will provide financial aid in exchange for a commitment of service within the intelligence community.

This could be a significant response to the need for proficiency in some of the world's most difficult languages and least known cultures and histories. Having these students under supervision during their college careers would also facilitate the clearance of first-generation Americans of Arab background into the intelligence services. And it would have, as does the military reserve officers training corps, the further attribute of facilitating jointness; that is, the willingness of people to see the mission rather than stop their vision at the particular agency at which they serve. Once these young people enter their respective intelligence agencies, many of them will have known each other during their shared preparatory experience and, therefore, will be more likely to work effectively together.

The fifth failure is the failure to realize that many of the most important decisions made by the intelligence community that were previously described as tactical have now become strategic.

There have been too many instances, most of which we cannot talk about in open session, when mid-level bureaucrats in the intelligence community have made decisions at a tactical level without a more strategic view as to the implications of those decisions. These can be seemingly as simple as the rotation of surveillance aircraft or other means of surveillance which, when discovered, set off a diplomatic firestorm with one of our friends or with one of our enemies.

The leadership of the intelligence community has a special responsibility to determine if there is a full understanding of the implications, rewards, and risks of an action. Review and ulti-

mate judgment on tactical measures must be made by someone with the requisite strategic vision and authority.

For that reason, and because of the significant confusion that the FISA process—the process by which a warrant was obtained to either place a wiretap or review the effects of a foreign person—caused for the FBI in seeking to investigate suspects prior to 9/11, it is important we reform the way the Foreign Intelligence Surveillance Act is now taught and applied.

For example, the officials of our Government who are charged with making the ultimate decision on these warrants, the Attorney General and the Secretary of State or their delegates, must place the individual application of such a warrant into the context of U.S. strategic global interests.

There are areas where the Congress, through oversight, can and must play a significant role. In a subsequent statement, I will review in more detail the role of Congress in the oversight and direction of the intelligence community and some of the reforms that I suggest should be made in order to more effectively carry out that responsibility.

America lost more than 3,000 of our people on September 11. But we lost something else. We lost our innocence. We can never bring back those people we lost, nor will we ever restore America's innocence. What we can do is honor their memories. What we can do is learn from their loss by embarking on the road from innocence to wisdom.

Government must lead when the people hesitate. And the people must lead when our Government, as it has under our current President, falters. Our safety and our future are too important to be left to change. Luck may spare us. It will never protect us.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I ask unanimous consent that notwithstanding the previous order I be allowed up to 10 minutes to speak as in morning business.

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

#### FAILED POLICY IN IRAQ

Mr. DAYTON. Mr. President, 3 days ago, a picture appeared in the Minneapolis-based Star Tribune newspaper, accompanying a Los Angeles Times article whose headline read: "U.S. Makes Show of Strength in Fallujah."

Mr. President, I ask unanimous consent that the article be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.  
(See exhibit 1.)

Mr. DAYTON. The picture, for the record, showed about 30 Iraqi civilians standing amidst the rubble of bombed buildings in the Iraqi town of Fallujah. In the forefront of the picture were five Iraqi children, and the caption beneath the picture read:

An Iraqi boy weeps, as people survey the destruction in a neighborhood, following a U.S. airstrike overnight. Twelve Iraqis were killed, including several women and children. . . .

President Bush makes a show of strength, and an Iraqi boy weeps. I say "President Bush" because this is not the U.S. military. They are carrying out the orders of their Commander in Chief. This is not the American people because the American people do not kill innocent women and children in another country. This is the result of and the responsibility of a failed policy in Iraq by the President and his administration.

There were at least two other aerial bombings that day in two other Iraqi cities, according to that one story—more destruction, more civilian casualties, more children weeping; children who lost brothers, sisters, mothers, fathers, grandparents, and friends; children who will have the United States of America, for the rest of their lives, seared into their memories; children who will, horribly, possibly cheer if terrorists can cause that kind of terrible destruction to Americans in American cities; children who might even be willing to do something like that themselves in revenge.

President Bush, Vice President CHENEY, and other apologists for this continuing war in Iraq claim that they are fighting terrorists there so we won't have to fight them here. By these actions, I maintain they are creating terrorists in Iraq whom we will have to fight here, whom we will have to defend against, fend off, and protect ourselves from for years, even decades to come. How would we feel if our children or our friends or our parents or wives or husbands were buried beneath the rubble that used to be our homes, our stores, and our neighborhoods?

I do not fault the courageous Americans in our Armed Forces who have borne the brunt of this administration's failed policy. To the contrary, I salute them for their heroism and their patriotism. It has been over a year and a half since they won the initial military victory in Iraq. They went from the Iraqi border to Baghdad in 3 weeks. They routed Saddam Hussein's army. They toppled his evil regime. And since then, they have stood guard until someone began to run that country.

They are still standing guard, 138,000 brave Americans. They are fighting, they are bleeding, and they are dying because this administration and their Iraqi allies have not figured out how to run that country.

We need a policy, a plan, and a timetable to get out of Iraq—not to lose Iraq but to leave Iraq, not tomorrow or next week, unfortunately—because the Bush administration has failed. They have failed to prepare for that. But not in 10 or 20 years, as my colleague, the senior Senator from Arizona, Mr. MCCAIN, has predicted. He is not recommending that course of action; he is just telling us and the American people

the truth. Thank goodness someone is telling us the truth, the truth about what the Bush administration has gotten us into and where their present policies will leave us.

What he can't tell us, because no one can, is how many more Americans will die in Iraq during those 10 or 20 years; how many more Americans will die elsewhere around the world or, God forbid, right in this very country because of the failures of those policies today.

Today I am asking the esteemed chairman of the Senate Armed Services Committee to hold oversight hearings this week on the current policy in Iraq, on the military situation there, on the plans of this administration, on the timetable for our continuing involvement there, and on the costs in dollars and lives and international esteem to the United States of America, because the American people deserve the truth. This Congress deserves the facts. Our soldiers, our 138,000 courageous Americans serving in Iraq today, deserve to come home with their military victory secured.

And I say to those who want to support our troops, if you want to support our troops, bring them home alive, bring them home alive now or as soon as possible hereafter, but not in 4 years or 10 years or 20 years. Make the administration in Iraq and the people of Iraq responsible for their own country. That is what democracy is about. It is about self-determination and self-responsibility. It is time the people of Iraq become responsible for Iraq. It is time the 206,000 militia and military that we claim to have trained in Iraq become responsible for Fallujah and Baghdad and everywhere else in Iraq.

The article I referred to earlier states: U.S. and Iraqi authorities lost control of Fallujah last April after they turned the city over to a U.S.-sanctioned force, the Fallujah brigade, which has now all but disappeared.

Where did they disappear to? I supported that action back then. I thought that was the right course of action, that we make Iraqis responsible for the defense of their own country, for the security of their own cities. Now I learn, not through this administration's disclosures but through an article appearing in an investigative story—thank goodness for the free and vigilant press because we wouldn't learn those things here in Congress if we were waiting to be told—that the Fallujah brigade has "all but disappeared."

That is a fundamental failure of this administration and the Iraqi administration to train, equip, and motivate the Iraqi forces in Iraq to stand up for and defend their own country from whomever it is over there—insurgents, terrorists, and citizens who want an end to the violence, understandably so, in their own homes and neighborhoods.

It is time to put Iraq in charge of Iraq, make them stand up and fight for their own country, for their own cities, for their own security, and stop forcing

Americans on the ground or in the air to cause this kind of destruction that that picture capsulizes which is going to wreak future destruction on our own cities and our own people.

This is a failed policy. It is a disastrous policy. It is one for which this administration should take responsibility.

Again, I call upon the Armed Services Committee of the Senate to hold oversight hearings and tell the American people the truth about what is going on there and what the future holds—in the near future, not the future future.

#### EXHIBIT 1

[From the Los Angeles Times, Sept. 10, 2004]  
U.S. MAKES SHOW OF STRENGTH IN FALLUJAH  
(By Patrick J. McDonnell)

BAGHDAD.—U.S. forces rolled into the rebel bastion of Samarra on Thursday and sought to reestablish Iraqi government control as aircraft pounded suspected guerrilla positions in two other insurgent strongholds: the flashpoint city of Fallujah in the west and the trouble spot of Tal Afar in the north.

The show of strength—along with the stated U.S. resolve to crush a Shiite Muslim militia in Baghdad—underscored the military's determination to exert control over the country in the months leading up to elections scheduled for January.

The U.S. move against the three insurgent centers came after a spike in attacks this week that pushed American military fatalities from all causes to more than 1,000. The actions appeared designed to dispel the perception that swaths of Iraq had become a "no-go" zone for U.S. troops.

American warplanes struck Fallujah, the third attack in as many days against suspected insurgent positions in the city 30 miles west of Baghdad. U.S. and Iraqi authorities lost control of Fallujah after U.S. Marines ended a three-week siege last April and turned the city over to a U.S.-sanctioned force, the Fallujah Brigade, which has now all but disappeared.

Nine people, including two children, were reported killed in a Fallujah house that the U.S. command suspected of being used by allies of the Jordanian-born terror mastermind Abu Musab al-Zarqawi.

#### FOREIGN FIGHTERS

On Thursday evening, a U.S. spokesman, Maj. Jay Antonelli, revised the earlier description of events in Fallujah. "In spite of the great care taken to spare the lives of noncombatants, an unknown number of Iraqi civilians were unfortunately among those killed and wounded in the strike," Antonelli said in an e-mail statement.

"The foreign fighters who hide among the people of Fallujah place them at significant risk," Antonelli said.

He added: "Foreign fighters will not enjoy safe haven anywhere in the city."

In a separate statement, the U.S. command said military operations around Tal Afar were designed to rid the city of "a large terrorist element that has displaced local Iraqi security forces throughout the recent weeks."

The U.S. military said 57 insurgents were killed in the attack on Tal Afar, a northern city near the border with Syria that lies on smuggling routes for weapons and foreign fighters. The provincial health director, Dr. Rabie Yassin, said 27 civilians were killed and 70 wounded. It was unclear whether those reported by the Iraqis as civilians were counted as insurgents by the Americans.

Meanwhile, relative calm held in much of the Shiite Muslim heartland after an agreement negotiated last month by Iraq's leading

Shiite cleric, Grand Ayatollah Ali al-Hussein al-Sistani. The agreement brought an end to weeks of fighting between U.S. troops and Shiite militiamen loyal to radical cleric Muqtada al-Sadr.

Scattered clashes continued between Al-Sadr's loyalists and American forces in the radical cleric's Baghdad stronghold, Sadr City.

Iraqi officials want to prevent Al-Sadr from rebuilding his forces in Najaf. Toward that end, dozens of Iraqi soldiers and police raided Al-Sadr's Najaf office to search for weapons. Al-Sadr was not there at the time, and no weapons were found, although Iraqi officials said ammunition and mortars were confiscated from nearby houses.

U.S. and Iraqi government troops are not in full control of several cities and areas in Iraq, including Samarra in the north, Fallujah and Ramadi in the west, and the largely Shiite neighborhood known as Sadr City in eastern Baghdad, where a militia holds sway. Other cities and towns, such as Tal, have become guerrilla bastions where the U.S.-backed Iraqi government exerts only limited control.

In Samarra, U.S. commanders said their forces, accompanied by members of the Iraqi police and by national guard soldiers, drove into the city Thursday morning after gaining assurances from local Iraqi leaders that they would not be fired on. The local leaders said they sensed divisions within the insurgents' ranks between those who favored some accommodation with the Americans and those who rejected it, and felt secure enough to issue the temporary guarantee.

U.S. soldiers and the Iraqi police then convened a meeting of the U.S.-backed council, which chose a new mayor and police chief. After a few uneventful hours, the U.S. soldiers and the Iraqi police left.

However, commanders acknowledge that as many as 500 insurgents remain in Samarra. The guerrillas' preference is to strike at smaller U.S. or Iraqi units. In classic guerrilla style, they tend to hide their arms and blend in among city residents when faced with larger forces.

The U.S. troops pulled out at the end of the day for lack of a secure base to spend the night.

Maj. Neal O'Brien of the 1st Infantry Division, which patrols four provinces north of Baghdad that includes Samarra, said, "We will never give up our right to maneuver in any of our areas."

The U.S. approach in Samarra since spring had been to allow local leaders to work out a way to disarm or otherwise neutralize a stubborn insurgent force that had disrupted government and police activities in the ancient city of 200,000.

The largely Sunni Muslim population has long posed a major challenge for U.S. forces. The city was the site of a large-scale U.S. offensive last winter designed to flush out a guerrilla force thought to be composed of religious militants, anti-American nationalists and loyalists of Saddam Hussein's former Baath Party. During that offensive, a U.S. force of more than 3,000 soldiers also met little resistance as the guerrillas apparently melted into the populace.

But in recent months, residents say, Samarra had fallen back under insurgent control.

Mr. DAYTON. I yield the floor.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2005

The PRESIDING OFFICER. Under the previous order, the time having ar-

rived, the Senate will resume consideration of H.R. 4567, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4567) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

Pending:

Nelson (FL) Amendment No. 3607, to provide funds for the American Red Cross.

Schumer Amendment No. 3615, to appropriate \$100,000,000 to establish an identification and tracking system for HAZMAT trucks and a background check system for commercial driver licenses.

Reid (for Lautenberg) Amendment No. 3617, to ensure that the Coast guard has sufficient resources for its traditional core missions.

Corzine Amendment No. 3619, to appropriate an additional \$100,000,000 to enhance the security of chemical plants.

AMENDMENT NO. 3624

(Purpose: To increase the amount appropriated for firefighter assistance grants.)

Ms. MIKULSKI. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for herself, Mrs. BOXER, Mrs. CLINTON, Mr. HARKIN, Mr. JEFFORDS, Mr. KENNEDY, Mr. LEVIN, Mr. SARBANES, and Mr. SCHUMER, proposes an amendment numbered 3624.

On page 39, after line 5, insert the following:

SEC. 515. The amount appropriated by title III for the Office of State and Local Government Coordination and Preparedness under the heading "FIREFIGHTER ASSISTANCE GRANTS" is hereby increased to \$900,000,000.

Ms. MIKULSKI. Mr. President, I am going to speak about the compelling needs that our local fire departments have.

All of us, over the weekend, went to events commemorating September 11, 2001. We all spoke about how much we admired those men and women who stood up to defend the Nation, including those very brave first responders at the World Trade Center who dashed up over 75 floors in burning buildings to try to rescue people. They put themselves on the line, and many of them, as we know, perished on that horrible day.

Here in the Washington, DC area, as we know, the Pentagon was hit. We in Maryland had 60 Marylanders die that day. We had some die at the World Trade Center, but the majority were at the Pentagon. Some died on the airplanes. We had people die on those airplanes, including a flight attendant who gave her life and was one of the people who tried to deal with the situation. We had others who died on those planes, such as a family who was leaving on a sabbatical—a husband and wife who were academics, with their two children. Again, we had people die at the Pentagon, such as one young man from Baltimore who was a financial analyst over at the Pentagon. Of those from Maryland who died at the Pentagon, 24 came from one county, Prince George's County. They were pri-

marily African-Americans who worked in this financial services area of the Pentagon. Imagine, 24 people, such as Odessa Morris who had just celebrated her 25th anniversary; or Max Bielke, who had been in the military and when he retired, he went back to work as a civilian employee because he loved it. He was the last man to leave Vietnam. He stamped all the papers at our embassy there. He was the last soldier out of Vietnam. So we mourn that day.

At the same time, we were proud of the Maryland response. I was particularly proud of the Chevy Chase rescue team. This is a volunteer fire department in Montgomery County that dashed across the Potomac under the doctrine of mutual aid to provide firefighting assistance on that horrible day, joining with our local fire departments from Northern Virginia and Rescue One from Chevy Chase, and stayed on the scene in order to be able to quell the fires that continued to burn. They were part of a FEMA search and rescue unit and they provided help. They were the ones who brought in the dogs to look for survivors. They were there night and day for several days and weeks.

I was very proud of the Chevy Chase fire fighters and of all our fire departments in Maryland who went up to the World Trade Center to dig in the wreckage to see if they could find any survivors. We know the story about what happened at the World Trade Center. Again, the Chevy Chase Fire Department is a volunteer fire department. They serve their community and country on their own time and their own dime. It cost the Chevy Chase Fire Department over \$300,000 to be able to be on the job. They did it willingly, unstintingly. Yet at the same time, we know those local fire departments cannot continue to function when we go on Orange Alert, and they continue on their own time and on their own dime.

One of the great things we created was the Fire Grant Program. The Fire Grant Program was an invention before 9/11 of Senator KIT BOND and me as part of a FEMA reform package, along with Congressmen HOYER and WELDON in the House. We did it in a bipartisan effort to make sure our fire departments—particularly our volunteer fire departments—had the right equipment they needed to protect the protector, and also the updated technology to be able to protect us.

When we created that program as part of FEMA, well before September 11, 2001, it was authorized at \$300 million. At the same time, what we know is that when we did that—after 9/11, the need was so compelling, working, again, on a bipartisan, bicameral basis, we authorized a fire grant program at \$900 million. What else do we know? We know there is compelling need. We know the fire administration, just in 2003, received almost 20,000 applications totaling \$2.5 billion in funding requests for local fire departments.

Imagine that. The fire administration received requests for \$2.5 billion.

Yet because of funding at around the \$700 million level, they could only fund 8,900 of those 20,000 requests. So we know the need is in the billions. We know we are authorized at the \$900 million level.

What my amendment will do, when I have the opportunity to offer it, is raise funding for fire grants to the authorized level of \$900 million. Why do we want to do that? We are facing new threats every day. Just over a month ago, when the administration raised the terror alert to Orange for the communities of Washington, New York, and New Jersey, we knew what the needs really were.

The bill we are considering today actually has funding at \$700 million. I know on Friday an amendment offered by the Republican leader, the majority leader, Senator FRIST, actually increased it by \$50 million. I will be offering an amendment at an appropriate time to raise it \$150 million so that we can bring it up to the authorized level of \$900 million.

What would this additional \$150 million mean? It would mean protective gear for 150,000 firefighters. It means local fire departments could buy 500 new fire trucks. It means they could buy 300 new rescue vehicles. But this is not about protective gear and fire trucks; it is about the tools our firefighters need.

First of all, they need the equipment to protect themselves, such as breathing equipment and fire retardation gear. We need to protect the protectors so they can protect us. Then, at the same time, they need other technology. What we also know is that this program gives us double value. If our first responders have the right equipment, they are ready to respond against not only a terrorist attack, but anything else that may happen to a community.

During those hurricanes that have been whipping Florida, we have had our first responders there, and they have the right equipment, as well as the radio equipment, to respond.

It also means the kind of equipment that we need not only when the Chevy Chase Fire and Rescue Department dashes across the Potomac but what they need if something happens on the beltway.

We in Baltimore had a terrible tanker explosion on I-95. Because our firefighters were prepared, they could deal with the hazmat situation. I could give a number of examples.

This is not just BARBARA MIKULSKI speaking. The Council on Foreign Relations, chaired by our former colleague, Senator Rudman—and we know the independence he has—issued an independent report last year. We also know he was the author of many balanced budget amendments. So we know he approaches it with Yankee common sense and the frugality for which he is very well known. So we have Senator Rudman, an independent personality, one who has always been frugal from a budget standpoint, and yet he is recommending more money.

What did the report show? That the United States remains ill prepared for a catastrophic attack; that fire departments across the country have only enough radios to equip half the firefighters on a shift; breathing apparatus for just one-third of our firefighters; and that only 10 percent of fire departments have the equipment to respond to a building collapse. That is the Rudman report.

Then Federal Emergency Management Agency and the National Fire Protection Association also did a study called "A Needs Assessment of the U.S. Fire Service." They found that 57,000 firefighters lacked the protective clothing they needed to protect themselves to protect us.

In Maryland alone, it would take \$52 million to replace protective gear for all of our firefighters. This is what we are talking about.

We do not want to just throw money at problems. We believe the fire grant is a model program because we refuse to earmark the grants. They are subject to peer review, so they are given on the basis of priority and merit. We know what our shortcomings are, and these various reports document them.

We talked about how last year there were 20,000 applicants and \$2.5 billion worth of requests. That speaks for itself. We have double value for this spending, not only for response to terrorist attacks but against all hazards, whether it is hurricanes, tornadoes, or the wildfires that hit the West. We need to be able to protect the local fire departments.

Mr. President, you know how expensive this equipment can be. You cannot do this on bingos and fish fries. They need the U.S. Government to stand behind them to do that.

There are over a million firefighters in the United States, of which there are 750,000 volunteers. Isn't that terrific? They really do save lives; they save homes; they save communities. We need to save them and to help them. They do not know what they are going to face when they enter a house to save a child trapped on the second floor. They may put out the flames in a factory that contains toxic chemicals. They are the first on the scene at any disaster. Firefighters are our protectors. Many are volunteers who work three shifts: one on a regular job, one with their families, and then another shift at the fire department. As I said, they cannot also then be expected to raise the money through charity, tip jars, and bingo. Of course they can do that because we always want local community support, but the equipment and gear they need is very expensive. A new fire engine costs \$300,000. A new rescue vehicle costs \$500,000. Self-contained breathing apparatus costs \$6,000.

Mr. President, you know how expensive it is. The Fire Grant Program is working. In my own community, the Forestville fire department, located in Prince George's County, was awarded funds for a new hydrant tanker. Why is

that so important? The last one contained just a couple of hundred gallons, where this one is over 2,500. This is right next door to Andrews Air Force Base. Any attack on the United States would mean they would have to respond under doctrine of mutual aid.

It is the same with the Kensington volunteer fire department in Montgomery County. We replaced a pumper truck that is dated to 1979. I could go all around the State of Maryland.

The amendment speaks for itself. Senator COCHRAN still is not here. I am sure the Senator is tied up. We have worked together on many occasions.

First, I really have enjoyed working with him on appropriations, on national security issues. As the chairman of the Subcommittee on Homeland Security, it has been a delight to work with him.

My amendment is very straightforward. What it does is raise the Fire Grant program to its fully authorized level of \$900 million.

As I have stated, the amendment speaks for itself. It increases the money to \$900 million, the authorized level. We believe the amendment is warranted because, as I have said, the Fire Administration received requests totaling \$2.5 billion, and since we cannot fund it at \$2.5 billion, I believe we need to take this important step and fund it at the \$900 million level.

The amendment speaks for itself. I now turn to the Democratic whip and ask him how should we proceed? I would like to offer my amendment. I would like to get a vote on my amendment. Should I ask for the yeas and nays now?

Mr. REID. Mr. President, through the Chair to the distinguished Senator from Maryland, we have a number of votes we are going to try to get lined up for later this evening. It is my suggestion that the Senator ask for the yeas and nays, and then at a subsequent time, we will figure out when we are going to vote on it.

Ms. MIKULSKI. Mr. President, I say to the Presiding Officer, to Senator COCHRAN, and to the whip, I would like to work with them in a way that would create the orderly disposition of my amendment.

I will withhold any rights to seek the yeas and nays. Is that an appropriate request?

Mr. REID. That is appropriate.

Ms. MIKULSKI. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. REID. Mr. President, through the Chair to the Senator from Massachusetts, I am wondering if the Senator from Massachusetts would withhold his recognition, following a very brief statement by the Senator from Nebraska who wishes to offer an amendment and then speak. It should take just a few minutes.

I ask unanimous consent that following the statement of the Senator from Nebraska, the Senator from Massachusetts regain the floor.

The PRESIDING OFFICER. Is there an objection?

Without objection, it is so ordered.  
The Senator from Nebraska.

AMENDMENT NO. 3625

Mr. NELSON of Nebraska. I send an amendment to the desk.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, the pending amendment is laid aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. NELSON] proposes an amendment numbered 3625.

Mr. NELSON of Nebraska. 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 maintain the State Homeland Security Grant Program at the fiscal year 2004 funding level)

On page 19, line 17, strike "\$2,845,081,000" and all that follows through line 22, and insert the following: "\$3,605,081,000, which shall be allocated as follows:

"(1) \$1,700,000,000 for formula-based grants, \$400,000,000 for law enforcement terrorism prevention grants, and \$30,000,000 for Citizen Corps grants pursuant to section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714): *Provided, That*:"

Mr. NELSON of Nebraska. I thank the minority assistant leader and my friend from Massachusetts for this courtesy to have this opportunity to speak for a few minutes about the first responder issue, as it relates to legislation before us today.

Since September 11, States and communities of all sizes have made great strides in preparing for another possible terrorist attack. Based on the National Strategy for Homeland Security's principle of shared responsibility, Federal, State, and local governments, together with the private sector and the American people, have worked in partnership to ensure that our first responders are well equipped and well trained. States and local governments are responsible for preparing and implementing multi-year plans to ensure our Nation's first responders receive the equipment and training they require so that we are not only securing our homeland, but we are actually secure in each of our hometowns.

The Senate's Homeland Security appropriations bill, S. 2537, slashes the primary first responder program by 45 percent, or \$760 million. My amendment would restore this funding back to the fiscal year 2004 total of \$1.7 billion. Called the State Homeland Security Grant Program, this is the primary source of coordinated funding for first responders. SHSGP, as it is referred to, allows States and local governments to build and maintain a base capacity by funding essential prevention, preparedness, response, and recovery capabilities within the State and across regional boundaries. Eligible uses include equipment, training, and exercises necessary to ensure our first

responders are prepared and that both urban and rural critical infrastructure is protected, something I am sure the Presiding Officer is interested in, coming from the neighboring State of Wyoming.

At least 80 percent of SHSGP is passed through to those who protect our hometowns: firefighters, police, EMTs, and other local emergency managers across the country. Nearly every State, even those that get additional money from the Urban Areas Security Initiative, UASI, will suffer a net loss in fiscal year 2004 under the Senate bill. Nearly half of all those States will see their efforts cut almost in half.

Funding cuts of this magnitude will mean that private/public partnerships will have to be dismantled, and countless hours of planning, training, and exercise will have to be retooled. Regional alliances will fall dormant. Training classes and exercises will be cancelled, and equipment purchases will be put on hold. In short, hometown security will suffer immeasurably.

The citizens of America expect that everything possible is being done to prevent another terrorist attack, and they expect that if another tragedy were to occur, the response and recovery will be immediate, well coordinated, and well trained. This vital work takes dedicated professionals executing well-rehearsed plans.

I have watched the vote counts on other amendments to this bill, and unfortunately it is clear that this amendment will not pass. This is extremely disappointing. It is disappointing to me and should be to all rural areas. Because I realize this will fall short of the required 60 votes, for the sake of time I will not force a vote on my amendment, but I do hope that as debate on funding for this important program proceeds, that everyone will come to the same conclusion I have: These funding cuts will undermine regional efforts and harm every State's ability to protect both its urban and rural critical infrastructure. Whether it is the protection of an urban shopping mall or the prevention of a rural bioterrorism incident that affects our food and water supply, critical infrastructures in every State must be protected.

If our goal is to make sure our homeland and hometown security is as strong as the weakest link, we must ensure that every link is strong and that there is no weak link in our protection. That includes food and local areas, as well as urban and populated areas. All must be protected.

I will make one further point on this subject. It is my understanding that an amendment may be offered that affects the funding formula for the State homeland security grant program. Currently, 38 percent of SHSGP funds are dispersed based upon a minimum funding formula, and the remaining 62 percent are dispersed to states based upon population. As I understand it, the amendment that may be offered would require the Department of Homeland

Security to change the 62 percent portion of the funds from a population based formula into a high threat and population density formula.

As someone who comes from a rural State, I plan to oppose this amendment and hope that my colleagues from smaller States and rural areas will do the same.

The proposed funding formula would have the effect of shifting a lot of the current funding from the smaller states and sending it to our largest States that meet loosely defined criteria such as threat, vulnerability, and the presence of critical infrastructure.

I wholeheartedly support funding for the first responder efforts in our major metropolitan areas, which is why I strongly support the current Urban Area Security Initiative program, which sends extra funding to these large areas. But I do not support paying for these programs by shifting funds away from our rural, less-populated states.

Nebraska would lose \$8 million under this proposed formula. I can't tell you how critical that is to a state like Nebraska and to all the communities in Nebraska that are trying to follow through on the preparedness plans the Department of Homeland Security asked them to implement. And a shift in formula like this one would pull the rug out from under them.

One needs to only look at the most recent terrorist attack in Russia and see that this attack was in a school in a rural area, and it is easy to understand that we must not be lulled into thinking that the rural areas are not going to be affected by any kind of terrorist activity.

Our country is only as safe as our weakest vulnerability. The State Homeland Security Grant Program has already been cut by 45 percent in this bill. Shifting funds away from our less populated states will further exacerbate the problem. We need to make sure every part of the country is prepared, regardless of location.

I thank my friend from Massachusetts for his courtesy, and I yield the floor.

AMENDMENT NO. 3625, WITHDRAWN

I ask unanimous consent to withdraw the amendment at this time.

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

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside.

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

AMENDMENT NO. 3626

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask that it be counted under the agreement toward one of Senator MURRAY's amendments.

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

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 3626.

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

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

The amendment is as follows:

(Purpose: To require the President to provide to Congress a copy of the Scowcroft Commission report on improving the capabilities of the United States intelligence community)

On page 39, between lines 5 and 6, insert the following:

SEC. 515. (a) Not later than 15 days after the date of the enactment of this Act, the President shall submit a copy of the Scowcroft Commission report to Congress.

(b) The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) In this section, the term "Scowcroft Commission report" means the report on improving the capabilities of the United States intelligence community that was prepared by the presidential commission appointed pursuant to National Security Presidential Directive 5 (May 9, 2001) and chaired by General Brent Scowcroft and that was submitted to the President in or around December 2001.

Mr. KENNEDY. Mr. President, I acknowledge and thank the leadership of the other side for their cooperation in working through this particular situation.

This amendment will require the President to give Congress a copy of the December 2001 Scowcroft Commission report on intelligence reform. A classified annex could be provided if necessary, although some of those who have seen the report say that it contains very little that would be harmful to National security. What is harmful to our security is the continuing refusal by the Bush administration to make the report public.

As my colleagues know, General Brent Scowcroft had a distinguished military career and served as the National Security Adviser to the first President Bush. Because of his broad experience with intelligence and his widely respected intellect and insights, the current President Bush appointed him as chairman of the President's Foreign Intelligence Advisory Board.

In National Security Presidential Directive 5, in May 2001, President Bush ordered a review of U.S. intelligence to ensure that U.S. intelligence capabilities are well designed to deal with that wide range of critical challenges facing the Nation. General Scowcroft was named to lead a commission to provide recommendations on intelligence reform as a result of that directive.

However, the report of the Scowcroft Commission, which was submitted 3 months after 9/11, continues to be classified, despite repeated requests from the Congress to release it.

On July 21 this year an article by Shaun Waterman of United Press International, discussing the Scowcroft recommendations was published. As the article stated:

Scowcroft's report, which remains classified, proposed giving the existing CIA Director budget, administrative and hire/fire control over the three largest and most expensive agencies, according to former Office of Management and Budget National Security Chief Richard Stubbings. The National Security Agency, which intercepts phone calls, faxes, emails and the like; the National Reconnaissance Office, which designs, builds and maintains spy satellites; and the National Geo-Spatial Intelligence Agency, which analyzes spy satellite photos, would all be taken out of the Pentagon's control and transferred—along with parts of the FBI—to the control of a modified director post.

That is the end of that report.

Obviously these reformed submitted in December 2001, are very similar to the reforms proposed by the 9/11 Commission in the summer of 2004. In fact, similar proposals on intelligence reform have been made for almost 50 years.

In 1955, a commission led by Herbert Hoover recommended splitting off CIA management duties so that the Director of Central Intelligence could focus on coordinating the entire intelligence community.

In 1976, the Senate Select Committee on Intelligence led by Frank Church recommended giving the Director control over intelligence budgets and relieving him of day-to-day CIA management responsibilities.

In 1976, former Secretary of Defense Clark Clifford recommended establishing a National intelligence director.

In 1985, Admiral Stansfield Turner recommended establishing a National intelligence director to oversee the entire intelligence community, with the CIA Director managing only the CIA.

Despite these and other recommendations, needed intelligence reforms were never enacted.

The 9/11 Commissioners were given a copy of the Scowcroft recommendations as background for their work, and the final report from the Commission drew significantly from his recommendations.

Governor Thomas Kean, Chairman of the 9/11 Commission, made this point clearly at a Senate Select Intelligence Committee hearing last Tuesday. He said:

And a number of the recommendations we've made have synthesized things from people like Scowcroft and a number of others who have made similar recommendations. And those recommendations have not been implemented.

Clearly, before we act on intelligence reform later this month, Congress should have benefit of General Scowcroft's recommendations as well. Congress faces a major task in reorganizing the intelligence community, at this time when the threats against our Nation are new and different. We must have the best information, advice and wisdom on this challenge, including a copy of the Scowcroft Commission report.

General Scowcroft, I am told, will be talking to Members of the Senate In-

telligence Committee this week in closed session about the report. But the meeting is for committee members only, is classified, and is off-the-record. I understand that none of the committee members will be permitted to read the report.

Frankly, that is ridiculous. Every Member of Congress has an interest in being well-informed before voting on intelligence reform. Every American has an interest too. The 9/11 Commission's report and its 41 recommendations are not classified, and General Scowcroft's should not be classified either.

Congress should not be forced to rely on sketchy press reports for information on an issue with such important consequences for our National security and our ability to fight the al-Qaida terrorists. It is irresponsible for the administration to keep Congress in the dark.

We hope to complete action on legislation to implement the 9/11 Commission recommendations before we adjourn. Given the enormous stakes for our Nation, it is unconscionable that the President has not already made an unclassified copy of the Scowcroft report available to us.

There is bipartisan support for release of the Scowcroft Commission report and recommendations. In July, the Democratic leader asked the President to declassify the report. During an August 16 Senate Armed Services Committee hearing on the 9/11 Commission recommendations, Senator WARNER, our distinguished Chairman, indicated that the Congress should have the report. He said:

For the record, the Scowcroft Commission report has not been released by the White House. So there has been some public discussion of its major points, so we're going to look into seeing whether or not we can have greater access to it.

Senator ROBERTS, the Chairman of the Intelligence Committee, also seeks the Scowcroft Commission report. At the same hearing, he said:

I just had a talk with Brent Scowcroft last Thursday, and even at my age, I begged him on hands and knee to release the report to the Intelligence Committee and to the Armed Services Committee.

At our August 17 hearing, Senator ROBERTS said he agreed that "it would be very helpful" if the Scowcroft recommendations were released.

Secretary of Defense Donald Rumsfeld has also indicated that he can't see any reason why the Scowcroft Report should not be declassified. When he testified in the Senate Armed Services Committee last month, he said:

I've been briefed on the Scowcroft Commission report. I don't see any reason why there shouldn't be a process going through and see what portion of it can be declassified. I don't know who classified it in the first place. It wasn't the Department of Defense, to my knowledge. . . .

Why does the administration refuse to declassify the report and make it available to Congress? Why would the

administration knowingly put the Congress in the position of acting on an intelligence reform proposal with enormous consequences for our National security, without having an unclassified copy of this crucial report?

The obvious reason is that the administration is desperate to avoid embarrassment about the President's mishandling of intelligence reform.

The Scowcroft report and recommendations are nearly 3 years old. They were submitted to President Bush in December 2001—just 3 months after the devastating attacks on September 11. Now, finally, we are about to enact long-overdue reforms to enable our intelligence community to deal more effectively with terrorist threats and other threats to our security.

The President needs to come clean. He should release a declassified copy of the report to the Congress so we can act responsibly on intelligence reform. The American people can decide for themselves whether the President has dragged his feet on intelligence reform for nearly 3 years, despite his current rhetoric about the need for change.

I urge the President to declassify the Scowcroft Commission report immediately, and that is what my amendment would do.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we appreciate very much the Senator's amendment and discussion of the Scowcroft Commission report and whether the contents of that report should be declassified. That is, as I understand it, the purpose of the amendment, to make that information public.

What I hope we can do in the consideration of this appropriations bill is to keep our attention focused on the funding of the Department of Homeland Security activities. That is the purpose of this appropriations bill. We have worked very hard with colleagues on the Appropriations Committee to identify priorities. We fully considered the President's budget request on issues surrounding funding levels. We know we do not have unlimited budget authority. We are limited by an allocation from the full Committee on Appropriations in the Senate.

I hope we defer this issue to the consideration of the authorizing committee. The Intelligence Committee has this issue under review. As a matter of fact, this issue has already been raised, as I understand it, in hearings that are being held in consideration of the so-called 9/11 Commission recommendations. We have had that report before the Senate. There are a number of other committees looking into these issues.

But the Appropriations Committee is trying to get funds approved by the Congress to fund the Department of Homeland Security needs for this next fiscal year beginning October 1.

I don't know whether the Senator wants a vote on his amendment, or maybe at the appropriate time after

other Senators have had an opportunity to discuss their views, if they so choose, we could move to table the amendment. That would be my suggestion, that we remove that amendment from this bill and let it be handled by some other committee.

I am sympathetic with the concerns the Senator has expressed, but I really do not think we ought to convert the consideration of an appropriations bill into consideration of whether to declassify or not the Scowcroft Commission report. That is my reaction to the amendment. I hope the Senate will consider our views.

Mr. KENNEDY. Mr. President, will the Senator allow me to respond?

Mr. COCHRAN. I am happy to yield to the Senator.

Mr. KENNEDY. Mr. President, I think the Senator is quite correct in terms of understanding that with an appropriations bill there are rules about whether we have legislation, et cetera, on appropriations, and that is done for good reason. The Senator has outlined some thoughts. The authorization, as the Senator knows, has already been passed and is now in conference.

Let me mention this point, because we looked very carefully at this issue.

The Scowcroft Commission deals with the amendment. There is the requirement that all amendments be related to the text of homeland security. The Scowcroft Commission report deals with collection, analysis, and dissemination of intelligence. The Department of Homeland Security plays an important role in these matters, and the Office of the Under Secretary for Information, Analysis and Infrastructure Protection is funded in this bill. On page 74, it says it is responsible for collecting and disseminating terrorist threat information, fusing and integrating data with foreign intelligence to produce a comprehensive picture of threat, and developing and implementing an action plan to mitigate terrorist threats and national vulnerabilities. The Scowcroft report addresses issues that would have a substantial impact on the way this office and all intelligence officials at the Department of Homeland Security conduct their work, and the quality of intelligence to a large extent determines whether the Department of Homeland Security is able to perform its mission and protect the public from future terrorists.

On page 29 of the bill, \$157 million is provided for intelligence functions in the Office of Director of Information, Analysis and Infrastructure in the Department of Homeland Security.

Then section 504 of the bill specifically provides funds made available by this act for intelligence activities are determined to be specifically authorized by the Congress.

This is legislative language authorizing the operation of a portion of the intelligence community.

I want to say to the Senator that we thought long and hard about the appro-

priateness of this amendment. Reading through the legislation itself, it appeared these matters were directly in line with a number of at least some portions of the Scowcroft Commission report. Particularly since we have such a sense of urgency in ensuring that we are going to try to get it right with the recommendations of the 9/11 Commission and the Scowcroft report, given the fact, as I mentioned earlier, that Secretary Rumsfeld, Chairman WARNER, Chairman ROBERTS all indicated they thought it would be of use and value, it seemed to me this could be something we can all get behind and support.

I thank the Chair.

Mr. COCHRAN. Mr. President, I thank the Senator for his further comments to the Senate.

I also at this time would like to propose a unanimous consent request which I understand has been cleared on both sides of the aisle. The distinguished leader from Nevada is here on the floor.

I ask unanimous consent that immediately following the vote in relation to the Schumer amendment this evening, the Senate proceed to a vote in relation to the Lautenberg amendment No. 3617; provided further that no amendment be in order to the amendment prior to the vote. Finally, I ask unanimous consent that there be 2 minutes equally divided for debate prior to each vote.

Mr. REID. Reserving the right to object, it is my understanding the first vote will occur at 5:30 or 5:15.

The PRESIDING OFFICER. At 5:30.

Mr. REID. And it is my further understanding there has been consent entered that Senator SCHUMER could modify his amendment; is that true?

The PRESIDING OFFICER. The Senator may modify his amendment.

#### AMENDMENT NO. 3615, AS MODIFIED

Mr. REID. That modification is at the desk and I ask it be brought forward in compliance with the unanimous consent request made by the Senator from Mississippi.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 3615), as modified, is as follows:

On page 13, between lines 18 and 19, insert the following:

#### GROUND TRANSPORTATION

For necessary expenses of the Transportation Security Administration to establish an identification and tracking system for HAZMAT trucks and a background check system for commercial driver licenses, \$70,000,000.

On page 2, line 17, strike \$245,579,000 and insert "\$175,579,000".

The PRESIDING OFFICER. Is there objection to the request of the Senator from Mississippi?

Without objection, it is so ordered.

The Senator from North Dakota.

Mr. CONRAD. Mr. President, thank you.

(The remarks of Mr. CONRAD pertaining to the submission of S. Con.

Res. 136 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. CONRAD. 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. REID. 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.

Mr. REID. Mr. President, I have been here with Senator BYRD and Senator COCHRAN trying to move this most important bill along. We learned over the weekend that developments had occurred and that we would not even ask for a filing deadline for tonight. That was the original plan. Senators who wished to offer amendments would have had to file, say, at 5 o'clock tonight. That being the case, we would have probably had maybe a dozen amendments, and we could finish those tomorrow. It may have taken a while, but we could have finished them with a good hard day's work tomorrow.

We have been told now we have another supplemental for Florida coming along, and some people on the majority side want to include that in this bill. I think that is a real mistake. I want to do everything that I can to help the people of Florida; they have been through a lot. That has not ended yet, as you know, with Hurricane Ivan approaching, which may hit Florida again.

We can finish this Homeland Security appropriations bill. I think that would be a real important thing to do before we leave for the Jewish holiday. I think if we try to include the supplemental appropriations bill as part of this, it is going to make it difficult, if not impossible, to finish because we have been told by Senator NELSON of Florida and by other Senators who are interested in what is going on in the farm country around the United States that on the next bill that comes, there is going to be an amendment on that, and there will be significant amendments that will require debate and a lot of money.

I am not a visionary, by any means, but having been on the Senate floor a lot, I believe it will be difficult, if not impossible, to finish the bill—certainly not tomorrow night. It will spill over into Wednesday. We will not finish by 11 o'clock, or whatever time the leader wants to finish to allow people to go west for the holiday.

So I ask respectfully that the majority take another look at this, and let's have a filing deadline quickly and finish this bill tomorrow. I know the majority wants to get as much work done as possible, and I respect that. We have been really good on these bills. We have been sticking to what we believe is the important work of the country, this Homeland Security bill. We en-

tered into an agreement that we would only offer related amendments, and we stuck by that. We have so little time to do so much.

I think if we went ahead and did this emergency supplemental, it would be much easier to do that as a standalone vehicle, not tie it into this because it will wind up hurting both vehicles. That is a real mistake. I am willing to work with the body to determine what is best for the country, but I suggest it is not going to be a different country to have this Homeland Security appropriations bill not completed.

Senators COCHRAN and BYRD are two of the most experienced and wise people we have in the entire Senate. I think it complicates their job significantly to try to change the context of this bill from a homeland security bill to one that deals with a hurricane that occurred in Florida, and another hurricane that occurred in Florida, and maybe another one that will occur in Florida. I don't think the two matters are related. Again, I respectfully suggest that the majority take another look at this and see what we can do to separate the issues.

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. SCHUMER. 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. 3615, AS FURTHER MODIFIED

Mr. SCHUMER. Mr. President, I ask unanimous consent that the amendment I have at the desk be modified by language that is at the desk.

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

The amendment, as further modified, is as follows:

On page 13, between lines 18 and 19, insert the following:

#### GROUND TRANSPORTATION

For necessary expenses of the Transportation Security Administration to support efforts for identification and tracking for shipments of hazardous materials and continue and expand upon the background check system for commercial driver licenses with a HAZMAT endorsement, \$70,000,000: *Provided*, That the amount appropriated under title I for the Human Resources Account of the Office of the Under Secretary for Management shall be reduced by \$70,000,000.

Mr. SCHUMER. I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. 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. COCHRAN. Mr. President, at 5:30, we are going to be voting in the Senate on a motion to table the Schumer amendment. The Senator described his

amendment recently and talked about the fact that the Department of Homeland Security has not done anything, essentially, to protect against the explosives or other dangers occurring when trucks with hazardous material are driven throughout the country, and that an additional \$70 million, I think, is the total amount of new money to be added to this bill for this purpose.

It is described in the Senator's amendment as a tracking system for hazardous material trucks, hazmat trucks, and a background check system for commercial drivers' licenses.

I am suggesting to the Senate that this is an additional \$70 million that cannot be efficiently used for this purpose in 1 fiscal year, and I am going to tell you why.

The Appropriations Committee has already provided funding for a number of different programs designed to accomplish the goals that the Senator has described in his comments about and his description of his amendment when he previously offered it.

Last year, in fiscal year 2004, Congress appropriated \$9.4 million for an effort to develop a high-explosive countermeasure system in the Science and Technology Directorate. Research is being undertaken and a program that will follow on is funded at \$33.590 million to provide technologies and programs that would interdict explosive attacks against buildings from all modes of transportation, including trucking. It is also designed to protect critical infrastructure and the Nation's civilian population. This is an increase of \$23.89 million from the budget request submitted by the administration.

We have tried to communicate with the Transportation Security Administration and other agencies of the Department of Homeland Security to see what funds could be utilized to help make this the most sophisticated and effective system available to the American public in protecting buildings, protecting civilian populations, protecting the trucking systems and the infrastructure of our country against problems of vehicle bombs, problems of hazardous materials being confiscated and converted into explosives to damage infrastructure: highways, tunnels, bridges, buildings, and the like.

So the Homeland Security Advanced Research Project Agency is issuing a broad agency announcement for systems for vehicle bomb detection using optical and nuclear thermal neutron analysis. The Science and Technology Directorate is piloting several sites using different means for detecting vehicle bombs at checkpoints. There are other initiatives to deny terrorists the use of commercial explosives and materials for making such bombs.

So across the board, what I am saying, there is a broad indepth, comprehensive effort underway and using a variety of technologies and programs that seek to achieve, and will achieve, the goal suggested by the Senator from New York.

We do not need to adopt this amendment to accomplish the goal he talks about that we need to pursue. We are doing what the Senator has suggested should be done.

There is a Hazardous Material Shipper Training Program in place for drivers and others who are involved as employees in that industry, providing information about security requirements and responsibilities of those engaged in the trucking industry. It is promoting security awareness for each mode of transportation, not just truckers but other shippers as well.

Funds have been provided in the 2004 appropriations bill to test certain technologies, new technologies to track high-risk trucks on the Nation's highways. The Senator said there is no program such as that in place. Programs are being tested to be implemented. We want to be sure the Transportation Security Administration has the ability to track vehicles throughout the entire country, in Alaska and Hawaii as well, to identify the best practices and the standards and regulations that ought to be implemented and enforced by Federal, State, local, and industry stakeholders as well.

Congress has provided over \$42 million for the Highway Watch Program to promote security awareness among all segments of the commercial motor carrier industry and the transportation community at large. For this fiscal year, in this bill that is before the Senate, \$15 million is provided for this program.

For the previous 2 fiscal years, \$12 million has been provided for the Transportation Security Administration and the Federal Motor Carrier Safety Administration to test and evaluate a variety of technologies, such as global positioning systems, wireless communications, use of global positioning satellites, alarm systems, biometric identification, and radio frequency identification devices to ensure that dangerous or potentially dangerous vehicles are identified.

Field testing has just been completed, and the evaluation phase in this program has begun. These are steps toward the goal that we all share, and that is identified by the Senator from New York as a very imminent and urgent need. It is an urgent need, and we are treating it as such over the prior appropriations bill's approval and provisions, as well as this year's appropriations bill.

There was a mandate in the PATRIOT Act that the Transportation Security Administration has implemented, in partnership with the departments in the State motor vehicle area, to ensure that all drivers who are licensed to transport hazardous materials are subjected to Federal background checks to be sure the people who are operating these vehicles ought to be operating them; that they are not high-risk people; that they do not have something in their background that raises alarms about their dependability.

The Transportation Security Administration has undertaken background checks on 2.7 million drivers who have hazardous materials endorsements on their commercial driver's licenses. These background checks have identified approximately 36 individuals who are no longer allowed to transport hazardous materials. TSA will complete this background check, and when it is completed they will have conducted name-based background checks on all 3.5 million drivers this year. There will be an FBI fingerprint-based criminal history check undertaken as well.

The offset would affect the Office of Under Secretary of Management's Human Resources Division.

In terms of research, what I am suggesting is that every effort possible is being made, through grants provided by the Department of Homeland Security, technology development, and deployment in the department, to develop a more efficient system for identifying drivers to be sure they are trustworthy and are not threats to the Nation's security through the operation of vehicles carrying hazardous materials, the confiscation of vehicles that are carrying hazardous materials or that could be converted into bombmaking vehicles. All of this is being done in an aggressive and comprehensive way by the Department of Homeland Security, in cooperation with State and local authorities throughout the country.

Private sector groups, shippers who are undertaking to safeguard the content of packages that go into vehicles, are also very actively involved in helping ensure that the public is not going to be put in danger through the use of our transportation system in this way.

We think the provisions of the bill are adequate. To provide funding that the Senator is suggesting is needed will be wasteful and cannot be efficiently used for the purposes he seeks. The goals are notable and laudable. We share them and we are doing everything we can to ensure that we have in place the programs, training, research, and technologies that we need to protect ourselves from these kinds of attacks and attacks against the Nation's critical infrastructure and population centers.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank my colleague from Mississippi for his graciousness in allowing this amendment to be modified. I agree with him that we have the same goals, but our analysis of how well we are progressing toward those goals is woefully inadequate.

I want to make clear what the amendment seeks to do because there have been some concerns raised by the American Trucking Association and some truck firms. To address those concerns, which I did not think were real, I modified the amendment to make that clear. Here is what the amendment does not do: It does not re-

quire that members of the trucking industry purchase GPS systems for their truck fleets. It does not require trucking companies to present plans to TSA of current truck routes throughout the country.

My amendment simply provides the TSA with the resources to begin looking into how we go about monitoring what has been shown to us as a vulnerability within our existing plan to secure our country from terrorist threats. I know the ATA, which has resisted any regulation of the trucking industry, has raised some concerns, but their concerns are either incorrect or shortsighted.

My amendment provides the TSA with flexibility and much needed funds to address truck security and has none of the mandates or high costs that have been talked about. Both the TSA and DOT, I will agree with my friend from Mississippi, are currently working on improving and expanding truck-tracking systems and background checks for commercial driver's licenses with the HAZMAT endorsement. But let me suggest something. Here is the plan. First, they were doing nothing, and a year, a year and a half ago, I prodded and prodded. So now the plan is that any new application for a HAZMAT license will be checked out, a background check will be given. The problem is, all existing licenses will not be checked until they are renewed.

Since most States have 5-year renewal periods, we are not going to check many of these licenses until 2007, 2008, 2009, even 2010.

When one asks the TSA why they are not doing it more quickly, they say one word: Money. We do not have the money.

It is hardly believable that \$10 million here or \$9.4 million there, which is spread across a whole lot of programs and research, will be enough. So the bottom line is, we agree that we have to do this, but I would rather err on the side of making sure we get it done quickly, given that the terrorists have said—at least with al-Qaida—that truck bombs are a preferred weapon. Every one of us knows what has happened. We have not provided the money we need in homeland security, whether it is truck security or anything else. We slow-walk these programs.

To say that somebody could have a hazardous material license and be on a terrorist watch list and we will not catch up to them until 2010 makes no sense. When TSA says they have not done this or not done it quickly because they do not have the money, what we do is provide them the money. There is an offset, an offset from a pot of money that simply says let us outsource some structural personnel reorganizing.

It amazes me that we could spend \$70 million for that but only \$15 million for the whole program of truck security.

As for the GPS system, it is needed. We do not mandate it because we, like our friend from Mississippi, are not

sure exactly the best way to go. But we sure want TSA to come up with a plan quickly and figure out how to do it and not impose the costs on the trucking industry if need be.

Here in America, a lot of companies put in a GPS system on their own, not to deal with terrorism but to deal with stolen trucks.

I remind my colleagues that a truck carrying hazardous material is missing, gone, from Pennsauken, NJ, not far from my city, and we still do not know where it is. We do not know what has been done with it. In all likelihood, it was stolen for mercenary purposes. But can we afford the risk that the next truck is stolen for terrorist purposes?

Simply training with the ATA program, which trains truck drivers on safety in terms of terrorism, does not deal with the fact that a terrorist might wish to steal a truck, hijack a truck, use a truck. All the training programs of good drivers, legitimate drivers in the world will not deal with that, and that is why we believe these other steps are so needed.

The bottom line is this is not a whole lot of money. This is a serious threat. It is offset. There are no mandates. Again, I say to my colleagues, we do not wish to wake up one morning and say: What if—God forbid there was a terrible incident—we had done more and allocated the money needed?

I yield the floor.

The PRESIDING OFFICER. The hour of 5:30 having arrived, there will be 2 minutes equally divided.

Mr. COCHRAN. Mr. President, I move to table the Schumer amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. COCHRAN. Mr. President, I thought there were 2 minutes remaining.

The PRESIDING OFFICER. The Senator would have to withhold his motion to table.

Mr. REID. I ask unanimous consent that in spite of the motion by the Senator from Mississippi, there be 2 minutes equally divided on this amendment.

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

Mr. COCHRAN. Mr. President, the American Trucking Association has delivered a letter to me. It is signed by 34 organizations or industries that are concerned that the passage of the Schumer amendment would result in an enormous burden on our national economic recovery, that it would impose enormous costs on many industries, that it would force haulers to undertake expensive new activities that have not been approved or suggested by the Transportation Security Administration as necessary or as improvements to the security systems now in

place. This is a three-page letter. Rather than have it read into the RECORD, I ask unanimous consent the letter, dated September 13, addressed to me, be printed in the RECORD.

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

AMERICAN TRUCKING ASSOCIATIONS,  
Washington, DC, September 13, 2004.

Hon. THAD COCHRAN,  
U.S. Senate,  
Washington, DC.

DEAR MR. CHAIRMAN: We urge you to vote no on the Schumer Amendment to the Department of Homeland Security Appropriations for FY 2005.

The Schumer Amendment would (1) mandate background checks for drivers transporting hazardous materials; (2) require trucks transporting hazardous materials to be equipped with global positioning satellite (GPS) tracking devices; and (3) require written route plans to be prepared and filed with the Department prior to transporting hazardous materials. For the reasons set forth below, these initiatives are not necessary, will not ensure the secure transportation of hazardous materials, and will cause most trucking companies to embargo these vital commodities.

#### BACKGROUND CHECKS

Pursuant to the mandate contained in the USA PATRIOT Act, the Transportation Security Administration (TSA) has implemented a program to ensure that all drivers licensed to transport hazardous materials are subjected to a federal background check. To date, TSA has run background checks on the 2.7 million drivers that have hazardous materials endorsements to their commercial drivers' licenses. These background checks have identified approximately three dozen individuals who may no longer be able to transport hazardous materials. Background checks are continuing under this TSA program and this portion of the amendment mandating background checks is duplicative and not necessary.

#### HAZARDOUS MATERIALS ARE CRITICAL TO THE U.S. ECONOMY

There are more than 800,000 shipments of hazardous materials each day. Regulated hazardous materials include such items as pharmaceuticals, paint, hairspray, pesticides, airbags, cigarette lighters and other consumer commodities. In fact, the vast majority of hazardous materials transported do not pose a plausible risk of use in a terrorist attack. Nevertheless, the amendment would require transporters to equip literally hundreds of thousands of trucks with expensive tracking technology. The prenotification of route plans referenced by the Senator in his floor statement would frustrate the ability of hospitals to provide prompt or immediate medical treatments to their patients, hamper agricultural distributors' ability to provide farmers with the fertilizers and pesticides they depend upon and greatly increase the cost of many consumer commodities, such as home heating oil.

#### GLOBAL POSITIONING SATELLITE MANDATE

The pending amendment would require any truck carrying hazardous materials to be equipped with GPS technology that would enable the government to determine its location at all times. GPS systems, however, are easily defeated by cutting power to the transponder, otherwise disabling the transponder, shielding the transponder, parking the truck in an area that does not have "line of sight" to the satellite, offloading the cargo to another truck or simply decoupling the trailer and hooking it up to an alter-

native power unit leaving the original power unit with its transponder on the side of the road.

Moreover, GPS systems are expensive. Senator Schumer's estimate of \$200 for the cost of GPS is not accurate in the context of real-time 2-way communication GPS technology. The purchase and installation of "hardened" GPS transponders costs more than \$1,500 per vehicle. In addition, the annual communication costs may exceed \$1,000 per vehicle depending upon how often the truck is "pinged" by the satellite. Because hazardous materials comprise only a small percentage of the freight transported by the trucking industry, the trucking industry does not dedicate specific trucks to transport hazardous materials. As a result, the pending amendment would require the industry to equip virtually the entire fleet. Faced with these enormous costs most companies would simply refuse to haul hazardous materials, which could cripple the U.S. manufacturing industries and deal a severe blow to our economic recovery.

#### WRITTEN ROUTE PLAN REQUIREMENT

The pending amendment would require motor carriers to file written route plans with the government for purposes of route verification. This proposal could actually compromise security as a terrorist could exploit the carrier's or government's communication systems used to transmit route plans, which would provide the terrorist with a virtual shopping list of certain desirable hazardous materials.

This proposal would require the expenditure of enormous administrative resources necessary to devise, transmit and verify the route plans. Moreover, written route plans are not practicable to implement in many trucking operations. While written route plans may be implemented in a truckload environment where a carrier picks up a load of materials at one location and delivers it to its final destination, a significant amount of freight is moved in the less-than-truckload or package & delivery environment, where written route plans are not feasible because the freight may be transloaded several times before delivery. For these carriers, the costs associated with providing this service would far outweigh the revenue opportunities from such low volume freight. As a result, many of the safest and most responsible carriers will no longer carry hazardous materials. The removal of competitive forces from this segment of the hazardous materials transportation market will result in significant price increases in the cost of transporting this freight. Moreover, the administrative burden to the federal, state and local governments of real time tracking of several hundred thousand daily shipments is enormous. Finally, the transportation of radioactive materials and certain explosives are already subject to additional stringent safety and security requirements of the Department of Transportation.

#### FMCSA STUDY PENDING

(THE AMENDMENT IS PREMATURE)

In his floor statement introducing his amendment, Senator Schumer argued for the implementation of "global positioning satellite (GPS)" technology to track all truck shipments of hazardous materials. Respectfully, the Senator's proposal is premature and may frustrate the development of more effective and less costly alternatives.

It is important that the Senator be aware of a current research project, which began almost a year ago, under the auspices of the Department of Transportation's Federal Motor Carrier Safety Administration. That project, referred to as the "Field Operations Test" (FOT), involves the testing and evaluation of a variety of technologies including

GPS, wireless communications, global positioning satellites, “panic buttons and alarms”, “geo-fencing”, biometric identification and radio frequency identification devices.

The field testing has just been completed, and, the evaluation phase has already begun. Already, SAIC and Batelle have produced a multi-volume draft report which has been circulated (on a limited basis) to security specialists within both government and industry.

The Senate should pause until the evaluation and reports are complete, and final recommendations have been submitted to both the Department of Transportation and the Department of Homeland Security.

We urge you to defeat the Schumer amendment.

Respectfully submitted,

- Agricultural Retailers Association
- American Chemistry Council
- American Farm Bureau Federation
- American Petroleum Institute
- American Pyrotechnics Association
- American Trucking Associations
- Chlorine Chemistry Council
- Commercial Vehicle Safety Alliance
- Compressed Gas Association
- Council on Safe Transportation of Hazardous Articles
- The Chlorine Institute
- Dangerous Goods Advisory Council
- The Fertilizer Institute
- Institute of Makers of Explosives
- Industrial Packaging Alliance of North America
- International Vessel Operators Hazardous Materials Association
- International Warehouse Logistics Association
- National Association of Chemical Distributors
- National Association of Convenience Stores
- National Association of Manufacturers
- National Association of Truck Stop Operators
- National Paint & Coatings Association
- National Private Truck Council
- National Propane Gas Association
- National Tank Truck Carriers
- Nuclear Energy Institute
- Petroleum Marketers Association of America
- Radiopharmaceuticals Shippers & Carriers Conference
- Reusable Industrial Packaging Association
- Steel Shipping Container Institute
- Society of Independent Gasoline Marketers of America
- Truckload Carriers Association
- U.S. Chamber of Commerce
- Utility Solid Waste Activities Group.

Mr. COCHRAN. Mr. President, I think the Senate has heard as much discussion as they probably need to form an opinion about this amendment. We urge Senators to vote yes on the motion to table and permit the committee to continue to work with the Department and industries that are involved to bring the best possible technologies into play to protect the security of our country and the transportation industries.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, let me make a couple of quick points.

First, the ATA letter says there are mandates. It was written before we modified the amendment. If there were any, there was no intention to have mandates, but now the amendment as

modified makes it clear, so I think their letter is outdated.

Of course, no industry wants any regulation. We are in a brave new world. The airline industry didn't want anything done after 9/11 unless the Federal Government paid for the whole thing. We are not outlining what ought to be done and what mandates should be, but we ought to move forward and find out how to make our trucks, particularly the trucks carrying hazardous materials, safer.

It is a small amount of money. It says take \$70 million out of a pot of money to outsource, to make TSA more efficient, and put it into truck security to do two things: First, to check on who can get a driver's license for hazardous materials, to avoid a situation like the one when hijackers were able to go fly planes, and, second, to study how to set up a GPS system so we can track trucks in case they are stolen.

I urge support of the amendment. I think we would be foolhardy not to do so.

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

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from New Jersey (Mr. CORZINE), the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Rhode Island (Mr. REED) are necessarily absent.

Mr. MCCONNELL. I announce that the Senator from Kansas (Mr. BROWNBACK), the Senator from Colorado (Mr. CAMPBELL), the Senator from Rhode Island (Mr. CHAFEE), the Senator from New Hampshire (Mr. GREGG), the Senator from Arizona (Mr. KYL), and the Senator from Ohio (Mr. VOINOVICH) are necessarily absent.

I further announce that if present and voting the Senator from Kansas (Mr. BROWNBACK) would vote “yea.”

The result was announced—yeas 55, nays 34, as follows:

[Rollcall Vote No. 173 Leg.]

YEAS—55

Alexander	Daschle	McCain
Allard	DeWine	McConnell
Allen	Dole	Miller
Baucus	Domenici	Murkowski
Bayh	Dorgan	Nelson (NE)
Bennett	Enzi	Nickles
Bond	Fitzgerald	Pryor
Breaux	Frist	Roberts
Bunning	Graham (SC)	Santorum
Burns	Grassley	Sessions
Carper	Hagel	Shelby
Chambliss	Harkin	Smith
Cochran	Hatch	Stevens
Coleman	Hutchison	Sununu
Collins	Inhofe	Talent
Conrad	Jeffords	Thomas
Cornyn	Lincoln	Warner
Craig	Lott	
Crapo	Lugar	

NAYS—34

Biden	Cantwell	Durbin
Bingaman	Clinton	Ensign
Boxer	Dayton	Feingold
Byrd	Dodd	Feinstein

Graham (FL)	Leahy	Sarbanes
Hollings	Levin	Schumer
Inouye	Lieberman	Snowe
Johnson	Mikulski	Specter
Kennedy	Murray	Stabenow
Kohl	Nelson (FL)	Wyden
Landrieu	Reid	
Lautenberg	Rockefeller	

NOT VOTING—11

Akaka	Corzine	Kyl
Brownback	Edwards	Reed
Campbell	Gregg	Voinovich
Chafee	Kerry	

The motion was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3617

The PRESIDING OFFICER (Mr. FITZGERALD). Under the previous order, there will now be 2 minutes of debate equally divided on the Lautenberg amendment.

The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, this amendment is cosponsored by Senator CORZINE and me. The amendment simply adds \$100 million to ensure that the Coast Guard is going to have adequate funding for its nonhomeland security measures.

It is interesting; we fund Iraq's coast guard, and now the Iraqi Coastal Defense Force is receiving U.S. tax dollars for Chinese-built boats and crew training. If we can find money for Iraq's coast guard, then surely we can adequately fund our own Coast Guard. They perform services that are essential.

We need to add this funding because GAO found that the Coast Guard has to dip into its nonhomeland budget during times of elevated security alert. That means missions such as search and rescue, protecting our fisheries, ice-breaking operations, marine pollution, migrants, drug interdiction, and other law enforcement issues as well.

The amendment is still \$150 million less than the amount authorized in the Coast Guard bill signed into law just last month by the President. I urge my colleagues to look at their coastline and decide whether they ought to support the amendment.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, this amendment offers to add a substantial amount of money to the operational budget of the U.S. Coast Guard. I remind Senators that the Coast Guard's total appropriation in this next fiscal year is \$705 million above last year's appropriation. It is about \$134 million above the President's request for overall U.S. Coast Guard activity. We urge the Senate to vote no against the Lautenberg amendment.

I make a point of order under section 302(f) of the Congressional Budget Act that the amendment provides spending in excess of the subcommittee's 302(b) allocation.

Mr. LAUTENBERG. Mr. President, I move to waive the applicable sections of the Congressional Budget Act.

The PRESIDING OFFICER. Does the Senator seek the yeas and nays?

Mr. LAUTENBERG. Yes.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Kansas (Mr. BROWNBACK), the Senator from Colorado (Mr. CAMPBELL), the Senator from Rhode Island (Mr. CHAFEE), the Senator from New Hampshire (Mr. GREGG), the Senator from Arizona (Mr. KYL), the Senator from Ohio (Mr. VOINOVICH), and the Senator from Montana (Mr. BURNS) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from New Jersey (Mr. CORZINE), the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Rhode Island (Mr. REED) are necessarily absent.

The yeas and nays resulted—yeas 38, nays 50, as follows:

[Rollcall Vote No. 174 Leg.]

YEAS—38

Baucus	Feinstein	Lieberman
Biden	Graham (FL)	Lincoln
Boxer	Harkin	Mikulski
Breaux	Hollings	Murray
Byrd	Inouye	Nelson (FL)
Cantwell	Jeffords	Pryor
Clinton	Johnson	Reid
Collins	Kennedy	Rockefeller
Daschle	Kohl	Sarbanes
Dayton	Landrieu	Schumer
Dodd	Lautenber	Stabenow
Durbin	Leahy	Wyden
Feingold	Levin	

NAYS—50

Alexander	Dole	Miller
Allard	Domenici	Murkowski
Allen	Dorgan	Nelson (NE)
Bayh	Ensign	Nickles
Bennett	Enzi	Roberts
Bingaman	Fitzgerald	Santorum
Bond	Frist	Sessions
Bunning	Graham (SC)	Shelby
Carper	Grassley	Smith
Chambliss	Hagel	Snowe
Cochran	Hatch	Specter
Coleman	Hutchison	Stevens
Conrad	Inhofe	Sununu
Cornyn	Lott	Talent
Craig	Lugar	Thomas
Crapo	McCain	Thomas
DeWine	McConnell	Warner

NOT VOTING—12

Akaka	Chafee	Kerry
Brownback	Corzine	Kyl
Burns	Edwards	Reed
Campbell	Gregg	Voinovich

The PRESIDING OFFICER. On this vote, the yeas are 38, the nays are 50. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. COCHRAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 3621

Mrs. MURRAY. Mr. President, I call up amendment No. 3621 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 3621.

Mrs. MURRAY. 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 set aside an amount for a pilot project to test interoperable communications between the first Northern Border Air Wing, Bellingham, Washington, and local law enforcement personnel)

On page 39, between lines 5 and 6, insert the following:

SEC. 515. Of the amount appropriated by title II for the Office of the Under Secretary for Border and Transportation Security under the heading "AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT", \$5,000,000 may be used for a pilot project to test interoperable communications between the first Northern Border Air Wing, Bellingham, Washington, and local law enforcement personnel.

Mrs. MURRAY. Mr. President, the amendment I just called up has been agreed to on both sides. It simply allows our northern Air Guard to be able to communicate with those on the ground and use available funds.

I have talked with the managers on both sides, and I believe the amendment is agreed to. I urge its adoption.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we reviewed the amendment offered by the Senator from Washington. We agree to support it, and we ask the Senate to adopt it.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 3621) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, we are at a point in the deliberations that I think we can be pleased with the progress we have made so far last week as well as today. We hope to be able to push ahead and complete action on this bill tomorrow evening. That is the expectation of the leadership. But I know we have a number of amendments that Senators are preparing to offer tomorrow. There are also four amendments that we have had discussion on which have not yet been disposed of. But in view of the fact we have made such good progress and there are other activities that are important to Senators off the floor at this point in the

evening, it is my hope that we will go into morning business and let the leadership decide how long that will be.

I thank my friend from Nevada, who has been very helpful in handling the bill on the floor, along with our other leaders on our side of the aisle as well, particularly Senator FRIST, the majority leader.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we have tonight a couple of amendments, maybe even three, that people could offer. I talked with Senator DAYTON, and he said he wants to offer one which will take 5 minutes. It is up to the manager whether he wants to do that tonight or tomorrow. We also have two Feingold amendments that should be accepted, we understand, and a Levin amendment. It is up to the manager.

Mr. COCHRAN. Mr. President, we are happy to stay here as long as there is business to be transacted.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I say to my friend, since I last spoke on the Senate floor about how we should proceed on this bill, or made suggestions, I have learned that the House leadership has said they are going to spend all week looking at the next supplemental dealing with Florida.

Whether that is the case or not, I do not know. All I know is that is what they have said. I again ask the majority to take a close look at what we are doing. Let us finish Homeland Security appropriations and worry about Florida—and I realize it takes a lot of worrying because they have had calamities that are untoward in our history, but let us get rid of this Homeland Security bill. I say that in a positive sense.

We have made good progress. I think the amendments have been listed. We can get rid of these, and again I hate to use a term like that—we can dispose of these amendments. We can adopt and accept some of them. I think we could do it even maybe tomorrow evening. But if we are going to complicate this matter with the supplemental appropriations, it is going to make things real tough to finish this bill.

I am here only to serve the body and do whatever I can to move things along. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 3629

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. DAYTON] proposes an amendment numbered 3629.

Mr. DAYTON. 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 ensure the continuation of benefits for certain individuals providing security services for Federal buildings)

At the appropriate place, insert the following:

SEC. \_\_\_\_ . Amounts appropriated under this Act for expenses related to the protection of federally owned and leased buildings and for the operations of the Federal Protective Service shall not be made available unless the Service implements procedures to ensure that, with respect to contracts (including subcontracts) entered into on or after May 30, 2004 with private security firms to provide protective services for federally owned or leased buildings, the terms of such contracts are not modified in a manner that results in a change in benefits for the employees involved unless the employees involved consent to such changes.

Mr. DAYTON. I thank the manager of this bill for the opportunity to present my amendment tonight.

Unfortunately, this amendment is unfortunately necessary to protect the security of the men and women who protect our security day and night in States such as Minnesota. As my colleagues will recall, when the Department of Homeland Security was created in 2002, the Congress granted the Secretary of the new Department of Homeland Security the unprecedented power to override longstanding employee contracts. He or she was given the power to hire, fire, promote, demote, or do anything to the employees of that new agency.

Some of us opposed that unprecedented, unwarranted, and unnecessary power. A couple of my colleagues were vilified, demonized, and defeated for opposing that unilateral power. The majority in this body, at the insistence of the Bush administration, voted for it. Well, they got it.

So of the security guards in the Federal building where I have my office in Minnesota and elsewhere, I am told a private contractor took over their contract this July, and without consultation, without negotiation, or without consent altered their health benefit payments. It saves this big company taxes.

Of course, they could underbid the existing contractor and take that out of the benefits of those security guards in Minnesota to the detriment of them and their families.

The result has been that since July 1, 15 to 20 percent of that local guard force has had to quit, look for a new job, or take a second job. Others have not been able to meet their house and car payments. They are having a harder time concentrating on work, their work being to protect the people who work in my office, my constituents.

One guard had a heart problem and had to be taken from work to the hospital in an ambulance because of the stress that was imposed. He received medical services that now, as a result of this contract change, he does not have the money to pay for.

It takes 70 to 80 hours to train a new security guard. For a full-timer, that is about 10 full-time days. For part-timers, that can take up to a month de-

pending on their part-time schedule. So this is not saving the taxpayers money. This is saving the private contractor money. It is providing greater profits for that company at the expense of the health and economic security of the people who are providing that security day and night in Minnesota and other States because their protections were stripped out and eliminated when this new Department of Homeland Security was created.

I say, respectfully, to the chairman of the Appropriations Committee, as well as to the chairman of the subcommittee and the distinguished ranking member, I know they have expressed in the past their reluctance to adopt policy changes in appropriations measures, but the health, security and protections of the people in Minnesota, unfortunately, cannot wait for some other measure to come forward. So I believe it is essential that I bring forward this amendment, and I ask my colleagues to consider it.

It very simply says—and I would be quite happy to go back further in time, but for the sake of this particular situation and others like it—for contracts that have been taken over through low-ball bidding since May 30, 2004, alterations in health protection and health coverage have to be negotiated with the employees or with their bargaining unit. To me, this is the minimal measure of protection that should be granted to every employee in the Federal Government, in this agency, or any other.

At 5:25 p.m., I received stated objections from someone at the Federal Protective Service purporting to represent the official response of the Department of Homeland Security. Once again, the existing Federal agency at the last minute has objections to the legislation that could have been presented to me today, last week, whenever. My staff has been in discussion with the majority and the minority staff on the committee for the last few days. Less than 2 hours ago, to receive from the agency involved their stated objections that they will use, I assume to try to defeat this amendment, I find to be offensive.

They, once again, presume that because they have this authorizing legislation that grants the Secretary unilateral, complete, absolute power to make these changes in people's contracts that affect their lives, that affect their families, they do not even need to bother to respond to proposed legislation, which is exactly the reason this should not have been passed to begin with; exactly the reason employees should have due process; exactly the reason this ought to be in contract bargaining procedures so that those changes that are going to be made have to go through a negotiation or discussion with the elected representatives of those affected employees.

We have gone too far in creating this department and giving that unilateral authority to any single individual.

This is a step back in the proper direction that is not in any way going to affect the national security of this country. In fact, I take that back. It will only enhance the national security of this country, of the Federal employees in the Federal buildings such as in Minnesota and the citizens who go to those buildings to meet with their elected representatives because they will be better qualified, better trained, more capable people, including those who now hold those jobs, except for those who have been forced to leave those jobs. So there will be better national security at a lower cost to the taxpayer when the retraining and other ancillary costs are included.

The only one that will be adversely affected by this will be the private employer who is underbid and is trying to extract additional profits out of the economic security of those employees and the public security of those they protect.

I urge my colleagues to support this amendment.

I yield the floor.

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

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

Mr. COCHRAN. Mr. President, I thank the Senator for his suggestion of this change. As I understand the amendment, it would limit the appropriation provided in this bill by restricting the opportunities for the Federal Protective Service to enter into certain contracts. It imposes conditions under which they can engage in contract activities for protective services at Federal building sites.

I am advised by the Federal Protective Service, which is under the Department of Homeland Security, that this is an amendment not supported by the administration. There are those who are involved in helping to safeguard the security of Federal buildings and other facilities. They have limited resources which they say would be significantly diverted from the primary mission of providing the professional, qualified, and capable security guard service according to contracts and the needs of individual locations. The restrictive language of the amendment is counterproductive to the progress the Federal Protective Service has made.

So the argument that I have to make and that I am happy to make is that this amendment should not be included in this legislation, and we would be forced to resist it. I will urge my colleagues to vote against it at the appropriate time.

The leadership has indicated, I think, either formally or informally, that there will be no further rollcall votes this evening, so this is an issue that would have to go over until tomorrow,

and we will be happy to discuss the details more fully tomorrow so that all Senators are aware of the impact this amendment would have on the Federal Protective Service and its ability to do its job.

Mr. President, I ask unanimous consent that this amendment be set aside so that other matters may be brought up.

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

Mr. COCHRAN. Mr. President, there is a matter I can bring to the attention of the Senate, a modification of an amendment that has already been adopted.

AMENDMENT NO. 3618, AS MODIFIED

On behalf of Senator BYRD and myself, I offer a modification to amendment No. 3618 which was adopted by voice vote on Friday, September 10, 2004.

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

The amendment (No. 3618), as modified, is as follows:

On page 39, between lines 5 and 6, insert the following new section:

“SEC. \_\_\_\_ (a) The total amount appropriated under the heading “CUSTOMS AND BORDER PROTECTION, SALARIES AND EXPENSES” is hereby increased by \$150,000,000. Of such total amount, as so increased, \$50,000,000 is provided for radiation detection devices, \$50,000,000 is provided for additional border inspectors, and \$50,000,000 is provided for additional border patrol agents.

“(b) The total amount appropriated under the heading “IMMIGRATION AND CUSTOMS ENFORCEMENT, SALARIES AND EXPENSES” is hereby increased by \$100,000,000. Of such total amount, as so increased, \$50,000,000 is provided for additional investigator personnel, and \$50,000,000 is provided for detention and removal bedspace and removal operations.

“(c) The total amount appropriated under the heading “OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS, STATE AND LOCAL PROGRAMS” is hereby increased by \$128,000,000. The total amount provided in the aforementioned heading for discretionary grants is increased by \$128,000,000. Of that total amount as so increased, the amount for rail and transit security grants is increased by \$128,000,000.

“(d) The total amount appropriated under the heading “OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS, EMERGENCY MANAGEMENT PERFORMANCE GRANTS” is hereby increased by \$36,000,000. Of such total amount, as so increased, \$36,000,000 is provided for emergency management performance grants.

“(e) Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 as amended by this bill, strike “June 1, 2005” and insert “September 30, 2005.”

AMENDMENTS NOS. 3585, 3602 AND 3620, EN BLOC

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. First of all, I move to set aside any pending amendment.

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

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed en bloc to the consideration of amendments Nos. 3585, 3602, and 3620, the first two offered by Senator FEINGOLD, the third by Senator LEVIN. It is my under-

standing they have been cleared on both sides.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. There is no objection to consideration of the amendments. They have been cleared on this side of the aisle.

The PRESIDING OFFICER. Without objection, the amendments are considered en bloc and agreed to en bloc.

The amendments were considered and agreed to en bloc, as follows:

AMENDMENT NO. 3585

(Purpose: To require the development of a transportation security plan, and for other purposes)

On page 39, between lines 5 and 6, insert the following:

SEC. 515. (a) The Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall—

(1) develop and maintain an integrated strategic transportation security plan; and

(2) base future budget requests on the plan.

(b) The integrated strategic transportation security plan shall—

(1) identify and evaluate the United States transportation assets that need to be protected;

(2) set risk-based priorities for defending the assets identified;

(3) select the most practical and cost-effective ways of defending the assets identified; and

(4) assign transportation security roles and missions to the relevant Federal, State, regional, and local authorities and to the private sector.

(c) The Secretary of Homeland Security shall submit the integrated strategic transportation security plan to Congress not later than February 1, 2005 and shall submit updated plans, including assessments of the progress made on implementation of the plan, on the first day of February each year thereafter. Any part of the plan that involves information that is properly classified under criteria established by Executive order shall be submitted to Congress separately in classified form.

AMENDMENT NO. 3602

(Purpose: To require the Secretary of Homeland Security to report to Congress on goods purchased by the Department of Homeland Security that were manufactured outside of the United States)

On page 3, between lines 13 and 14, insert the following:

SEC. 101. (a) Not later than 180 days after the end of fiscal year 2005, the Secretary of Homeland Security shall submit a report to Congress that describes the articles, materials, and supplies acquired by the Department of Homeland Security during fiscal year 2005 that were manufactured outside of the United States.

(b) The report submitted under subsection (a) shall separately indicate—

(1) the dollar value of each of the articles, materials, and supplies acquired by the Department of Homeland Security that were manufactured outside of the United States;

(2) an itemized list of all waivers granted with respect to such articles, materials, or supplies under the Buy American Act (41 U.S.C. 10a et seq.); and

(3) a summary of the total funds spent by the Department of Homeland Security on goods manufactured within the United States compared with funds spent by the Department of Homeland Security on goods manufactured outside of the United States.

(c) The Secretary of Homeland Security shall make the report submitted under this

section publicly available to the maximum extent practicable.

AMENDMENT NO. 3620

(Purpose: To clarify the prohibition on contracting with foreign incorporated entities)

At the appropriate place, insert the following:

SEC. \_\_\_\_ Section 835 of the Homeland Security Act of 2002 (Public Law 107-296; 6 U.S.C. 395) is amended—

(1) in subsection (a), by inserting before the period “, or any subsidiary of such an entity”;

(2) in subsection (b)(1), by inserting “before, on, or” after the “completes”;

(3) in subsection (c)(1)(B), by striking “which is after the date of enactment of this Act and”;

(4) in subsection (d), by striking “home-land” and inserting “national”.

AMENDMENT NO. 3602

Mr. FEINGOLD. Mr. President, the amendment that I am offering today would require the Secretary of Homeland Security to submit to Congress a report on the amount of goods acquired by the Department during fiscal year 2005 that were made overseas.

I want to thank the chairman and the ranking member of the subcommittee for working with me to include this important provision in the bill.

My amendment would extend for another year with respect to the Department of Homeland Security a provision that was enacted as part of the fiscal year 2004 omnibus spending bill requiring all Federal departments and agencies to submit to Congress a report about goods that they purchase that are made outside of the United States. These reports will improve the disclosure of the amount of foreign-made goods purchased by the federal government.

My amendment, like current law, requires that this report include the following information: (a) the dollar value of any articles, materials, or supplies purchased that are manufactured outside of the United States; (b) an itemized list of all waivers of the Buy American Act granted with respect to such articles, materials, or supplies, and (c) a summary of total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States.

The amendment also requires that the report be made publicly available to the maximum extent practicable.

Prior to the enactment earlier this year of the Government-wide Buy American reporting requirement that I authored, only the Department of Defense was required to report annually on its use of waivers of domestic procurement laws. Last year, I introduced legislation to strengthen the Buy American Act of 1933, the statute that governs procurement by the Federal Government. The name of the Act accurately and succinctly describes its purpose: to ensure that the Federal Government supports domestic companies and domestic workers by buying

American-made goods. One part of my bill would require that all Federal departments and agencies submit annual reports on their purchases. The amendment that I am offering today is based on that provision in my bill.

The Buy American Act requires that the Federal Government support domestic businesses and domestic workers by buying American-made goods. I am pleased to note that the underlying bill includes language that states that none of the funds appropriated to the Department of Homeland Security may be used in contravention of the applicable provisions of the Buy American Act.

It only makes sense that Federal departments and agencies be required to report to Congress on their compliance with Federal law and with congressional intent regarding this important matter.

The American people deserve to know how their tax dollars are being spent, and to what extent these dollars are being used to support foreign jobs. I look forward to reviewing the fiscal year 2004 versions of these reports, and I am pleased that the managers have worked with me to extend the requirement for the Department of Homeland Security for fiscal year 2005. I will continue my efforts to ensure that this simple reporting requirement is made permanent for all Federal departments and agencies.

Again, I thank the chairman and ranking member of the subcommittee for agreeing to accept my amendment, and I yield the floor.

AMENDMENT NO. 3620

CONTRACTS

Mr. ALLEN. Mr. President, I ask the Senator, does the amendment apply to any existing contract at the Department of Homeland Security?

Mr. LEVIN. No, the amendment would only apply to new contracts signed after the date of enactment.

Mr. ALLEN. I thank the Senator. Does that mean that the Senator's amendment will not prohibit any task order, change order or extension issued in connection with an existing contract awarded prior to the date of enactment?

Mr. LEVIN. The Senator is correct. The intent of the amendment is to only capture new contracts.

Mr. ALLEN. I thank the Senator. So this amendment will not impact task orders issued under the US VISIT contract awarded to Accenture and the Smart Border Alliance?

Mr. LEVIN. The Senator is correct, the amendment is not intended to impact that contract or any task orders issued under the US VISIT contract.

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

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

The motion to lay on the table was agreed to.

Mr. REID. I suggest the absence of a quorum, unless the manager has more.

Mr. COCHRAN. Mr. President, I do not know of any other Senator who is

planning to speak or offer an amendment at this time, so I think it is appropriate to put in a quorum call, unless we go to morning business.

MORNING BUSINESS

Mr. REID. I ask unanimous consent we go now to morning business.

Mr. COCHRAN. We have no objection to going into morning business.

The PRESIDING OFFICER. Without objection, the Senate will now proceed to a period for morning business.

JOHN KERRY'S HEALTH CARE PLAN

Mr. KENNEDY. Mr. President, I would like to speak briefly on another matter. It came to my attention that the President, today, spoke in Muskegon, MI, about health care. The President derided JOHN KERRY's plan for reforming health care as a bureaucratic nightmare and contended it would cost \$1.5 trillion.

I want to mention for the record, when this President became President we were spending \$1.3 trillion on health care. Now we are spending \$1.8 trillion on health care. Do you hear me? That is a half a trillion dollars. That is a half-trillion-dollar increase that Americans are now spending on health care. What do we have to show for results? We have to show, as a result, that an average family would have to pay \$10,000 for a family policy for comprehensive health care.

The results will show we have had the greatest decline in coverage of insurance for American workers during the last 3 years in the history of our health insurance debate. Drug prices are skyrocketing right up through the roof. Ask any senior citizen about the cost increase in prescription drugs. At the same time, you will find some of the greatest profits in the history of the drug companies and the HMOs.

I suggest that the tactics of fear and smear no longer be used when it comes to health care debates. Let us get rid of fear and smear. The facts do not add up to the recommendations and the suggestions we heard this afternoon. We know health insurance coverage is a crisis in this country in terms of cost and the increased numbers of uninsured and that prices are going up through the roof. Yet this administration absolutely opposed any opportunity for negotiated prices in terms of prescription drugs in the Medicare legislation last year.

Distortion and misrepresentation is a great concern to me. We have seen this administration distort and misrepresent intelligence about getting us into Iraq. We have seen them distort and misrepresent intelligence when they talk about our economy. It has been true with regard to education and leaving 4.5 million children out of the No Child Left Behind Program.

As I have said at other times, when this Nation made a commitment that

we were going to cover Medicare, we covered all of our seniors. When we said we were going to cover voting rights, we covered all of our Americans who should have been eligible for voting rights. When we said we were going to cover all children in this country—and 4.5 million of them being left out and behind—I compared it to the fact that when President Kennedy said we were going to the Moon, Congress gave us half the money to get us up to \$150 million and not do anything else but get our astronauts to the Moon and not bring them home. Those are the facts.

That is why these representations and debate in terms of health care, in terms of education, in terms of our economy, and in terms of Iraq—this is an administration that has failed in terms of its responsibilities. It is misleading the American people on issue after issue. That is what this debate is about. We will have a chance to see its outcome on election day.

I yield the floor.

HONORING DR. CATHERINE SNELSON

Mr. REID. Mr. President, I today congratulate Dr. Catherine Snelson, assistant professor of geoscience at the University of Nevada, Las Vegas, for receiving the 2003 Presidential Early Career Award for Scientists and Engineers, PECASE.

This award is the highest honor bestowed by the U.S. Government on young scientists at the outset of their careers. In addition, Cathy has also received the Early Career Scientist and Engineer Award from the National Nuclear Security Administration's Office of Defense Programs.

I commend Dr. Snelson for her hard work and commitment to academic excellence in the public interest.

Dr. Snelson received her B.S. from California State University at Hayward in 1995, and her M.S. and her Ph.D. in geophysics from the University of Texas at El Paso. While completing these degrees, she performed fieldwork in the western United States, Ireland, and central Europe.

Since joining the faculty of UNLV as an assistant professor in January 2002, Dr. Snelson has continued to do important research that will protect the people of Nevada. Specifically she has identified areas that would be most affected by seismic events occurring in and around the Las Vegas Valley, and she has been involved in setting up motion recording stations to monitor earthquakes throughout the valley.

Please join me in congratulating Dr. Catherine Snelson for her academic excellence, and in wishing her well in her promising career as a geoscientist.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the

Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

In Baltimore, MD, in 1999, a group of six people went on a crime spree that included over a dozen armed robberies and four car-jackings. While most of the victims were threatened at gunpoint and otherwise not injured, one man was hit in the head with a baseball bat and Tacy Ranta, a prominent transgender activist, was fatally shot in the chest. When one of the assailants asked the shooter why he had shot "that lady," the shooter replied "that was no lady—that was a faggot." Some transgender activists believe that since Ranta was the only one killed, the murder was a hate crime based on her status as a transsexual.

I believe that the 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.

#### 10TH ANNIVERSARY OF THE VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994

Mr. BIDEN. Mr. President, today marks the 10-year anniversary of the Violent Crime Control and Law Enforcement Act of 1994. The bill, which was the product of bi-partisan compromise, took a balanced position to criminal justice policy, strengthening many Federal penalties, providing funding to build prisons and promoting truth-in-sentencing. Most importantly, the act made important investments in programs designed to prevent crime in the first place, including putting 100,000 community policing officers on the street and reducing violence against women and children.

To ensure this bill's passage, I worked harder than I ever had in the U.S. Senate. Prior to the final vote, in August of 1994, I stated that "I will vote for this bill, because, as much as anything I have ever voted on in 22 years in the U.S. Senate, I truly believe that passage of this legislation will make a difference in the lives of the American people. I believe with every fiber in my being that if this bill passes, fewer people will be murdered, fewer people will be victims, fewer women will be senselessly beaten, fewer people will continue on the drug path, and fewer children will become criminals."

Fortunately, this turned out to be right. With the passage of the Biden crime bill we were able to form a partnership amongst Federal, State, and local law enforcement and create programs that helped drive down crime rates for 8 consecutive years. In 1994 we had historically high rates of violent crimes, such as murders, forcible rapes,

and aggravated assaults. We were able to reduce these to the lowest levels in a generation. We reduced the murder rate by 37.8 percent; we reduced forcible rapes by 19.1 percent; and we reduced aggravated assaults by 25.5 percent. Property crimes, including auto thefts, also were reduced from historical highs to the lowest levels in decades.

How were we able to achieve such great results? Well, we all know it was a combination of factors, but most law enforcement officials credit the Office of Community Oriented Policing with a pivotal role. Indeed, in the words of Attorney General Ashcroft, the Community Oriented Policing program has been "a miraculous success." COPS has funded over 118,000 local officers to patrol our neighborhoods and towns and help drive down crime rates. Because of COPS, the concept of community policing has spread to cities and towns across the country.

A testament to the success of the program is the fact that it has been endorsed by every major law enforcement group in the country, including the International Association of Chiefs of Police (IACP), the National Association of Police Organizations, the National Sheriff's Association, the International Brotherhood of Police Organizations, the National Organization of Black Law Enforcement Officials, the International Union of Police Associations, the Fraternal Order of Police, and others.

Completely disregarding the overwhelming success of COPS, the Bush administration and Republican leadership have set their sights on eliminating this program. President Bush has proposed cuts each year he has been in office, and while we have fought to maintain funding for COPS, we are fighting an uphill battle. Funding for 5 State and local law enforcement programs run out of the Department of Justice is down 75.6 percent since fiscal year 2002. To me, this approach is inexplicable, particularly because the need for Federal assistance remains pressing.

Recent articles from USA Today and the New York Times highlighted the fact that many cities are being forced to eliminate officers because of their woeful local budgets. In fact, New York City has lost 3,000 officers in the last few years. Other cities, such as Cleveland, OH, Milwaukee, MN, and Houston, TX, are facing similar shortages. As a result, local police chiefs are reluctantly pulling officers from the proactive policing activities that were so successful in the nineties. This has not been a choice taken lightly. Police chiefs understand the value of proactive policing; however, they simply don't have the manpower to do it all. Basically, we have been asking them to do more with less, and responding to emergency calls must take precedence over proactive programs. However, I fear that we are starting to see the results. Local chiefs are report-

ing increased gang activity. Murder rates and auto thefts—two very accurate indicators of crime trends—have gone up for 3 consecutive years.

The Bush administration's response to these criticisms is that funding for first responders is way up. Undoubtedly, these are critical, necessary expenditures, and I believe that the administration has not invested enough for our first responders. However, this argument misses the point entirely. We have an obligation to do both. We must fund our first responders and invest in the programs that help reduce traditional crime and prevent terrorism. As the President has stated on many occasions, it is the solemn duty of the Federal Government to keep Americans safe. We simply can't achieve this goal without investing in our State and local law enforcement partners. The COPS office has been a critical lynchpin in the Federal, State, and local partnership that has been effective since the passage of the 1994 Biden crime bill, and I hope that the Bush administration and this Congress will reverse its current course and provide critical funding for this program.

Another component of the 1994 Biden crime bill was the Violence Against Women Act. With the passage of the Violence Against Women Act we started talking about that dirty little secret that no one wanted to say out loud, and as a result women and children have become safer. Instead of suffering alone, a rape victim or battered wife can now turn to a trained police officer, an emergency room nurse, or a 1-800 telephone operator. We've transformed so-called "family matters" into public crimes that hold the offender accountable and provide the victim with meaningful services.

Since fiscal year 1995, nearly \$3.8 billion has been appropriated for the programs created by the Violence Against Women Act. In Delaware alone, the Office on Violence Against Women has overseen 21 grant awards totaling \$9.5 million. These investments have paid off. Domestic violence has dropped nearly 50 percent. Incidents of rape are down by 60 percent. The number of women killed by an abusive husband or boyfriend is down 22 percent. Today, more than half of all rape victims are stepping forward to report the crime, and over a million women have found justice in our courtrooms and obtained domestic violence protection orders.

Of course, we need to do more. As more and more brave women step forward to report a rape or seek a restraining order, more demands are placed on women's shelters, State prosecutors, victim advocates, and other resources. As we encourage victim reporting and swift responses by our criminal justice system, we must continue to create and support services for families in distress. We cannot let the Violence Against Women Act become a victim of its own success.

To ensure that VAWA is passed on to the next generation, we have begun

working on the next version of the act. This is a collaborative effort. We are listening closely to those on the front lines—police, trial judges, emergency room nurses and many others—and making targeted improvements to existing grant programs and tightening up criminal laws. We are learning about the new challenges and the persistent problems of old. Frankly, there are still far too many women and their children vulnerable to cowardly abusers. As such, the new act may include heightened penalties for repeat Federal domestic violence offenders, and update the Federal stalking statute to incorporate new technologies that can terrorize women.

This past spring, I was in my home State at an event honoring the winners of our high school poster contest. To enter this first-ever “Teens Against Sexual Assault” contest, any Delaware high school student could submit a poster that somehow visually depicted the message “no means no.” The two young winners were quite shy, but they both joined me at the podium in front of 200 people. They stunned the audience, admitting that they both had been victims of rape and hoped that through their efforts they could help other young women find the courage to report their attacker and seek help. As I listened to these courageous young women, I was reminded of the essential purpose of the Violence Against Women Act. We simply can’t stop now.

Prior to the enactment of the 1994 crime bill, many doubted that the Federal Government could have a measurable impact on crime in the United States. Programs such as COPS and VAWA proved the critics wrong. COPS and VAWA have made Americans safer and changed fundamental societal attitudes about domestic violence and sexual assault.

In this new age of terrorism, we simply cannot lose site of traditional crimes in our neighborhoods and homes. While the threat of terrorism is very real, the likelihood of becoming a victim of a “traditional” crime is exponentially far greater than becoming a victim of a terrorist attack. Last year, there were over one million incidents of violent crime and over 16,000 murders reported to the police. If we are going to continue to progress and make this country safer, we must continue to invest in the programs that have proven successful, and during the last few weeks of this legislative session, I hope Congress and President Bush will do just that.

#### HONORING OUR ARMED FORCES

SPECIALIST DUSTIN S. COLBY

Mr. GRASSLEY. Mr. President, I rise today to pay tribute to SP Dustin S. Colby, a fellow Iowan from the Mason City/Clear Lake area. The Iowa National Guard regretfully announced the death of Specialist Colby when he was killed on August 27, 2004, along with fellow soldier SSG Bruce J. Pollema,

when their military motor vehicle rolled over into a ditch near Camp Dodge. Specialist Dustin Colby was a member of the 2168th Transportation Company based in Sheldon, IA. SP Colby is survived by his mother, Misty L. Thoe, and his father, Jerry L. Colby, as well as numerous siblings. This brave young soldier was only 20 years old.

The family of Dustin Colby issued the following statement in response to the news of their son’s death:

Dustin was a dedicated son, grandson, brother, cousin, nephew, boyfriend, friend and Soldier. He loved life, his family, and being a soldier.

My deepest sympathy goes out to his family and friends. Specialist Colby brought happiness to many people, and his memory will never die because of the impact he had on the people he knew. It is fitting that we pay tribute to his life and his service to his country.

SGT. JAMES DANIEL FAULKNER

Mr. BAYH. Mr. President, with a heavy heart and deep sense of gratitude I honor the life of a brave young man who grew up in Clarksville, IN. Sgt. James Daniel Faulkner, 23 years old, died on September 8 when the armored personnel carrier he was driving at the head of a convoy was struck by enemy fire in Baghdad. With his entire life before him, James chose to risk everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

James graduated from Clarksville High School in 1999. He attended Indiana University Southeast for 1 year before deciding that he wanted to seek different opportunities. Shortly thereafter James, along with a longtime friend from high school, joined the Army in November of 2000. James was a combat engineer who served his country with pride. He was assigned to the 1st Cavalry’s 20th Engineer Battalion, based in Fort Hood, TX. Just a few weeks ago, James visited with his family for the last time while on leave before returning to Iraq to fulfill his tour of duty, which started in March of this year.

James was the 34th Hoosier soldier to be killed while serving his country in Operation Iraqi Freedom. This brave young soldier leaves behind his fiancée, Lisa Moreno, whom he was set to marry in July; his mother, Pam Gilkey; his father, James Faulkner; his stepfather; his three sisters; and his two brothers.

Today, I join James’ family, his friends and all Americans in mourning his death. While we struggle to bear our sorrow over this tremendous loss, 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 James, a memory that will burn brightly during these continuing days of conflict and grief.

According to Clarksville High School’s director of counseling Pat

Hunt, James had enjoyed athletics and was a strong student. James starred on the track and cross-country teams and was a member of the National Honor Society. He was known by all for his dedicated spirit and his love of country. His mother, Pam, recounted a conversation she had with her son to the Louisville Courier-Journal, remembering when she questioned her son’s reasons for his recent re-enlistment. She said James replied by simply saying he was “proud to serve his country.”

As I search for words to do justice in honoring James’ 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 James’ actions will live on far longer than any record of these words.

It is my sad duty to enter the name of James Daniel Faulkner in the official record of the United States 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 James’ 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 be with all of you, as I know He is with James.

#### OUT OF TIME

Mr. LEVIN. Mr. President, in a matter of hours, the assault weapons ban will expire. That moment will mark a turning point—to the wrong direction—in our effort to reduce gun violence. Criminals, and potentially terrorists, will once again have easy access to 19 of the highest powered and most lethal firearms produced. I am disappointed that, despite broad bipartisan support for the ban, the Republican congressional leadership opposes it and President Bush has done little or nothing to support this important legislation.

At midnight tonight, 19 currently banned assault weapons will become legal once again, as well as firearms that can accept detachable magazines and have more than one of several specific military features, such as a folding/telescoping stock, protruding pistol grip, bayonet mount, threaded muzzle or flash suppressor, barrel shroud or grenade launcher. Common sense tells us that there is no reason for civilians

to have easy access to guns with these features.

Over the past year, I have repeatedly urged the Congress to act. I believe that allowing gun manufacturers to restart production of these dangerous weapons will increase their number and availability on our streets and lead to a rise in gun crimes committed with assault weapons.

Many in the law enforcement community have called the currently banned assault weapons "the weapons of choice for criminals." This is what the Michigan Association of Chiefs of Police has said about the expiration of the assault weapons ban:

We are disappointed in the lack of political will to extend a ban that has apparently worked. In the ten years of the ban's life, there has been a 66% reduction in assault weapons traced to crime.

The MACP has informed me that 14 police officers have been killed in the U.S. by assault weapons already this year. Unfortunately, that the number will likely rise as the assault weapons ban is allowed to expire.

Last week, Police Chief Ervin Portis of Jackson, MI, came to Washington, DC in support of reauthorizing the assault weapons ban. Accompanying him on this trip was David Harvey, retired chief of police of Garden City, MI. Chief Harvey was chief of police on December 31, 2002, when an armed assailant set out to execute a police officer from Garden City. His intended victim was Officer Rodney Donald. Officer Donald was shot 7 times with a semi-automatic rifle that contained a magazine with a capacity of 100 rounds. Officer Donald is now permanently disabled and unable to perform duties as a police officer. The clip used in this attack is currently banned, but, like many of the assault weapons it was designed for, the clip will again become legal at midnight.

As many of my colleagues know, law enforcement support for the assault weapons ban is broad. Supporters include the International Association of Chiefs of Police, the Major Cities Chiefs Association, the Police Foundation, the Police Executive Research Forum, the International Brotherhood of Police Officers, the National Association of School Resource Officers, the National Fraternal Order of Police, the National Organization of Black Law Enforcement Executives, the Hispanic American Police Command Officers Association, and the National Black Police Association.

On the other side are lobbyists of the National Rifle Association and their allies in Congress and the White House. The NRA has said that the ban is ineffective and unnecessary. But this assertion is not supported by the facts. According to statistics reported by the Brady Campaign to Prevent Gun Violence, from 1990 to 1994, assault weapons named in the ban constituted 4.82 percent of guns traced in criminal investigations. However, since the ban's enactment, these assault weapons have

made up only 1.61 percent of the crime-related guns traced. It is disturbing that the President has sat back rather than standing up with our Nation's law enforcement community in support of this critical piece of gun safety legislation.

The Senate majority leader was quoted in a New York Times article on September 9 as saying, "I think the will of the American people is consistent with letting it expire, so it will expire." I am aware of no facts to support that statement. In fact, numerous polls have found that large majorities of adults support a reauthorization of the ban. In the very same New York Times article, the House majority leader is quoted referring to the Assault weapons ban as "a feel-good piece of legislation."

On March 2 of this year, I joined with the majority of my colleagues in passing an amendment to reauthorize the assault weapons ban for another 10 years. The bill to which it was attached, however, was later derailed.

Despite the overwhelming support of the law enforcement community, the ongoing threat of terrorism, bipartisan support in the Senate, and the pleas of Americans who have already lost loved ones to assault weapons tragedies, it appears the ban will expire at midnight tonight, as neither the President nor the Republican congressional leadership is willing to act. Unfortunately, tomorrow morning Americans will wake up less secure than they are today.

I ask unanimous consent that the New York Times article titled "Effort to Renew Weapons Ban Falters on Hill" be printed in the RECORD.

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

[From the New York Times, Sept. 9, 2004]

**EFFORT TO RENEW WEAPONS BAN FALTERS ON HILL**

(By Sheryl Gay Stolberg)

WASHINGTON, Sept. 8—Despite widespread popular support, the federal law banning the sale of 19 kinds of semiautomatic assault weapons is almost certain to expire on Monday, the result of intense lobbying by the National Rifle Association and the complicated election-year politics of Washington.

While President Bush has expressed support for legislation extending the ban and has said he would sign it into law, he has not pressured lawmakers to act, leading critics to accuse him of trying to have it both ways.

Efforts to renew the ban, which polls show is supported by at least two-thirds of Americans, have faltered this year on Capitol Hill. Democrats are well aware that they lost control of the House of Representatives in 1994, the year President Bill Clinton signed the original legislation, and have shied away from the issue of gun control, while Republican leaders have opposed the ban.

"I think the will of the American people is consistent with letting it expire, so it will expire," Senator Bill Frist of Tennessee, the majority leader, said on Wednesday.

The House majority leader, Representative Tom DeLay of Texas, dismissed the ban as "a feel-good piece of legislation" and said flatly that it would expire Monday, even if Mr. Bush made an effort to renew it.

"If the president asked me, it would still be no," Mr. DeLay said. "He knows, because we don't have the votes to pass the assault weapons ban. It will expire Monday, and that's that."

Democrats decried the influence of the rifle association and said the ban could be renewed if the president wanted it to.

"If you support something, you have a responsibility to advocate for it," said Senator Dianne Feinstein, the California Democrat and chief sponsor of the ban's renewal. Senator Charles E. Schumer, Democrat of New York, who was a lead sponsor of the ban 10 years ago when he was in the House, blamed "a dysfunction of our politics" for what he called "this Alice in Wonderland situation of repealing a law that everyone agrees has been overwhelmingly successful."

The act prohibits, by name, the sale of 19 specific weapons that have the features of guns used by the military, and also outlaws magazines that can hold more than 10 rounds of ammunition. While backers acknowledge that the law is riddled with loopholes, they cite federal statistics showing crimes traceable to assault weapons have declined by two-thirds since the law went into effect.

But the N.R.A., which has made overturning the ban its top legislative priority, says the law bans only "cosmetic accessories" on guns, and does little other than place a burden on gun manufacturers. "We felt from the very start it was bogus legislation," Wayne LaPierre, the association's chief executive, said.

On Wednesday, in a last-ditch effort to persuade lawmakers to renew the law, supporters of the ban—including police chiefs from around the country and victims of gun violence and their relatives—converged on Washington for a news conference.

Tom Mauser, whose 15-year-old son, Daniel, was killed in the 1999 massacre at Columbine High School in Colorado, arrived wearing his son's sneakers and took them off while addressing reporters, a pointed physical reminder of his loss.

James S. Brady, the former White House press secretary who suffered brain damage after being shot in the head by a handgun during the 1981 assassination attempt on President Ronald Reagan, sat, mostly silent, in a wheelchair.

"The assault weapons are coming, they're coming next week," warned Mr. Brady's wife, Sarah, who has been a vocal advocate for restrictions on gun ownership for the past two decades.

Noting that Mr. Reagan had supported the weapons ban in 1994, Mrs. Brady said she felt deserted by the party she and her husband had worked so hard for. "I am angry," she said. "I am angry at our president. I'm so disappointed."

The White House press secretary, Scott McClellan, repeated on Wednesday that "the president supports the reauthorization of the current law." But when asked by reporters what, if anything, Mr. Bush was doing to make that happen, Mr. McClellan replied: "The president doesn't set the Congressional timetable. Congress sets the timetable. And the president's views are very clear."

Democrats hit hard at Mr. Bush. "We cry out for leadership," said Senator Schumer, adding that, "The president talks about flip-flops. Well, flip: I'm for it. Flop: House, don't do anything, don't pass it."

The Democratic presidential nominee, Senator John Kerry of Massachusetts, supports renewing the ban, and took a break from campaigning earlier this year to return to the Senate when it came up for a vote as part of a broader piece of gun legislation. Fifty-two senators voted in favor of renewing the ban, but the underlying measure was defeated.

On Wednesday, a senior adviser to Mr. Kerry, Joe Lockhart, signaled that the ban would become a campaign issue. He said that Mr. Kerry planned to discuss the ban Monday, at an event timed to coincide with its expiration. Mr. Kerry, he said, "believes the cynical deal between the president and the House Republican leadership, hiding behind procedure, is completely unacceptable."

A poll released this week by the Annenberg Public Policy Center of the University of Pennsylvania found that 68 percent of Americans—and 32 percent of N.R.A. members—support renewing the ban. The findings, drawn from interviews with 4,959 adults, had a margin of sampling error of plus or minus one percentage point.

A separate national survey, conducted by Doug Schoen, a Democratic pollster, on behalf of the Brady Campaign to Prevent Gun Violence, found that 74 percent of voters support renewing the ban, but that support is highest—79 percent—among independent voters who are being courted by President Bush and Mr. Kerry. That survey of 800 voters had a margin of error of three percentage points.

Mr. Schoen, who is not advising the Kerry campaign, also surveyed voters in the swing states of Ohio, Florida and Pennsylvania and concluded that support for the ban was high enough to make it a significant issue. "If Kerry wants to distinguish his position from Bush, this provides a very convenient vehicle," he said.

But over all, Democrats have not talked much about the weapons ban. Senator Patty Murray, the Washington Democrat who is in a tough re-election fight, said voters, unaware that the ban was set to expire, had not made it an issue, and that neither had she.

"There are so many issues, education and health care and jobs and the economy in my state right now," Ms. Murray said. "People are really focused on that."

And over the years the ban has been a losing issue for Democrats. After Republicans took control of the House in 1994, President Clinton remarked that the ban might have cost Democrats 20 seats. Some believe that former Vice President Al Gore lost crucial states, including his home state, Tennessee, in the 2000 election because he came out too strongly for gun control.

Even the ban's chief Democratic backers in Congress, Senator Feinstein and Representative Carolyn McCarthy of New York, acknowledged that Democrats were afraid to be too vocal in their support. "In the small states in particular, and the rural states, the control of the N.R.A. is much greater," said Ms. Feinstein, adding, "They will specifically target a member, including a House member, and go after them."

The N.R.A. has also said it will not endorse a candidate for president until after Congress recesses for the fall election, a pronouncement that the ban's backers say is tantamount to a threat not to endorse Mr. Bush until the ban expires. Mr. LaPierre said the claim was "100 percent untrue." But he blamed Democrats for the bill's undoing, saying they had tried, unwisely, to use it to gain political advantage when Mr. Clinton was president.

"I guess you could say politics is what enacted it in the first place," he said. "Politics is going to be the undoing of it."

On Wednesday, as the police chiefs and victims' relatives fanned out across Capitol Hill to lobby lawmakers, a chief target was the House speaker, Representative J. Dennis Hastert of Illinois. In recent weeks, advocates for the ban have been approaching Mr. Hastert at bookstores around the country, where he has been signing copies of his new autobiography, "Speaker."

Several, including Mr. Mauser, said that Mr. Hastert seemed supportive. "He said yes, I support that," said Penny Okamoto, who said she saw Mr. Hastert on Aug. 16 at a Barnes & Noble store in Beaverton, Ore. "I was so surprised, I actually asked him twice."

But on Wednesday, the speaker was non-committal, saying that if the Senate was to adopt the bill, "then we'll take a look at it."

Mr. Mauser said he was not satisfied with that, and would knock on Mr. Hastert's door on Thursday. He said that he had already spoken with an aide to his own congressman, Representative Tom Tancredo, a Republican who opposes the ban, and that the meeting did not go well.

"It ended on a pretty bad note," Mr. Mauser said. "Not even a shake of the hand."

BUDGET SCOREKEEPING REPORT

Mr. NICKLES. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of S. Con. Res. 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the 2004 budget through September 8, 2004. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 2004 concurrent resolution on the budget, H. Con. Res. 95, as adjusted.

The estimates show that current level spending is above the budget resolution by \$8.0 billion in budget authority and by \$31 million in outlays in 2004. Current level for revenues is \$3.1 billion above the budget resolution in 2004.

Since my last report dated July 12, 2004, the Congress has cleared and the President has signed the following acts which changed budget authority, outlays, or revenues for 2004: the Surface Transportation Extension Act of 2004, Part IV (P.L. 108-280); the Department of Defense Appropriations Act, 2005 (P.L. 108-287); and, the Emergency Supplemental Appropriations for Disaster Relief Act, 2004 (P.L. 108-303).

I ask unanimous consent that the report and accompanying letter be printed in the RECORD.

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

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, September 9, 2004.

Hon. DON NICKLES,  
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed tables show the effects of Congressional action on the 2004 budget and are current through September 8, 2004. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2004, as adjusted. Pursuant to section 502 of H. Con. Res. 95, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes budget authority of \$2 billion from funds provided in the Emergency Supplemental Appropriations for Disaster Relief Act of 2004 (Public Law 108-303).

Since my last letter, dated July 12, 2004, the Congress has cleared and the President has signed the following acts, which changed budget authority, outlays, or revenues for 2004:

The Surface Transportation Extension Act of 2004, Part IV (Public Law 108-280);

The Department of Defense Appropriations Act, 2005 (Public Law 108-287); and

The Emergency Supplemental Appropriations for Disaster Relief Act, 2004 (Public Law 108-303).

The effects of these actions are detailed in Table 2.

Sincerely,

DOUGLAS HOLTZ-EAKIN,  
Director.

Enclosures.

TABLE 1.—SENATE CURRENT-LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2004, AS OF SEPTEMBER 8, 2004

(In billions of dollars)

	Budget resolution	Current level <sup>1</sup>	Current level over/under (-) resolution
On-budget:			
Budget authority .....	1,873.5	1,881.4	8.0
Outlays .....	1,897.0	1,897.0	*
Revenues .....	1,331.0	1,334.1	3.1
Off-budget:			
Social Security outlays .....	380.4	380.4	0
Social Security revenues .....	557.8	557.8	*

<sup>1</sup> Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made.

Note.—\* = less than \$50 million.  
Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2004, AS OF SEPTEMBER 8, 2004

(In millions of dollars)

	Budget authority	Outlays	Revenues
Enacted in previous sessions:			
Revenues .....	n.a.	n.a.	1,330,756
Permanents and other spending legislation <sup>1</sup> .....	1,117,131	1,077,938	n.a.
Appropriation legislation .....	1,148,942	1,179,843	n.a.
Offsetting receipts .....	-365,798	-365,798	n.a.
Total, enacted in previous sessions: .....	1,900,275	1,891,983	1,330,756

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2004, AS OF SEPTEMBER 8, 2004—

Continued  
(In millions of dollars)

	Budget authority	Outlays	Revenues
Enacted this session:			
Surface Transportation Extension Act of 2004 (P.L. 108–202)	1,328	0	0
Social Security Protection Act of 2004 (P.L. 108–203)	685	685	0
Welfare Reform Extension Act of 2004 (P.L. 108–210)	107	58	0
Act to reauthorize certain school lunch and child nutrition programs through June 30, 2004 (P.L. 108–211)	6	6	0
Pension Funding Equity Act of 2004 (P.L. 108–218)	0	0	3,363
An act to require the Secretary of Defense to reimburse members of the United States Armed Forces for certain transportation expenses (P.L. 108–220)	13	7	0
Surface Transportation Extension Act of 2004, Part II (P.L. 108–224)	482	0	0
TANF and Related Programs Continuation Act of 2004 (P.L. 108–262)	80	35	0
Surface Transportation Extension Act of 2004, Part III (P.L. 108–263)	422	0	0
Child Nutrition and WIC Reauthorization Act of 2004 (P.L. 108–265)	7	6	0
Act approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003 (P.L. 108–272)	0	0	–2
Surface Transportation Extension Act of 2004, Part IV (P.L. 108–280)	–646	–7	0
AGOA Acceleration Act of 2004 (H.R. 4103)	0	0	–2
Department of Defense Appropriations Act, 2005 (P.L. 108–287)	0	10	0
<b>Total, enacted this session:</b>	<b>2,484</b>	<b>800</b>	<b>3,359</b>
Entitlements and mandates: Difference between enacted levels and budget resolution estimates for appropriated entitlements and other mandatory programs			
Total Current Level <sup>1,2</sup>	–21,334	4,221	n.a.
Total Budget Resolution	1,881,425	1,897,004	1,334,115
Current Level Over Budget Resolution	1,873,459	1,896,973	1,331,000
Current Level Under Budget Resolution	7,966	31	3,115
	n.a.	n.a.	n.a.

<sup>1</sup> Pursuant to section 502 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2004, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current level excludes \$82,460 million in budget authority and \$36,644 million in outlays from previously enacted bills. From the current session, the current level excludes \$27,656 million in budget authority and \$154 million in outlays from the Department of Defense Appropriations Act, 2005 (P.L. 108–287) and \$2,000 million in budget authority from the Emergency Supplemental Appropriations for Disaster Relief Act, 2004 (P.L. 108–303). In addition, pursuant to section 312(c)(3)(A) of S. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2005, up to \$500 million in budget authority and \$330 million in outlays for wildland fire suppression accounts are exempt from the enforcement of the budget resolution for the current fiscal year. In this current level report, these amounts are excluded from the total for the Department of Defense Appropriations Act, 2005 (P.L. 108–287).

<sup>2</sup> Excludes administrative expenses of the Social Security Administration, which are off-budget.

Notes: n.a. = not applicable; P.L. = Public Law.  
Source: Congressional Budget Office.

**NURSE-MANAGED CLINICS VITAL TO VA**

Mr. GRAHAM of Florida. Mr. President, nurses are an invaluable resource for the VA health care system, as well as for health care systems the world over. As such, VA has established nurse-managed primary care clinics at many of its medical centers. These clinics are run by nurse practitioners who serve as independent practitioners with prescriptive authority and a focus on delivering cost-effective, efficient, high quality care. I am pleased to say that on July 6, 2004, the Senate Committee on Veterans' Affairs, of which I am ranking member, received VA's favorable report on these clinics, entitled, "Nurse-Managed Primary Care Clinics Evaluation."

To complete this report, VA identified three clinics in three VISNs: Fergus Falls, MN; Denver, CO; and Madison, WI. VA then evaluated patient satisfaction, access to care, provider experiences, functional status of patients receiving care, cost of care, and waiting times. Overall, the report concluded that veterans seem immensely satisfied with the care they receive at the clinics and that the costs associated with them are reasonable. I am very proud of the success of these clinics, though not at all surprised by the quality of care provided by VA's nurse practitioners.

The patients surveyed at the three clinics stated that they were highly satisfied with the services received there, especially in terms of length of time spent waiting at the office, time spent with the veteran, explanation of what was done for the patient, technical skills and personal manner of staff, as well as the overall visit. In addition, 67 percent of the veterans served by these clinics rated them good on wait times, convenience of the of-

ice location, and the ability to get through to the office by telephone.

The Nurse-Managed Primary Care Clinics Evaluation resulted from a June 14, 2001, hearing conducted by the Senate Committee on Veterans' Affairs. At this hearing, in-depth discussion about innovations at a nurse-managed clinic took place. Subsequently, nurse recruitment and retention provisions were included in Public Law 107–135, which included an evaluation of nurse-managed health care clinics in VA. I am pleased that the committee was able to effect the survey that resulted in this extremely encouraging report.

Currently, VA employs 36,000 registered nurses, approximately 6 percent of which are nurse practitioners. Nurses have long been recognized by VA, as well as those of us who oversee it, as indispensable to the delivery of health care. In fact, according to a 1999 article by M.O. Munding in *Nursing Economics*, nurse practitioners are able to effectively provide 90 percent of the services primary care physicians do. In recognizing the great value nurses hold, VA has done all it can to foster and fully utilize these essential members of the health care community. Its nurse-managed primary care clinics are one important, and successful, facet of this effort.

**NAMING OF THE USS "SOMERSET"**

Mr. SANTORUM. Mr. President, I speak today on the naming of the USS *Somerset*. On Thursday, September 9, 2004, the United States Navy named the ninth ship of the San Antonio-class of amphibious transport dock ships as *Somerset*.

The naming of the USS *Somerset* honors Somerset County, the county in Pennsylvania where United Airlines

Flight 93 crashed after fearless passengers stormed the cockpit preventing the airplane from hitting its intended target. The USS *Somerset* stands as a reminder of the 40 passengers and crew who exhibited courage and sacrifice in the most dangerous of situations.

The USS *Somerset* also symbolizes the renewed hope, compassion, and cooperation that citizens across our country have shared with one another since that horrific day. September 11, 2001, the day that changed our history and our lives was intended to unravel America's strength, but it has only made us stronger.

When I returned from my first visit to the crash site in Shanksville, PA, I was inspired by the strength of the Flight 93 family members who, being able to keep a better world in sight, now carry the torch of their loved ones. As the USS *Somerset* carries out its mission by providing transport to Marines embarking on expeditionary warfare missions and special operations, let us not forget the compassion of those who provided aid and support to the family and friends of those who lost their lives on September 11, 2001, as well as the courage and responsibility displayed by the heroes aboard Flight 93.

As we reflect on the passing of the third anniversary of the September 11, 2001 terrorist attacks, let us not forget the resolve our Nation faced in light of our tragedy. By honoring the memories of all those lost to the terrorist attacks, through the naming of the USS *Somerset*, we are reminded of what the American spirit is capable of. I will never forget the bravery and sacrifice witnessed on that tragic day 3 years ago. May God continue to bless our country as each of us continues to find our own way to exhibit this renewed American spirit.

## ADDITIONAL STATEMENTS

## IN RECOGNITION OF MARIE SWAJESKI, FOUNDER OF THE DELAWARE CHILDREN'S THEATRE

• Mr. CARPER. Mr. President, I wish to rise today to recognize Marie Swajeski, founder of the Children's Repertory Theatre, now known as the Delaware Children's Theatre. Marie has dedicated her life to children and the theater. She literally has touched the lives of thousands.

Marie was born in Philadelphia, PA to the late David and Helen Mondillo. Growing up in Philadelphia, she met her husband John at a dance hall shortly before World War II. They married a few years later in 1949. The couple moved to Delaware in 1951 when John took a job at Dupont.

Marie's passion for the theater and to make people happy began at an early age. She carried this kindred spirit through adulthood and began direction of theatrical productions in the 1960s for the Ardensingers Candlelight Dinner Theatre and the Catholic Youth Organization. She became involved in both adult and children's activities, and in 1969 became chairwoman of the opera society's Junior Division, today known as the Family Opera Theatre. Marie's community theater experience involvement spans a wide variety of activities, including actor, director, choreographer, producer, and theater arts instructor.

But Marie had a dream and a desire to do more. She wanted to leave a legacy for generations to come. In 1973, she founded and became the artistic director of the Children's Repertory Theatre, now known as the Delaware Children's Theatre, DCT. Rehearsing in various basements and garages, a touring company of children and adults was formed to bring professional quality theater to schools, parks, retirement and nursing homes, hospitals, and colleges throughout Delaware.

Marie set her goals and standards high. At the time, many people thought that there would be little interest in children's theater. Marie proved them wrong. She was a true pioneer. Her strong belief that children would benefit from watching and participating in live theater carried her through this challenging period of time.

She assembled an army of enthusiasts and volunteers who shared her vision. For the next 10 years, they conducted educational workshops for children. DCT received grant money from the Delaware Arts Council in the early years to perform and tour schools throughout the State. In its first decade, DCT presented to critical acclaim over 700 performances to more than 90,000 children.

Over the years, the demand for more children's theater began to grow. The Delaware Children's Theatre needed a home. In 1984, the DCT bought the New

Century Club Building on Delaware Avenue in Wilmington. It became more than just a theater to house productions; it has become a magical second home to thousands of children.

DCT has served others as well since its inception. In the early years, the DCT offered free summer workshops for underprivileged children. DCT's outreach group, The Rainbow Players, often performs at the Ronald McDonald House, River Fest—benefiting The Boys & Girls Club—Ministry of Caring, and nursing homes.

It is through Marie's hard work and perseverance that the lives of hundreds of thousands of children have been changed. She has helped shape and enrich the lives of thousands on the stage of the theater, and in the hearts of those who have been lucky enough to call her their friend. I rise today to honor and thank Marie for her selfless dedication to the betterment of others. She truly is a remarkable woman and a testament to the community she represents. •

## IN MEMORIAM OF THE REVEREND DR. BROOKS E. REYNOLDS, SR.

• Mr. CARPER. Mr. President, I would like to set aside a few moments today to reflect on the life of a remarkable Delawarean, Rev. Dr. Brooks Reynolds, upon his passing at the age of 88. Dr. Reynolds was among the most remarkable men I have been privileged to know in all of the years I have lived in Delaware. Throughout his life, he demonstrated tremendous courage and integrity. He was a man with a kind heart, great abilities, and boundless energy. Unlike most people who are looking for ways to slow down when they turn 80 years old, Brooks Reynolds kept picking up the pace. In the way he lived his own life, Dr. Reynolds reminded each of us how good we can be.

The Rev. Dr. Brooks E. Reynolds, Sr., was born in Shortly, DE, on November 2, 1915, to the late John and Lida Rickards Reynolds. Upon completing high school in Georgetown in 1933, he attended Goldey College, now known as Goldey Beacom College, in Wilmington and Washington College in Chestertown, MD, before earning a bachelor's degree in education and a master's degree in sacred theology from Temple University in Philadelphia, PA. His doctorate of divinity degree was earned at Howard University in Washington, DC.

Dr. Reynolds was lucky enough to have found love twice in his life. He married Grace Collins Reynolds in 1939 and together they served a number of churches beginning in Hooper's Island, MD, in 1938, a part of the former Wilmington Conference of the Methodist Church. Grace passed away in 1993.

His dear friend, Beatrice Simonds, was an important part of his latest ministries and they spent many happy years together before his passing. She describes him as having "personality plus." In Bea's words, "If there ever was a God on earth, he was."

In 1945, Dr. Reynolds was called to start a new church in Wilmington Manor just south of Wilmington, DE. Beginning with meetings in a private home, the church grew through two building programs and the renaming to Asbury United Methodist Church. It had a membership of 2300 when Dr. Reynolds was reassigned to Bethesda United Methodist Church in Salisbury, MD, in 1974.

Dr. Reynolds first retired in 1986 but returned to active ministry to serve three additional pastorates, most recently Christ United Methodist Church in Laurel from 1999 to 2001, where I was once privileged to speak as a lay person while Governor of Delaware. In 1954, he became the first chaplain of the Delaware State Police and in 2003 was awarded the first Delaware State Police emeritus status with promotion to major. Dr. Reynolds also served as the chaplain for the Delaware State Hospital.

Other significant past affiliations included the chaplaincy of Governor Bacon Health Center in Delaware City, secretary of the board of evangelism and president of the board of trustees of the Peninsula Conference Board of Hospital and Homes, and president of the trustees of the Manor House in Seaford. He was a 32nd degree Mason and Past Grand Chaplain of the Masonic Lodge of Delaware.

Dr. Reynolds will always be remembered by me and by the tens of thousands of people whose lives he touched and enriched as a kind and compassionate man who loved all people. He saw no distinction between color, gender, race, or creed. He was a visionary in every sense of the word. Life was about growth, and he was always trying to find new ways to reach out to people. When the church had no money, Dr. Reynolds bought a bus to transport people to church who otherwise had no way of coming to church. The bus transported parishioners, children to Sunday school, and to day care. Some 300 children rode his buses. The church's fleet of buses expanded to include 27 buses.

Dr. Reynolds had a great sense of humor and was known for telling fabulous stories. One of my favorite all-time quotations came from him, too. "The main thing is to keep the main thing the main thing." He often injected humor into his sermons and had a quick wit. He was a genuine person, and was not just comfortable to be around; he was a joy to be around.

Dr. Reynolds is survived by his sons, Brooks E. Reynolds, Jr., of Topeka, KS, and State Representative Bruce C. Reynolds and his wife, Kathleen, of Bear, DE, as well as by seven grandchildren, Ty, Lyda, Blair, Bret and Chad Reynolds, Mary Bock, and Brian Seals, and one great-granddaughter, Tara Leek.

I rise today to commemorate Dr. Reynolds, to celebrate his life, and to offer his family my support. Dr. Reynolds embodied the best of Delaware, and he will be sorely missed by us all. •

IN HONOR OF DONALD R. DOSER  
ON THE OCCASION OF HIS RE-  
TIREMENT FROM OPERATING  
ENGINEERS, LOCAL 3

• Mrs. BOXER. Mr. President, recognize Donald R. Doser, business manager emeritus of Operating Engineers, Local 3, as he prepares to retire.

Donald Doser has been a man committed to excellence. He has been a major force in the construction trades since 1958. A graduate of Harvard University's trade union school, he dedicated his career to improving the lives of working men and women in the construction trades. Donald has served as Local 3's district representative and business manager. He also served as general vice president for the International Union of Operating Engineers.

During his tenure with Operating Engineers Local 3, Donald organized, trained staff and diligently worked to keep business operations on a sound financial footing. The list of his achievements and accomplishments during his leadership over the years is long. He increased the membership of Local 3 and focused on organizing new workers, creating equalized health benefits for members and improved vision-care coverage.

Donald Doser, in addition to his more obvious accomplishments, established and maintained a higher standard of integrity in his organization. He undertook his many tasks with great determination and dedication. I am pleased to congratulate and pay tribute to him, and I encourage my colleagues to join me in wishing Donald Doser and his family the very best as he embarks on the next chapter in his life. •

SOLDIERS AND NASCAR

• Mr. SESSIONS. Mr. President, I will make a few remarks concerning NASCAR and our soldiers at Walter Reed.

On June 3, I attended a Memorial Day dinner at the Walter Reed Army Hospital honoring our country's wounded soldiers. I occasionally visit the hospital to pay my respects to our country's wounded heroes. On this occasion, however, I had the opportunity to meet two of NASCAR's greatest drivers, Rusty Wallace and Jimmie Johnson, who were also participating in this event. Many of the soldiers at the hospital follow NASCAR, and the racers' appearance at the hospital lifted the spirits of both wounded soldiers and dedicated hospital staff members. I am sure Rusty and Jimmie would agree with me when I say that nothing is more humbling or gratifying than meeting these real-life heroes, the men and women who have served our country in such a noble manner. I want to personally thank Rusty Wallace and Jimmie Johnson for taking the time to share in this rewarding experience. They too are great patriots giving of their time to recognize these heroes.

Walter Reed Army Hospital is an amazing place. I have seen firsthand

why it is the Nation's most effective military health care facility. Our soldiers and those who represent all the other military services are the reason that America is the paramount military force in the world today.

The caregivers at Walter Reed, Bethesda and military hospitals overseas are some of America's great unsung heroes. They are the doctors and nurses who are responsible for helping our soldiers get well and back to their families or in uniform as soon as possible. Their needs and concerns are equally important to me and my colleagues. With the help of these doctors and nurses, our military services are improving the quality of care provided to soldiers, their family members, our veterans and retirees. Most of these soldiers were doing well although most had received serious wounds. Their loyalty to their brothers at arms and to America is inspiring. We sent them there in our place so we would be safer at home. And they have performed superbly. Jimmie and Rusty understand that all of us, whether racer, politician, critic, or protestor, enjoy the good life in this country because of the courage of the soldier, their willingness to serve for us.

NASCAR and its fans love America. Their skills and their cars reflect our freedom and the technological skills that make us world leaders. It was a great thing, that these super stars found time in their hectic and intense schedule to provide comfort, sympathy, and inspiration to these who have sacrificed for us. I thank them for it. •

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, a withdrawal and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

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-9055. 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 Unmanufactured Wood Articles From Mexico" (Doc. No. 98-054-3) received on September 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9056. 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 "Brucellosis in Cattle; State and Area Classifications; Missouri" (Doc. No. 01-015-2) received on September 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9057. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Forchlorfenuron; N-(2-chloro-4-pyridinyl)-N'-phenylurea; Time-Limited Pesticide Tolerance" (FRL#7362-1) received on September 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9058. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the 2003 Status Report to Congress for the Herger-Feinstein Quincey Library Group Forest Recovery Act of 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9059. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pyrimethanil Pesticide Tolerances" (FRL#7371-2) received on September 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9060. A communication from the Administrator, Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Common Crop Insurance Regulations; Blueberry Crop Insurance Provisions" (RIN0563-AB76) received on September 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9061. A communication from the Administrator, Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Common Crop Insurance Regulations; Apple Crop Insurance Provisions" (RIN0563-AB92) received on September 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9062. A communication from the Administrator, Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Common Crop Insurance Regulations; Pecan Crop Insurance Provisions" (RIN0563-AB91) received on September 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9063. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Kiwifruit Grown in California; Relaxation of Pack and Container Requirements" (Doc. No. FV04-920-1) received on September 9, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9064. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Fresh Prunes Grown in Designated Counties in Washington and in Umatilla County, Oregon; Increased Assessment Rate" (Doc. No. FV04-924-1) received on September 9, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9065. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, 14 quarterly Selected Acquisition Reports (SARs) for the quarter ending June 30, 2004; to the Committee on Armed Services.

EC-9066. A communication from the Deputy Chief of Naval Operations for Manpower

and Personnel, Department of the Navy, transmitting, pursuant to law, the notification of a decision to implement performance by the Most Efficient Organization (MEO) for Retail Supply Mid-Atlantic and Retail Supply, Installation, and Bulk Liquid Storage in Tidewater, VA; to the Committee on Armed Services.

EC-9067. A communication from the Deputy Chief of Naval Operations for Manpower and Personnel, Department of the Navy, transmitting, pursuant to law, the notification of a decision to implement performance by the Most Efficient Organization (MEO) for the Public Works Center in Great Lakes, IL; to the Committee on Armed Services.

EC-9068. A communication from the Employee Benefits Program Manager, Human Resources Support Branch, Department of the Navy, transmitting, pursuant to law, the annual report for 2004 of the Retirement Plan for Civilian Employees of the United States Marine Corps; to the Committee on Armed Services.

EC-9069. A communication from the Director, Pentagon Renovation and Construction Program Office, Department of Defense, transmitting, pursuant to law, the annual report on the Pentagon Renovation Program; to the Committee on Armed Services.

EC-9070. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report relative to the consolidation of the storage of National Defense Stockpile (NDS) mercury; to the Committee on Armed Services.

EC-9071. A communication from the Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Rule 15c3-3 Reserve Requirements for Margin Related to Security Futures Products" (RIN3235-AI61) received on September 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-9072. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a nomination confirmed for the position of Under Secretary for Enforcement, Department of the Treasury, received on September 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-9073. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary for Terrorist Financing, Department of the Treasury, received on September 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-9074. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Tax Policy, Department of the Treasury, received on September 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-9075. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy, designation of acting officer, and nomination for the position of Assistant Secretary for Financial Markets, Department of the Treasury, received on September 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-9076. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a nomination for the position of Treasurer of the United States, Department of the Treasury, received on September 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-9077. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a nomination confirmed for the position of Member, IRS Oversight Board, Department of the Treasury, received on September 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-9078. A communication from the Chairman and President, Export Import Bank of the United States, transmitting, pursuant to law, the report of a transaction involving U.S. exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC-9079. A communication from the Chairman and President, Export Import Bank of the United States, transmitting, pursuant to law, the report of a transaction involving U.S. exports to India; to the Committee on Banking, Housing, and Urban Affairs.

EC-9080. A communication from the Chairman and President, Export Import Bank of the United States, transmitting, pursuant to law, the report of a transaction involving U.S. exports to Romania; to the Committee on Banking, Housing, and Urban Affairs.

EC-9081. A communication from the Acting General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "12 C.F.R. Parts 721 and 724—Health Savings Accounts" received on September 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-9082. A communication from the Director, Federal Emergency Management Agency, transmitting, pursuant to law, a report relative to funding for the State of New Jersey as a result of September 11, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-9083. A communication from the Assistant Secretary, Office of Regulatory Policy, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Prohibition on the Use of Brokerage Commissions to Finance Distribution" (RIN3235-AJ07) received on September 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-9084. 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; 69 FR 47780" (Doc. No. FEMA-P-7636) received on September 8, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-9085. 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; 69 FR 47786" (44 CFR 65) received on September 8, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-9086. A communication from the Assistant Secretary for Housing, Federal Housing Commissioner, Department of Housing and Urban Development, transmitting, pursuant to law, a report relative to the receipt of mortgage insurance by federally qualified health centers; to the Committee on Banking, Housing, and Urban Affairs.

EC-9087. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "National Flood Insurance Program; Assistance to Private Sector Insurers" (RIN1660-AA28) received on September 8, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-9088. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determination; 69 FR 46436"

(44 CFR Part 67) received on September 8, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-9089. 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; 69 FR 46435" (Doc. No. FEMA-7839) received on September 8, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-9090. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determination; 69 FR 46437" (44 CFR Part 67) received on September 8, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-9091. A communication from the Chief Counsel, Bureau of the Public Debt, Treasury Department, transmitting, pursuant to law, the report of a rule entitled "Sale and Issue of Marketable Treasury Bills, Notes, and Bonds: Six-Decimal Pricing, Negative-Yield Bidding, Zero-Filing, and Noncompetitive Bidding and Award Limit Increase" received on September 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-9092. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, a report on the national emergency blocking property of persons undermining the democratic processes or institutions in Zimbabwe that was declared in Executive Order 13288 of March 6, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-9093. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital Guidelines; Consolidation of Asset Backed Commercial Paper Programs and Other Related Issues" (RIN3064-AC75) received on September 9, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-9094. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the Commission's Government Performance and Results Act Strategic Plan for 2004-2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-9095. A communication from the Chairman, Federal Trade Commission, transmitting, pursuant to law, a report relative to the premerger notification program; to the Committee on Commerce, Science, and Transportation.

EC-9096. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure of Arrowtooth Flounder in the Bering Sea and Aleutian Islands Management Area" received on September 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9097. A communication from the Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Effectiveness of Collection of Information Requirements" (RIN0648-AQ98) received on September 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9098. A communication from the Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Magnuson Act Provisions; Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Pacific Whiting; Routine Management Measure; Closure Authority"

(RIN0648-AS48) received on September 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9099. A communication from the Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Final 2004 Specifications for the Atlantic Bluefish Fishery" (RIN0648-AQ85) received on September 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9100. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closing 'Other Flatfish' in the BSAI" received on September 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9101. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closing Rock Sole in the BSAI" received on September 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9102. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; End of the Pacific Whiting Primary Season for the Shore-Based Sector and the Resumption of Trip Limits" (ID811041) received on September 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9103. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Notification of the Vessel Assignments for the B Season Atka Mackerel Fishery in the Harvest Limit Area 542 and/or 543 in the Aleutian Islands Subarea of the BSAI" received on September 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9104. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Implementation of the Yellowtail Flounder Landing Limit for Western and Eastern U.S./Canada Areas" received on September 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9105. A communication from the Under Secretary and Director, Patent and Trademark Office, transmitting, pursuant to law, the report of a rule entitled "Revision of Patent Fees for Fiscal Year 2005" (RIN0651-AB70) received on September 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9106. A communication from the Under Secretary and Director, Patent and Trademark Office, transmitting, pursuant to law, the report of a rule entitled "Changes in the Requirements for Amendment and Correction of Trademark Registrations" (RIN0651-AB67) received on September 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9107. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Prohibition Against Certain Flights Within the Territory and Airspace of Iraq; Approval Process for Requests for Authorization to Operate in Airspace; Doc. No. FAA-2003-14766" (RIN2120-ZZ51) received on July 27, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9108. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report relative to the Telecommunications Development Report; to the Committee on Commerce, Science, and Transportation.

EC-9109. A communication from the Secretary, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act (Dishwasher Ranges)" (RIN3084-AA74) received on September 8, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9110. A communication from the Secretary, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Contact Lens Rule" (RIN3084-AA95) received on September 8, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9111. A communication from the Secretary, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Telemarketing Sales Rule Fees" (RIN3084-AA86) received on September 8, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9112. A communication from the Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, transmitting, pursuant to law, a report relative to federal agency use of voluntary consensus standards and conformity assessment; to the Committee on Commerce, Science, and Transportation.

EC-9113. A communication from the Director, Office of Human Resources Management, Department of Energy, transmitting, pursuant to law, the report of the designation of acting officer and nomination for the position of Assistant Secretary for Environment, Safety, and Health, Department of Energy, received on September 6, 2004; to the Committee on Energy and Natural Resources.

EC-9114. A communication from the Office of the Assistant Secretary for Policy, Management and Budget, Department of the Interior, transmitting, pursuant to law, a report relative to the impacts of the Compacts of Free Association with the Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands; to the Committee on Energy and Natural Resources.

EC-9115. A communication from the Assistant Secretary for Fish, Wildlife, and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Early Seasons and Bag and Possession Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands" (RIN1018-AT93) received on September 6, 2004; to the Committee on Energy and Natural Resources.

EC-9116. A communication from the Acting Assistant for Fish, Wildlife, and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Final Frameworks for Early Season Migratory Bird Hunting Regulations" (RIN1018-AT53) received on September 8, 2004; to the Committee on Energy and Natural Resources.

EC-9117. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Im-

plementation Plans; District of Columbia; Update to Materials Incorporated By Reference" (FRL#7791-9) received on September 9, 2004; to the Committee on Environment and Public Works.

EC-9118. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Georgia; Approval of Revisions to the State Implementation Plan; Correction" (FRL#7798-7) received on September 9, 2004; to the Committee on Environment and Public Works.

EC-9119. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; South Carolina: Source Testing" (FRL#7799-5) received on September 9, 2004; to the Committee on Environment and Public Works.

EC-9120. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revised Major Stationary Source Applicability for Reasonably Available Control Technology in the Northern Virginia Ozone Nonattainment Area" (FRL#7798-6) received on September 9, 2004; to the Committee on Environment and Public Works.

EC-9121. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Oil Pollution and Response; Non-Transportation-Related Onshore and Offshore Facilities" (FRL#7800-2) received on September 9, 2004; to the Committee on Environment and Public Works.

EC-9122. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Finding of Failure to Attain and Reclassification to Serious Nonattainment; Imperial Valley Planning Area; California; Particulate Matter of 10 Microns or Less" (FRL#7800-5) received on September 9, 2004; to the Committee on Environment and Public Works.

EC-9123. A communication from the Chairman, Nuclear Regulatory Commission, a report relative to the Commission's licensing and regulatory duties; to the Committee on Environment and Public Works.

EC-9124. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Antelope Valley Air Quality Management District" (FRL#7804-2) received on September 9, 2004; to the Committee on Environment and Public Works.

EC-9125. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Colorado Springs Revised Carbon Monoxide Maintenance Plan and Approval of Related Revisions" (FRL#7809-2) received on September 9, 2004; to the Committee on Environment and Public Works.

EC-9126. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Update to Materials Incorporated by Reference" (FRL#7808-8) received on September 9, 2004;

to the Committee on Environment and Public Works.

EC-9127. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans for California-San Joaquin Valley PM-10" (FRL#7807-2) received on September 9, 2004; to the Committee on Environment and Public Works.

EC-9128. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New Source Review; State of Nevada, Clark County Department of Air Quality and Environmental Management" (FRL#7808-7) received on September 9, 2004; to the Committee on Environment and Public Works.

EC-9129. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production" (FRL#7808-2) received on September 9, 2004; to the Committee on Environment and Public Works.

EC-9130. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pesticide Worker Protection Standard; Glove Liners, and Chemical-Resistant Glove Requirements for Agricultural Pilots" (FRL#7352-3) received on September 9, 2004; to the Committee on Environment and Public Works.

EC-9131. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Changing the Ozone Monitoring Season in Idaho from April Through October to May Through September" (FRL#7801-6) received on September 9, 2004; to the Committee on Environment and Public Works.

EC-9132. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Federally Enforceable State Operating Permit Program for Allegheny County" (FRL#7807-3) received on September 9, 2004; to the Committee on Environment and Public Works.

EC-9133. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Washington" (FRL#7807-1) received on September 9, 2004; to the Committee on Environment and Public Works.

EC-9134. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New Jersey; Revised Motor Vehicle Transportation Conformity Budgets" (FRL#7807-6) received on September 9, 2004; to the Committee on Environment and Public Works.

EC-9135. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production" (FRL#7808-4) received on September 9, 2004; to the Committee on Environment and Public Works.

EC-9136. A communication from the Deputy Associate Administrator, Environmental

Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Antelope Valley Air Quality Management District and Mojave Desert Air Quality Management District" (FRL#7804-1) received on September 9, 2004; to the Committee on Environment and Public Works.

EC-9137. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's latest monthly report on the status of its licensing and regulatory duties; to the Committee on Environment and Public Works.

EC-9138. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2004-05 Early Season" (RIN1018-AT53) received on September 8, 2004; to the Committee on Environment and Public Works.

#### 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 Ms. COLLINS:

S. 2792. A bill to permit athletes to receive nonimmigrant status under certain conditions, and for other purposes; to the Committee on the Judiciary.

By Mr. SANTORUM:

S. 2793. A bill to remove civil liability barriers that discourage the donation of fire equipment to volunteer fire companies; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mr. BINGAMAN, Mrs. MURRAY, Mr. REED, and Mrs. CLINTON):

S. 2794. A bill to improve elementary and secondary education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ENZI (for himself, Mr. BAUCUS, Mr. ALEXANDER, Mrs. DOLE, and Mr. LIEBERMAN):

S. 2795. A bill to provide for higher education affordability, access, and opportunity; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAIG (for himself and Mr. DURBIN):

S. 2796. A bill to clarify that service marks, collective marks, and certification marks are entitled to the same protections, rights, and privileges of trademarks; to the Committee on the Judiciary.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CONRAD (for himself and Mr. JEFFORDS):

S. Con. Res. 136. A concurrent resolution honoring and memorializing the passengers and crew of United Airlines Flight 93; to the Committee on Rules and Administration.

#### ADDITIONAL COSPONSORS

S. 352

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a co-

sponsor of S. 352, a bill to ensure that commercial insurers cannot engage in price fixing, bid rigging, or market allocations to the detriment of competition and consumers.

S. 1379

At the request of Mr. JOHNSON, the names of the Senator from Montana (Mr. BURNS), the Senator from Utah (Mr. BENNETT) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1704

At the request of Ms. COLLINS, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 1704, a bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children.

S. 2313

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 2313, a bill to amend the Help America Vote Act of 2002 to require a voter-verified permanent record or hardcopy under title III of such Act, and for other purposes.

S. 2426

At the request of Mr. NELSON of Nebraska, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 2426, a bill to amend title XVIII of the Social Security Act to clarify the treatment of payment under the medicare program for clinical laboratory tests furnished by critical access hospitals.

S. 2431

At the request of Mr. NELSON of Nebraska, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 2431, a bill to amend title XVIII of the Social Security Act to improve access to diabetes self-management training by designating certified diabetes educators recognized by the National Certification Board of Diabetes Educators as certified providers for purposes of outpatient diabetes education services under part B of the medicare program.

S. 2526

At the request of Mr. BOND, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2526, a bill to reauthorize the Children's Hospitals Graduate Medical Education Program.

S. 2539

At the request of Mr. CAMPBELL, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2539, a bill to amend the Tribally Controlled Colleges or University Assistance Act and the Higher Education Act

to improve Tribal Colleges and Universities, and for other purposes.

S. 2568

At the request of Mr. BIDEN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2568, a bill to require the Secretary of the Treasury to mint coins in commemoration of the tercentenary of the birth of Benjamin Franklin, and for other purposes.

S. 2587

At the request of Ms. STABENOW, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 2587, a bill to amend title XVIII of the Social Security Act to adjust the amount of payment under the physician fee schedule for drug administration services furnished to medicare beneficiaries.

S. 2613

At the request of Mr. HAGEL, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2613, a bill to amend the Public Health Service Act to establish a scholarship and loan repayment program for public health preparedness workforce development to eliminate critical public health preparedness workforce shortages in Federal, State, and local public health agencies.

S. 2659

At the request of Ms. COLLINS, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 2659, a bill to extend the temporary increase in payments under the medicare program for home health services furnished in a rural area.

S. 2671

At the request of Mr. ROCKEFELLER, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 2671, a bill to extend temporary State fiscal relief, and for other purposes.

S. 2718

At the request of Mr. DEWINE, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Illinois (Mr. DURBIN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 2718, a bill to provide for programs and activities with respect to the prevention of underage drinking.

S. 2734

At the request of Mr. CAMPBELL, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 2734, a bill to implement the recommendations of the Inspector General of the Department of the Interior regarding Indian Tribal detention facilities.

S. 2741

At the request of Mr. DASCHLE, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2741, a bill to amend the Public Health Service Act to reauthorize and extend the Fetal Alcohol Syn-

drome prevention and services program, and for other purposes.

S. 2754

At the request of Mr. DASCHLE, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 2754, a bill to amend the Social Security Act to protect social security cost-of-living adjustments (COLA).

S. 2759

At the request of Mr. ROCKEFELLER, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 2759, a bill to amend title XXI of the Social Security Act to modify the rules relating to the availability and method of redistribution of unexpended SCHIP allotments, and for other purposes.

S. 2762

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2762, a bill to encourage the use of indigenous feedstock from the Caribbean Basin region with respect to ethyl alcohol for fuel use.

S. 2780

At the request of Ms. STABENOW, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2780, a bill to amend title XVIII of the Social Security Act to stabilize the amount of the medicare part B premium.

S. 2781

At the request of Mr. LUGAR, the names of the Senator from North Carolina (Mrs. DOLE) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 2781, a bill to express the sense of Congress regarding the conflict in Darfur, Sudan, to provide assistance for the crisis in Darfur and for comprehensive peace in Sudan, and for other purposes.

S. CON. RES. 111

At the request of Mr. LUGAR, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Con. Res. 111, a concurrent resolution expressing the sense of the Congress that a commemorative stamp should be issued in honor of the centennial anniversary of Rotary International and its work to eradicate polio.

S. RES. 419

At the request of Mr. CORNYN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 419, a resolution expressing the sense of the Senate with respect to the continuity of Government and the smooth transition of executive power.

S. RES. 422

At the request of Mr. GRAHAM of South Carolina, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. Res. 422, a resolution expressing the sense of the Senate that the President should designate the week beginning September 12, 2004, as "National Historically Black Colleges and Universities Week".

AMENDMENT NO. 3615

At the request of Mr. KENNEDY, his name was added as a cosponsor of amendment No. 3615 proposed to H.R. 4567, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

AMENDMENT NO. 3617

At the request of Mr. LAUTENBERG, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of amendment No. 3617 proposed to H.R. 4567, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS:

S. 2792. A bill to permit athletes to receive nonimmigrant status under certain conditions, and for other purposes; to the Committee on the Judiciary.

Ms. COLLINS. Mr. President, I rise today to introduce legislation to address the inability of promising, talented young athletes from other countries to play for sports teams in the United States, such as the MAINEiacs, a junior league hockey team in Lewiston, ME. This year's shortage of H-2B nonimmigrant visas for temporary or seasonal nonagricultural foreign workers is a matter of great concern to me and to many in my home State of Maine. In early March, the U.S. Citizenship and Immigration Services announced that the congressionally mandated cap of 66,000 H-2B visas would soon be met. It immediately stopped accepting applications for these visas. This meant that thousands of employers in Maine and across the United States who rely on the H-2B program have been in a very difficult position this summer.

For example, Maine's tourism and hospitality industry, as well as its forest products industry, have been particularly hard-pressed to find enough American workers to keep their businesses running at normal levels during what is their busiest time of year. What many people do not know, however, is that the H-2B visa shortage has also meant that hundreds of promising athletes have been unable to come to the United States to play for minor league and amateur sports teams across the Nation.

Those affected by the H-2B problem are not confined to just one industry or one State. That is why I cosponsored two pieces of legislation that would immediately address this problem: S. 2252, the Save the Summer Act, introduced by Senator KENNEDY, and S. 2258, the Summer Operations and Services (SOS) Relief and Reform Act, introduced by Senators HATCH and CHAMBLISS. The former would increase the H-2B visa cap by 40,000 this fiscal year, while the

latter would exclude from the cap returning foreign workers who were counted against the cap within the past 2 years. It has become clear, however, that until this legislation comes before the full Senate for a vote, we must continue to actively seek alternative solutions to this problem.

One issue we must address is the problem facing the many minor league professional teams, as well as junior league hockey teams, that rely on H-2B visas. Without these visas, sports teams in Maine and across the Nation have been unable to bring some of their most talented prospects to the United States. Major League sports have also lost a traditional source of talent for their teams.

In my home State of Maine, for example, the Lewiston MAINEiacs, a Canadian junior hockey league team, has been unable to obtain the H-2b visas necessary for the majority of its players to remain in the United States to play in the team's first home games this September. Although these players range in age from 16 to 20, the majority of them are between 16 and 18 years old and are required during the hockey season to balance the demands of athletics and academics. These scholar-athletes are among Canada's most talented junior players, but due to the shortage of H-2B visas, they are in danger of missing out on a tremendous opportunity to improve their skills and, possibly, graduate to a career in professional hockey. In addition, for each home game that the team must cancel or reschedule, the economic impact on the city of Lewiston, and nearby Auburn, in terms of lost hotel and restaurant revenue will be considerable.

The Portland Sea Dogs, a Double-A level baseball team affiliated with the Boston Red Sox, also relies on H-2B visas to bring several of its most skilled players to the United States. Thousands of fans come out each year to see this team, and others like it across the country, play what is arguably one of America's favorite sports. This year, however, approximately 300 talented young, foreign baseball players have been prevented from coming to the U.S. to play for minor league teams, a proving ground for athletes hoping to make it to the Major Leagues.

The P-1 nonimmigrant visa is used by athletes who are deemed by the U.S. Citizenship and Immigration Services as performing at an "internationally recognized level of performance." Unfortunately, USCIS has interpreted this visa category to exclude these talented minor and amateur league athletes. This visa is typically reserved for only those athletes who have already been promoted to Major League sports. However, none of these promising athletes is likely to earn a Major League contract if the players are not first permitted to hone their skills, and to prove themselves, in the minor leagues. This problem can easily be solved by expanding the P-1 visa category to in-

clude minor league athletes, as well as those amateur-level athletes, like the Lewiston MAINEiacs, who have demonstrated a significant likelihood of graduating to the major leagues.

I have received a letter from officials from Major League Baseball, which strongly supports the expansion of the P-1 visa category to include professional minor league baseball players. I ask unanimous consent to print this letter in the RECORD. As the League points out, by making P-1 visas available to this group of athletes, teams would be able to make player development decisions based on the talent of its players, without being constrained by visa quotas. The P-1 category, the League argues, is appropriate for minor league players because these are the players that the Major League Clubs have selected as some of the best baseball prospects in the world.

There is no question that Americans are passionate about sports. We have high expectations for our teams, and demand only the best from our athletes. By expanding the P-1 visa category, we will make it possible for athletes to be selected based on talent and skill, rather than nationality. I ask that we act quickly to amend the law to make this possible.

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

MAJOR LEAGUE BASEBALL,  
OFFICE OF THE COMMISSIONER,  
July 22, 2004.

Re Legislation for Nonimmigrant Alien Status for Certain Athletes.

Hon. SUSAN M. COLLINS,  
U.S. Senator from Maine, Russell Senate Office Building, Washington, DC.

DEAR SENATOR COLLINS: I write to express Major League Baseball's support for your efforts on behalf of Minor League professional baseball players. We understand that you are considering sponsoring legislation that will enable Minor League players to obtain P-1 work visas to perform in the United States.

Currently, foreign players under Minor League contracts are required to obtain H-2B (temporary worker) work visas to perform in the United States. The United States Citizenship and Immigration Services stopped accepting H-2B visa applications in March this year, citing the nationwide cap in the number of such visas that can be issued. That action has prevented approximately 300 young baseball players from performing in the Minor Leagues in the United States this season and developing their skills in the hopes of becoming Major League players.

Minor League experience is crucial in developing the best possible Major League players. Unlike other professional athletes, baseball players almost invariably cannot go directly from high school or college to the Major Leagues. Almost all need substantial experience in the Minor Leagues to develop their talents and skills to Major League quality. To get that necessary experience, young players are signed by Major League Clubs and assigned to play for Minor League affiliates throughout the United States, such as the Eastern League's Portland Sea Dogs in your state.

The Major League Clubs are currently able to use only 81% of the H-2B visas the Department of Labor allowed them for this season, because current laws prevented them from making decisions in the late spring and

throughout the summer to promote foreign prospects to United States affiliates. Major League Clubs sign players from the Dominican Republic and Venezuela and assign them at first to affiliates in those countries, then seek to promote them to affiliates in the United States as players' skills progress. Typically, a Club would seek to promote 3-5 players per season to Minor League affiliates in the United States, but the visa restrictions this year have made those promotions impossible. We have learned that at least several Clubs shied away from drafting foreign (mostly Canadian) players whom they otherwise might have selected in the annual First-Year Player Draft in June, because those Clubs knew there would be no opportunity for those players to begin their professional careers in the United States this season. For the Canadian players who were drafted this past June, signings have declined 80% from 2003. These results of the current visa laws have deprived Minor League fans across America from seeing the best young players possible perform for affiliates of the Major League Baseball Clubs and have affected the quality and attractiveness of those affiliates.

Under your leadership, congressional legislation could, by sensibly making available P-1 visas to professional Minor League athletes, ensure that the best baseball prospects from around the world will get the opportunity to develop here in the United States, without the constraint that the H-2B visa cap imposes. The National Association of Professional Baseball Leagues, Inc., also known as Minor League Baseball, shares our support of your legislation. The Major League Baseball Players Association also supports allowing the best young players to develop here in the United States.

Major League Baseball hopes that your Senate colleagues will follow your leadership and pursue a legislative remedy to a problem that is threatening to weaken Baseball's Minor League system.

Sincerely,

RICHARD L. ALDERSON,  
Executive Vice President,  
Baseball Operations.

By Mr. SANTORUM:

S. 2793. A bill to remove civil liability barriers that discourage the donation of fire equipment to volunteer fire companies; to the Committee on the Judiciary.

Mr. SANTORUM. Mr. President, I rise today to introduce the "Good Samaritan Volunteer Firefighter Assistance Act of 2004." On September 11, 2001, the Nation witnessed the tragic loss of hundreds of heroic firefighters. Amazingly, every year quality firefighting equipment worth millions of dollars is wasted. In order to avoid civil liability lawsuits, heavy industry and wealthier fire departments destroy surplus equipment, including hoses, fire trucks, protective gear and breathing apparatus, instead of donating it to volunteer fire departments.

The basic purpose of this legislation is to induce donations of surplus firefighting equipment by reducing the threat of civil liability for organizations, most commonly heavy industry, and individuals who wish to make these donations. The bill eliminates civil liability barriers to donations of surplus firefighting equipment by raising the liability standard for donors from "negligence" to "gross negligence."

The “Good Samaritan Volunteer Firefighter Assistance Act of 2004” is modeled after a bill passed by the Texas State legislature in 1997 and signed into law by then-Governor George W. Bush which has resulted in more than \$6 million in additional equipment donations from companies and other fire departments for volunteer departments which may not be as well equipped. Now companies in Texas can donate surplus equipment to the Texas Forest Service, which then certifies the equipment and passes it on to volunteer fire departments that are in need. The donated equipment must meet all original specifications before it can be sent to volunteer departments. Arizona, Missouri, Indiana, and South Carolina have passed similar legislation at the state level.

The legislation saves taxpayer dollars by encouraging donations, thereby reducing the taxpayers’ burden of purchasing expensive equipment for volunteer fire departments. In the 107th Congress, Representative CASTLE introduced the Good Samaritan Volunteer Firefighter Assistance Act which had 104 bipartisan cosponsors in the House of Representatives. It is also supported by the National Volunteer Fire Council, the Firemen’s Association of the State of New York, and a former director of the Federal Emergency Management Agency (FEMA), James Lee Witt. The bill has been reintroduced as H.R. 1787 in the 108th Congress.

This bill does not cost taxpayer dollars nor does it create additional bureaucracies to inspect equipment. The bill eliminates unnecessary inspection bureaucracies. This is for three reasons. First, bureaucracies are not necessary for inspections because the fire chiefs make the inspections themselves. Second, some of the State bureaucracies control who gets the equipment. These donations are private property transactions, not a good that is donated to the State, allowing the State to pick who will get the equipment. Third, there is no desire to create the temptation for waste, fraud, and abuse in a State bureaucracy in charge of picking winners and losers.

The bill reflects the purpose of the Texas State law. Federally, precedent for similar measures includes the Bill Emerson Good Samaritan Food Act (Public Law 104-210), named for the late Representative Bill Emerson, which encourages restaurants, hotels and businesses to donate millions of dollars worth of food. The Volunteer Protection Act of 1997 (Public Law 105-101) also immunizes individuals who do volunteer work for non-profit organizations or governmental entities from liability for ordinary negligence in the course of their volunteer work. I have also previously introduced three Good Samaritan measures in the 106th Congress, S. 843, S. 844 and S. 845. These provisions were also included in a broader charitable package in S. 997, the Charity Empowerment Act, to provide additional incentives for corporate

in-kind charitable contributions for motor vehicle, aircraft, and facility use. The same provision passed the House of Representatives in the 107th Congress as part of H.R. 7, the Community Solutions Act, in July of 2001, but was not signed into law.

Volunteers comprise approximately 73 percent of firefighters in the United States. Of the total estimated 1,078,300 firefighters across the country, 784,700 are volunteer. Of the more than 30,000 fire departments in the country, approximately 22,600 are all volunteer; 4,800 are mostly volunteer; 1,600 are mostly career; and 2,000 are all career. In 2000, 58 of the 103 firefighters who died in the line of duty were volunteers.

This legislation provides a common-sense incentive for additional contributions to volunteer fire departments around the country and would make it more attractive for corporations to give equipment to fire departments in other states. All of America has witnessed the heroic acts of selflessness and sacrifice of firefighters in New York City and in the Washington, D.C. area. I urge my colleagues to join me in supporting this incentive for the provision of additional safety equipment for volunteer firefighters who put their lives on the line every day throughout this great nation.

By Mr. KENNEDY (for himself, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mr. BINGAMAN, Mrs. MURRAY, Mr. REED, AND Mrs. CLINTON):

S. 2794. A bill to improve elementary and secondary education; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, I’m pleased to join my colleagues to introduce the No Child Left Behind Improvement Act. Our goal is to chart a better course for bringing the reforms under the law to all students across the country.

I was proud to stand with President Bush in January 2002 as he signed the No Child Left Behind Act into law. At that time, Republicans and Democrats came together to recognize the need to create a strong education system where every child attends a good school with a good teacher. Together, we recognized the importance of achieving that goal for the future of our democracy, economy, and national defense.

In drafting the No Child Left Behind Act in a bipartisan manner, we made great progress from the days when Democrats and Republicans were light years apart on school reform, with some trying to abolish the U.S. Department of Education and privatize our public schools.

No Child Left Behind made improving our public schools a national priority. It laid the cornerstone for a solid accountability system in every State. It called for high academic standards in reading, math, and science, and

high-quality tests to measure progress toward those standards. For the first time, it placed our low-income children, children with disabilities, minority children, and English language learners at the top of the school reform agenda. No longer would their needs be hidden, overlooked, or ignored.

It also provided the building blocks for quality in all schools. A fully-qualified teacher in every classroom and better teacher training to make it happen. More after-school tutoring and supplemental services to help students with the greatest needs. Special programs for English language learners. Expanded support for reading in early grades. School report cards to provide information to parents and motivate them to be part of their children’s education.

No Child Left Behind promised a great deal to our students and to their families. It’s still the right promise. But it hasn’t been kept.

Since the law passed, the country has seen the promise of funding No Child Left Behind flagrantly broken by the Bush administration, time and time again. President Bush proposed to cut funding for the law by \$90 million just 1 month after signing the bill. His next education budget cut funding by far more—\$1.2 billion.

Today, he’s leaving 4.6 million children behind, and he’s underfunding the law by \$9.4 billion. At the same time, President Bush proposes to give tax breaks for the top 1 percent of Americans that total five times the funds promised but never delivered under the No Child Left Behind Act.

Despite these broken promises, our schools are trying to do their part. They’ve been asked to help all students reach proficiency, and they are responding. Teachers and other school professionals are beginning the hard work of tackling disparities in student achievement, and putting into place the curriculum needed to turn-around thousands of schools that have been identified as needing improvement.

School leaders are struggling to respond to the challenges of providing more highly qualified teachers, supplemental services, and after-school programs in school districts. They’re laboring hard in their work to implement the No Child Left Behind Act and bring the promise of true reform to more children and their parents.

The work of school reform is not easy, and schools are struggling to succeed under No Child Left Behind. But on top of the broken promise to provide schools the resources they need to get the job done right, the administration has undermined the efforts of schools to comply with the law, and crippled reforms through its ineffective implementation effort.

Since No Child Left Behind passed, the Department of Education’s track record in issuing basic guidance under the law been mired in delay. Final accountability guidelines for children with special needs and limited English

proficient children were announced 2 years after the law was enacted, and long after the law's accountability requirements were already in place for schools.

The administration has abandoned requirements to measure adequately the progress of English language learners in a valid and reliable way. They've suggested to States that they don't have to bother to develop native language assessments, and they've done nothing to help improve assessments for children with disabilities.

They've ignored standards for supplemental service providers, and failed to enforce the civil rights protections that are so essential to providing all children fair access to such services. Families are relying on tutoring and extra support to help their children. But the administration's guidance actually prohibits States from requiring high standards for that supplemental support. A highly qualified teacher in every classroom is good policy. Why shouldn't the same apply for supplemental services?

The administration's ham-handed implementation of public school choice has ignored questions of capacity in school districts with overcrowded classrooms.

And their weakened regulations undermine protections against high dropout rates—especially for low-income and minority students. Without information and reporting of those rates for each subgroup of children, the public won't have a complete picture of how children are succeeding.

It's time for the administration to correct these problems and do their part to improve implementation of the No Child Left Behind Act.

The bill that I'm introducing today gets these reforms on track. It will help keep the promise of public school choice, promote quality and access in supplemental services, provide for better assessments for children, and ensure better reporting by schools and states of graduation and dropout rates so that children don't fall through the cracks.

It's important to acknowledge what this bill does not do. It does not make fundamental changes to the requirements under No Child Left Behind. Those reforms are essential to improving our public schools. Every child deserves a chance to learn in a good school, and that chance depends on whether we succeed in implementing the law.

The No Child Left Behind Improvement Act will ensure that school districts consider health and safety codes as they draw up their plans for providing public school choice to students, consistent with the law. In order to ensure that public school choice actually helps children succeed educationally, we must provide an environment that is safe and conducive to their learning—not overcrowded.

It will provide better access to quality supplemental services for eligible

students, and ensure full enforcement of civil rights protections under those provisions. The administration's policy of relaxed enforcement in this area allows some private providers off-the-hook from serving children that need the most help. That's wrong.

All students should have a fair chance to choose a supplemental service provider that meets their needs. Limited English proficient children and children with disabilities are often those students that need the most extra help and assistance in our public schools, and this bill would ensure that each State select some providers with the skills to serve those populations.

This bill will also better enable teachers and para-professionals to meet the required standards for teacher quality under the law. A highly qualified teacher is the single most important factor in improving student achievement, and the No Child Left Behind Act requires that every classroom have a qualified teacher by 2006.

We must provide for a system that ensures all teachers have the opportunity to meet that goal. The No Child Left Behind Act includes an alternate standard for veteran teachers to demonstrate their competence and be counted as highly qualified in the subject matter that they teach. This bill ensures that every State develop and implement that standard under the law, and that every state provide para-professionals with the opportunities provided under No Child Left Behind to demonstrate their competence.

Fifteen States have not yet developed or applied standards for veteran teachers. We must do better especially for the 67 percent of all public school teachers that have been teaching for more than 5 years.

And finally, for No Child Left Behind's accountability provisions to be useful, they must be accurate. We need accurate determinations of whether schools are making progress.

The Department's delay in issuing adequate accountability rules for counting children with disabilities and limited English proficient children has created unnecessary confusion, caused a potential mislabeling of schools, and misdirected resources from the schools and students who actually need them. The Department should apply those regulations retroactively, so that schools may be judged on the same standards for the past year as they will be in the future, not by different criteria for different years. In June, I introduced a bill—The No Child Left Behind Fairness Act—to accomplish that goal. The bill that I'm introducing today also includes those requirements.

We're at an important crossroads in reforming our public schools. Schools are hurting, crippled by shrinking budgets and a broken promise of funding under the law. The ineffective track record of this administration in implementing No Child Left Behind largely has contributed to their problems and frustrations.

We must do better. Turning our back on the reforms in the No Child Left Behind Act is no solution. Neither is turning our back on public education. I urge my colleagues to act to ensure that the promise of the essential reforms under No Child Left Behind are realized. Our students and families deserve no less.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 2794

*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 "No Child Left Behind Improvement Act of 2004".

**TITLE I—PUBLIC SCHOOL CHOICE, SUPPLEMENTAL EDUCATIONAL SERVICES, AND TEACHER QUALITY**

**SEC. 101. PUBLIC SCHOOL CHOICE CAPACITY.**

(a) SCHOOL CAPACITY.—Section 1116(b)(1)(E) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)) is amended—

(1) in clause (i), by striking "In the case" and inserting "Subject to clauses (ii) and (iii), in the case";

(2) by redesignating clause (ii) as clause (iii);

(3) by inserting after clause (i) the following:

"(ii) SCHOOL CAPACITY.—The obligation of a local educational agency to provide the option to transfer to students under clause (i) is subject to all applicable State and local health and safety code requirements regarding facility capacity."; and

(4) in clause (iii) (as redesignated by paragraph (2)), by inserting "and subject to clause (ii)," after "public school."

(b) GRANTS FOR SCHOOL CONSTRUCTION AND RENOVATION.—Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by adding at the end the following:

**"SEC. 1120C. GRANTS FOR SCHOOL CONSTRUCTION AND RENOVATION.**

"(a) PROGRAM AUTHORIZED.—From funds appropriated under subsection (g), the Secretary is authorized to award grants to local educational agencies experiencing overcrowding in the schools served by the local educational agencies, for the construction and renovation of safe, healthy, high-performance school buildings.

"(b) APPLICATION.—Each local educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such additional information as the Secretary may require.

"(c) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to local educational agencies—

"(1) who have documented difficulties in meeting the public school choice requirements of paragraph (1)(E), (5)(A), (7)(C)(i), or (8)(A)(i) of section 1116(b), or section 1116(c)(10)(C)(vi); and

"(2) with the highest number of schools at or above capacity.

"(d) AWARD BASIS.—From funds remaining after awarding grants under subsection (c), the Secretary shall award grants to local educational agencies that are experiencing overcrowding in the schools served by the local educational agencies.

"(e) PREVAILING WAGES.—Any laborer or mechanic employed by any contractor or

subcontractor in the performance of work on any construction funded by a grant awarded under this section will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor under subchapter IV of chapter 31 of title 40, United States Code (commonly referred to as the Davis-Bacon Act).

“(f) DEFINITIONS.—In this section:

“(1) AT OR ABOVE CAPACITY.—The term ‘at or above capacity’, in reference to a school, means a school in which 1 additional student would increase the average class size of the school above the average class size of all schools in the State in which the school is located.

“(2) HEALTHY, HIGH-PERFORMANCE SCHOOL BUILDING.—The term ‘healthy, high-performance school building’ has the meaning given such term in section 5586.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$250,000,000 for fiscal year 2005, and such sums as may be necessary for each of the 2 succeeding fiscal years.”.

#### SEC. 102. SUPPLEMENTAL EDUCATIONAL SERVICES.

Section 1116(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(e)) is amended—

(1) in paragraph (4)—

(A) in subparagraph (B), by striking the semicolon and inserting “, including criteria that—

“(i) ensure that personnel delivering supplemental educational services to students have adequate qualifications; and

“(ii) may, at the State’s discretion, ensure that personnel delivering supplemental educational services to students are teachers that are highly qualified, as such term is defined in section 9101;”;

(B) in subparagraph (D), by striking “and” after the semicolon;

(C) in subparagraph (E), by striking the period and inserting “; and”; and

(D) by adding at the end the following:

“(F) ensure that the list of approved providers of supplemental educational services described in subparagraph (C) includes a choice of providers that have sufficient capacity to provide effective services for children who are limited English proficient and children with disabilities.”;

(2) in paragraph (5)(C)—

(A) by striking “applicable”; and

(B) by inserting before the period “, and acknowledge in writing that, as an approved provider in the relevant State educational agency program of providing supplemental educational services, the provider is deemed to be a recipient of Federal financial assistance”;

(3) by redesignating paragraphs (6), (7), (8), (9), (10), (11), and (12) as paragraphs (7), (8), (9), (10), (11), (12), and (13), respectively;

(4) by inserting after paragraph (5) the following:

“(6) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a local educational agency from being considered by a State educational agency as a potential provider of supplemental educational services under this subsection, if such local educational agency meets the criteria adopted by the State educational agency in accordance with paragraph (5).”;

(5) in paragraph (13) (as redesignated by paragraph (3))—

(A) in subparagraph (B)—

(i) in clause (ii), by striking “and” after the semicolon;

(ii) in clause (iii), by striking “and” after the semicolon; and

(iii) by adding at the end the following:

“(iv) may employ teachers who are highly qualified as such term is defined in section 9101; and

“(v) pursuant to its inclusion on the relevant State educational agency’s list described in paragraph (4)(C), is deemed to be a recipient of Federal financial assistance; and”;

(B) in subparagraph (C)—

(i) in the matter preceding subclause (i), by striking “are”;

(ii) in subclause (i)—

(I) by inserting “are” before “in addition”; and

(II) by striking “and” after the semicolon;

(iii) in subclause (ii), by striking the period and inserting “; and”; and

(iv) by adding at the end the following:

“(iii) if provided by providers that are included on the relevant State educational agency’s list described in paragraph (4)(C), shall be deemed to be programs or activities of the relevant State educational agency.”;

(6) by adding at the end the following:

“(14) CIVIL RIGHTS.—In providing supplemental educational services under this subsection, no State educational agency or local educational agency may, directly or through contractual, licensing, or other arrangements with a provider of supplemental educational services, engage in any form of discrimination prohibited by—

“(A) title VI of the Civil Rights Act of 1964;

“(B) title IX of the Education Amendments of 1972;

“(C) section 504 of the Rehabilitation Act of 1973;

“(D) titles II and III of the Americans with Disabilities Act;

“(E) the Age Discrimination Act of 1975;

“(F) regulations promulgated under the authority of the laws listed in subparagraphs (A) through (E); or

“(G) other Federal civil rights laws.”.

#### SEC. 103. QUALIFICATIONS FOR TEACHERS AND PARAPROFESSIONALS.

(a) HIGH OBJECTIVE UNIFORM STATE STANDARD OF EVALUATION.—Section 1119 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319) is amended—

(1) in subsection (a)(2)—

(A) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and indenting as appropriate;

(B) by striking “(2) STATE PLAN.—As part” and inserting the following:

“(2) STATE PLAN.—

“(A) IN GENERAL.—As part”; and

(C) by adding at the end the following:

“(B) AVAILABILITY OF STATE STANDARDS.—Each State educational agency shall make available to teachers in the State the high objective uniform State standard of evaluation, as described in section 9101(23)(C)(ii), for the purpose of meeting the teacher qualification requirements established under this section.”;

(2) by redesignating subsections (e), (f), (g), (h), (i), (j), (k), and (l) as subsections (f), (g), (h), (i), (j), (k), (l), and (m), respectively;

(3) by inserting after subsection (d) the following:

“(e) STATE RESPONSIBILITIES.—Each State educational agency shall ensure that local educational agencies in the State make available all options described in subparagraphs (A) through (C) of subsection (c)(1) to each new or existing paraprofessional for the purpose of demonstrating the qualifications of the paraprofessional, consistent with the requirements of this section.”; and

(4) in subsection (l) (as redesignated in paragraph (2)), by striking “subsection (l)” and inserting “subsection (m)”.

(b) DEFINITION OF HIGHLY QUALIFIED TEACHERS.—Section 9101(23)(B)(ii) is amended—

(1) in subclause (I), by striking “or” after the semicolon;

(2) in subclause (II), by striking “and” after the semicolon; and

(3) by adding at the end the following:

“(III) in the case of a middle school teacher, passing a State-approved middle school generalist exam when the teacher receives a license to teach middle school in the State;

“(IV) obtaining a State middle school or secondary school social studies certificate that qualifies the teacher to teach history, geography, economics, civics, and government in middle schools or in secondary schools, respectively, in the State; or

“(V) obtaining a State middle school or secondary school science certificate that qualifies the teacher to teach earth science, biology, chemistry, and physics in middle schools or secondary schools, respectively, in the State; and”.

#### TITLE II—ADEQUATE YEARLY PROGRESS DETERMINATIONS

##### SEC. 201. REVIEW OF ADEQUATE YEARLY PROGRESS DETERMINATIONS FOR SCHOOLS FOR THE 2002-2003 SCHOOL YEAR.

(a) IN GENERAL.—The Secretary shall require each local educational agency to provide each school served by the agency with an opportunity to request a review of a determination by the agency that the school did not make adequate yearly progress for the 2002-2003 school year.

(b) FINAL DETERMINATION.—Not later than 30 days after receipt of a request by a school for a review under this section, a local educational agency shall issue and make publicly available a final determination on whether the school made adequate yearly progress for the 2002-2003 school year.

(c) EVIDENCE.—In conducting a review under this section, a local educational agency shall—

(1) allow the principal of the school involved to submit evidence on whether the school made adequate yearly progress for the 2002-2003 school year; and

(2) consider that evidence before making a final determination under subsection (b).

(d) STANDARD OF REVIEW.—In conducting a review under this section, a local educational agency shall revise, consistent with the applicable State plan under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311), the local educational agency’s original determination that a school did not make adequate yearly progress for the 2002-2003 school year if the agency finds that the school made such progress, taking into consideration—

(1) the amendments made to part 200 of title 34, Code of Federal Regulations (68 Fed. Reg. 68698) (relating to accountability for the academic achievement of students with the most significant cognitive disabilities); or

(2) any regulation or guidance that, subsequent to the date of such original determination, was issued by the Secretary relating to—

(A) the assessment of limited English proficient children;

(B) the inclusion of limited English proficient children as part of the subgroup described in section 1111(b)(2)(C)(v)(II)(dd) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II)(dd)) after such children have obtained English proficiency; or

(C) any requirement under section 1111(b)(2)(D)(ii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(D)(ii)).

(e) EFFECT OF REVISED DETERMINATION.—

(1) IN GENERAL.—If pursuant to a review under this section a local educational agency determines that a school made adequate

yearly progress for the 2002–2003 school year, upon such determination—

(A) any action by the Secretary, the State educational agency, or the local educational agency that was taken because of a prior determination that the school did not make such progress shall be terminated; and

(B) any obligations or actions required of the local educational agency or the school because of the prior determination shall cease to be required.

(2) EXCEPTIONS.—Notwithstanding paragraph (1), a determination under this section shall not affect any obligation or action required of a local educational agency or school under the following:

(A) Section 1116(b)(13) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)(13)) (requiring a local educational agency to continue to permit a child who transferred to another school under such section to remain in that school until completion of the highest grade in the school).

(B) Section 1116(e)(9) of the Elementary and Secondary Education Act of 1965 (as redesignated by section 102(3)) (20 U.S.C. 6316(e)(9)) (requiring a local educational agency to continue to provide supplemental educational services under such section until the end of the school year).

(3) SUBSEQUENT DETERMINATIONS.—In determining whether a school is subject to school improvement, corrective action, or restructuring as a result of not making adequate yearly progress, the Secretary, a State educational agency, or a local educational agency may not take into account a determination that the school did not make adequate yearly progress for the 2002–2003 school year if such determination was revised under this section and the school received a final determination of having made adequate yearly progress for the 2002–2003 school year.

(f) NOTIFICATION.—The Secretary—

(1) shall require each State educational agency to notify each school served by the agency of the school's ability to request a review under this section; and

(2) not later than 30 days after the date of the enactment of this section, shall notify the public by means of the Department of Education's website of the review process established under this section.

**SEC. 202. REVIEW OF ADEQUATE YEARLY PROGRESS DETERMINATIONS FOR LOCAL EDUCATIONAL AGENCIES FOR THE 2002–2003 SCHOOL YEAR.**

(a) IN GENERAL.—The Secretary shall require each State educational agency to provide each local educational agency in the State with an opportunity to request a review of a determination by the State educational agency that the local educational agency did not make adequate yearly progress for the 2002–2003 school year.

(b) APPLICATION OF CERTAIN PROVISIONS.—Except as inconsistent with, or inapplicable to, this section, the provisions of section 201 shall apply to review by a State educational agency of a determination described in subsection (a) in the same manner and to the same extent as such provisions apply to review by a local educational agency of a determination described in section 201(a).

**SEC. 203. DEFINITIONS.**

In this title:

(1) The term “adequate yearly progress” has the meaning given to that term in section 1111(b)(2)(C) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)).

(2) The term “local educational agency” means a local educational agency (as that term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) receiving funds under part A of title I of such Act (20 U.S.C. 6311 et seq.).

(3) The term “Secretary” means the Secretary of Education.

(4) The term “school” means an elementary school or a secondary school (as those terms are defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) served under part A of title I of such Act (20 U.S.C. 6311 et seq.).

(5) The term “State educational agency” means a State educational agency (as that term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) receiving funds under part A of title I of such Act (20 U.S.C. 6311 et seq.).

**TITLE III—IMPROVING ASSESSMENT AND ACCOUNTABILITY**

**SEC. 301. GRANTS FOR INCREASING DATA CAPACITY FOR PURPOSES OF ASSESSMENT AND ACCOUNTABILITY.**

(a) PROGRAM AUTHORIZED.—From funds appropriated under subsection (g) for a fiscal year, the Secretary may award grants, on a competitive basis, to State educational agencies—

(1) to enable the State educational agencies to develop or increase the capacity of data systems for assessment and accountability purposes, including the collection of graduation rates; and

(2) to award subgrants to increase the capacity of local educational agencies to upgrade, create, or manage longitudinal data systems for the purpose of measuring student academic progress and achievement.

(b) STATE APPLICATION.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(c) STATE USE OF FUNDS.—Each State educational agency that receives a grant under this section shall use—

(1) not more than 20 percent of the grant funds for the purpose of—

(A) increasing the capacity of, or creating, State databases to collect, disaggregate, and report information related to student achievement, enrollment, and graduation rates for assessment and accountability purposes; and

(B) reporting, on an annual basis, for the elementary schools and secondary schools within the State, on—

(i) the enrollment data from the beginning of the academic year;

(ii) the enrollment data from the end of the academic year; and

(iii) the twelfth grade graduation rates; and

(2) not less than 80 percent of the grant funds to award subgrants to local educational agencies within the State to enable the local educational agencies to carry out the authorized activities described in subsection (e).

(d) LOCAL APPLICATION.—Each local educational agency desiring a subgrant under this section shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may require. Each such application shall include, at a minimum, a demonstration of the local educational agency's ability to put a longitudinal data system in place.

(e) LOCAL AUTHORIZED ACTIVITIES.—Each local educational agency that receives a subgrant under this section shall use the subgrant funds to increase the capacity of the local educational agency to upgrade or manage longitudinal data systems consistent with the uses in subsection (c)(1), by—

(1) purchasing database software or hardware;

(2) hiring additional staff for the purpose of managing such data;

(3) providing professional development or additional training for such staff; and

(4) providing professional development or training for principals and teachers on how to effectively use such data to implement instructional strategies to improve student achievement and graduation rates.

(f) DEFINITIONS.—In this section:

(1) The term “graduation rate” means the percentage that—

(A) the total number of students who—

(i) graduate from a secondary school with a regular diploma (which shall not include the recognized equivalent of a secondary school diploma or an alternative degree) in an academic year; and

(ii) graduated on time by progressing 1 grade per academic year; represents of

(B) the total number of students who entered the secondary school in the entry level academic year applicable to the graduating students.

(2) The terms “State educational agency” and “local educational agency” have the meanings given such terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) The term “Secretary” means the Secretary of Education.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$100,000,000 for fiscal year 2005, and such sums as may be necessary for each of the 2 succeeding fiscal years.

**SEC. 302. GRANTS FOR ASSESSMENT OF CHILDREN WITH DISABILITIES AND CHILDREN WHO ARE LIMITED ENGLISH PROFICIENT.**

Part E of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6491 et seq.) is amended by adding at the end the following:

**“SEC. 1505. GRANTS FOR ASSESSMENT OF CHILDREN WITH DISABILITIES AND CHILDREN WHO ARE LIMITED ENGLISH PROFICIENT.**

“(a) GRANTS AUTHORIZED.—From amounts authorized under subsection (e) for a fiscal year, the Secretary shall award grants, on a competitive basis, to State educational agencies, or to consortia of State educational agencies, to enable the State educational agencies or consortia to collaborate with institutions of higher education, research institutions, or other organizations—

“(1) to design and improve State academic assessments for students who are limited English proficient and students with disabilities; and

“(2) to ensure the most accurate, valid, and reliable means to assess academic content standards and student academic achievement standards for students who are limited English proficient and students with disabilities.

“(b) AUTHORIZED ACTIVITIES.—A State educational agency or consortium that receives a grant under this section shall use the grant funds to carry out 1 or more of the following activities:

“(1) Developing alternate assessments for students with disabilities, consistent with section 1111 and the amendments made on December 9, 2003, to part 200 of title 34, Code of Federal Regulations (68 Fed. Reg. 68698) (relating to accountability for the academic achievement of students with the most significant cognitive disabilities), including—

“(A) the alignment of such assessments, as appropriate and consistent with such amendments, with—

“(i) State academic achievement standards and State academic content standards for all students; or

“(ii) alternate State academic achievement standards that reflect the intended instructional construct for students with disabilities;

“(B) activities to ensure that such assessments do not reflect the disabilities, or associated characteristics, of the students that are extraneous to the intent of the measurement;”

“(C) the development of an implementation plan for pilot tests for such assessments, in order to determine the level of appropriateness and feasibility of full-scale administration; and

“(D) activities that provide for the retention of all feasible standardized features in the alternate assessments.

“(2) Developing alternate assessments that meet the requirements of section 1111 for students who are limited English proficient, including—

“(A) the alignment of such assessments with State academic achievement standards and State academic content standards for all students;

“(B) the development of parallel native language assessments or linguistically modified assessments for limited English proficient students that meet the requirements of section 1111(b)(3)(C)(ix)(III);

“(C) the development of an implementation plan for pilot tests for such assessments, in order to determine the level of appropriateness and feasibility of full-scale administration; and

“(D) activities that provide for the retention of all feasible standardized features in the alternate assessments.

“(3) Developing, modifying, or revising State policies and criteria for appropriate accommodations to ensure the full participation of students who are limited English proficient and students with disabilities in State academic assessments, including—

“(A) developing a plan to ensure that assessments provided with accommodations are fully included and integrated into the accountability system, for the purpose of making the determinations of adequate yearly progress required under section 1116;

“(B) ensuring the validity, reliability, and appropriateness of such accommodations, such as—

“(i) a modification to the presentation or format of the assessment;

“(ii) the use of assistive devices;

“(iii) an extension of the time allowed for testing;

“(iv) an alteration of the test setting or procedures;

“(v) the administration of portions of the test in a method appropriate for the level of language proficiency of the test taker;

“(vi) the use of a glossary or dictionary; and

“(vii) the use of a linguistically modified assessment;

“(C) ensuring that State policies and criteria for appropriate accommodations take into account the form or program of instruction provided to students, including the level of difficulty, reliability, cultural difference, and content equivalence of such form or program;

“(D) ensuring that such policies are consistent with the standards prepared by the Joint Committee on Standards for Educational and Psychological Testing of the American Educational Research Association, the American Psychological Association, and the National Council on Measurement in Education; and

“(E) developing a plan for providing training on the use of accommodations to school instructional staff, families, students, and other appropriate parties.

“(4) Developing universally designed assessments that can be accessible to all students, including—

“(A) examining test item or test performance for students with disabilities and students who are limited English proficient, to

determine the extent to which the test item or test is universally designed;

“(B) using think aloud and cognitive laboratory procedures, as well as item statistics, to identify test items that may pose particular problems for students with disabilities or students who are limited English proficient;

“(C) developing and implementing a plan to ensure that developers and reviewers of test items are trained in the principles of universal design; and

“(D) developing computer-based applications of universal design principles.

“(c) APPLICATION.—Each State educational agency, or consortium of State educational agencies, desiring to apply for a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

“(1) information regarding the institutions of higher education, research institutions, or other organizations that are collaborating with the State educational agency or consortium, in accordance with subsection (a);

“(2) in the case of a consortium of State educational agencies, the designation of 1 State educational agency as the fiscal agent for the receipt of grant funds;

“(3) a description of the process and criteria by which the State educational agency will identify students that are unable to participate in general State content assessments and are eligible to take alternate assessments, consistent with the amendments made to part 200 of title 34, Code of Federal Regulations (68 Fed. Reg. 68698);

“(4) in the case of a State educational agency or consortium carrying out the activity described in subsection (b)(1)(A), a description of how the State educational agency plans to fulfill the requirement of subsection (b)(1)(A);

“(5) in the case of a State educational agency or consortium carrying out the activities described in paragraphs (1), (2), and (4) of subsection (b), information regarding the proposed techniques for the development of alternate assessments, including a description of the technical adequacy of, technical aspects of, and scoring for, such assessments;

“(6) a plan for providing training for school instructional staff, families, students, and other appropriate parties on the use of alternate assessments; and

“(7) information on how the scores of students participating in alternate assessments will be reported to the public and to parents.

“(d) EVALUATION AND REPORTING REQUIREMENTS.—Each State educational agency receiving a grant under this section shall submit an annual report to the Secretary describing the activities carried out under the grant and the result of such activities, including—

“(1) details on the effectiveness of the activities supported under this section in helping students with disabilities, or students who are limited English proficient, better participate in State assessment programs; and

“(2) information on the change in achievement, if any, of students with disabilities and students who are limited English proficient, as a result of a more accurate assessment of such students.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$50,000,000 for fiscal year 2005, and such sums as may be necessary for each of the 2 succeeding fiscal years.”

#### SEC. 303. REPORTS ON STUDENT ENROLLMENT AND GRADUATION RATES.

Part E of title I of the Elementary and Secondary Education Act of 1965 (as amended

by section 302) (20 U.S.C. 6491 et seq.) is amended by adding at the end the following:

#### “SEC. 1506. REPORTS ON STUDENT ENROLLMENT AND GRADUATION RATES.

“(a) IN GENERAL.—The Secretary of Education shall collect from each State educational agency, local educational agency, and school, on an annual basis, the following data:

“(1) The number of students enrolled in each of grades 7 through 12 at the beginning of the most recent school year.

“(2) The number of students enrolled in each of grades 7 through 12 at the end of the most recent school year.

“(3) The graduation rate for the most recent school year.

“(4) The data described in paragraphs (1) through (3), disaggregated by the groups of students described in section 1111(b)(2)(C)(v)(II).

“(b) ANNUAL REPORT.—The Secretary shall report the information collected under subsection (a) on an annual basis.”

#### TITLE IV—CIVIL RIGHTS

##### SEC. 401. CIVIL RIGHTS.

Section 9534 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7914) is amended—

(1) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively; and

(2) by inserting before subsection (b) (as redesignated by paragraph (1)) the following:

“(a) PROHIBITION OF DISCRIMINATION.—Discrimination on the basis of race, color, religion, sex (except as otherwise permitted under Title IX of the Education Amendments of 1972), national origin, or disability in any program funded under this Act is prohibited.”

#### TITLE V—TECHNICAL ASSISTANCE

##### SEC. 501. TECHNICAL ASSISTANCE.

Part F of title IX of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7941) is amended—

(1) in the part heading, by inserting “AND TECHNICAL ASSISTANCE” after “EVALUATIONS”; and

(2) by adding at the end the following:

##### “SEC. 9602. TECHNICAL ASSISTANCE.

“The Secretary shall ensure that the technical assistance provided by, and the research developed and disseminated through, the Institute of Education Sciences and other offices or agencies of the Department provide educators and parents with the needed information and support for identifying and using educational strategies, programs, and practices, including strategies, programs, and practices available through the clearinghouses supported under the Education Sciences Reform Act of 2002 (20 U.S.C. 9501 et seq.) and other Federally-supported clearinghouses, that have been successful in improving educational opportunities and achievement for all students.”

By Mr. ENZI (for himself, Mr. BAUCUS, Mr. ALEXANDER, Mrs. DOLE, and Mr. LIEBERMAN):

S. 2795. A bill to provide for higher education affordability, access, and opportunity; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, I rise today to introduce the Higher Education Affordability, Access and Opportunity Act of 2004 with my colleagues Senators BAUCUS, ALEXANDER, DOLE and LIEBERMAN.

We are introducing this bipartisan legislation because we are aware that the American workforce is in the midst

of its most significant changes since the 1940s. In the past year, this economy has created nearly 1.7 million new jobs, yet the complaint from employers continues to be that they cannot find skilled workers to fill the jobs that are being created. Our educational systems must recognize this changing reality and be ready to provide the support for a new group of students that represents a workforce revolution.

This skills gap promises to get worse unless Congress acts now to provide the assistance necessary to train a generation of workers that will fill the jobs of tomorrow. The Department of Labor has estimated that as many as 80 percent of the jobs being created over the next 10 years will require some postsecondary education. This will include many adult learners who will return to college for additional training. This also includes new students attending college for the first time later in life to obtain new skills or to improve their current skills.

Congress needs to ensure that we have a comprehensive system of workforce education and training established, one that includes the Workforce Investment Act, the Higher Education Act, and career and technical education, as well as elementary and secondary education. The needs of the new workforce will require a lifelong commitment to learning, where workers are able to return to school and reenter the workforce seamlessly.

Many workers in my home State are leaving to find better jobs elsewhere. To create the kind of good jobs with good futures that will keep people in Wyoming, we need workers with the skills that the new, global economy demands. Whether a company decides to open a plant in Casper or China, they depend on a qualified local workforce.

This legislation would help meet the needs of businesses today and into the future. It would help postsecondary institutions develop and implement curriculum related to high skilled or high-wage occupations. It would also provide support for institutions to increase their capacity to serve adult learners and students pursuing high-growth occupations.

This legislation would provide additional assistance for first-time college students who are attending school to receive advanced skill training or are looking to improve their skill set to enter high-wage or high-skilled occupations.

This legislation also provides support for small business owners, operators, and their employees to receive skill training at institutions of higher education so our small businesses can continue to lead the economic growth of our Nation.

This legislation also provides support for rural communities to recruit and retrain elementary and secondary education, so these areas can prepare their students for college and entry into the workforce with the skills they need to succeed, not only in postsecondary education, but in life.

This legislation also helps students better understand the cost of attending college by making the information collected by the Department of Education more accessible. Helping prospective students understand how to obtain aid and help pay for college is just as important as making sure students have access to the financial aid to support them through college.

I look forward to working with Chairman GREGG to advance these ideas to ensure that the American workforce is prepared with the skills necessary to successfully compete in the global economy.

I ask unanimous consent that the bill be printed in the RECORD.

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

S. 2795

*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 “Higher Education Affordability, Access, and Opportunity Act of 2004”.

**SEC. 2. IMPROVEMENTS IN MARKET INFORMATION AND PUBLIC ACCOUNTABILITY.**

(a) DATA DISSEMINATION.—Section 131(b) of the Higher Education Act of 1965 (20 U.S.C. 1015(b)) is amended to read as follows:

“(b) COMPARATIVE DATA.—

“(1) IN GENERAL.—Each year the Secretary shall make available to the public the information described in paragraph (2), disaggregated by institution of higher education, in a form that enables the public to compare the information among institutions.

“(2) INFORMATION.—The information referred to in paragraph (1) is the following:

“(A) Tuition and fees for a full-time undergraduate student.

“(B) Cost of attendance for a full-time undergraduate student.

“(C) The average annual cost of attendance for a full-time undergraduate student for the 10 preceding academic years, or if data are not available for the 10 preceding academic years, data for as many of the 10 preceding academic years as is available.

“(D) The percentage of full-time undergraduate students receiving financial assistance, including—

“(i) Federal grants;

“(ii) State and local grants;

“(iii) institutional grants; and

“(iv) loans to students.

“(E) The average percentage of credit hours accepted from students transferring to an institution of higher education from another institution of higher education, and the policy of the accepting institution of higher education for the transfer of credit.

“(F) The percentage of students who have completed an undergraduate program who are placed in unsubsidized employment not later than 12 months after the date of completion of the program.

“(G) A ranking of the dollar and percentage increases in tuition for all institutions of higher education for which data are available, disaggregated by quartile.

“(3) STANDARD DEFINITIONS.—In carrying out this section, the Secretary shall use the standard definitions developed under subsection (a)(3).”.

(b) STUDY AND ANNUAL REPORT.—Section 131(c) of the Higher Education Act of 1965 (20 U.S.C. 1015(c)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting “and costs” after “expenditures”;

(B) in subparagraph (F), by striking “and” after the semicolon;

(C) in subparagraph (G), by striking the period and inserting “; and”; and

(D) by adding at the end the following:

“(H) the information and costs described in subparagraphs (D) through (G) of paragraph (2).”;

(2) in paragraph (2)—

(A) in subparagraph (B), by striking “and” after the semicolon;

(B) in subparagraph (C), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

“(D) national trends in the cost of attending an institution of higher education;

“(E) the mean cost of attending an institution of higher education, disaggregated by type of institution of higher education;

“(F) the mean annual cost of attending an institution of higher education for the 10 preceding academic years (if available), disaggregated by type of institution of higher education; and

“(G) the assistance provided to institutions of higher education by each State, which information the Secretary shall make available to the public.”; and

(3) in paragraph (3)—

(A) in the subsection heading, by striking “FINAL” and inserting “ANNUAL”;

(B) by striking “a report” and inserting “an annual report”;

(C) by inserting “and the evaluation required by paragraph (2)” after “paragraph (1).”; and

(D) by striking “not later than September 30, 2002”.

**SEC. 3. TEACHER QUALITY ENHANCEMENT GRANTS.**

(a) DEFINITION OF HIGH NEED LOCAL EDUCATIONAL AGENCY.—Section 201(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1021(b)(2)) is amended—

(1) in the matter preceding subparagraph (A), by striking “that serves an elementary school or secondary school located in an area in which there is”;

(2) in each of subparagraphs (A), (B), and (C), by inserting “that serves an elementary school or secondary school located in an area in which there is” before “a high”;

(3) in subparagraph (B) (as so amended), by striking “or” after the semicolon;

(4) in subparagraph (C) (as so amended), by striking the period and inserting “; or”; and

(5) by adding at the end the following:

“(D) with a total of less than 600 students in average daily attendance at the schools that are served by the local educational agency and all of those schools are designated with a school locale code of 7 or 8, as determined by the Secretary.”.

(b) DEFINITION OF ELIGIBLE PARTNERSHIPS.—Section 203(b)(1)(B) of the Higher Education Act of 1965 (20 U.S.C. 1023(b)(1)(B)) is amended by inserting “educational service agency (as defined in section 9101 of the Elementary and Secondary Education Act of 1965),” after “State educational agency.”.

**SEC. 4. GRANTS FOR JOB SKILL TRAINING.**

Title III of the Higher Education Act of 1965 (20 U.S.C. 1051 et seq.) is amended—

(1) by redesignating part F as part G; and

(2) by inserting after part E the following:

**“PART F—JOB SKILL TRAINING**

**“Subpart 1—Job Skill Training in High-Growth Occupations or Industries**

**“SEC. 371. JOB SKILL TRAINING IN HIGH-GROWTH OCCUPATIONS OR INDUSTRIES.**

“(a) GRANTS AUTHORIZED.—The Secretary is authorized to award grants, on a competitive basis, to eligible partnerships to enable the eligible partnerships to provide relevant

job skill training in high-growth industries or occupations.

“(b) DEFINITIONS.—In this section:

“(1) ELIGIBLE PARTNERSHIP.—The term ‘eligible partnership’ means a partnership—

“(A) between an institution of higher education and a local board (as such term is defined in section 101 of the Workforce Investment Act of 1998); or

“(B) if an institution of higher education is located within a State that does not operate local boards, between the institution of higher education and a State board (as such term is defined in section 101 of the Workforce Investment Act of 1998).

“(2) NONTRADITIONAL STUDENT.—The term ‘nontraditional student’ means a student who—

“(A) is independent, as defined in section 480(d);

“(B) attends an institution of higher education—

“(i) on less than a full-time basis;

“(ii) via evening, weekend, modular, or compressed courses; or

“(iii) via distance learning methods; or

“(C) has delayed enrollment at an institution of higher education.

“(3) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ means an institution of higher education, as defined in section 101(b), that offers a 1- or 2-year program of study leading to a degree or certificate.

“(c) APPLICATION.—

“(1) IN GENERAL.—Each eligible partnership that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such additional information as the Secretary may require.

“(2) CONTENTS.—Each application submitted under paragraph (1) shall include a description of—

“(A) how the eligible partnership, through the institution of higher education, will provide relevant job skill training for students to enter high-growth occupations or industries;

“(B) local high-growth occupations or industries; and

“(C) the need for qualified workers to meet the local demand of high-growth occupations or industries.

“(d) AWARD BASIS.—In awarding grants under this section, the Secretary shall—

“(1) ensure an equitable distribution of grant funds under this section among urban and rural areas of the United States; and

“(2) take into consideration the capability of the institution of higher education—

“(A) to offer relevant, high quality instruction and job skill training for students entering a high-growth occupation or industry;

“(B) to involve the local business community and to place graduates in the community in employment in high-growth occupations or industries;

“(C) to assist students in obtaining loans under section 428L, if appropriate, or other forms of student financial assistance;

“(D) to serve nontraditional or low-income students, or adult or displaced workers; and

“(E) to serve students from rural or remote communities.

“(e) USE OF FUNDS.—Grant funds provided under this section may be used—

“(1) to expand or create academic programs or programs of training that provide relevant job skill training for high-growth occupations or industries;

“(2) to purchase equipment which will facilitate the development of academic programs or programs of training that provide training for high-growth occupations or industries;

“(3) to support outreach efforts that enable students to attend institutions of higher

education with academic programs or programs of training focused on high-growth occupations or industries;

“(4) to expand or create programs for distance, evening, weekend, modular, or compressed learning opportunities that provide relevant job skill training in high-growth occupations or industries;

“(5) to build partnerships with local businesses in high-growth occupations or industries; and

“(6) for other uses that the Secretary determines to be consistent with the intent of this section.

“(f) REQUIREMENTS.—

“(1) FISCAL AGENT.—For the purpose of this section, the institution of higher education in an eligible partnership shall serve as the fiscal agent and grant recipient for the eligible partnership.

“(2) DURATION.—The Secretary shall award grants under this section for a 1-year period.

“(3) AVAILABILITY OF GRANT FUNDS.—Grant funds awarded under this section shall be available for not more than 18 months unless, at the Secretary’s discretion, the Secretary extends the availability of the grant funds.

“(4) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement and not supplant other Federal, State, and local funds available to the eligible partnership for carrying out the activities described in subsection (e).

#### “Subpart 2—Small Business Innovation Partnership Grants

#### “SEC. 375. SMALL BUSINESS INNOVATION PARTNERSHIP GRANTS.

“(a) GRANTS AUTHORIZED.—The Secretary is authorized to award grants to eligible partnerships to enable the eligible partnerships to provide training and relevant job skills to small business owners or operators for the purpose of facilitating small business development in the communities served by the eligible partnerships.

“(b) DEFINITION OF ELIGIBLE PARTNERSHIP.—In this section the term ‘eligible partnership’ means a partnership between or among an institution of higher education and 1 or more entities that the Secretary, in consultation with the Administrator of the Small Business Administration, identifies as facilitating small business development, which may include—

“(1) a community development financial institution;

“(2) a small business development center; or

“(3) a microenterprise lending institution.

“(c) AWARD BASIS.—The Secretary shall award grants under this section on the basis of—

“(1) the ability of an eligible partnership to facilitate small business development; and

“(2)(A) the ability of an eligible partnership to serve a rural community;

“(B) the ability of an eligible partnership to serve a low-income population; or

“(C) other criteria developed by the Secretary in consultation with the Administrator of the Small Business Administration.

“(d) LIMITATION.—Of the funds appropriated under section 378 for this part for a fiscal year, the Secretary is authorized to use not more than \$15,000,000 of such funds to carry out this section.

#### “Subpart 3—Administrative Provisions

#### “SEC. 378. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this part \$65,000,000 for fiscal year 2005 and such sums as may be necessary for each of the 4 succeeding fiscal years.”

#### SEC. 5. LEAP APPLICATIONS.

Section 415C of the Higher Education Act of 1965 (20 U.S.C. 1070c-2) is amended—

(1) in subsection (a), by inserting after the first sentence the following: “A State agency may submit an application under this section in partnership with a philanthropic organization within the State, a public or private degree granting institution of higher education within the State, or a combination of such organizations or institutions.”; and

(2) in subsection (b)(10), by inserting “, from philanthropic, institutional, or private funds, or from a combination of such sources” before the period.

#### SEC. 6. WORKFORCE DEVELOPMENT LOAN PROGRAM.

Part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.) is amended by inserting after section 428K (20 U.S.C. 1078-11) the following:

#### “SEC. 428L. HIGH-GROWTH OCCUPATION OR INDUSTRY WORKFORCE DEVELOPMENT STUDENT LOANS.

“(a) LOAN PROGRAM AUTHORIZED.—The Secretary shall carry out a loan program under which eligible students may receive a loan of not more than \$2,000 for each of the first 2 years of the eligible students’ undergraduate program of study in the same manner as the eligible students receive loans under this part and part D.

“(b) DEFINITIONS.—

“(1) ELIGIBLE INSTITUTION OF HIGHER EDUCATION.—The term ‘eligible institution of higher education’ means an institution of higher education that offers undergraduate academic programs or undergraduate programs of training in a subject identified under subsection (d)(1) by the State board of the State where the institution of higher education is located.

“(2) ELIGIBLE STUDENT.—The term ‘eligible student’ means an undergraduate student who—

“(A) is otherwise eligible for a loan under this part or part D;

“(B) enters into an agreement with the eligible institution of higher education where the student is or will be in attendance, under which the student agrees to pursue an undergraduate academic program or undergraduate program of training that trains the student for employment in a high-growth occupation or industry identified under subsection (d)(1);

“(C) is age 18 or older; and

“(D) has an expected family contribution (calculated under part F) equal to or less than zero.

“(3) STATE BOARD; LOCAL BOARD.—The terms ‘State board’ and ‘local board’ have the meanings given such terms in section 101 of the Workforce Investment Act of 1998.

“(c) LIMITS ON LOAN AMOUNTS.—

“(1) ANNUAL LOAN LIMITS.—The total aggregate amount of loans made to an eligible student under this part (including this section) and part D for each of the first and second years of the eligible student’s program of study at an eligible institution of higher education, or their equivalent (as determined by the Secretary), that may be covered by Federal loan insurance may not exceed \$4,625 for each such year, notwithstanding sections 425 and 428.

“(2) AGGREGATE LIMITS.—The Secretary shall include the amount of any loans received by an eligible student under this section in calculating the eligible student’s aggregate loan limits under sections 425(a)(2) and 428(b)(1)(B).

“(3) AVAILABILITY OF OTHER FUNDS.—An eligible student who receives the maximum loan amount allowed under this section remains eligible for any other program for which the eligible student qualifies under this Act.

“(d) IDENTIFICATION OF HIGH-GROWTH OCCUPATIONS OR INDUSTRIES.—

“(1) IN GENERAL.—The State board, in consultation with the local boards and the State entity or agency responsible for licensing institutions of higher education, shall identify high growth occupations or industries in accordance with paragraph (2).

“(2) TIMING.—The State board shall review and update the identification required under paragraph (1) each time the State board is required to submit or resubmit a State plan under section 112 of the Workforce Investment Act of 1998.

“(3) SPECIAL RULE.—A student who has completed 1 year of a 2-year undergraduate academic program or undergraduate program of training in a subject which was previously identified as preparation for a high-growth occupation or industry but, after the review under paragraph (2), is no longer so identified, shall be eligible to receive a loan under this section for the student's second year of such program of study if the student—

“(A) qualified as an eligible student, as defined in subsection (b)(2), and received a loan under this section, for the first year of such program of study; and

“(B) meets the qualifications of subparagraphs (A), (C), and (D) of subsection (b)(2).

“(e) FUNDS FOR ADMINISTRATION.—

“(1) IN GENERAL.—From funds appropriated under subsection (f), the Secretary shall make available to each eligible institution of higher education serving an eligible student with a loan made under this section not more than the amount determined under paragraph (2).

“(2) AMOUNT.—The amount referred to in paragraph (1) for each eligible institution of higher education serving an eligible student with a loan made under this section is 2 percent of the total amount of all loans made under this section to eligible students at the eligible institution of higher education, or \$100,000, whichever is less.

“(3) USES.—The funds made available under paragraph (1) may be used for the following purposes:

“(A) OFFICE.—To create an office of business and workforce partnerships at the eligible institution of higher education to provide staff support for building relationships between the eligible institution of higher education and local businesses.

“(B) ANNUAL REPORT.—To provide an annual report to the Secretary regarding the number of eligible students receiving loans made under this section who—

“(i) remain in their academic program or program of training;

“(ii) graduate from their academic program or program of training;

“(iii) transfer to another institution of higher education; or

“(iv) are placed in unsubsidized employment not later than 12 months after graduation.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2005 and each of the 4 succeeding fiscal years.”

#### SEC. 7. REQUIREMENT RELATING TO CREDIT TRANSFER.

(a) PROGRAM PARTICIPATION AGREEMENTS.—Section 487(a) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)) is amended by adding at the end the following:

“(24) The institution will not exclude the transfer of credits earned by a student completing courses or programs at other eligible institutions of higher education solely on the basis of the agency or association that accredited such other eligible institution if that agency or association is recognized by the Secretary pursuant to section 496 to be a reliable authority as to the quality of the education or training offered and is cur-

rently listed by the Secretary pursuant to section 101(c).”

(b) ACCREDITING AGENCY AND ASSOCIATION REQUIREMENTS.—Section 496(a) (20 U.S.C. 1099b(a)) is amended—

(1) by striking “and” at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting “; and”; and

(3) by adding at the end the following:

“(9) such agency or association not adopt or apply standards, policies, or practices that restrict or deny the transfer of credits earned by a student completing courses or programs at other eligible institutions of higher education solely on the basis of the agency or association that accredited such other eligible institution if that agency or association is recognized by the Secretary pursuant to this section to be a reliable authority as to the quality of the education or training offered and is currently listed by the Secretary pursuant to section 101(c).”

(c) ACCREDITING AGENCY STANDARDS.—Section 496(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1099b(a)(5)) is amended—

(1) by striking “and” at the end of subparagraph (I);

(2) by inserting “and” after the semicolon at the end of subparagraph (J); and

(3) by inserting after subparagraph (J) the following new subparagraph:

“(K) policies for the transfer of credit and the notification of the public of such policies;”

Mr. ALEXANDER. Mr. President, it is my pleasure to co-sponsor, the Higher Education Access, Affordability and Opportunity Act being introduced today by Senator ENZI. This legislation is an issue of great concern to Senators and our constituents: job loss. There is really nothing new about job loss in America. Our strength as an economy is not measured by how many jobs we lose; it is measured by how many good new jobs we create to replace those jobs and how well we train those people to fill those jobs. We don't want to lose any jobs. We want to recognize the pain that goes with moving from one job to another. But, the best thing we can do about job loss is to create an environment in which good new jobs can grow and to offer the training resources necessary to hold those jobs.

Senator ENZI believes, as do I, that a comprehensive approach to creating jobs and training workers is necessary to adapt to the changing demands of the modern economy. The Higher Education Act was enacted to give more students a change to attend college. It was not intended to be a job training bill, nor should it become one. There is, however, a need to create a stronger partnership between institutions of higher education and the 21st century workforce. The goal of access to higher education and the goal of training a highly skilled workforce are not mutually exclusive.

Community colleges are our secret weapons in workforce development. This bill used our secret weapon to create a competitive grant program to help community colleges develop academic programs focusing on areas of high-growth employment. Among other things, it provides additional subsidized loans for high-growth job sector training programs such as technology and health care.

In higher education we focus really on two principles: The first is autonomy and the second is choice. We allow generous amounts of government money to follow students to the schools of their choice. These principles provide students with flexibility to choose among fast moving institutions, and facilitate contracts with businesses. These competitive grants and additional subsidized loans will give local governments both the resources necessary and autonomy to work with their local community colleges to develop programs that will train workers for the jobs that are available within their communities.

I will continue to work with Senator ENZI on these important legislative initiatives and make them a part of the reauthorization of the Higher Education Act.

By Mr. CRAIG (for himself and Mr. DURBIN):

S. 2796. A bill to clarify that service marks, collective marks, and certification marks are entitled to the same protections, rights, and privileges of trademarks; to the Committee on the Judiciary.

Mr. CRAIG. Mr. President, today Senator DURBIN and I are introducing legislation strengthening current law concerning certification marks, collective marks, and service marks.

While some of our colleagues may not recognize these terms, I doubt there is any Senator who has not come into contact with one of these marks. For example, if you bought the best baking potatoes in the world, you are familiar with the “Grown in Idaho®” or “Idaho Potatoes®” certification mark. Perhaps you know the certification mark “UL,” which stands for Underwriters Laboratory and signifies that an electrical product meets certain safety standards. If you watch network television and have seen the CBS “eye,” you have seen a service mark. The union labels on many products are collective marks.

To explain the differences among these marks: service marks are words, names, symbols, or characters that distinguish the mark holder's services, while trademarks distinguish the mark holder's goods. Collective marks are trademarks that are used by organization or association to identify goods or services produced by members of a group. The certification mark is a trade or service mark used to certify characteristics about a product or service; it may indicate that the product or service originates in a specific geographic region, or meets certain standards of quality or mode of manufacture, or the work that went into it was performed by members of an organization.

While they are somewhat different, these marks all serve the same purpose—that is, they enable the public to distinguish among products and services and prevent consumers from being deceived by similar brands. Congress

determined that marks would serve the public interest by enhancing product quality and safety, and provided legal protection to these marks under the Lanham Act. The federal law protects all four kinds of marks equally; specifically, 15 U.S.C. §1503 and 15 U.S.C. §1504 provide that service marks, collective marks, and certification marks “shall be entitled to the protection provided” to trademarks, except where Congress provides otherwise by statute.

The principle of equal treatment also applies to “no challenge” provisions in license agreements for the use of a trademark, service mark, collective mark, or certification mark. It is common for such agreements to include provisions under which licensees acknowledge the validity of and agree not to challenge the marks. By protecting the validity of the marks, these provisions reduce potential litigation costs for mark owners and protect the investment made by licensees. A long line of cases has upheld “no challenge” provisions in trademark licenses and dismissed validity challenges.

Unfortunately, the clarity of the Lanham Act on these points has been confused by a recent decision of the Second Circuit Court of Appeals in the case of Idaho Potato Commission v. M&M Produce Farm and Sales. That decision interpreted the Lanham Act as requiring that certification marks should be treated differently from trademarks with respect to “no challenge” provisions. The court mistakenly likened the public policy considerations surrounding certification marks to those surrounding patents.

This decision has raised great consternation among the holders of certification marks and their licenses throughout the United States—more than two dozen of whom joined in an amicus brief challenging the court’s reasoning. Congress should be equally concerned, because this decision has the potential to undermine the Lanham Act and the certification mark system itself.

The legislation we are introducing today would not change current law, but would only underscore the policy that Congress clearly intended in the first place. We propose to add the words “rights and privileges” to the two sections of the law that I quoted above, which would clarify that registered service marks, collective marks, and certification marks are “entitled to the protections, rights, and privileges” provided to trademarks. While I have learned never to call legislation “simple,” I would stress that at least our intention is simple: to reinstate the original intent of Congress and indicate our support of the view that these marks are to be given equal legal treatment.

I invite all my colleagues to review this legislation and consider the important public policy interests it would protect. It is not only the mark holders and licensees in your State, but all consumers across the nation who have

a stake in this bill, and I hope the Senate will act swiftly to approve it.

I ask unanimous consent 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. 2796

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. PROTECTIONS, RIGHTS, AND PRIVILEGES OF SERVICE MARKS, COLLECTIVE MARKS, AND CERTIFICATION MARKS.**

The Act entitled “An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes”, approved July 5, 1946 (commonly referred to as the Trademark Act of 1946) is amended—

(1) in section 3 (15 U.S.C. 1053) in the first sentence, by striking “protection” and inserting “protections, rights, and privileges”; and

(2) in section 4 (15 U.S.C. 1054) in the first sentence, by striking “protection” and inserting “protections, rights, and privileges”.

**SUBMITTED RESOLUTIONS**

**SENATE CONCURRENT RESOLUTION 136—HONORING AND MEMORIALIZING THE PASSENGERS AND CREW OF UNITED AIRLINES FLIGHT 93**

Mr. CONRAD (for himself and Mr. JEFFORDS) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 136

Whereas on September 11, 2001, acts of war involving the hijacking of commercial airplanes were committed against the United States, killing and injuring thousands of innocent people;

Whereas 1 of the hijacked planes, United Airlines Flight 93, crashed in a field in Pennsylvania;

Whereas while Flight 93 was still in the air, the passengers and crew, through cellular phone conversations with loved ones on the ground, learned that other hijacked airplanes had been used to attack the United States;

Whereas during those phone conversations, several of the passengers indicated that there was an agreement among the passengers and crew to try to overpower the hijackers who had taken over Flight 93;

Whereas Congress established the National Commission on Terrorist Attacks Upon the United States (commonly referred to as “the 9-11 Commission”) to study the September 11, 2001, attacks and how they occurred;

Whereas the 9-11 Commission concluded that “the nation owes a debt to the passengers of Flight 93. Their actions saved the lives of countless others, and may have saved either the U.S. Capitol or the White House from destruction.”; and

Whereas the crash of Flight 93 resulted in the death of everyone on board: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That—*

(1) the United States owes the passengers and crew of United Airlines Flight 93 deep respect and gratitude for their decisive actions and efforts of bravery;

(2) the United States extends its condolences to the families and friends of the passengers and crew of Flight 93;

(3) not later than January 1, 2006, the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate shall determine a location in the United States Capitol Building (including the Capitol Visitor Center) that shall be named in honor of the passengers and crew of Flight 93, who saved the United States Capitol Building from destruction; and

(4) a memorial plaque shall be placed at the site of the determined location that states the purpose of the honor and the names of the passengers and crew of Flight 93 on whom the honor is bestowed.

Mr. CONRAD. Mr. President, I rise today to submit a concurrent resolution to honor the memory of the passengers on flight 93. This past weekend marked the third anniversary of the vicious and merciless attacks that took place on American soil on September 11, 2001.

As we reflect on those events and mourn the great loss we suffered, we remember the innocent who perished and we are reminded of the valiant efforts of those who saved lives, including the passengers and crew of flight 93. Those brave people gave up their lives in order to save others that fateful day.

In the last several months, the 9/11 Commission released its report about the series of events that took place on September 11, 2001. The Senate has subsequently undertaken an evaluation of the Commission’s findings through a series of hearings. As the story continues to unfold, it becomes more clear how important the actions of the passengers and crew of flight 93 were. We now know that flight 93 was almost certainly headed to the U.S. Capitol or the White House. We also know the passengers of flight 93 learned through a series of phone calls to loved ones that hijackers on three other flights had turned airplanes into flying bombs that morning, crashing them into the World Trade Center and the Pentagon.

Armed only with that knowledge and their own courage and resolve, those brave passengers attacked the hijackers and forced them to crash flight 93 into rural Pennsylvania far short of its intended target.

The 9/11 Commission concluded that the Nation owes a debt to the passengers of flight 93. Their actions saved the lives of countless others and may have saved either the U.S. Capitol or the White House from destruction.

Those of us who work here in the Capitol owe a special debt of gratitude to those heroes. Their actions saved one of the greatest symbols of our democracy. Had flight 93 reached its intended target, the dreadful day might have been even worse.

Today I am submitting a resolution honoring and memorializing the passengers and crew of United Airlines flight 93. This legislation expresses our deepest respect and gratitude to them, as well as condolences to their families

and friends. This bill also calls for a location in the Capitol to be named in their memory and a commemorative plaque to be placed at that location.

Today I bow my head in memory of those who died at the World Trade Center and the Pentagon. I also pay respect to our first responders, volunteers, and average citizens who risked their lives to save others on that day.

Finally, I pay homage to the passengers and crew of flight 93 for taking on those who wished to harm our country and Nation's Capital. I believe it is appropriate at this time to acknowledge the actions of the passengers of flight 93 for showing such remarkable heroism and to commemorate them in the very walls that might have crumbled had they not made that ultimate sacrifice. We are forever indebted to them and should never forget their bravery or their sacrifice or that of their loved ones.

I hope my colleagues will join me in sponsoring this resolution. I have it at the desk and I am submitting it now. I hope on a broad bipartisan basis we are able to recognize those brave passengers and crew of flight 93 for what they did on that remarkable day.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3621. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

SA 3622. Mr. SMITH submitted an amendment intended to be proposed by him to the bill S. 2709, to provide for the reforestation of appropriate forest cover on forest land derived from the public domain, and for other purposes; which was referred to the Committee on Energy and Natural Resources.

SA 3623. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table.

SA 3624. Ms. MIKULSKI (for herself, Mrs. BOXER, Mrs. CLINTON, Mr. HARKIN, Mr. JEFFORDS, Mr. KENNEDY, Mr. LEVIN, Mr. SARBANES, and Mr. SCHUMER) proposed an amendment to the bill H.R. 4567, supra.

SA 3625. Mr. NELSON, of Nebraska proposed an amendment to the bill H.R. 4567, supra.

SA 3626. Mr. KENNEDY proposed an amendment to the bill H.R. 4567, supra.

SA 3627. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3628. Mr. NELSON, of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3629. Mr. DAYTON proposed an amendment to the bill H.R. 4567, supra.

#### TEXT OF AMENDMENTS

SA 3621. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 4567, making appropriations for the Department of Home-

land Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 39, between lines 5 and 6, insert the following:

SEC. 515. Of the amount appropriated by title II for the Office of the Under Secretary for Border and Transportation Security under the heading "AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT", \$5,000,000 may be used for a pilot project to test interoperable communications between the first Northern Border Air Wing, Bellingham, Washington, and local law enforcement personnel.

SA 3622. Mr. SMITH submitted an amendment intended to be proposed by him to the bill S. 2709, to provide for the reforestation of appropriate forest cover on forest land derived from the public domain, and for other purposes; which was referred to the Committee on Energy and Natural Resources; as follows:

At the end, add the following:

#### SEC. 6. BISCUIT FIRE RECOVERY PROJECT.

(a) JUDICIAL REVIEW.—The final environmental impact statement issued by the Forest Service and the Bureau of Land Management concerning the Biscuit Fire Recovery Project on the Rogue River-Siskiyou National Forest and the Grants Pass Resource Area (including the records of decision accompanying the final environmental impact statement) and any Federal action brought under the final environmental impact statement shall not be subject to judicial review by any court of the United States.

(b) TIMING.—Notwithstanding any other provision of law, including, but not limited to, the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the National Forest Management Act of 1976 (16 U.S.C. 472a et seq.), and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the activities authorized by the final environmental impact statement described in subsection (a) shall proceed immediately and to completion.

(c) EXEMPTION FROM APPLICABLE LAW.—The activities authorized by the final environmental impact statement described in subsection (a) shall not be subject to—

(1) the notice, comment, and appeal requirements of section 322 of Public Law No. 102-381 (16 U.S.C. 1612 note);

(2) administrative remedies under title 43, Code of Federal Regulations; or

(3) judicial review under subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the "Administrative Procedure Act").

(d) ATTORNEY'S COSTS, FEES, AND EXPENSES.—No costs, fees, or expenses of an attorney may be recovered in any civil action relating to the Biscuit Fire Recovery Project.

#### SEC. 7. KALMIOPSIS WILDERNESS ADDITION.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term "map" means the map dated September 2004, and entitled "Proposed Kalmiopsis Wilderness Addition-Rogue River-Siskiyou National Forest".

(2) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 64,000 acres of land in the Rogue River-Siskiyou National Forest in the State of Oregon, as generally depicted on the map, is—

(1) designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the "Kalmiopsis Wilderness Addition"; and

(2) incorporated into, and to be managed as part of, the Kalmiopsis Wilderness.

(c) MAP AND BOUNDARY DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall—

(A) prepare a boundary description of the Kalmiopsis Wilderness Addition; and

(B) submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives the map and boundary description.

(2) PUBLIC AVAILABILITY.—The map and boundary description shall be on file and available for public inspection in the office of the Chief of the Forest Service.

(3) FORCE OF LAW.—The map and boundary description shall have the same force and effect as if included in this Act, except that the Secretary may correct minor errors in the map and the boundary description.

(d) ADMINISTRATION.—

(1) IN GENERAL.—Subject to valid existing rights in existence on the date of enactment of this Act, the Secretary shall administer the Kalmiopsis Wilderness Addition in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act.

(2) EFFECTIVE DATE OF WILDERNESS ACT.—With respect to the Kalmiopsis Wilderness Addition, any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of that Act shall be deemed to be a reference to the date of the enactment of this Act.

SA 3623. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 16, line 4, before the period at the end, insert the following: "Provided, further, That the budget for fiscal year 2006 that is submitted under section 1105(a) of title 31, United States Code, shall include an amount for the Coast Guard that is sufficient to fund delivery of a long-term maritime patrol aircraft capability that is consistent with the original procurement plan for the CN-235 aircraft beyond the three aircraft already funded in previous fiscal years".

SA 3624. Ms. MIKULSKI (for herself, Mrs. BOXER, Mrs. CLINTON, Mr. HARKIN, Mr. JEFFORDS, Mr. KENNEDY, Mr. LEVIN, Mr. SARBANES, and Mr. SCHUMER) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

SEC. 515. The amount appropriated by title III for the Office of State and Local Government Coordination and Preparedness under the heading "FIREFIGHTER ASSISTANCE GRANTS" is hereby increased to \$900,000,000.

SA 3625. Mr. NELSON of Nebraska proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 19, line 17, strike "\$2,845,081,000" and all that follows through line 22, and insert the following: "\$3,605,081,000, which shall be allocated as follows:

"(1) \$1,700,000,000 for formula-based grants, \$400,000,000 for law enforcement terrorism

prevention grants, and \$30,000,000 for Citizen Corps grants pursuant to section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714): *Provided, That*'.

**SA 3626.** Mr. KENNEDY proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 39, between lines 5 and 6, insert the following:

SEC. 515. (a) Not later than 15 days after the date of the enactment of this Act, the President shall submit a copy of the Scowcroft Commission report to Congress.

(b) The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) In this section, the term "Scowcroft Commission report" means the report on improving the capabilities of the United States intelligence community that was prepared by the presidential commission appointed pursuant to National Security Presidential Directive 5 (May 9, 2001) and chaired by General Brent Scowcroft and that was submitted to the President in or around December 2001.

**SA 3627.** Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title I, insert the following:

MARITIME TRANSPORTATION SECURITY FUNDING

For the purposes described in section 70121(b) of title 46, United States Code, an amount equal to the amounts credited to the Maritime Transportation Security Fund under section 70121(c) of that title, but not in excess of \$500,000,000: *Provided that* chapter 701 of title 46, United States Code, is amended by adding at the end the following:

"§ 70120. Security service fees

"(a) GENERAL AUTHORITY.—

"(1) IN GENERAL.—For fiscal years 2005 through 2008, the Secretary of Homeland Security shall impose a maritime security user fee on entities that benefit directly from a secure system of international maritime transportation to assist in the payment of the costs of providing international maritime security services for shipments of cargo and to provide to shippers the benefit of a secure system of international maritime trade. The Secretary shall impose the fee for each unit of measure of cargo imported into or exported from the United States on a vessel when entering or leaving the United States as follows:

Cargo Group	Unit of Measure	Fee
Container (non-HAZMAT).	TEU	\$20.00
Container (HAZMAT).	TEU	\$50.00

"(2) INTERNATIONAL TRANSSHIPMENT SECURITY FEE.—The Secretary shall impose an international maritime transshipment security user fee for providing security services for shipments of cargo entering the United States as part of an international transportation movement by water through Canadian or Mexican ports at the same rates as the fee imposed under paragraph (1). The fee authorized by this paragraph shall not be assessed or collected on transshipments from—

"(A) Canada after the date on which the Secretary determines that an agreement between the United States and Canada has entered into force that will provide equivalent security regimes and international maritime security user fees of the United States and Canada for transshipments between the countries; or

"(B) Mexico after the date on which the Secretary determines that an agreement between the United States and Mexico has entered into force that will provide equivalent security regimes and international maritime security user fees of the United States and Mexico for transshipments between the countries.

"(b) IMPOSITION OF FEES.—

"(1) IN GENERAL.—Notwithstanding section 9701 of title 31 and the procedural requirements of section 553 of title 5, the Secretary shall impose the fees under subsection (a) through the publication of notice of such fee in the Federal Register. A fee shall be imposed on each cargo shipment when imported into or exported from the United States on a vessel. No fee shall be assessed more than once per voyage.

"(2) MEANS OF COLLECTION.—The Secretary shall prescribe procedures to collect fees under this section. The Secretary may use a department, agency, or instrumentality of the United States Government or of a State or local government to collect the fee and may reimburse the department, agency, or instrumentality a reasonable amount for its services.

"(3) SUBSEQUENT MODIFICATION OF FEES.—After imposing a fee under subsection (a), the Secretary may modify, from time to time through publication of notice in the Federal Register, the imposition or collection of such fee, or both. The Secretary shall evaluate the fee annually to determine whether it is necessary and appropriate to pay the cost of activities and services, and shall adjust the amount of the fee accordingly.

"(c) ADMINISTRATION OF FEES.—

"(1) FEES PAYABLE TO SECRETARY.—All fees imposed and amounts collected under this section are payable to the Secretary.

"(2) INFORMATION.—The Secretary may require the provision of such information as the Secretary decides is necessary to verify that fees have been collected and remitted at the proper times and in the proper amounts.

"(e) REFUNDS.—The Secretary may refund any fee paid by mistake or any amount paid in excess of that required.

"§ 70121. MARITIME TRANSPORTATION SECURITY FUND.

"(a) IN GENERAL.—There is established within the Department of Homeland Security a fund to be known as the Maritime Transportation Security Fund.

"(b) PURPOSE.—Amounts in the Fund shall be available to the Secretary to pay or reimburse the costs of implementation and compliance with the requirements of this chapter, including—

"(1) the maritime transportation security grant program authorized by section 70107(a);

"(2) the national maritime transportation security plan under section 70103(a) and the area maritime transportation security plans under section 70103(b);

"(3) implementation of the automatic identification systems required by section 70114;

"(4) the costs of developing standards and curricula for the training and certification of maritime security professionals and providing training and certification courses; and

"(5) reimbursement of port authorities, waterfront facility operators, and State, local, and regional authorities for the costs of addressing extraordinary or high priority Coast Guard identified vulnerabilities in security and ensuring compliance with the national

maritime transportation security plan and applicable area maritime transportation security plans.

"(c) FUNDING.—For each of fiscal years 2005, 2006, 2007, and 2008 there shall be credited to the Fund the sum of the amounts collected from the user fees imposed by the secretary under section 70120(a), to the extent that such sum does not exceed \$500,000,000 per fiscal year.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Fund for each fiscal years 2005, 2006, 2007, and 2008 not more than \$500,000,000. Any amounts appropriated pursuant to this section shall remain available until expended." *Provided further*, that the chapter analysis for chapter 701 of title 46, United States Code, is amended by adding at the end the following:

"70120. Security service fees

"70121. Maritime transportation security fund".

**SA 3628.** Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 19, line 17, strike "\$2,845,081,000" and all that follows through line 22, and insert the following: "\$3,605,081,000, which shall be allocated as follows:

"(1) \$1,700,000,000 for formula-based grants, \$400,000,000 for law enforcement terrorism prevention grants, and \$30,000,000 for Citizen Corps grants pursuant to section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714): *Provided, That*'.

**SA 3629.** Mr. DAYTON proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_ . Amounts appropriated under this Act for expenses related to the protection of federally owned and leased buildings and for the operations of the Federal Protective Service shall not be made available unless the Service implements procedures to ensure that, with respect to contracts (including subcontracts) entered into on or after May 30, 2004 with private security firms to provide protective services for federally owned or leased buildings, the terms of such contracts are not modified in a manner that results in a change in benefits for the employees involved unless the employees involved consent to such changes.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, September 29, 2004, at 9:30 a.m. in room 216 of the Hart Senate Office Building to conduct a business meeting on pending committee matters, to be followed immediately by an oversight hearing on lobbying practices involving Indian tribes regarding allegation of misconduct associated with lobbying and related activities.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, September 21, 2004, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills: S. 784 and H.R. 1630, to revise the boundary of Petrified Forest National Park in the State of Arizona, and for other purposes; S. 2656, to establish a National Commission on the Quincentennial of the discovery of Florida by Ponce de Leon; S. 2499, to modify the boundary of the Harry S Truman National Historic Site in the State of Missouri, and for other purposes; S. 1311, to establish the Hudson-Fulton-Champlain 400th Commemoration Commission, and for other purposes; and H.R. 2055, to amend P.L. 899-366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore.

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, U.S. Senate, SD-364, Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Tom Lillie at (202) 224-5161 or Sarah Creachbaum at (202) 224-6293.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Monday, September 13, 2004, at 9:30 a.m., for a hearing titled "The Importance of Real-Time, Actionable Intelligence: Ensuring the U.S. Intelligence Community Supports Homeland Defense and Departmental Needs."

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

SUBCOMMITTEE ON TERRORISM, TECHNOLOGY, AND HOMELAND SECURITY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Terrorism, Technology and Homeland Security be authorized to meet to conduct a hearing on "A Review of the Tools to Fight Terrorism" on Monday, September 13, 2004, at 9:30 a.m., in Dirksen 226. The witness list will be sent later today.

Witness List

Panel I: Hon. Daniel J. Bryant, Assistant Attorney General, Department

of Justice, Washington, DC; and Barry Sabin, Esq., Chief, Counterterrorism Section of the Criminal Division, Department of Justice, Washington, DC.

Panel II: Professor Jonathan Turley, George Washington University Law School, Washington, DC.

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

PRIVILEGE OF THE FLOOR

Mr. COCHRAN. Mr. President, I ask unanimous consent that Lore Aguayo, a fellow in Senator TALENT's office, be granted the privileges of the floor during consideration of the Homeland Security appropriations bill.

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

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, upon the recommendation of the Democratic Leader, pursuant to Public Law 105-292, as amended by Public Law 106-55, and as further amended by Public Law 107-228, appoints the following individual to the United States Commission on International Religious Freedom: Preeta D. Bansal of Nebraska, for a term of two years (May 15, 2004-May 14, 2006).

EXECUTIVE SESSION

REMOVAL OF INJUNCTION OF SECRECY—2ND PROTOCOL AMENDING TAX CONVENTION WITH BARBADOS (TREATY DOC. 108-26)

Mr. MCCONNELL. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on September 13, 2004 by the President of the United States: 2nd protocol amending tax convention with Barbados (Treaty Doc. 108-26).

I further ask unanimous consent that the treaty be considered as having been read the first time, that it be referred, with the accompanying papers, to the Committee on Foreign Relations in order to be printed, and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit the Second Protocol Amending the Convention Between the United States of America and Barbados for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income Signed on December 31, 1984, signed at Washington on July 14, 2004. Also enclosed for the Senate's information is an exchange of notes with attached Understandings, which provide clarifica-

tion with respect to the application of the Convention, as amended, in specified cases. Also transmitted for information of the Senate is the report of the Department of State with respect to the Protocol.

The Protocol updates the existing Convention to bring it into close conformity with current U.S. tax treaty policy and to ensure that the Convention cannot be used inappropriately to secure tax reductions in circumstances where there is no risk of double taxation. The Protocol would modernize the Convention's anti-treaty-shopping provision. The Protocol also updates the Convention to take account of a 1996 change in the Internal Revenue Code relating to the tax treatment of certain former long-term residents of the United States. The exchange of notes with attached Understandings provides guidance to taxpayers and each government regarding the intended interpretation of certain provisions of the Convention, as amended.

I recommend that the Senate give early and favorable consideration to this Protocol and give its advice and consent to ratification.

GEORGE W. BUSH.

THE WHITE HOUSE, September 13, 2004.

ORDERS FOR TUESDAY, SEPTEMBER 14, 2004

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:45 a.m. tomorrow, Tuesday, September 14. I further ask unanimous 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, and the Senate then begin a period of morning business with debate only for up to 60 minutes; that the first 30 minutes be under the control of the Democratic leader or his designee and the final 30 minutes be under the control of the majority leader or his designee; provided further that the Senate then resume consideration of Calendar No. 488, H.R. 4567, the Homeland Security appropriations bill.

I further ask unanimous consent that the Senate recess from 12:30 until 2:15 for the weekly party luncheons.

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

PROGRAM

Mr. MCCONNELL. Mr. President, for the information of all Senators, tomorrow following morning business the Senate will resume consideration of the Homeland Security appropriations bill. It is imperative that we finish the Homeland Security bill prior to the observance of Rosh Hashanah on Wednesday. The chairman and ranking member will be here in the morning to

begin working through the final amendments. Senators should expect a long day with numerous rollcall votes. Senators should make themselves available throughout the day tomorrow as we move forward to complete this bill.

Mr. REID. Mr. President, if the Senator will allow me a few words before we finish, as I have stated on the floor, I believe we can finish the Homeland Security appropriations bill tomorrow. I think we can do that. Senator DASCHLE has stated that he believes that is the case also. There is a complicating factor, and that is the reason we didn't have a cutoff time this evening for filing amendments. There is some interest in tying this together with supplemental appropriations for the catastrophes—I say that in the plural—that have hit Florida. The last one is not yet there. We understand the importance of that.

I say as sincerely as I can to my friend, who is my counterpart on the majority side, don't connect these two bills. We are aware and concerned about the problems in Florida and we will work to help. We have two Democratic Senators from Florida. We know how important that is. But to tie these two together is only making our work more difficult. We can finish this bill tomorrow. If the leadership on the Republican side decides they want to go to another supplemental even before, let us do that separately. We are going to do everything we can to take care of the people of Florida. But this is so important.

I will not guarantee anything, but I think if the supplemental is tied to Homeland Security, we are not going to finish this tomorrow, and I think we will be lucky to finish it Wednesday morning.

That is my observation. I am doing everything I can to work on this matter. I am making that suggestion.

Mr. McCONNELL. Mr. President, I appreciate the suggestions of my good friend from Nevada. We both share a desire to help the people of Florida who have certainly been lambasted by two horrendous hurricanes and are about to be hit by one that may be even bigger. We will work with the other side of the aisle to see the best way to accommodate the needs of our folks down in Florida.

#### ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:04 p.m., adjourned until Tuesday, September 14, 2004, at 9:45 a.m.

#### NOMINATIONS

Executive nominations received by the Senate September 13, 2004:

#### DEPARTMENT OF DEFENSE

RICHARD GRECO, JR., OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF THE NAVY, VICE DIONEL M. AVILES.

#### DEPARTMENT OF STATE

PATRICK J. LEAHY, OF VERMONT, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-NINTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

JOHN E. SUNUNU, OF NEW HAMPSHIRE, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-NINTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, FOR THE PERSONAL RANK OF CAREER AMBASSADOR IN RECOGNITION OF ESPECIALLY DISTINGUISHED SERVICE OVER A SUSTAINED PERIOD:

#### To be career ambassador

RYAN C. CROCKER, OF WASHINGTON  
MARC ISALIAH GROSSMAN, OF VIRGINIA  
A. ELIZABETH JONES, OF MARYLAND  
ALAN PHILIP LARSON, OF IOWA  
JOHNNY YOUNG, OF MARYLAND

#### IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

#### To be captain

SCOTT B. BEESON, 0000  
ROSLYN D. BURBANK, 0000  
JAMES K. GILLESPIE, 0000  
WILLIAM J. HERBERT, 0000  
JOHN J. MARKS, 0000  
DAVID J. MARTIN, 0000  
MICHAEL M. MILKOVICH, 0000  
CARL M. NAGATA, 0000  
WILLIAM J. NASH, 0000  
KIMBERLY J. PICKENS, 0000  
PETER J. SAMMIS, 0000  
MAUREN M. STEINHOUSE, 0000  
NEEDHAM E. WARD, 0000

#### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (\*) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

#### To be lieutenant colonel

NOEL D. MONTGOMERY, 0000  
KATHERINE S. REARDEN, 0000  
ALEXANDER V.\*SERVINO, 0000

#### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C. SECTION 624:

#### To be colonel

RAYMOND L. NAWOROL, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C. SECTION 624:

#### To be colonel

KEITH A. GEORGE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

#### To be lieutenant colonel

CURTIS L. BECK, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C. SECTION 624:

#### To be lieutenant colonel

REX A. HARRISON, 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 lieutenant colonel

KEVIN HAMMOND, 0000  
MICHAEL KNIPPEL, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(\*) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

#### To be lieutenant colonel

JAIME B.\*ANDERSON, 0000  
CHESSLEY R.\*ATCHISON, 0000  
KENNETH L.\*BATEY, 0000  
CAROL A.\*BOSSONE, 0000  
ANTHONY C.\*BOSTICK, 0000  
BRIAN J.\*GENTILE, 0000  
CHRIS E.\*HANSON, 0000  
ANNETTE K.\*HILDABRAND, 0000  
SUZANNE C.\*JARLINE, 0000  
KELLY A.\*MANN, 0000  
JAMES T.\*SHEETS, 0000

ROBERT R. THOMPSON, 0000  
STEVEN W.\*TOBIAS, 0000  
JOSEPH G.\*WILLIAMSON, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(\*) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

#### To be lieutenant colonel

JAMES R. ANDREWS, 0000  
IAN R. ASHCROFT, 0000  
THOMAS P. AXTMAN, 0000  
CONSTANCE A.\*BELL, 0000  
PAUL D.\*BLIESE, 0000  
KARL C. BOLTON, 0000  
JOHN D. BUTLER, 0000  
NOEL J. CARDENAS, 0000  
WILLIAM E. CARTER, 0000  
GREGORY Q. CHEEK, 0000  
GRANT J. COBBS, 0000  
MARIE T. COCHRAN, 0000  
THOMAS C. DELK, 0000  
RICK G. DICKINSON, 0000  
RAYMOND S. DINGLE, 0000  
WILLIAM S. DRENNON, 0000  
JOSEPH G. ECKERT, 0000  
DAWN B. ERCKENBRACK, 0000  
ALLESIA J. EWELL, 0000  
MYRON L. FAY, 0000  
EMERY B.\*FEHL, 0000  
MICHAEL D. FRAVELL, 0000  
JONATHAN C. FRISTOE, 0000  
JOHN M. GARRITY JR., 0000  
DAVID M. GILES, 0000  
TAMI L. GLASCOCK, 0000  
WILLIAM T. GOPORTH, 0000  
DONOVAN G. GREEN, 0000  
LINDA L. GUTHRIE, 0000  
WENDY L.\*HARTER, 0000  
RONALD B. HENRY, 0000  
MARK R. HICKMAN, 0000  
TONI D. JACKMAN, 0000  
EVELYN JACKSON, 0000  
BRETT J. KELLY, 0000  
TIMOTHY L. KNICKERBOCKER, 0000  
ANGELA A. KOELSCH, 0000  
GIOVANNI T. KOTORIY, 0000  
RONALD L. KROGH, 0000  
WILLIAM P. LACHANCE, 0000  
GREGORY T. LAFRANCOIS, 0000  
JOSEPH E. LAUNDRE, 0000  
MICHAEL J. LOPATKA, 0000  
ALEJANDRO LOPEZDUKE, 0000  
TIMOTHY P.\*LYONS, 0000  
PETER V. MARKS JR., 0000  
DOUGLAS M. MARR, 0000  
MATTHEW E. MATTNER, 0000  
JAMES D. MCCLAIN, 0000  
JOHN F. MERKLE, 0000  
STEVEN P. MIDDLECAMP, 0000  
STEVEN G. MILLWARD, 0000  
MARK E. MORGAN, 0000  
SEAN T. MORGAN, 0000  
FINK C. MOSER, 0000  
LUIS A.\*MUNIZ, 0000  
TIMOTHY L. NAPORA, 0000  
ALEX G. ORNSTEIN, 0000  
SHARON J.\*PACCHIANA, 0000  
JOHN C. PASTINO, 0000  
THOMAS E. PAUL, 0000  
FRANCISCO C. PAULINO JR., 0000  
RICHARD D. PAZ, 0000  
ROBERT K. PELL JR., 0000  
DEXEL V.\*PETERS, 0000  
REBECCA I.\*PORTER, 0000  
BRADLEY G. PREDMORE, 0000  
KAREN M. PRICE, 0000  
DAVID T.\*REIBER, 0000  
DAVID G. RICHARDSON, 0000  
DANYLO O. RUDAKEVYCH, 0000  
CAROL Z.\*RYMER, 0000  
LEE H. SCHILLER JR., 0000  
GARY A. SEAL, 0000  
KENNETH S.\*SHAW, 0000  
DAVID V. SHEAFFER, 0000  
JAMES K. SJOVALL, 0000  
PETER H. SMART, 0000  
JOHN A. SMITH, 0000  
IVAN D. SPEIGHTS SR., 0000  
ANGELO J. ST III, 0000  
ANDREA M. STAHL, 0000  
ELIZABETH J.\*STEAD, 0000  
KEVIN J. STEVENS, 0000  
RANDY STORY, 0000  
WILLIAM M. STUBBS, 0000  
JOHN E. SUTTON, 0000  
TARRA L. TAYLOR, 0000  
JERRY S. THOMAS, 0000  
WILLIAM B. TILSON, 0000  
STEVEN A. TOFT, 0000  
GARY W.\*TRYNISZEWSKI, 0000  
JAMES B. UPTON, 0000  
JOSEPH J. VANCOSKY JR., 0000  
TERSCH R.\*VON, 0000  
ROBERT M. WALKER JR., 0000  
SCOTT L. WARNER, 0000  
MARK R. WHITE, 0000  
ERIN V.\*WILKINSON, 0000  
KARL O. WILSON, 0000  
ALEX P. ZOTOMAYOR, 0000  
SHANDA M. ZUGNER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN

ASTERISK(\*) UNDER TITLE 10 U.S.C., SECTIONS 624 AND 531:

*To be lieutenant colonel*

MICHAEL C. AARON, 0000  
KENNETH P. ADGIE, 0000  
BRIAN E. ALBERT, 0000  
DANIEL S. ALBERT, 0000  
MANLEY E. ALFORD, 0000  
WILLIAM E. ALLEN, 0000  
STEPHANIE D. ALLENMOFFETT, 0000  
HOLTORF R. ALONSO, 0000  
CATHERINE E. ALTHERR, 0000  
JOHN M. ALTMAN, 0000  
MARICELA ALVARADO, 0000  
MICHAEL W. ANASTASIA, 0000  
CAROL L. ANDERSON, 0000  
DELMAR G. ANDERSON, 0000  
MATTHEW R. ANDERSON, 0000  
RICHARD J. ANDERSON, 0000  
STEVEN P. ANDERSON, 0000  
CHRIS L. \* ANDREWS, 0000  
ERIC J. ANGELL, 0000  
JOSE E. ARANES, 0000  
HOWARD E. ARBY IV, 0000  
REGINALD D. ARMSTRONG, 0000  
TODD A. ARMSWORTH, 0000  
ANTHONY E. ARTHUR, 0000  
TERRI L. ASHLEY, 0000  
DAVID W. ASTIN, 0000  
CHARLES L. ATKINS, 0000  
DOUGLAS R. BABE, 0000  
GLENN C. BACA, 0000  
PETER K. BACON, 0000  
SCOTT D. BAER, 0000  
DOUGLAS G. BAGDASARIAN, 0000  
GWEN E. BAKER, 0000  
JEFFERY A. BAKER, 0000  
STEVEN A. BAKER, 0000  
ROBERT M. BALCAVAGE JR., 0000  
BRADY S. BAKSDALE, 0000  
DANE A. BARNES, 0000  
BRENT E. BARNETT, 0000  
DANIEL R. BARNETT, 0000  
JAMES E. BARREN, 0000  
MARIA B. BARRETT, 0000  
JAMES L. BARTON JR., 0000  
RONALD J. BASHISTA, 0000  
RENA M. BATTIS, 0000  
FRANCIS M. BEAUDETTE, 0000  
CURTIS L. BECK, 0000  
CHRISTOPHER H. BECKERT, 0000  
FRANK D. BEESLEY, 0000  
JOSELYN L. BELL JR., 0000  
LOUIS J. BELLO, 0000  
JOHN N. BENDER, 0000  
BRIAN D. BENNETT, 0000  
CHRISTOPHER E. BENOIT, 0000  
WAYNE P. BERGERON, 0000  
CARLOS J. BETANCOURT JR., 0000  
PAUL BEZZEK, 0000  
ALDO P. BIAGIOTTI, 0000  
ELLEN A. BIRCH, 0000  
THOMAS M. \* BISCHOF, 0000  
SCOTT J. BISCOTTI, 0000  
PAUL A. BISHOP, 0000  
MARK R. BLACKBURN, 0000  
MICHAEL BLAHOVEC, 0000  
MAURICE T. BLAND, 0000  
MURRAY K. BLANDING SR., 0000  
BRYAN H. BLUB, 0000  
MICHAEL A. BODEN, 0000  
RUSSELL E. \* BODINE, 0000  
ADRIAN T. \* BOGARIN III, 0000  
WILLIAM E. BOHMAN, 0000  
GILLIAN S. BOICE, 0000  
WILLIAM J. BOICE, 0000  
BRENT T. BOLANDER, 0000  
SCOTT D. BOLSTAD, 0000  
JACK W. BONE, 0000  
CHRISTOPHER J. BONHEIM, 0000  
BRETT L. BONNELL, 0000  
JAMES E. BONNER, 0000  
PAUL BONTRAGER, 0000  
KARL D. BOPP, 0000  
REGINALD BOSTICK, 0000  
ROLAND J. BOSTICK, 0000  
MICHAEL E. \* BOWNAS, 0000  
JEFFREY E. BOYER, 0000  
JAMES H. BRADLEY JR., 0000  
JOHN M. BRADSHAW, 0000  
MICHAEL E. BRANDT, 0000  
LIANA L. BRATLAND, 0000  
KENNETH A. BREITEN, 0000  
DONALD E. BRIDGERS, 0000  
TIMOTHY P. BROOKS, 0000  
SCOTT E. BROWER, 0000  
ANTHONY BROWN, 0000  
DUANE E. BROWN, 0000  
JAMES C. BROWN, 0000  
JENNIFER L. BROWN, 0000  
KERK B. BROWN, 0000  
LESLIE F. BROWN, 0000  
RANDALL K. BROWN, 0000  
RENE BROWN, 0000  
TITUS BROWN, 0000  
ERIC B. BRUNS, 0000  
SHEILA A. BRYANT, 0000  
GEOFFREY P. BUHLIG, 0000  
STEVEN R. BUNCH, 0000  
ROBERT J. BUNGARDEN, 0000  
MARK A. BURGE, 0000  
CHRISTOPHER T. BURGESS, 0000  
STEPHEN A. BURK, 0000  
EMMETT E. BURKE, 0000  
DAVID W. BURWELL, 0000

TROY D. BUSBY, 0000  
RICHARD S. BUSKO, 0000  
ALFONZO \* BUTLER, 0000  
HAROLD B. BYRNE, 0000  
LEO F. CABALLERO, 0000  
STEVEN G. CADE, 0000  
JOSEPH E. CALISTO, 0000  
DAVID C. CALLAHAN, 0000  
PAUL T. CALVERT, 0000  
TERESA L. CAMPBELL, 0000  
MATTHEW M. CANFIELD, 0000  
DOUGLAS C. CARDINALE, 0000  
SARAH A. CAREY, 0000  
TORI R. CARLILE, 0000  
MICHAEL A. CARLINO, 0000  
JAMES D. CARPENTER, 0000  
KEITH A. CARROLL, 0000  
MARTIN V. CARROLL, 0000  
RICHARD C. CARROLL, 0000  
ROBIN P. CARROW, 0000  
ROGER D. \* CARSTENS, 0000  
JOY W. CARTER, 0000  
WALTER L. CARTER JR., 0000  
MICHAEL J. CASHNER, 0000  
PETER A. CATANESE, 0000  
BRIAN M. CAVANAUGH, 0000  
RUSSELL D. CAVIN, 0000  
JOHN P. CHADBOURNE, 0000  
ZANE D. CHAMBERS, 0000  
DAVID W. CHASE, 0000  
MARTY P. CHAVERS, 0000  
JOHN R. CHAVEZ, 0000  
WAYNE G. CHERRY JR., 0000  
EDWARD J. CHESNEY, 0000  
KEMP L. CHESTER, 0000  
BRYCE R. CHRISTENSEN II, 0000  
ERIK K. CHRISTENSEN, 0000  
GEORGE N. CHRISTENSEN III, 0000  
KEVIN J. CHRISTENSEN, 0000  
KAREN M. CHRISTRUP, 0000  
JORDAN S. CHROMAN, 0000  
NICHOLAS P. CHROMIS, 0000  
JASON A. CHUNG, 0000  
JIM T. CINGOTTI, 0000  
KIM T. CLARK, 0000  
ALICIA A. CLARK, 0000  
CHADWICK W. CLARK, 0000  
WILLIAM J. CLARK, 0000  
CHARLES H. CLEVELAND, 0000  
DAVID R. CLONTS, 0000  
THOMAS J. CLOSS, 0000  
JOHN R. COBB JR., 0000  
KENNETH G. COCKERHAM II, 0000  
ROD A. COFFEY, 0000  
MICHAEL J. COLARUSSO, 0000  
RUSSELL E. COLE, 0000  
MATTHEW B. COLEMAN, 0000  
CHRISTOPHER M. COLOMBO, 0000  
KEVIN C. COLYER, 0000  
DARREN R. COMPTON, 0000  
CHARLES T. CONNETT, 0000  
TODD Z. CONYERS, 0000  
STEVEN A. COOK, 0000  
THOMAS R. COOPER, 0000  
MICHAEL D. COPENHAVER, 0000  
LYLE T. CORDER, 0000  
DANIEL R. COREY, 0000  
ROBERT M. CORNEJO, 0000  
BEVERLY F. CORNELIUS, 0000  
KERRILYNN A. \* CORRIGAN, 0000  
SEAN J. CORRIGAN, 0000  
MICHAEL E. CORSON, 0000  
STEPHEN M. COSTABLE, 0000  
CARL W. COWEN, 0000  
CHRISTOPHER E. CRATE, 0000  
PETER D. CREAN, 0000  
RICHARD D. CREED JR., 0000  
JAMES R. CRIDER, 0000  
ORLANDO D. CRITZER, 0000  
CHRISTOPHER D. CROFT, 0000  
MICHAEL E. CROWELL, 0000  
HARRY L. CUNNINGHAM, 0000  
KENNETH D. CURTIS, 0000  
SCOTT D. CUSTER, 0000  
GREGORY A. DADDIS, 0000  
WILLIAM E. DAHLBERG, 0000  
STEVEN DAKNIS, 0000  
TIMOTHY J. DAUGHERTY, 0000  
DAVID S. DAVIDSON, 0000  
FRANCIS J. \* DAVIDSON, 0000  
ROSS E. DAVIDSON, 0000  
JAMES B. DAVIS, 0000  
LANCE E. DAVIS, 0000  
STEVEN G. DEAN, 0000  
PATRICK C. DEEDHAM, 0000  
EDWIN J. DEEDRICK JR., 0000  
ROBERT J. DEHAAN, 0000  
DOUGLAS J. DELANCEY, 0000  
EUGENE \* DELOACH SR., 0000  
WILLIAM L. DEMALADE, 0000  
JAMES R. DEMOSS, 0000  
SHEILA C. DENHAM, 0000  
MICHAEL P. DERJODO, 0000  
JAMES M. DESJARDIN, 0000  
THOMAS E. DETRICK, 0000  
MARGARET S. DEVEREUX, 0000  
KAILON G. DICKENS, 0000  
SERGIO M. DICKINSON, 0000  
CRAIG M. DICKSON, 0000  
JAMES E. DIGGS, 0000  
JOHN D. DILL, 0000  
HEINZ P. DINER JR., 0000  
GERALD R. DIOTTE JR., 0000  
DAVID J. DIUZY, 0000  
JAMES E. DODSON, 0000  
DANIEL R. DOLWICK, 0000  
JAMES A. DONNELLY, 0000  
MICHAEL P. DONOVAN, 0000

GERALD O. DORROH JR., 0000  
CALVIN D. DOWNEY, 0000  
KEVIN P. DRAGNETT, 0000  
SHAWN T. DRISCOLL, 0000  
FREDERIC A. DRUMMOND JR., 0000  
DARELL DUCKWORTH, 0000  
ROBERT E. \* DUKE, 0000  
KENNETH J. DUXBURY, 0000  
MICHAEL J. DVORACEK, 0000  
FRED R. EASTWOOD III, 0000  
DARWIN D. EBELING, 0000  
JEFFREY A. ECK, 0000  
VANCE A. EDWARDS, 0000  
RICHARD F. ELLIS, 0000  
RICKY N. EMBERSON, 0000  
KIMBERLY A. ENDERLE, 0000  
SVEN C. ERICHSEN, 0000  
NILS J. ERICKSON, 0000  
FREDERICK J. ERST, 0000  
ALLEN S. ESTES, 0000  
BRUCE A. ESTOK, 0000  
JOHN R. EVANS JR., 0000  
CARL S. EY, 0000  
DONALD G. FALLIN, 0000  
ADRIAN R. FARRALL, 0000  
ANTHONY P. FARRIS, 0000  
ROBERT G. FAUSTI, 0000  
DUSAN L. FENNER, 0000  
MICHAEL R. FENZEL, 0000  
BRIAN R. FESEK, 0000  
EDWARD G. FILLER, 0000  
JAMES C. FISCHER, 0000  
STEVEN T. FISCHER, 0000  
WILLIAM O. FISHER, 0000  
DAVID P. FITCHITT, 0000  
DWAYNE FLANNAGAN, 0000  
ANTONIO M. FLETCHER, 0000  
CHARLES D. FLETCHER, 0000  
JEFFREY FLETCHER, 0000  
RODNEY D. FOGG, 0000  
CHRISTOPHER S. FORBES, 0000  
MICHAEL L. FRANCK, 0000  
GEORGE H. FRANCO, 0000  
PATRICK D. FRANK, 0000  
BRYTON K. FRASER, 0000  
HARRY M. FRIBERG, 0000  
GARLAND M. \* FROST, 0000  
MATTHEW T. FUHRER, 0000  
GREGORY D. GADSON, 0000  
JAMES J. GALAGHER JR., 0000  
ANTONIO GARCIA, 0000  
JEFFREY GARLAND, 0000  
GEORGE T. GARRELL, 0000  
JAMES E. GARRISON, 0000  
BRIAN K. GATES, 0000  
BRADLEY D. GAVLE, 0000  
HEIDI L. GEBHARDT, 0000  
MICHAEL A. GETCHELL, 0000  
WILLIAM M. GIAMMARESE, 0000  
RICHARD D. GILLEM JR., 0000  
KIMBERLY S. GLASSFORD, 0000  
DANIEL P. GOLDTHORPE, 0000  
FRANK J. GONZALES, 0000  
IVAN R. GONZALEZ, 0000  
WILLIAM J. GORDICH, 0000  
GERALD M. GORDNER II, 0000  
JOHN K. GORDON, 0000  
FREDERICK C. GOTTSCHALK, 0000  
BARRY F. GRAHAM, 0000  
BRADLEY W. GRAUL, 0000  
TODD W. GUSTAFSON, 0000  
CARL G. GREBE, 0000  
SHARON D. GREEN, 0000  
IAN N. GREENE, 0000  
JOHN H. GREENMYER III, 0000  
JAMES D. GREGORY, 0000  
WARREN C. GRIGGS, 0000  
HEIDI L. GRIMM, 0000  
MARIE C. GRIMMER, 0000  
DAVID L. GROSSO, 0000  
LEON M. GRUBE, 0000  
CARL D. GRUNOW, 0000  
WILLIAM W. GUM, 0000  
JOHN S. GUMPF, 0000  
MARSHALL A. GUTIERREZ, 0000  
ANTHONY E. HAAGER, 0000  
CRAIG T. HAAS, 0000  
BARRY V. HADLEY, 0000  
VICTOR S. HAGAN, 0000  
MACK D. HAGIN, 0000  
ERIC D. HAIDIN, 0000  
MECHELLE B. HALE, 0000  
CHRISTOPHER G. HALL, 0000  
JAMES H. HALL, 0000  
JIMMY L. HALL JR., 0000  
DANIEL J. HALSE, 0000  
CHARLES R. HAMILTON, 0000  
DAVID M. HAMILTON, 0000  
JOHN D. HAMILTON, 0000  
JOHN S. HAMILTON, 0000  
RUTH L. HAMILTON, 0000  
PATRICK R. HAMPTON, 0000  
ROBERT E. HARBISON, 0000  
ROBERT J. HARBARGER, 0000  
THOMAS A. HARRAGHY, 0000  
HUGHIE B. HARRIS, 0000  
KEVIN J. HARRIS, 0000  
WELDON B. HARRIS, 0000  
STEVEN D. HART, 0000  
JEFFREY W. HARTMAN, 0000  
THURINTON W. HARVELL, 0000  
GREGORY M. HAUG, 0000  
MICHAEL T. HAUSER, 0000  
JOHN T. HAYNES III, 0000  
CHARLES E. HAYWOOD JR., 0000  
MICHAEL L. HEDEGAARD, 0000  
MARVIN A. HEDSTROM JR., 0000

MICHAEL A. HELM, 0000  
DARIEN P. HELMLINGER, 0000  
KRISTI L. HELTON, 0000  
CHARLES T. HENSLEY, 0000  
JEFFREY HENSLEY, 0000  
ROBERT B. HERNDON, 0000  
NEIL S. HERSEY, 0000  
TODD A. HEUSSNER, 0000  
PAUL D. HEYING, 0000  
LONNIE G. HIBBARD, 0000  
WILLIAM D. HIBNER, 0000  
RALPH G. \* HIGGINS III, 0000  
DAVID C. HILL, 0000  
JOSEPH B. HINES, 0000  
MIGUEL B. HOBBS, 0000  
KELLEY A. HODGE, 0000  
HORACE C. HODGES, 0000  
ANTHONY J. HOFMANN, 0000  
TIMOTHY C. HOLLOWAY, 0000  
VERNON D. HOLMES, 0000  
MARK D. HOLMQUIST, 0000  
RUSSELL A. HOLSCHER, 0000  
MATTHEW J. HOLT, 0000  
DANIEL A. HOPE, 0000  
MICHAEL S. HOPKINS, 0000  
YVETTE C. \* HOPKINS, 0000  
CLIFFORD M. \* HOPPMAN, 0000  
JASON R. HORNE, 0000  
ROBERT C. HORNECK, 0000  
JODI L. HORTON, 0000  
ERIC J. HOWARD, 0000  
TODD M. HUDEBLE, 0000  
KEVIN L. HUDIE, 0000  
ARLIS D. HUMMEL, 0000  
HOWARD M. HUNT, 0000  
KENNETH A. HUNT, 0000  
WILLIAM M. HUNTHROP, 0000  
ANN M. HUNTINGTON, 0000  
ROBERT F. HUNTLY, 0000  
CHRISTOPHER B. HUPP, 0000  
JOHN S. HURLEY, 0000  
JEANNIE E. HUTCHISON, 0000  
JOHN L. HUTTO JR., 0000  
BASHEER ILYAS, 0000  
CHARLES W. INNOCENTI, 0000  
ERNEST L. IRICK JR., 0000  
ROBERT L. IRICK, 0000  
CRAIG R. IRLAND, 0000  
THOMAS H. ISOM, 0000  
HARRY A. IVARIE, 0000  
JOYCE J. JACOBS, 0000  
FRANK JAMES JR., 0000  
GLENN A. JAMES, 0000  
STEVEN P. JAMES, 0000  
JAYNE V. JANSEN, 0000  
CLAY C. JANSEN, 0000  
LINDA C. JANTZEN, 0000  
JOSEPH F. JARRARD, 0000  
DAVID E. JENKINS, 0000  
LOGAN JENKINS JR., 0000  
JEFFREY E. JENNINGS, 0000  
HEIDI E. JENSEN, 0000  
DAVID O. JERNIGAN, 0000  
RENE JEWETT, 0000  
JOHNNIE L. JOHNSON, 0000  
JONATHAN A. JOHNSON, 0000  
MITCHELL R. JOHNSON, 0000  
SCOTT C. JOHNSON, 0000  
CLIFTON R. JOHNSTON, 0000  
JOSHUA T. JONES JR., 0000  
CHRISTOPHER I. JOSE, 0000  
TIMOTHY F. JUERGENS, 0000  
ERIC G. KAIL, 0000  
MARK A. KARSZ, 0000  
MICHAEL C. KASALES, 0000  
MARK J. KAZMIRKOWSKI, 0000  
KENNETH R. KEIM, 0000  
MARK S. KEITH, 0000  
JULIE A. KELLER, 0000  
JOHN A. KELLY, 0000  
KYLE W. KELLY, 0000  
SCOTT T. KENDRICK, 0000  
DAVID R. KENNEDY, 0000  
JAMES L. KENNEDY JR., 0000  
KRIS L. KENNER, 0000  
CHRISTOPHER M. KENNEY, 0000  
PAT L. KERBUSKI JR., 0000  
CRAIG W. KILEY, 0000  
JOHN M. KILGALLON, 0000  
RICHARD C. KIM, 0000  
JEFFREY S. KING, 0000  
ROBERT L. KING, 0000  
RODNEY L. KING, 0000  
SCOTT D. KING, 0000  
ROBERT D. KIRBY, 0000  
AIMEE L. KLIMOWICZ, 0000  
CHARLES H. KLING JR., 0000  
EVERETT D. KNAPP JR., 0000  
DARRIN S. KNELLE, 0000  
MARK S. KNERAM, 0000  
ANDY F. KNIGHTS, 0000  
DEAN R. KNOX, 0000  
KURT J. KO, 0000  
NAM Y. KO, 0000  
JOHN S. KOLASHESKI, 0000  
GREGORY W. KOLLER, 0000  
DALE A. KORNUA, 0000  
TINA S. \* KRACKE, 0000  
DAVID M. KRALL, 0000  
ANN K. KRAMARICH, 0000  
WILLIAM R. LAGRONE, 0000  
STEVEN R. LAHR, 0000  
DANIEL F. LARSEN, 0000  
DANIEL S. LARSEN, 0000  
DARREL G. LARSON, 0000  
CHARLES D. LASSITTER, 0000  
RODNEY F. LASZLO, 0000  
MATTHEW M. LAVER, 0000  
KELLY J. LAWLER, 0000  
BRIAN A. \* LAWLESS, 0000  
GLENN S. LAWSON, 0000  
JAMES O. LECHNER, 0000  
MARK A. LEE, 0000  
PETER A. LEE, 0000  
ROBERT E. LEE JR., 0000  
SHANE E. LEE, 0000  
WILLIAM E. LEE, 0000  
LYNNE P. LEGLOAHEC, 0000  
GUY A. LEMIRE, 0000  
MARTY M. LENERS, 0000  
LUKE T. \* LEONARD, 0000  
ROBERT S. LEVINS IV, 0000  
DAVID F. LEWIS, 0000  
SEAN P. LEWIS, 0000  
JOHN F. LIGHTNER, 0000  
REYNOLDS J. LILLIBRIDGE, 0000  
JOHN J. LINDSAY, 0000  
GARY W. LINHART, 0000  
ANDREW J. LIPPERT, 0000  
THORSTEN A. LITTAU, 0000  
RICHARD M. LIVINGSTON, 0000  
DAVID L. LLOYD, 0000  
MICHAEL C. LOPEZ, 0000  
ROSS W. LOVELACE, 0000  
ADAM A. LOVELESS, 0000  
ROBERT E. LOWE, 0000  
BRYAN K. LUKE, 0000  
JAMES R. MACKLIN JR., 0000  
WILLIAM B. MADDOX, 0000  
LIONEL W. MAGEE JR., 0000  
MICHAEL F. MAHONY, 0000  
BRIAN K. MAIJALA, 0000  
MARCUS D. MAJURE, 0000  
GEOFFREY S. MANGELSDORF, 0000  
JERRY K. MANLEY, 0000  
LONNIE W. MANSELL, 0000  
JOHN E. MARAIA, 0000  
STEPHEN J. MARANIAN, 0000  
BRYAN K. MARKET, 0000  
PAUL V. MARON, 0000  
JOHN J. MARR, 0000  
ROBERT W. MARSHALL, 0000  
DONNA W. \* MARTIN, 0000  
LARRY W. MARTIN JR., 0000  
TONY M. MARTIN, 0000  
GREGORY A. MASON, 0000  
T WALA D. MATHIS, 0000  
THOMAS S. MATSEL, 0000  
MICHAEL R. MATTHEWS, 0000  
LEONARD H. MATZ JR., 0000  
JANICE Y. MAXWELL, 0000  
ROGER K. MAYER, 0000  
CARSON H. MAYO, 0000  
GREGORY S. MCAFEE, 0000  
ROBERT J. MCALEER, 0000  
TIMOTHY J. MCATEER, 0000  
DOUGLAS M. MCBRIDE, 0000  
MICHAEL R. MCCAFFERY, 0000  
OWEN P. MCCAULEY, 0000  
CHARLES M. MCCLUNG, 0000  
JEFFREY H. MCCLURE, 0000  
DENNIS J. MCCORMACK, 0000  
ROGER L. MCCREERY, 0000  
BERNIE F. MCCUTCHEEN JR., 0000  
SCOTT L. MCDEED, 0000  
MARK E. MCDERMOTT, 0000  
KEVIN L. MCDONALD, 0000  
REGAN P. MCDONALD, 0000  
WILLIAM R. MCDONOUGH, 0000  
DARRYL D. MCDOWELL, 0000  
DANIEL J. MCFARLAND, 0000  
WILLIAM D. MCGARRITY, 0000  
LEO R. MCGONAGLE, 0000  
OTIS W. MCGREGOR III, 0000  
RANDALL A. MCINTIRE, 0000  
DENNIS S. MCKEAN, 0000  
MATTHEW F. MCKENNA, 0000  
TAMMY S. MCKENNA, 0000  
THOMAS W. MCKEVITT SR., 0000  
WILLIAM D. MCKICKLE, 0000  
DENNIS J. MCNULTY, 0000  
MARY A. MCPRAK, 0000  
STUART J. MCRAE, 0000  
JEFFREY L. MEKKER, 0000  
ROBERT M. \* MEGINNIS, 0000  
DONALD E. MEISLER, 0000  
MANUEL C. MENO JR., 0000  
ROBERT C. MERKEL JR., 0000  
JAMES L. MERLO, 0000  
PETER L. MERRILL III, 0000  
LEANNE L. MEYER, 0000  
STEPHEN L. MICHAEL, 0000  
MATTHEW T. MICHAELSON, 0000  
JEFFREY L. MILHORN, 0000  
CHRISTOPHER C. MILLER, 0000  
DANIEL C. MILLER, 0000  
MICHAEL C. MILLER, 0000  
RANDALL C. MILLERS, 0000  
ROCCO M. MINICUCCI, 0000  
RONALD E. MISAK, 0000  
CHERYL L. MOMAN, 0000  
RICHARD D. MONTIETH II, 0000  
ALVIN K. MOORE, 0000  
LESTER C. MOORE, 0000  
DREW MOORES, 0000  
CARLOS MORALES, 0000  
EDGEBERT L. MORTON, 0000  
GERALD M. MUEHL JR., 0000  
RONALD A. MULKEY, 0000  
JAMES H. MULLEN, 0000  
THOMAS W. MUNDELL, 0000  
ADAM J. MUNN, 0000  
WADE L. MURDOCK, 0000  
THERESA G. MURPHY, 0000  
JOHN A. NAGL, 0000  
ALFREDO NAJERA, 0000  
MICHAEL P. NEAVERTH, 0000  
JONATHAN J. NEGIN, 0000  
WILLIAM C. NEWMAN, 0000  
DONALD R. NITTI, 0000  
PAUL N. NOBBE JR., 0000  
JULIE S. NORMAN, 0000  
STEVEN M. NORTH, 0000  
PAUL R. NORWOOD, 0000  
BONNIE A. NOYES, 0000  
FREDERICK I. NUTTER, 0000  
FREIDA M. OAKLEY, 0000  
CARTER A. OATES, 0000  
WILLIAM K. \* OCONNOR, 0000  
RONALD J. OCKER, 0000  
DAN S. OLEXIO, 0000  
MICHAEL D. OLIVER, 0000  
RODNEY L. OLSON, 0000  
THOMAS V. OLSZOWY, 0000  
JOSEPH M. ORECCHIO, 0000  
DOUGLAS J. ORSI, 0000  
DAN R. ORTEGA, 0000  
ROSS T. OSBORNE, 0000  
WILLIAM B. OSTLUND, 0000  
PAUL A. OTT, 0000  
BRIAN A. OWEN, 0000  
DALE E. OWEN, 0000  
THOMAS C. OWENS, 0000  
RONALD E. PACHECO JR., 0000  
DAVID A. PAINE, 0000  
RODNEY M. PALMER, 0000  
MICHAEL F. PAPPAL, 0000  
MARK L. PARENT, 0000  
KEITH J. PARKER, 0000  
ROSS A. PARKER, 0000  
ALLEN E. PATTY, 0000  
DAVID L. PEDERSEN JR., 0000  
STEVEN C. \* PEDERSEN, 0000  
SAMUEL N. PEFERS, 0000  
CARLOS PEREZ JR., 0000  
MICHAEL PEREZRIVERA, 0000  
TROY D. PERRY, 0000  
ANDREW C. PETERS, 0000  
GEORGE PETERS III, 0000  
IHOR PETRENKO, 0000  
TAMMIE J. PETTIT, 0000  
PAUL R. PFALLER, 0000  
RAMONA D. PLEMMONS, 0000  
RICHARD P. PLETTE, 0000  
WESLEY B. PLYBON, 0000  
MARK J. PONTIUS, 0000  
JAMES A. PORTER II, 0000  
BETH A. PORTERFIELD, 0000  
LAURA A. POTTER, 0000  
COLIGE D. POWELL, 0000  
RANDY E. POWELL, 0000  
MICHAEL J. PRICH, 0000  
DWAYNE E. PTASCHKE, 0000  
TODD A. PUGHMAN, 0000  
LEO G. PULLAR, 0000  
THOMAS G. QUINN JR., 0000  
ALFREDO R. QUIROS, 0000  
MARK J. RADTKE, 0000  
BRIAN RAHN, 0000  
BRUCE W. RAHN, 0000  
AQUILES C. RAMIREZ, 0000  
MARSHALL N. RAMSEY, 0000  
WILLIAM C. RAMSEY, 0000  
CARL D. RANDAL, 0000  
FRANK Y. RANGEL JR., 0000  
MARK B. RASINS, 0000  
ABE R. RATLIFF JR., 0000  
RICHARD E. RATLIFF, 0000  
MICHAEL W. RAUHUT, 0000  
JAMES H. RAYMER, 0000  
JON S. RAYNAL, 0000  
WILLIE J. REDDICK, 0000  
CAROL A. REDFIELD, 0000  
BRIAN J. REED, 0000  
SHAWN E. REED, 0000  
FRANCES V. REESE, 0000  
JAMES P. REESE, 0000  
BLAIN A. REEVES, 0000  
ROBERT A. REEVES, 0000  
TOMU A. REEVES II, 0000  
MYRON J. REINEKE, 0000  
MARLIN L. REMIGIO, 0000  
TIMOTHY W. RENSHAW, 0000  
DAVID B. RESLER, 0000  
JAMES R. \* REYNOLDS, 0000  
JULIE K. RHEIN, 0000  
PHILIP D. RICE, 0000  
CHRISTOPHER A. RICHARDSON, 0000  
MICHAEL W. RICHARDSON, 0000  
WILLIAM L. RICHARDSON, 0000  
DARRIN C. RICKETTS, 0000  
MARK L. RIDLEY, 0000  
EDWARD C. RIEHLE, 0000  
DALE S. RINGLER, 0000  
ANDREW J. RISKO II, 0000  
THOMAS A. RIVARD, 0000  
BRYAN K. ROBBINS, 0000  
JOHN P. ROBERTS, 0000  
PAUL J. ROBERTS, 0000  
REID A. ROBERTSON, 0000  
BRIAN M. ROGERS, 0000  
THOMAS J. ROGERS, 0000  
STEVEN L. ROHLFEN, 0000  
FREDRIC W. ROHM JR., 0000  
JAMES D. ROLAND, 0000  
JOHN G. ROMERO, 0000  
PETER L. ROOKS, 0000  
RICHARD D. ROOT, 0000  
CHRISTOPHER J. ROSCOE, 0000  
ANDREW L. ROSE, 0000

JOSE ROSS, 0000  
 LUZ B. ROSS, 0000  
 DEREK R. ROUNTREE, 0000  
 STACY L. RUBLE, 0000  
 MICHEL M. RUSSELL SR., 0000  
 RHETT C. RUSSELL, 0000  
 ROBERT R. RUSSELL JR., 0000  
 LEO J. RUTH II, 0000  
 DIANE M. RYAN, 0000  
 JAMES R. RYAN, 0000  
 NESTOR A. SADLER, 0000  
 THOMAS A. SALO, 0000  
 DAVID E. SALTER, 0000  
 CHARLES P. SAMARIS, 0000  
 ROBERTA K. SAMUELS, 0000  
 ERIC L. SANCHEZ, 0000  
 SHERARD D. SANDERS, 0000  
 LE T. SANFORD, 0000  
 PAUL S. SARAT JR., 0000  
 FLOSSIE J. SATCHER, 0000  
 RALPH E. SAUNDERS, 0000  
 WINFRIED E. SCHEEL, 0000  
 MARCEL A. SCHNEIDER, 0000  
 ANDREW R. SCHOTT, 0000  
 DENNIS L. SCHRECEMGAST, 0000  
 SCOTT A. SCHRINER, 0000  
 CARMEN X. SCHROCK, 0000  
 DANA L. SCHUBERT, 0000  
 JAY R. SCHUNEMAN, 0000  
 STEVEN R. SCHWAIGER, 0000  
 ARTICE \* SCOTT, 0000  
 THOMAS A. SEAGRIST, 0000  
 JOHN J. SEBASTYN, 0000  
 JOSEPH W. SECINO, 0000  
 JON K. SEGARS, 0000  
 DAVID T. SEIGEL, 0000  
 PATRICIA A. SELLERS, 0000  
 THEODORE SELLERS JR., 0000  
 JOHN E. SENA JR., 0000  
 ROY C. \* SEVALIA, 0000  
 WILLIAM R. SEYER, 0000  
 JOHN M. SEXTON, 0000  
 MARK E. SHANKLE, 0000  
 CHRISTOPHER J. SHARPSTEN, 0000  
 JOHN B. SHATTUCK JR., 0000  
 JAMES P. SHAVER, 0000  
 KRISADA J. SHAW, 0000  
 RICHARD A. SHAW, 0000  
 JOHN M. SHECKLER, 0000  
 CLAYTON O. SHEFFIELD, 0000  
 MICHAEL J. SHINNERS, 0000  
 TIMOTHY D. SHOWERS, 0000  
 RONALD J. SHUN, 0000  
 JAMES K. SICKINGER, 0000  
 MICHAEL E. SILVERMAN, 0000  
 KELLY J. SIROTA, 0000  
 ERNESTO L. SIRVAS, 0000  
 JAMES A. SKELTON, 0000  
 TIMOTHY P. SMALL, 0000  
 BARNEY I. SMITH III, 0000  
 GARY M. SMITH, 0000  
 MARK N. SMITH, 0000  
 MCCOY C. SMITH, 0000  
 RAYMOND C. SMITH, 0000  
 STEPHEN G. SMITH, 0000  
 STEPHEN T. SMITH, 0000  
 DAVID A. SMOOT, 0000  
 NICHOLAS R. SNELSON, 0000  
 DAVE F. SNIDER, 0000  
 DEBORAH L. SNYDER, 0000  
 MICHAEL C. SNYDER, 0000  
 GREGORY P. SOLEM, 0000  
 MARK W. SOLOMON, 0000  
 MARKHAM R. SOROKA, 0000  
 JAYSON M. SPADY, 0000  
 ELMER SPEIGHTS JR., 0000  
 DAVID L. SPENCER, 0000  
 THOMAS E. STACKPOLE, 0000  
 ALBERT C. STAHL, 0000  
 JAMES R. STALEY, 0000  
 ROBERT W. STEIGERWALD JR., 0000  
 ROBERT T. STEIN, 0000  
 BRUCE A. STEPHENS, 0000  
 JERRY D. STEPHENS, 0000  
 RANDY G. STEVENS, 0000  
 MARK L. STOCK, 0000  
 PATRICIA L. STOLZ, 0000  
 JAMES R. STONE, 0000  
 PAUL E. STOTE, 0000  
 JOHN T. STROMBERG, 0000  
 JOHN J. \* STRYCULA, 0000  
 CHARLES R. STUART JR., 0000  
 LINDA H. STUART, 0000  
 ROBIN L. STUART, 0000  
 JOEL T. SUENKEL, 0000  
 DENNIS S. SULLIVAN, 0000  
 KEVIN T. SULLIVAN, 0000  
 TIMOTHY M. SULLIVAN, 0000  
 ZEYAD M. SUQL, 0000  
 JONATHAN E. SWEET, 0000  
 BRADLY S. TAYLOR, 0000  
 WILLIAM J. TAYLOR, 0000  
 RICHARD A. TEOLIS, 0000  
 GERARD P. TERTYCHNY, 0000  
 MICHAEL T. TETU, 0000  
 BOBBY R. THOMAS JR., 0000  
 DONNIE L. THOMAS, 0000  
 GEORGE K. THOMAS, 0000  
 WALTER THOMAS II, 0000  
 ANDREA L. THOMPSON, 0000  
 JOHN W. THOMPSON, 0000  
 SANDRA M. THOMPSON, 0000  
 JASON H. THORNTON, 0000  
 ROBERT L. THROWER, 0000  
 CLIFFORD V. THURMAN, 0000  
 ERIC D. TILLEY, 0000  
 JACQUELINE L. TILLOTSON, 0000

MICHAEL W. \* TINGSTROM, 0000  
 PETER M. TOFANI, 0000  
 JEFFERY K. TOOMER, 0000  
 JOSE A. TORRES, 0000  
 DAVID G. TOUZINSKY, 0000  
 JAMES H. TRONE, 0000  
 MORRIS A. TURNER, 0000  
 MICHAEL R. TUTTLE, 0000  
 JOEL K. TYLER, 0000  
 ANDREAS S. ULRICH, 0000  
 LISIANE M. VALENTINE, 0000  
 BRET A. VANCAMP, 0000  
 TERRY D. VANSKY, 0000  
 KEVIN VEREEN, 0000  
 WILLIAM M. VERTREES, 0000  
 KENNETH E. VIALI, 0000  
 JASON R. VICK, 0000  
 JOHN A. VIGNA, 0000  
 SHURMAN L. VINES, 0000  
 VAN J. VOORHEES, 0000  
 DAVID D. WALDEN, 0000  
 PAUL R. WALTER, 0000  
 JOHN L. WARD, 0000  
 RICHARD C. WARD, 0000  
 KEVIN C. WARREN, 0000  
 PAUL S. WARREN, 0000  
 TARN D. WARREN, 0000  
 JOHN W. WASHBURN, 0000  
 STACEY S. WASHINGTON, 0000  
 NATHAN K. WATANABE, 0000  
 CHARLES J. WATSON, 0000  
 KIRBY E. WATSON, 0000  
 ROBERT W. WEAVER, 0000  
 SHAWN C. WEED, 0000  
 MARK J. WEINERTH, 0000  
 MARK E. WEIR, 0000  
 FREDERICK P. \* WELLMAN, 0000  
 THOMAS R. WETHERINGTON, 0000  
 CLIFFORD E. WHEELER JR., 0000  
 JOSEPH F. WHELAN, 0000  
 BILLY J. WHELCHER, 0000  
 INES N. WHITE, 0000  
 JERRY A. WHITE II, 0000  
 DANIEL W. WHITNEY, 0000  
 RYAN J. \* WHITTINGTON, 0000  
 JOSEPH E. \* WICKER, 0000  
 CLAYTON C. WIENECKE, 0000  
 KENNETH S. WILDER, 0000  
 PAUL J. WILLE, 0000  
 MAURICE L. WILLIAMS, 0000  
 MONTY L. WILLOUGHBY, 0000  
 TIMOTHY D. WILSEY, 0000  
 DARRELL T. WILSON, 0000  
 RICHARD A. WILSON, 0000  
 TRACY L. WINBORNE, 0000  
 ANTHONY A. WIRTH, 0000  
 ERIC L. WITHERSPOON, 0000  
 CHRISTOPHER F. WOLFE, 0000  
 DAVID J. WOODS, 0000  
 MONTE L. YODER, 0000  
 ROBERT J. YOST, 0000  
 JAMES R. YOUNG II, 0000  
 ERIC F. ZELLARS, 0000  
 RONALD E. ZIMMERMAN JR., 0000  
 X612  
 X0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(\*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

*To be major*

CHRISTOPHER W. \* ABBOTT, 0000  
 PETER M. ABRUZZESE, 0000  
 ZAID I. \* ABDULRAHMAN, 0000  
 ALFRED A. ACENAS, 0000  
 LUIS E. \* ACEVEDO, 0000  
 JOSE C. \* ACOSTAJAVIERRE, 0000  
 JAMES E. ADAMS, 0000  
 JOHN E. \* ADAMS, 0000  
 STEVEN J. ADDYMAN JR., 0000  
 THOMAS J. ADDYMAN JR., 0000  
 GENE A. \* AGUSTIN, 0000  
 JAMES M. \* AHEARN, 0000  
 ADEJUWON N. \* AKINDAYOMI, 0000  
 TAMMY R. ALATORRE, 0000  
 JAMES R. ALCOCK, 0000  
 TEREK B. \* ALL, 0000  
 DANIEL M. \* ALLEN, 0000  
 DAVID J. \* ALLEN, 0000  
 DAVID S. \* ALLEN, 0000  
 JAMES C. ALLEN, 0000  
 WHITNEY P. \* ALLEN JR., 0000  
 WILLIAM C. \* ALLEN III, 0000  
 DAVID K. \* ALMQUIST, 0000  
 JON W. ALTHOFF, 0000  
 ROGER S. \* ALVAREZ, 0000  
 KENDALL M. \* AMAZAKI JR., 0000  
 SAMUEL H. AMBER, 0000  
 DAVID T. AMBROS, 0000  
 JEFFREY S. \* AMOS, 0000  
 SAMUEL S. \* ANCIRA JR., 0000  
 BRENDEN C. \* ANDERSON, 0000  
 EDWARD G. ANDERSON IV, 0000  
 HENRY L. ANDERSON, 0000  
 JOSEPH L. \* ANDERSON, 0000  
 DOUGLAS W. ANDRESEN, 0000  
 AARON A. \* ANDREWS, 0000  
 TACILDAYUS ANDREWS, 0000  
 MICHAEL J. ANLAGE, 0000  
 MIGUEL A. \* APOSTOLDRIGUEZ, 0000  
 KIRK A. \* APPLETOFT, 0000  
 PHILIP R. \* ARCHER, 0000  
 GREGORY M. \* ARNDT, 0000  
 RANDALL J. \* ARVAY, 0000

THOMAS D. \* ASBERY, 0000  
 EDWARD P. ASH, 0000  
 PATRICK C. ASPLAND, 0000  
 ELIZABETH A. ATHERTON, 0000  
 ERIC S. \* ATHERTON, 0000  
 JOHN R. \* ATHEY, 0000  
 CHARLES W. \* ATKINSON, 0000  
 ADAM J. AUGUSTOWSKI, 0000  
 THOMAS E. \* AUSTIN, 0000  
 JEFFREY T. \* AVOLIO, 0000  
 ALEJANDRO AYALA, 0000  
 JAWHAR \* AZIZ, 0000  
 AMANDA I. \* AZUBUIKE, 0000  
 JOEL D. \* BABBITT, 0000  
 MAYCROS I. \* BAEZ, 0000  
 BRIAN P. BAILEY, 0000  
 DAVID B. \* BAILEY, 0000  
 TOMMY D. BAILEY, 0000  
 HARPREET S. \* BAINS, 0000  
 CHRISTOPHER M. BAKER, 0000  
 JOHN K. BAKER, 0000  
 JOHN T. BAKER JR., 0000  
 ROBERT F. \* BALDWIN, 0000  
 JAY F. \* BALL, 0000  
 RICHARD J. \* BALL, 0000  
 ROBERT S. \* BALLAGH III, 0000  
 DIRK P. BARBER, 0000  
 JACKQUILINE M. BARNES, 0000  
 HOLLIE J. BARRETT, 0000  
 JONATHAN M. BARROW, 0000  
 JAMES B. BARTHOLOMEES, 0000  
 BRAUM P. BARTON, 0000  
 ROBERT B. \* BASHEIN, 0000  
 JOHN T. BATSON JR., 0000  
 ISAAC T. \* BATTLE, 0000  
 KYLE W. \* BAYLESS, 0000  
 DEREK G. \* BEAN, 0000  
 CHAD A. BEASINGER, 0000  
 JONATHAN R. \* BEASLEY, 0000  
 OWEN J. BEAUDOIN, 0000  
 SLADE H. BEAUDOIN, 0000  
 STEVEN D. BEAUMONT, 0000  
 GUILLAUME N. BEAURPERE, 0000  
 BRADLEY E. \* BECHEN, 0000  
 JEFFREY A. BECKER, 0000  
 BRIAN T. \* BECKON, 0000  
 BRYANT J. \* BEEBE, 0000  
 LESLIE D. BEGLEY, 0000  
 BETH A. BEHN, 0000  
 JOHN C. \* BELANGER JR., 0000  
 JAIME L. BELL, 0000  
 PAUL N. BELL, 0000  
 TIMOTHY M. BENINATO, 0000  
 DANIEL T. BENNETT, 0000  
 KIMBERLY A. \* BENNETT, 0000  
 GARRICK B. \* BENSON, 0000  
 TYRONIC C. \* BENTINCK, 0000  
 ERIC M. BERDY, 0000  
 ROBERT E. \* BERG, 0000  
 CARL L. \* BERGMANN, 0000  
 CEASAR P. \* BERGONIA, 0000  
 BARRETT M. \* BERNARD, 0000  
 PAUL T. BERQUIST, 0000  
 ROBERT D. \* BETTWAY, 0000  
 DAVID A. BEVACQUA, 0000  
 JEFFREY P. \* BEVINGTON, 0000  
 MICHAEL A. \* BIANCHI, 0000  
 MARK R. BIEHL, 0000  
 MICHELLE L. BIENIAS, 0000  
 JONATHAN D. BIGGERT, 0000  
 DAVID D. \* BIGGINS, 0000  
 CHRISTOPHER J. BIRCHARD, 0000  
 NATALEE M. \* BIRDSSELL, 0000  
 MICHAEL J. BIRMINGHAM, 0000  
 FREDERICK H. BLACK JR., 0000  
 RONALD C. BLACK, 0000  
 TIMOTHY G. BLACKWELL, 0000  
 JONATHAN A. \* BLAKE, 0000  
 JOSEPH D. BLANKENHORN, 0000  
 JOHN F. BLANKENHORN, 0000  
 IRIZARRY H. BLAS, 0000  
 DARRIN J. BLATT, 0000  
 ANDREW J. \* BLISS, 0000  
 MATTHEW A. BOAL, 0000  
 MEGAN A. \* BOGLEY, 0000  
 ROD L. BOLES, 0000  
 MICHAEL S. \* BOLSHAZY, 0000  
 NATHAN M. \* BOND, 0000  
 WILLIAM \* BONILLA JR., 0000  
 PETER A. \* BOOKER, 0000  
 ROBERT S. \* BOONE III, 0000  
 BA K. \* BOOZE, 0000  
 TIMOTHY B. BORGERDING, 0000  
 RALPH T. BORJA, 0000  
 PHILIP A. \* BORNEFELD, 0000  
 JAMES T. \* BOROVILOS, 0000  
 KEVIN T. \* BOSCH, 0000  
 CLARENCE O. \* BOSWELL JR., 0000  
 JEFFERY G. \* BOUMA, 0000  
 ROBERT J. \* BOWEN, 0000  
 JENNIFER L. \* BOWER, 0000  
 STEVEN T. BOWEN, 0000  
 CHARLES J. \* BOWIE, 0000  
 JOSEPH A. BOWMAN, 0000  
 CHARLES W. BOWSER, 0000  
 DARRIN M. BOWSER, 0000  
 JOHN C. BOYARSKI, 0000  
 ADAM J. BOYD, 0000  
 GREGORY L. BOYLAN, 0000  
 BARBARA D. \* BRADLEY JR., 0000  
 DAVID E. \* BRADLEY JR., 0000  
 ERIC L. \* BRADLEY, 0000  
 TANYA J. \* BRADSHAW, 0000  
 ANDREW S. BRAGG, 0000  
 MATTHEW W. BRAMAN, 0000  
 JEFFREY G. BRAMLETT, 0000  
 STEPHON M. \* BRANNON, 0000

CHARLES E. \* BRANSON, 0000  
 CLAY A. \* BRASHEAR, 0000  
 DAVID M. BRESSER, 0000  
 BLAKE F. BREWER, 0000  
 FRANK D. \* BRIDGES, 0000  
 JASON T. \* BRIDGES, 0000  
 KAREN L. \* BRIGGMAN, 0000  
 RODNEY O. \* BRIGGMAN, 0000  
 JAMES D. \* BRINSON, 0000  
 JEFFREY J. \* BRITTON, 0000  
 JASON M. BRIZEK, 0000  
 ADRIAN G. BROCKINGTON, 0000  
 ROBERT E. BROOKS, 0000  
 ANDREW R. BROWN, 0000  
 DARRYL B. \* BROWN, 0000  
 DERWIN A. \* BROWN, 0000  
 KEVIN D. \* BROWN, 0000  
 MYRTTIA A. \* BROWN JR., 0000  
 THELMA C. BROWN, 0000  
 CHARLES D. \* BROWNING, 0000  
 MICHAEL C. BRUENS, 0000  
 COREY L. BRUMSEY, 0000  
 JASON A. BRYAN, 0000  
 CRAIG D. \* BRYANT, 0000  
 DEMETRIUS T. \* BRYANT, 0000  
 DOUGLAS P. BRYANT, 0000  
 CHRISTOPHER L. \* BUDIHAS, 0000  
 JOEL M. BUENAFIOR, 0000  
 ALFRED T. BUFFINGTON, 0000  
 JONATHAN D. BULSECO, 0000  
 DOUGLAS W. BURBEY, 0000  
 KEVIN P. BURKE, 0000  
 THOMAS E. \* BURKE, 0000  
 TODD A. BURKHARDT, 0000  
 WILLIAM G. \* BURNETT, 0000  
 BARRETT A. BURNS, 0000  
 MATTHEW L. \* BURR, 0000  
 STEPHEN J. \* BURR, 0000  
 LARRY Q. BURRIS JR., 0000  
 DOUGLAS T. \* BURRUSS, 0000  
 JAMES T. \* BUSH, 0000  
 KEVIN J. BUTLER, 0000  
 JONATHAN C. BYROM, 0000  
 TONYA S. \* BYRON, 0000  
 JEFFREY L. \* CALDWELL, 0000  
 TRUDY L. CALDWELL, 0000  
 LUKE T. \* CALHOUN, 0000  
 MATTHEW K. \* CALHOUN, 0000  
 PAUL R. \* CALLAHAN, 0000  
 BRANN G. CALLAVETTI, 0000  
 ROBERT C. CANNADAY JR., 0000  
 CAROLYN A. \* CANNON, 0000  
 ROMAN J. \* CANTU, 0000  
 JOHN F. \* CANTWELL, 0000  
 JANEL M. \* CARBONE, 0000  
 THOMAS E. \* CARLSON, 0000  
 THOMAS G. \* CARONA, 0000  
 STEVEN N. \* CAROZZA, 0000  
 FRANCIS J. CARR JR., 0000  
 WILLIAM J. CARR, 0000  
 HELENE A. \* CARR, 0000  
 JON L. \* CARRICO, 0000  
 MARION C. \* CARRINGTON, 0000  
 CHAD G. CARROLL, 0000  
 JOHN S. \* CARTER, 0000  
 ERIC A. \* CARVER, 0000  
 RICHARD K. \* CASSEM II, 0000  
 RICHARD P. CASTELL, 0000  
 FRAZARIEL I. CASTRO, 0000  
 BASIL J. \* CATANZARO, 0000  
 DONALD C. \* CAUGHEY, 0000  
 ANNETTE R. \* CAULKINS, 0000  
 STEVEN \* CELESTE, 0000  
 RAY M. CERALDE, 0000  
 JAY H. \* CHA, 0000  
 NEIL T. \* CHAFFEE, 0000  
 CHARLES B. CHALFONT, 0000  
 STEVEN B. \* CHAMBERS, 0000  
 WILLIAM L. \* CHANADY III, 0000  
 CHARLES K. CHANG, 0000  
 DARRIN L. \* CHARTIER, 0000  
 CHAD E. \* CHASTEEN, 0000  
 DAVID R. \* CHENEY II, 0000  
 DAVID C. CHIARENZA, 0000  
 TORRANCE D. \* CHISM, 0000  
 SAMUEL \* CHISOLM JR., 0000  
 STEVEN N. CHO, 0000  
 JESUS C. CHONG, 0000  
 STEVE C. CHONG, 0000  
 CHAD Q. CHRISTMAN, 0000  
 JOHN S. CHU, 0000  
 NICOLE K. \* CHUPAS, 0000  
 JOSEPH J. \* CHIESLO, 0000  
 JORGE L. \* CINTRONOLIVIERI, 0000  
 JAMES M. \* CLARK, 0000  
 JOSEPH D. \* CLARK JR., 0000  
 KENT A. \* CLARK, 0000  
 ROBERT J. \* CLARK, 0000  
 STEVEN M. \* CLARK, 0000  
 THOMAS D. CLARK, 0000  
 JAMES C. CLARKE JR., 0000  
 RICHARD R. CLAYTON, 0000  
 ANTHONY T. CLEMENTS, 0000  
 KERRY G. \* CLEMENTS, 0000  
 GEORGE G. \* CLEVELAND II, 0000  
 JAMES S. CLIFFORD, 0000  
 RONNIE W. \* CLIFTON, 0000  
 NATHAN S. \* CLINE, 0000  
 KEVIN S. \* COCHIE, 0000  
 CLYDE S. \* COCHRANE III, 0000  
 JOHN L. \* COCKERHAM JR., 0000  
 JOHN P. COGBILL, 0000  
 JASON M. COLBERT, 0000  
 ROLANDA D. COLBERT, 0000  
 CHARLES F. \* COLE III, 0000  
 FAREN R. COLE, 0000  
 GREGORY J. COLE, 0000  
 JOHN E. \* COLE, 0000  
 KENNETH C. COLE, 0000  
 CRAIG N. \* COLLET, 0000  
 RAHSHAHUN \* COLLEY, 0000  
 LEVORN S. COLLINS, 0000  
 SCOT A. \* COLVER, 0000  
 ANTHONY C. COMELLO, 0000  
 GRAHAM J. COMPTON, 0000  
 JAMES L. \* CONATSER, 0000  
 JAMES R. CONNALLY, 0000  
 JAMES L. \* CONNER, 0000  
 DAWN E. CONNIFF, 0000  
 JADA D. \* CONNOR, 0000  
 MICHAEL \* CONSIGLIO, 0000  
 THOMAS A. \* CONSTABLE, 0000  
 MARY J. \* CONSTANTINO, 0000  
 CLINTON J. CONZEMIUS, 0000  
 DENISE L. \* COOK, 0000  
 JAMES M. \* COOK, 0000  
 DORIAN A. COOPER, 0000  
 WILLIAM W. \* COPPERNOLL, 0000  
 MICHAEL R. \* CORBISIERO, 0000  
 SEAN M. \* COREY, 0000  
 CHRISTOPHER D. \* CORIZZO, 0000  
 CARLOS A. \* CORREIA, 0000  
 RICHARD S. \* CORREZ, 0000  
 KEVIN K. \* CORRICA, 0000  
 JEFFREY J. CORTON, 0000  
 ROBERT F. \* COSGROVE, 0000  
 ENRIQUE L. \* COSTASOLIVERA, 0000  
 ALBERT M. COSTELLO, 0000  
 KEITH L. \* COSTELLO, 0000  
 DOUGLAS J. \* COTE, 0000  
 KEVIN L. COTMAN, 0000  
 JAMES R. \* COTTER JR., 0000  
 WILLIAM D. \* COTTY, 0000  
 KEVIN E. \* COUNTS, 0000  
 KIMBERLY A. \* COX, 0000  
 RICHARD B. COYLE, 0000  
 ERIC H. CRAIG, 0000  
 PETER J. \* CRANDALL, 0000  
 TERRY G. \* CRANK, 0000  
 JEFFREY S. CRAPPO, 0000  
 KENNETH D. \* CRAWFORD, 0000  
 MICHAEL A. CRAWFORD, 0000  
 DAVID F. CRAY, 0000  
 ANDREW P. \* CREEL, 0000  
 GARY J. \* CREGAN, 0000  
 BRETT D. \* CRIQUIL, 0000  
 FREDERICK L. CRIST, 0000  
 ROGER A. CRIBBIE III, 0000  
 RORY A. \* CROOKS, 0000  
 ROBBIE J. CROSS, 0000  
 MANUEL \* CRUZ, 0000  
 FRANK \* CRUZCARABALLO, 0000  
 SAMUEL J. CUBBERLEY JR., 0000  
 CHRISTOPHER M. \* CUMMINGS, 0000  
 PAUL E. CUNNINGHAM II, 0000  
 RODERICK R. \* CUNNINGHAM, 0000  
 DESIE L. CURTIS, 0000  
 DAVID B. CUSHEN, 0000  
 SIOBHAIN I. CUSHEN, 0000  
 CHRISTOPHER S. \* CUTLER, 0000  
 PHILIP J. DACUNTO, 0000  
 CHRISTOPHER G. \* DAKE, 0000  
 JOHN D. DALBEY, 0000  
 LAWRENCE J. DALEY, 0000  
 ROBERT E. \* DALTON, 0000  
 KEVIN K. \* DAMON, 0000  
 DEXTER C. \* DANIEL, 0000  
 KENNETH L. DANIEL JR., 0000  
 RICHARD E. \* DANNER JR., 0000  
 TRENT R. \* DARLING, 0000  
 COLANDERS \* DARRISAW, 0000  
 H. W. \* DARVILLE, 0000  
 RICHARD DAVENPORT, 0000  
 JOSE R. DAVILA-FORTI, 0000  
 CHADWICK G. DAVIS, 0000  
 CHARLES E. \* DAVIS, 0000  
 CHERRIE L. \* DAVIS, 0000  
 CHRISTOPHER L. \* DAVIS, 0000  
 GARY J. \* DAVIS II, 0000  
 JACQUELINE H. \* DAVIS, 0000  
 JEFFREY S. \* DAVIS, 0000  
 JOHNNY W. \* DAVIS, 0000  
 MICHAEL A. DAVIS, 0000  
 JEFFREY A. \* DECARLO, 0000  
 JOSEPH F. DECOSTA, 0000  
 GILBERT F. DEIMEL, 0000  
 VICTOR J. \* DELAGARZA, 0000  
 THOMAS R. \* DELAGARZA, 0000  
 CHESTER R. \* DELF, 0000  
 VAUGHN D. DELONG, 0000  
 WALTER F. DEMELLI, 0000  
 ROCHELLE A. DENMAN, 0000  
 RONNIE L. DENSON, 0000  
 DEAN H. DENTER, 0000  
 JAMES A. DERRE JR., 0000  
 PHILLIP J. DEWRIES II, 0000  
 ANDREW A. DEWEES, 0000  
 LARRY C. DEWEY JR., 0000  
 MICHAEL G. DHUNJISHAH, 0000  
 OSCAR F. \* DIANO, 0000  
 EDWIN C. \* DIAZ, 0000  
 ELIUD DIAZ, 0000  
 MARCUS K. \* DICKINSON, 0000  
 ROLAND H. \* DICKS, 0000  
 NICHOLAS J. DIFIORI, 0000  
 BENJAMIN T. \* DIMAGGIO, 0000  
 RICHARD F. DIMARCO, 0000  
 JAMES E. DIMON, 0000  
 WILLIAM S. DINWIDDIE, 0000  
 RAMONA L. DISCAGAVE, 0000  
 JOHN J. \* DISMER, 0000  
 MICHAEL P. DOHERTY, 0000  
 TIMOTHY \* DOMKE, 0000  
 WAYNE W. DON, 0000  
 JOSEPH E. \* DONALD, 0000  
 MATTHEW W. \* DONALD, 0000  
 JOHN W. \* DONCHEZ, 0000  
 BRIAN J. \* DONLEY, 0000  
 ROBERT C. DONNELLY, 0000  
 AARON L. \* DORF, 0000  
 JEFFREY T. \* DOUDS, 0000  
 OSCAR W. \* DOWARD, 0000  
 LYNN E. DOWNIE, 0000  
 DAVID H. DOWNING JR., 0000  
 WILLIAM S. DOWNING, 0000  
 WINONA C. \* DOWNING, 0000  
 BRIAN J. \* DOYLE, 0000  
 JOHN P. \* DREW, 0000  
 LAWRENCE W. \* DRING, 0000  
 DARRELL W. DRIVER, 0000  
 JAMES M. \* DROPPLEMAN JR., 0000  
 THOMAS M. DUCKWORTH, 0000  
 DAVID M. \* DUDAS, 0000  
 JEFFREY J. \* DUDLEY, 0000  
 DOUGLAS W. \* DUECKER, 0000  
 PATRICK M. \* DUGGAN, 0000  
 WILLIAM J. \* DUGGAN III, 0000  
 CHARLES J. DUGLE, 0000  
 CHAD M. DUHE, 0000  
 ERIC K. \* DUNAHUE, 0000  
 DANIEL J. DUNCAN, 0000  
 KEVIN A. \* DUNHAM, 0000  
 CHRISTOPHER L. DUNLAP, 0000  
 JAMES L. \* DUPRAS JR., 0000  
 DANIEL J. DURBIN, 0000  
 GREGORY L. \* DUTKA, 0000  
 ROBERT P. \* DYE, 0000  
 DARIN R. \* EADES, 0000  
 JESSE L. EASTER, 0000  
 JOHN A. \* ECENRODE, 0000  
 ERVIN W. \* EDDINGS JR., 0000  
 SHERRY A. \* EDIKAUSKAS, 0000  
 JOSEPH W. \* EDSTROM, 0000  
 JOHN K. \* EDWARDS, 0000  
 MICHAEL D. \* EGAN, 0000  
 KELLY B. ELLAND, 0000  
 DAVID G. \* ELDER, 0000  
 KEVIN T. \* ELDER, 0000  
 JOSEPH W. \* ELLISON III, 0000  
 JOHN E. \* ELMICH, 0000  
 CHRISTOPHER J. \* EMOND, 0000  
 JOHN P. \* ENGEL, 0000  
 MARK C. \* ENGEN, 0000  
 JAMES H. ENOS, 0000  
 WILLIAM J. EPOLITO, 0000  
 ROBERT E. \* ERKSEN, 0000  
 SAMUEL A. \* ESCALANTE, 0000  
 PAUL A. \* ESMAHAN, 0000  
 DONALD R. ESSER, 0000  
 STEVEN R. \* ESTER, 0000  
 MAUREEN T. \* ESTY, 0000  
 BRIAN B. \* ETTRICH, 0000  
 BRAD J. EUNGARD, 0000  
 DONALD C. \* EVANS, 0000  
 GARY A. \* EVANS, 0000  
 LEE \* EVANS, 0000  
 CYNTHIA A. EVELYN, 0000  
 CRAIG A. EVERSON, 0000  
 MICHAEL S. \* EVERTON, 0000  
 NORBY E. EWING, 0000  
 TROY L. EWING, 0000  
 WILLIAM M. \* FARCLOUGH, 0000  
 STEVEN L. FANDRICH, 0000  
 DONNA K. \* FANNING, 0000  
 D'NITHAVONGSA R. \* FARMER, 0000  
 JACKIE G. FARMER, 0000  
 TIMOTHY L. FARMER, 0000  
 SEAN E. FARRAR, 0000  
 JOHN P. \* FARRELL, 0000  
 PRESCOTT R. FARRIS, 0000  
 KEVIN N. FAUGHN, 0000  
 STUART T. \* FAULK, 0000  
 JAMES A. \* FAULKNER, 0000  
 RYAN J. \* FAYRWEATHER, 0000  
 PETER H. FECHTEL, 0000  
 DAVID A. \* FEDROFF, 0000  
 JOHN A. \* FEJERANG, 0000  
 LUIS E. \* FELICIANO, 0000  
 RUSSELL A. \* FENTON, 0000  
 MICHAEL E. \* FERET, 0000  
 LAWRENCE G. \* FERGUSON, 0000  
 GEORGE G. \* FERREDO, 0000  
 JOHN M. \* FERRELL, 0000  
 KEVIN \* FIELDS, 0000  
 SCOTT T. FIGLIOLI, 0000  
 JORGE A. \* FIGUEROA, 0000  
 SAMUEL E. FIOL, 0000  
 NATHAN S. \* FISCHER, 0000  
 RICHARD J. \* FISHER, 0000  
 CARLA J. \* FITCH, 0000  
 RONALD P. FITCH JR., 0000  
 GARY D. \* FITTS, 0000  
 WILLIAM G. \* FITZHUGH, 0000  
 ARON P. \* FITZSIMMONS, 0000  
 JOHN C. FLANAGAN, 0000  
 SCOTT FLANDERS, 0000  
 ERIC C. \* FLESCH, 0000  
 ANDREW S. FLETCHER, 0000  
 ANTHONY J. FLORES, 0000  
 DAVID C. FOLEY, 0000  
 DOYLE A. \* FONTENOT, 0000  
 GILMORE \* FORD JR., 0000  
 ROLAND C. \* FORD III, 0000  
 BRIAN R. FORMYDUAL, 0000  
 CHRIS D. FORREST, 0000  
 CHRISTOPHER E. \* FORSYTHE, 0000  
 CALONDRAL L. FORTSON, 0000  
 JONATHAN A. \* FOSKEY, 0000  
 JEFFREY L. \* FOSTER, 0000  
 ROBERT B. FOUCHE, 0000  
 BRYAN E. FOWLER, 0000

JENNIFER L. FOWLER, 0000  
MATTHEW J. \* FOX, 0000  
MELISSA J. FOZMAN, 0000  
ANTOINETTE E. \* FRANKLIN, 0000  
LADARYL D. \* FRANKLIN, 0000  
BARRY J. \* FRANKS, 0000  
PARKER L. FRAWLEY, 0000  
RICHARD C. \* FULGIUM, 0000  
RAYMOND L. \* FULLER, 0000  
BRETT T. FUNCK, 0000  
STEPHEN E. \* GABAVICS, 0000  
MICHAEL D. \* GAFFNEY, 0000  
PHILLIP K. GAGE, 0000  
HERIBERTO \* GALARZAGONZALEZ, 0000  
JOHN P. GALLAGHER, 0000  
BLAISE L. \* GALLAHUE, 0000  
RACQUEL M. \* GALLMAN, 0000  
JAMES J. GALLUZZO III, 0000  
JOSE L. \* GALVAN JR., 0000  
ANTOINETTE R. GANT, 0000  
EDUARDO M. \* GARCIA, 0000  
JESUS D. \* GARCIA, 0000  
STEVEN \* GARCIA, 0000  
JOSE A. \* GARCIAESMURRIA, 0000  
DAVID W. GARDNER, 0000  
HILTON B. \* GARDNER, 0000  
JASON G. \* GARDNER, 0000  
CURTIS L. \* GARNER II, 0000  
TYSON D. \* GARREN, 0000  
ALLEN B. GARRISON JR., 0000  
TIMOTHY M. \* GARTEN, 0000  
FRANK M. \* GASCA, 0000  
GREGORY J. \* GASTAN, 0000  
CHARLES GATLING, 0000  
ROBERT L. \* GAUSE, 0000  
ONEIL A. \* GAYLE, 0000  
JOHN D. \* GAZZELLI, 0000  
DAVID C. \* GEARHART, 0000  
TIMOTHY M. \* GEARHART, 0000  
ODESSA \* GENTRY, 0000  
ADALYRICA Q. \* GEBRGE, 0000  
BYRON K. GERMAN, 0000  
CHARLES E. \* GETZ JR., 0000  
WILLIAM R. \* GIBBS, 0000  
MICHAEL G. GIBSON, 0000  
CLAIR GILL, 0000  
KENNON S. GILLIAM, 0000  
PETER R. GILLOOLY, 0000  
WAYNE A. GILSTRA, 0000  
WILLIAM L. \* GIPSON, 0000  
KENNETH R. \* GIRARDI, 0000  
NICHOLAS H. GIST, 0000  
MARK D. \* GLADNY, 0000  
WILLIAM R. \* GLASER, 0000  
LARRY E. \* GLASSCOCK, 0000  
TROY L. GLAZIER, 0000  
JAN K. GLEIMAN, 0000  
JASON C. GLICK, 0000  
CHARLES V. \* GOLEK, 0000  
VINCENT S. GOLEMISKI, 0000  
VICTOR R. \* GOLLHOFFER, 0000  
HECTOR A. GONZALEZ, 0000  
TAROLYN Y. \* GONZALEZ, 0000  
STEVEN \* GONZALEZRODRIGUEZ, 0000  
YUSEF E. \* GOOD, 0000  
KENNETH S. \* GOODPASTER, 0000  
SARAH M. \* GOODSON, 0000  
KELLIE K. \* GOSS, 0000  
JEFFREY P. \* GOTTLIEB, 0000  
WILLIAM C. GOTTMIEER, 0000  
NATHAN D. GOUBEAX, 0000  
GIUSTI C. GOVEO, 0000  
MATTHEW E. GRADY, 0000  
CURRY W. \* GRAHAM, 0000  
PHILIP E. GRAHAM, 0000  
DAVID A. GRANT, 0000  
WILLIE J. \* GRATE JR., 0000  
ERIN A. GRAYITT, 0000  
DANIEL M. \* GRAY, 0000  
DARRELL M. GRAY, 0000  
BRIAN R. GREATA, 0000  
DAVID K. \* GREEN, 0000  
MAUREEN J. GREEN, 0000  
MICHAEL D. \* GREEN, 0000  
CHANNING M. GREEN, 0000  
GEOFFREY D. \* GREENE, 0000  
TIMOTHY A. \* GREENE, 0000  
JOHN P. GREGOR, 0000  
JAMES O. \* GREGORY, 0000  
STEPHEN M. GRENIER, 0000  
CHRISTOPHER A. GRICE, 0000  
SHANE M. GRIES, 0000  
CAMILLE D. GRIFFIN, 0000  
GREGORY C. GRIFFIN, 0000  
GREGORY G. GRIFFIN, 0000  
DWIGHT R. \* GRIFFITH, 0000  
TERRY L. \* GRIFFITH, 0000  
JOE D. GRIGG JR., 0000  
ROBERT F. GRIGGS, 0000  
TIMOTHY J. \* GRIGGS, 0000  
VINCENT E. \* GRIZIO, 0000  
CHRISTOPHER J. GROSE, 0000  
JEFFREY C. \* GROSKOPF, 0000  
JOSEPH W. \* GROSS, 0000  
NOELLE M. GROSSO, 0000  
GARY A. GRUBB, 0000  
DANIEL A. \* GRUBER, 0000  
FERNANDO GUADALUPE JR., 0000  
JESUS E. \* GUERRA, 0000  
JULIAN GUERRERO, 0000  
DAVID T. \* GUESS, 0000  
RICHARD K. \* GUESS, 0000  
DERRILL R. \* GUIDRY, 0000  
DANNY T. GUSUKUMA, 0000  
JOSEPH E. GUZMAN, 0000  
DARIN O. HAAS, 0000  
GLEN E. \* HADAWAY III, 0000  
WALTER O. \* HADLEY, 0000  
KYLE H. HADLOCK, 0000  
DEAN B. \* HAGADORN, 0000  
SAMUEL J. HAGADORN, 0000  
BRIAN M. HAGER, 0000  
DECKER B. HAINS, 0000  
KELLY D. \* HAIR, 0000  
THOMAS B. \* HAIRGROVE JR., 0000  
MICHAEL A. \* HALES, 0000  
DON R. HALL, 0000  
HOWARD P. HALL, 0000  
JOHN W. HALL, 0000  
MICHELE L. HALL, 0000  
RICHARD A. \* HALL, 0000  
DAVID T. HAMANN, 0000  
DANIEL C. HAMILTON, 0000  
NEIL A. \* HAMILTON JR., 0000  
RONALD G. HAMILTON, 0000  
SCOTT A. HAMILTON, 0000  
MICHAEL L. \* HAMMERSTROM, 0000  
JIMMY W. HAMNER, 0000  
JASON M. \* HANCOCK, 0000  
TODD J. HANLON, 0000  
CHRISTOPHER J. \* HANNA, 0000  
DARREN D. HANNA, 0000  
ANDREW S. HANSON, 0000  
JAMES M. \* HARDAWAY, 0000  
AARON \* HARDY JR., 0000  
JAMES D. \* HARKSEN, 0000  
RONALD R. \* HARNES, 0000  
JERAD I. HARPER, 0000  
MICHAEL R. HARPER, 0000  
GORDON D. \* HARRINGTON, 0000  
BRIAN D. \* HARRIS, 0000  
OMEGA A. \* HARRIS II, 0000  
RICHARD L. HARRIS JR., 0000  
KENNETH D. \* HARRISON, 0000  
RICHARD A. \* HARRISON, 0000  
DEREK R. \* HART, 0000  
BRIAN J. HARTHORN, 0000  
TIMOTHY W. \* HARTMAN, 0000  
FROWENE S. HARVEY, 0000  
RICHARD P. \* HARVEY, 0000  
SAMUEL L. \* HARVEY, 0000  
KRISTEN A. \* HASSE, 0000  
OLIVER L. \* HASSE, 0000  
CLARK C. \* HATCH, 0000  
VAUGHN E. \* HATHAWAY, 0000  
MICHAEL R. HAUENSTEIN, 0000  
KEITH W. HAUFLEY, 0000  
ADAM R. \* HAUGHER, 0000  
ERIC P. \* HAUPT, 0000  
ROBERT J. \* HAUPT, 0000  
GARY M. \* HAUSMAN, 0000  
JOHN M. HAWKINS, 0000  
TIMOTHY C. HAYDEN, 0000  
ANDREW C. HAYES, 0000  
EDWARD E. HAYES JR., 0000  
PAUL R. HAYES, 0000  
KENNETH G. \* HAYNES, 0000  
LANCE E. \* HEADRICK, 0000  
MICHAEL T. \* HEATON, 0000  
JAMES M. \* HEEL, 0000  
JON L. \* HEFFNER JR., 0000  
RICHARD G. \* HEIDORN II, 0000  
ERIK L. \* HEINZ, 0000  
BRADLEY D. HELTON, 0000  
JOHN W. \* HENDERSON, 0000  
ORIE C. \* HENDERSON, 0000  
STEVEN J. HENDERSON, 0000  
VALERIE D. HENDERSON, 0000  
WILLIAM A. \* HENDERSON, 0000  
JOEL W. \* HENDRICKSON, 0000  
BARTHOLOMEW J. \* HENNESSEY IV, 0000  
KURT M. HENNINGER, 0000  
GERARD \* HENRY, 0000  
GORDON S. \* HENRY, 0000  
LAWRENCE W. HENRY, 0000  
PAUL A. \* HENRY, 0000  
ROBERT B. HENSLEY, 0000  
TY A. \* HENSLEY, 0000  
ARCHIE S. HERNDON, 0000  
RAYMOND J. \* HERRERA, 0000  
GREGORY T. \* HETZEL, 0000  
CURT J. \* HEWETT, 0000  
DANIEL H. HIBNER, 0000  
DAVID R. HIBNER, 0000  
CHRISTOPHER J. HICKEY, 0000  
DELBERT L. \* HICKS JR., 0000  
JEFFREY D. \* HICKS, 0000  
VANESSA F. HICKSCALLAWAY, 0000  
JENNIFER F. HICKSMCGOWAN, 0000  
TRISTAN S. \* HIGGINS, 0000  
LEON M. \* HILDRETH, 0000  
BERNARD K. HILL, 0000  
GARY L. \* HILL, 0000  
RACHEL J. HILL, 0000  
ANDREW C. HILMES, 0000  
ANDREW J. HITTNER, 0000  
BRIAN E. HITTNER, 0000  
DANIEL R. HOCHSTATTER, 0000  
EVERETT D. \* HOCKENBERRY III, 0000  
HAROLD B. \* HODGE III, 0000  
MATTHEW S. HODGE, 0000  
JOHN G. HODGSON, 0000  
TERRILL L. \* HODGSON, 0000  
BETH C. \* HOFFMAN, 0000  
CHRISTOPHER W. \* HOFFMAN, 0000  
ROBERT U. \* HOFFMAN, 0000  
DAVID A. \* HOFFS, 0000  
JOHN \* HOLEVA, 0000  
MARCUS E. \* HOLLIN, 0000  
LOREN A. \* HOLLINGER, 0000  
MATTHEW J. HOLLY, 0000  
TIMOTHY S. \* HOLMSLEY, 0000  
FREDERICKA C. \* HOLT, 0000  
KEVIN M. \* HOLTON, 0000  
NORMA J. HONAKER, 0000  
ADRIAN D. \* HOPE, 0000  
JOHN C. HOPKINS, 0000  
MARK A. \* HOPKINS, 0000  
BRITTON T. \* HOPPER, 0000  
BRIAN S. \* HORINE, 0000  
ADA L. HORN, 0000  
TODD R. HOURIHAN, 0000  
CRAIG D. \* HOVLAND, 0000  
CHARLES O. HOWALD, 0000  
ANTHONY R. HOWARD, 0000  
JACKY S. HOWARD, 0000  
PAUL D. \* HOWARD, 0000  
STEPHEN F. HOWE, 0000  
BRIAN E. \* HOWELL, 0000  
STEVEN T. \* HOWELL, 0000  
ALBERT Y. HUANG, 0000  
RICHARD C. HUBBARD, 0000  
CALVIN C. \* HUDSON II, 0000  
JOHN L. \* HUDSON, 0000  
CHRISTIAN H. HUETTEMAYER, 0000  
PETER B. \* HUIE, 0000  
MICHAEL S. HUMPHREYS, 0000  
JOEL P. \* HUMPHRIES, 0000  
JACK C. HUNNICUTT, 0000  
MICHAEL S. HUNTER, 0000  
SEAN K. \* HUNTER, 0000  
DOUGLAS S. \* HUNTRDS, 0000  
SCOTT A. \* HURLEY, 0000  
HARRY H. HURST III, 0000  
LLOYD W. HURST JR., 0000  
MAVIS Y. \* HUTCHINGS, 0000  
EUGENE S. HWANGBO, 0000  
TERRY C. \* HYMAN, 0000  
CHERYL L. \* HYNES, 0000  
MARVIN E. IAVECCHIA, 0000  
ROBERT M. \* IMBRIALE, 0000  
JOHN F. IRISH, 0000  
RUBEN \* IRIZARRYGUZMAN, 0000  
PAUL T. \* JACKSON, 0000  
WILLIAM G. JACOBS II, 0000  
TIMOTHY S. JACOBSEN, 0000  
CHAD T. JAGMIN, 0000  
WILLIAM K. \* JAKOLA, 0000  
JEFFERY N. JAMES, 0000  
JOHN A. \* JAMES, 0000  
ROGERS K. \* JAMES, 0000  
JOHN M. \* JANGULA, 0000  
DEIDRA A. \* JANKOWIAK, 0000  
DEAN E. \* JANOSIK, 0000  
KEITH R. \* JAROLIMEK, 0000  
MICHAEL D. JARON, 0000  
THOMAS G. \* JAUQUET, 0000  
JON E. \* JECKELL, 0000  
DEVERICK M. \* JENKINS, 0000  
GLENN E. JENKINS, 0000  
DARREN K. \* JENNINGS, 0000  
WYLIE A. \* JENSEN, 0000  
LOREN B. JERLOW, 0000  
CHRISTOPHER \* \* JESZENSZKY, 0000  
KYLE F. JETTE, 0000  
MANUEL A. \* JIMENEZ, 0000  
SAMUEL L. \* JOCK, 0000  
MICHAEL W. \* JOHNS, 0000  
ANNETTE \* JOHNSON, 0000  
BRIAN V. \* JOHNSON, 0000  
BRION L. \* JOHNSON, 0000  
DAVID A. \* JOHNSON, 0000  
GLENN W. \* JOHNSON, 0000  
JIMMY L. \* JOHNSON JR., 0000  
MARION \* JOHNSON JR., 0000  
MATTHEW \* JOHNSON, 0000  
RANDY T. JOHNSON, 0000  
RBERT T. JOHNSON, 0000  
RONNY A. \* JOHNSON, 0000  
STEVE JOHNSON, 0000  
STEVEN M. \* JOHNSON, 0000  
TERRANCE L. \* JOHNSON, 0000  
THOMAS H. JOHNSON JR., 0000  
TODD J. \* JOHNSON, 0000  
WILLIAM N. \* JOHNSON, 0000  
WILLIAM T. \* JOHNSON, 0000  
ZANDRA L. \* JOHNSON, 0000  
BRYAN R. JONES, 0000  
DANIEL L. \* JONES, 0000  
DAVID A. JONES, 0000  
DEREK P. \* JONES, 0000  
DESMOND C. \* JONES, 0000  
GARY D. JONES, 0000  
JOHN W. \* JONES, 0000  
STEVEN K. JONES, 0000  
TRAVIS H. \* JONES, 0000  
JASON E. JOOSE, 0000  
TIMOTHY T. \* JORDAN, 0000  
BRENT M. \* JORGENSEN, 0000  
IRA L. \* JOSEPH, 0000  
NICHOLAS A. \* JOSLIN, 0000  
JASON R. KALAINOFF, 0000  
MELINDA Z. \* KALAINOFF, 0000  
JOHN W. KALLO, 0000  
ANDREW D. \* KAMINSKY, 0000  
KING Y. KAO, 0000  
RICHARD C. \* KASERMAN, 0000  
ANSIS A. \* KAUGARS, 0000  
PATRICK N. \* KAUNE, 0000  
STEPHEN L. \* KAVANAUGH, 0000  
MICHAEL J. KAYS, 0000  
JIM R. \* KEENE, 0000  
CHESTER L. \* KEETON, 0000  
JONATHAN B. \* KEISER, 0000  
MARVIN D. \* KELLEM IV, 0000  
ANDREW D. KELLY JR., 0000  
KEVIN KELLY, 0000  
MICHAEL T. KELLY, 0000  
SCOTT W. KELLY, 0000  
JOSEPH T. KEMMER JR., 0000  
KENNETH G. \* KEMMERLY, 0000

MICHAEL W. \* KENFIELD, 0000  
 JAMES G. \* KENT, 0000  
 WILLIAM O. \* KEPLEY JR., 0000  
 DANFORD A. KERN, 0000  
 DENNIS W. KERWOOD, 0000  
 RANDALL E. \* KESSELRING, 0000  
 NEAL G. \* KETRON III, 0000  
 BRIAN G. \* KEYES, 0000  
 NEIL K. KHATOD, 0000  
 MARTINE S. KIDD, 0000  
 DON A. \* KING JR., 0000  
 DANIEL C. KINGSTON, 0000  
 DANIEL D. \* KINN, 0000  
 NICKOLAS T. KIOUTAS, 0000  
 JEFFREY R. \* KIRBY, 0000  
 DANIEL K. \* KIRK III, 0000  
 MICHAEL P. KIRKPATRICK, 0000  
 ARPAD \* KISCH, 0000  
 LAURA L. KNAPP, 0000  
 MICHAEL S. KNAPP, 0000  
 GEORGE M. \* KNEUPER II, 0000  
 JEFFREY C. \* KNIGHT, 0000  
 PETER G. KNIGHT, 0000  
 AMY M. \* KNOWLTON, 0000  
 MICHAEL G. KNOWLTON, 0000  
 KODJO S. KNOXIMBACKER, 0000  
 DEREK W. \* KNUFFKE, 0000  
 PETER J. \* KOCH, 0000  
 JAMES R. KOEPPEN, 0000  
 TRACY D. KOIVISTO, 0000  
 DEITRA T. \* KORANDO, 0000  
 KENT A. KORUNKA, 0000  
 MEGAN A. KOSEK, 0000  
 PETER J. \* KOSKO, 0000  
 JOHN M. \* KOSTUR, 0000  
 NELSON G. KRAFT, 0000  
 ALAN H. KRAL, 0000  
 ANTHONY S. \* KRAM, 0000  
 MICHAEL G. KRAUSE, 0000  
 TRACY L. KREUSER, 0000  
 SEAN J. \* KREYLING, 0000  
 KARLIS A. \* KRIVINS, 0000  
 ERIK \* KRIVDA, 0000  
 NICOLE R. KRIZ, 0000  
 ZOLTAN L. \* KROMPECHER, 0000  
 MICHAEL R. \* KROPUSHEK, 0000  
 SETH D. \* KRUMMIRCH, 0000  
 GARY C. \* KRUCZYNSKI, 0000  
 MICHAEL J. \* KUENZLI, 0000  
 KEVIN R. KUGEL, 0000  
 GEOFFREY D. KUHLMANN, 0000  
 JOSEPH M. \* KUSHNER, 0000  
 ROBERT \* KUTH, 0000  
 WILLIAM C. KUTTLER JR., 0000  
 ROGER D. KUYKENDALL, 0000  
 ALBERT M. LABELLA, 0000  
 ELDEN D. \* LACEY, 0000  
 MARC A. LAGO, 0000  
 JOHNNY M. LAIRSEY JR., 0000  
 ADRIEL C. \* LAM, 0000  
 SON K. \* LAM, 0000  
 CARL A. LAMAR, 0000  
 STEVEN F. \* LAMB, 0000  
 DAVID J. \* LAMBRECHT, 0000  
 PATRICK M. LANGE, 0000  
 ROBERT C. LAPRIZE, 0000  
 HAROLD L. LAROCK, 0000  
 JONATHAN S. LARONDE, 0000  
 JAMES C. \* LASHLEY III, 0000  
 DUANE S. LAUCHENGO, 0000  
 DANIEL P. \* LAURELLI, 0000  
 DAVINA LAUSEN, 0000  
 ANDREW M. \* LAWFIELD, 0000  
 ARNETTA L. LAWRENCE, 0000  
 GAVIN A. LAWRENCE, 0000  
 JOHN D. \* LAWRENCE, 0000  
 KENNETH L. LAWRENCE, 0000  
 RYAN C. \* LAWRENCE, 0000  
 GARY R. \* LAYNE II, 0000  
 RICHARD D. \* LAZIK, 0000  
 STEPHEN W. \* LEIBETTER, 0000  
 ANTHONY Q. \* LEE, 0000  
 MICHAEL C. \* LEE, 0000  
 TARA R. \* LEE, 0000  
 HARRIETT M. \* LEENUEWMAN, 0000  
 MICHAEL J. \* LEGLER, 0000  
 BRADEN G. \* LEMASTER, 0000  
 RICHARD H. \* LEMOIR, 0000  
 CHARLES R. LENOIR JR., 0000  
 SCOTT M. \* LENZMEIER, 0000  
 KEBGAN S. \* LEONARD, 0000  
 PETER E. \* LEON, 0000  
 GARY C. \* LEROUX, 0000  
 KENNETH W. \* LETCHER, 0000  
 SETH D. \* LEVINE, 0000  
 JASON L. LEWALLEN, 0000  
 BARCLAY L. \* LEWIS JR., 0000  
 JAMES M. LEWIS III, 0000  
 JERRY M. \* LEWIS, 0000  
 TROY D. LEWIS, 0000  
 AARON B. LILLEY, 0000  
 CLOYD D. LILLEY, 0000  
 DARRYL T. \* LILLIAN, 0000  
 ALAN T. LINDLEY, 0000  
 DAVID A. LINDOW JR., 0000  
 ROBERT H. LINDSEY JR., 0000  
 BRIAN P. \* LIONBERGER, 0000  
 JOHN F. \* LITVIN, 0000  
 MICHAEL R. \* LIVERPOOL, 0000  
 WALTER \* LLAMAS, 0000  
 BRUCE A. \* LLOYD, 0000  
 JOHN P. LLOYD, 0000  
 JAMES L. \* LOCK, 0000  
 GRACIELA LOERA, 0000  
 DAMEION L. \* LOGAN, 0000  
 BRITTON T. \* LONDON, 0000  
 DOUGLAS T. \* LONDON, 0000  
 DAVID F. \* LONGBINE, 0000  
 CARLOS G. \* LOPEZVEGA, 0000  
 FREDERICK E. LORA, 0000  
 MATTHEW C. LORENZ, 0000  
 RALPH A. \* LOUNSBROUGH, 0000  
 ERIK W. \* LOWE, 0000  
 LANGDON J. LUCAS, 0000  
 NICOLE M. LUCAS, 0000  
 SAMANTHA LUCAS, 0000  
 SHANNON M. LUCAS, 0000  
 KIRK A. \* LUDEKE, 0000  
 THOMAS B. \* LUFT, 0000  
 JOYCE M. \* LUGRAIN, 0000  
 CAREY G. \* LUSE, 0000  
 ROBERT \* LUTZ, 0000  
 DAVID S. LYLE, 0000  
 MICHAEL R. MAAS, 0000  
 DONALD A. MACCUSH, 0000  
 OCTAVE V. \* MACDONALD, 0000  
 ROCKY C. \* MACK, 0000  
 JASON C. \* MACKAY, 0000  
 RONALD A. MACKAY, 0000  
 DANIEL W. MACKLE, 0000  
 JOHN C. \* MACMURRAY, 0000  
 MATTHEW D. \* MACNEILLY, 0000  
 CECIL R. MACPHERSON, 0000  
 GABRIELLE M. MADDALONI, 0000  
 MARIANNE \* MADRID, 0000  
 AARON P. \* MAGAN, 0000  
 ROBERT E. MAGEE, 0000  
 JOEL S. \* MAGSIG, 0000  
 NEIL R. \* MAHABIR, 0000  
 JENNIFER R. MAHONY, 0000  
 PATRICK A. \* MAHONY, 0000  
 LUCIO E. \* MALDONADO JR., 0000  
 DALE W. \* MALLORY, 0000  
 ANTONE \* MALONE, 0000  
 DANIEL M. \* MALONEY, 0000  
 WILLIAM R. \* MANER, 0000  
 RENEE L. MANN, 0000  
 ROBERT P. \* MANN, 0000  
 LOUIS R. MANING, 0000  
 GREGORY A. \* MANN, 0000  
 HOWARD A. \* MANBUT, 0000  
 VICTOR R. \* MARKELL, 0000  
 TEWANNA K. MARKS, 0000  
 KYLE R. MAROLF, 0000  
 STEPHEN C. MARR, 0000  
 ADRIAN A. MARSH, 0000  
 ROBERT W. \* MARSHALL, 0000  
 MICHAEL P. MARTEL, 0000  
 BRETT N. MARTIN, 0000  
 JAY C. MARTIN, 0000  
 PHILIP D. \* MARTIN, 0000  
 WENDY D. MARTIN, 0000  
 ANTHONY A. MARTINEZ, 0000  
 HECTOR I. \* MARTINEZPINEIRO, 0000  
 FRED M. MARTY, 0000  
 THERESA F. MASENGALE, 0000  
 BARBARA J. MASON, 0000  
 ROBERT A. \* MASON, 0000  
 KEITH E. \* MATSKELLA, 0000  
 MARK W. \* MATTEL, 0000  
 JOSEPH G. MATTHEWS, 0000  
 CHRISTOPHER MATTHEW, 0000  
 JAMES A. MATTOX, 0000  
 JAMES R. MAULDIN, 0000  
 SHERYL M. \* MAXWELL, 0000  
 ZABRINA D. \* MAYNARD, 0000  
 KEVIN A. MCANINGH, 0000  
 KEVIN D. MCCARLEY, 0000  
 ROBERT E. MCCLINTOCK JR., 0000  
 CHRISTOPHER M. \* MCCLUNG, 0000  
 MICHAEL W. \* MCCOLLOUGH, 0000  
 ROBERT G. \* MCCORMICK, 0000  
 CHRISTINA L. MCCORMICK, 0000  
 SHON A. MCCORMICK, 0000  
 JEFFREY D. MCCOY, 0000  
 DANIEL A. \* MCCRAY, 0000  
 LOUIS P. \* MCCRUTCHEN, 0000  
 DAVID E. \* MCCULLY, 0000  
 KERRY D. MCCULLUM, 0000  
 MICHAEL J. MCCURTU, 0000  
 TIMOTHY R. \* MCDONALD, 0000  
 JESSE L. \* MCFARLAND JR., 0000  
 DANIEL L. \* MCGEL, 0000  
 SCOTT T. \* MCGLEISH, 0000  
 JOSEPH J. MCGRAW, 0000  
 TERENCE J. MCGRAW, 0000  
 MICHAEL D. \* MCGREGOR, 0000  
 JASON J. MCGUIRE, 0000  
 JEREMY P. \* MCGUIRE, 0000  
 DAVID G. MCGURK, 0000  
 STEPHEN R. MCHALE, 0000  
 SEAN K. MCKEAGUE, 0000  
 MARVIN T. \* MCKENZIE, 0000  
 MARC W. MCKINLEY, 0000  
 JIMMIE J. \* MCKINNEY, 0000  
 MITCHELL J. \* MCKINNEY, 0000  
 FRANK D. \* MCKINNEY, 0000  
 VALERIE N. MCKNELL, 0000  
 BRIAN W. \* MCLAUGHLIN, 0000  
 INGO \* MCLEAN, 0000  
 TIMOTHY L. \* MCLEAN, 0000  
 GARY S. \* MCLEOD, 0000  
 CLYDE M. \* MCNALLY, 0000  
 THOMAS C. \* MCNEW, 0000  
 KENNETH D. \* MCRAE, 0000  
 RODNEY S. MCWHORTER, 0000  
 JOSEPH W. \* MEANS, 0000  
 KRISTIN A. MEANS, 0000  
 AMY M. MEERS, 0000  
 STEPHEN T. MEFFORD, 0000  
 JOSE E. MELENDEZ, 0000  
 JORGE \* MELENDEZRAMOS, 0000  
 BRIAN E. MEMOLI, 0000  
 WILLIAM H. MENGEL JR., 0000  
 ISRAEL \* MERCADO JR., 0000  
 ROBERT \* MERCERON, 0000  
 ANGEL C. \* MESA, 0000  
 THOMAS B. MESSERVEY, 0000  
 JOSEPH A. \* METAYER, 0000  
 DANIEL S. \* METTLING, 0000  
 CHRISTOPHER E. \* METZ, 0000  
 DAVID A. \* MEYER, 0000  
 DARLENE M. MIDDLETON, 0000  
 IRA E. MIKESELL, 0000  
 MARK D. MILES, 0000  
 AUSTIN J. MILLER, 0000  
 JASON L. MILLER, 0000  
 JOEL M. MILLER, 0000  
 MARK A. MILLER, 0000  
 ROLAND N. \* MIRACO JR., 0000  
 STEVEN T. \* MISZCZENSKI JR., 0000  
 JASON A. MISELI, 0000  
 CHAD T. \* MITCHELL, 0000  
 ROBB C. MITCHELL, 0000  
 SAMUEL T. MITCHELL II, 0000  
 SUSAN M. MITCHELL, 0000  
 VINCENT \* MITCHELL, 0000  
 JAMES E. \* MIXSON III, 0000  
 DOUGLAS A. MOHLER, 0000  
 RICHARD A. \* MOHR, 0000  
 MARK A. \* MOLITOR, 0000  
 JAMES \* MOMON JR., 0000  
 JOSHUA L. MOON, 0000  
 STEWART W. MOON JR., 0000  
 BRADLEY S. \* MOORE, 0000  
 CATHRYN L. \* MOORE, 0000  
 DAVID C. \* MOORE, 0000  
 JEREMY B. \* MOORE, 0000  
 JESSE F. MOORE, 0000  
 SCOTT M. \* MOORE, 0000  
 THEO K. \* MOORE, 0000  
 VIRGINIA A. \* MOORECATLETT, 0000  
 MICHAEL E. MORA, 0000  
 LOUIS W. MORALES, 0000  
 THOMAS P. MORAN, 0000  
 GARY J. MORGA, 0000  
 DANIEL S. \* MORGAN, 0000  
 JOHN L. MORGAN, 0000  
 SAMUEL W. \* MORGAN, 0000  
 MICHAEL R. MORIN, 0000  
 DANIEL Y. MORRIS, 0000  
 ERWIN C. \* MORRIS III, 0000  
 JEFFREY E. \* MORRISON, 0000  
 JAMES C. \* MOSES, 0000  
 GLENN R. \* MOTES, 0000  
 DAVID A. \* MOTES, 0000  
 GREGORY L. MOTES, 0000  
 VINCENT A. \* MOTLEY, 0000  
 JOSEPH M. \* MOURER, 0000  
 JOHN C. MOUNTCASTLE, 0000  
 JOHN B. MOUNTFORD, 0000  
 KARL E. MUEGO, 0000  
 SCOTT W. MUELLER, 0000  
 JONATHAN C. MURCHOW, 0000  
 DAVID E. MUGG, 0000  
 CHRISTOPHER W. MULLER, 0000  
 JAMES D. \* MULLINAX, 0000  
 MICHELLE M. \* MUNGER, 0000  
 BRIAN C. \* MURPHY, 0000  
 BRUCE A. MURPHY, 0000  
 JEFFREY B. MURPHY, 0000  
 JOHN P. MURPHY JR., 0000  
 STEPHEN M. \* MURPHY, 0000  
 FELECIA D. \* MURRAY, 0000  
 MICHELLE M. \* MURRAY, 0000  
 SHAWN R. \* MURRAY, 0000  
 JASON R. MURRAY, 0000  
 BRUCE W. \* MYERS, 0000  
 FREDERICK W. \* MYERS III, 0000  
 DAVID M. MYRDA, 0000  
 JOHN C. \* NALLS, 0000  
 PATRICIA A. NANCE, 0000  
 RICHARD A. NASH, 0000  
 KARI D. \* NEAL, 0000  
 ROBERT E. \* NEAVE JR., 0000  
 KEITH L. \* NELSON, 0000  
 THOMAS F. \* NELSON, 0000  
 THOMAS M. \* NELSON, 0000  
 JEFFREY T. \* NESTER, 0000  
 DANTE S. NETHERY, 0000  
 JOSEPH A. NEUMANN, 0000  
 MARK T. \* NEUMANN, 0000  
 BERTON R. \* NEWBILL, 0000  
 JENNIFER L. \* NEWLON, 0000  
 LEONARD J. \* NEWMAN III, 0000  
 RICHARD \* NG, 0000  
 THONG H. NGUYEN, 0000  
 CONSTANTIN E. NICOLET, 0000  
 JEFFREY S. \* NIEMI, 0000  
 RAFAEL E. NIGACLIONIBEMUD, 0000  
 TERRY M. NIHART, 0000  
 JASON M. \* NORTON, 0000  
 STEVEN J. \* NOSBISCH, 0000  
 JOSEPH A. NOTCH, 0000  
 BRETT E. NOVAK, 0000  
 ALEXANDER G. \* NYGAARD, 0000  
 STEVEN L. \* OATMAN, 0000  
 TIMOTHY F. \* O'BRIEN, 0000  
 CHRISTOPHER M. O'CONNOR, 0000  
 RYAN P. O'CONNOR, 0000  
 HENRY S. \* OFECLAIR, 0000  
 ROSS M. OHARAHULETT, 0000  
 RONALD C. \* OLDANI, 0000  
 MARK P. OLIN, 0000  
 MICHAEL R. OLIVE, 0000  
 JOHN A. OLIVER JR., 0000  
 APRIL N. \* OLSEN, 0000  
 ROGER L. OLSON, 0000  
 DENNIS F. ONEIL, 0000  
 OKAL A. \* ONYUNDO, 0000  
 ROBERT J. \* ORSI, 0000

LUIS A. \* ORTIZ, 0000  
 DAVID D. ORTON, 0000  
 BRIAN K. ORWIG, 0000  
 JEFFREY M. OSADNICK, 0000  
 JOHN C. \* OSBOURN, 0000  
 HECTOR E. OSEGUERA, 0000  
 EDWARD J. \* OSPITAL, 0000  
 ROGER D. \* OSTEN JR., 0000  
 BRADLEY D. \* OSTERMAN, 0000  
 LARS B. \* OSTERVOLD JR., 0000  
 JAMES A. OSUNA, 0000  
 CHRISTOPHER L. OTT, 0000  
 DAVID G. \* OTT, 0000  
 JONATHAN A. \* OTTO, 0000  
 DARCY L. \* OVERBEY, 0000  
 KEVIN D. \* PACE, 0000  
 JIN H. PAK, 0000  
 JOSEPH T. \* PALAISTRA III, 0000  
 DEBORAH S. \* PALLADINI, 0000  
 BILL A. PAPANASTASIOU, 0000  
 ALBERT J. PAQUIN, 0000  
 FRANCIS J. PARK, 0000  
 STEVE J. PARK, 0000  
 ROBBIE W. PARKE, 0000  
 INGRID A. \* PARKER, 0000  
 STEPHEN L. \* PARKER, 0000  
 JAMES C. PARRACK, 0000  
 CHRISTOPHER A. \* PARRINELLO, 0000  
 CARL L. \* PARSONS, 0000  
 ANGELITO G. \* PASION JR., 0000  
 THOMAS PATRINICOLA, 0000  
 CRAIG R. \* PATTERSON, 0000  
 MARIE T. PAULEY, 0000  
 JOSEPH H. PAULIN, 0000  
 GLENN J. \* PAULINO, 0000  
 MARK L. PAULUS, 0000  
 JOSEPH A. \* PAVONE JR., 0000  
 RANDY L. PAXTON, 0000  
 DEREK P. \* PAYNE, 0000  
 MICHAEL A. \* PAYNE, 0000  
 ANTONIO M. \* PAZ, 0000  
 OSSIE L. \* PEACOCK JR., 0000  
 MATTHEW K. PEAKS, 0000  
 AUSTIN T. \* PEARSON, 0000  
 DARLENE E. \* PEARSON, 0000  
 QUENTHER \* PEARSON, 0000  
 MATTHEW D. PEDERSON, 0000  
 CHARLIE L. \* PELHAM, 0000  
 JUAN J. PENA, 0000  
 OSÁ D. \* PENNY III, 0000  
 RODNEY G. \* PENNY, 0000  
 GERRY A. \* PEPPMULLER, 0000  
 STEVEN R. PERKINS, 0000  
 EDDIE L. PERRY, 0000  
 KEYE E. PERRY JR., 0000  
 DWIGHT J. PETERS JR., 0000  
 ROBERT M. \* PETERS, 0000  
 SCOTT A. \* PETTIGREW, 0000  
 THOMAS C. \* PETTY, 0000  
 STEPHEN C. PETZOLD, 0000  
 ANDREW M. PHALAN, 0000  
 ALEX V. PHAM, 0000  
 CONWAY S. \* PHELPS, 0000  
 DAVID C. PHILLIPS, 0000  
 SHELIA Y. \* PHILLIPSHICKS, 0000  
 PHILIP T. \* PIAGET III, 0000  
 SEAN M. \* PICCIANO, 0000  
 MARK A. \* PICCONI, 0000  
 CURTIS L. PIERCE II, 0000  
 JOSEPH I. PIERCE, 0000  
 MICHAEL D. \* PIERCE, 0000  
 STEVEN M. PIERCE, 0000  
 JOHN L. PILGRIM, 0000  
 WESLEY M. PIRKLE, 0000  
 ESLI T. \* PITTS, 0000  
 JOSEPH N. \* PLESH, 0000  
 ALFONSO T. \* PLUMMER, 0000  
 CHRISTOPHER PLUMMER, 0000  
 DAWSON A. \* PLUMMER, 0000  
 JOHN POGHINSKI, 0000  
 JOSE L. POLLANCO, 0000  
 ROSS M. \* POLLACK, 0000  
 JOHN T. \* POPE, 0000  
 RICHARD A. \* POPE III, 0000  
 ROSS C. \* POPPENBERGER, 0000  
 JOHN J. \* PORAMBO, 0000  
 LARRY E. \* PORTER JR., 0000  
 DONALD S. POTOCZNY, 0000  
 JEFFREY H. POWELL II, 0000  
 MICHAEL T. \* POWELL, 0000  
 PAUL \* POWELL, 0000  
 STEVEN M. POWELL, 0000  
 LEWIS J. POWERS, 0000  
 MARK L. \* PRALAT SR., 0000  
 EDDIE L. \* PRESSLEY, 0000  
 RONNIE H. PRESTON JR., 0000  
 DONALD L. \* PRIOLEAU, 0000  
 PATRICK E. PROCTOR, 0000  
 JAMES R. PUGH, 0000  
 ERIC S. \* PULS, 0000  
 MARK T. PURS, 0000  
 MARK C. QUANDER, 0000  
 CHRISTOPHER R. \* QUICK, 0000  
 RICHARD QUINBY, 0000  
 JOHN W. \* QUINENE, 0000  
 ANTHONY U. \* QUINN, 0000  
 JUAN D. QUINTERO, 0000  
 GINO \* QUINTILLANI, 0000  
 MICHAEL A. \* QUITANIA, 0000  
 PAUL W. \* RADTKE, 0000  
 LESLIE A. \* RAFFERTY, 0000  
 VANESSA K. RAGSDALE, 0000  
 KENNETH A. \* RAIFORD, 0000  
 ROBERT L. \* RALSTON, 0000  
 CHARLES R. \* RAMBO, 0000  
 RICHARD T. \* RAMSEY II, 0000  
 KEVIN J. RANTS, 0000  
 FRANKIE A. RAS, 0000  
 LANCE C. RASMUSSEN, 0000  
 MATTHEW D. \* RAUSCHER, 0000  
 KEITH R. \* RAUTTER, 0000  
 JOSEPH F. \* RAWLINGS, 0000  
 JOHN C. \* RAYBURN, 0000  
 ANDREW M. \* REARDON, 0000  
 DON S. \* REDD JR., 0000  
 MATTHEW R. \* REDDELL, 0000  
 HEATHER L. REED, 0000  
 JAMES W. REED IV, 0000  
 JOHN P. \* REED, 0000  
 DWAYNE D. \* REEVES, 0000  
 WILLIAM R. REEVES, 0000  
 CHRISTOPHER N. REICHAERT, 0000  
 ANDREW C. REICHERT, 0000  
 AARON W. REISINGER, 0000  
 RYAN D. REMLEY, 0000  
 ERIC M. \* REMOY, 0000  
 KEVIN P. \* RESZKA, 0000  
 DOUGLAS J. \* REYNOLDS, 0000  
 ERIK J. \* REYNOLDS, 0000  
 MICHAEL E. \* REZABEK, 0000  
 MARY M. \* REZENDES, 0000  
 ERIC S. RHIND, 0000  
 CYNTHIA L. RHODES, 0000  
 WILLIAM J. \* RICE, 0000  
 CHRISTOPHER F. RIEMER, 0000  
 SCOTT W. \* RILEY, 0000  
 JOHN D. RING, 0000  
 SCOTT W. \* RINGWALD, 0000  
 MATTHEW C. RINKE, 0000  
 JASON R. RIOS, 0000  
 MICHAEL T. RIPLEY, 0000  
 ROBERT A. \* RISDON, 0000  
 MICHAEL A. \* RITZCHART, 0000  
 WILEY P. RITTENHOUSE, 0000  
 CARLOS A. \* RIVERA, 0000  
 JOSE M. \* RIVERA, 0000  
 LUIS M. \* RIVERA, 0000  
 CRAIG T. RIVET, 0000  
 CHRISTOPHER M. \* RIZZO, 0000  
 ALFRED S. \* ROACH, 0000  
 JOSEPH F. \* ROACH, 0000  
 VINCENT W. \* ROACH, 0000  
 JAMES R. \* ROBBINS, 0000  
 JARED D. \* ROBBINS, 0000  
 RYAN N. ROBERSON, 0000  
 GEORGE H. \* ROBERTS III, 0000  
 JOSEPH ROBERTS, 0000  
 JOSEPH W. \* ROBERTS, 0000  
 RODNEY C. \* ROBERTS, 0000  
 CHARLES S. \* ROBERTSON, 0000  
 CHRISTOPHER \* ROBERTSON, 0000  
 DARELL M. \* ROBINSON, 0000  
 THOMAS J. \* ROBINSON JR., 0000  
 RORY J. \* RODESKY, 0000  
 ADRIAN L. RODRIGUEZ, 0000  
 CHRISTOPHER \* RODRIGUEZ, 0000  
 JOSE L. RODRIGUEZ, 0000  
 PATRICK C. ROGERS, 0000  
 WILLIAM G. \* ROGERS JR., 0000  
 JONATHAN A. ROLFE, 0000  
 JOSEPH D. ROLLER, 0000  
 WILLIAM G. ROM, 0000  
 MATTHEW A. \* ROMAGNUOLO, 0000  
 MONTE L. RONE, 0000  
 LUIS A. ROSADO FELICIANO, 0000  
 PATRICK A. \* ROSE, 0000  
 TIMOTHY S. ROSE, 0000  
 BRINTON H. \* ROSENBERRY, 0000  
 MARCO V. ROSITO, 0000  
 CHARLES X. \* ROTTE, 0000  
 JEFFREY A. \* ROTHERMEL, 0000  
 JOHN P. \* ROTIER, 0000  
 ROBERT D. \* ROUSE, 0000  
 PAUL U. ROYLE, 0000  
 JEFFREY N. \* RUCH, 0000  
 JAN L. \* RUSCHHOFF, 0000  
 LETA M. RUFFIN, 0000  
 AYERILL RUIZ, 0000  
 DAVID M. \* RUIZ, 0000  
 FIDEL V. \* RUIZ, 0000  
 RODGER S. \* RUIZ JR., 0000  
 DANIEL L. RUNYON, 0000  
 ANTHONY W. RUSH, 0000  
 SCOTT M. \* RUSH, 0000  
 ROBERT T. \* RUSTAD, 0000  
 RANDY D. RUSTMAN, 0000  
 BRYAN W. \* RYDER, 0000  
 JEFFREY A. SAELI, 0000  
 AARON W. SAGER, 0000  
 THOMAS J. \* SAGER, 0000  
 RAMIRO R. \* SALAZAR, 0000  
 STEVEN M. \* SALLLOT, 0000  
 PAUL J. SALMON, 0000  
 THOMAS I. SALTYSIAK, 0000  
 WELLINGTON W. \* SAMOUCÉ, 0000  
 ALISHA A. SANDERS, 0000  
 LARRY G. \* SANDERS, 0000  
 SHELLEY E. \* SANDERS, 0000  
 SARGIS \* SANGARI, 0000  
 ROBERT C. SANTAMARIA, 0000  
 ARIZMENDI E. SANTIAGO, 0000  
 RODRIGUEZ G. \* SANTIAGO, 0000  
 JUSTIN W. SAPI, 0000  
 BYRON L. \* SARGHET, 0000  
 WILLIAM C. SAUNDERS, 0000  
 MICHAEL E. SAXON, 0000  
 PATRICIA K. SAYLES, 0000  
 CURBY \* SCARBOROUGH, 0000  
 BRIAN R. \* SCHAAP, 0000  
 KURT A. \* SCHADEWALD, 0000  
 HERMANN W. \* SCHLORTT, 0000  
 THERESA A. \* SCHLOSSER, 0000  
 GEOFFREY M. \* SCHMALZ, 0000  
 GLENN C. \* SCHMICK, 0000  
 ERIC A. \* SCHMIDT, 0000  
 CHRISTOPHER D. SCHNEIDER, 0000  
 MARIA D. \* SCHNEIDER, 0000  
 CHAD C. \* SCHOOLS, 0000  
 JONATHAN E. \* SCHRADER, 0000  
 MATTHEW F. \* SCHRAMM, 0000  
 PATRICK X. SCHREIBER, 0000  
 JAMES H. \* SCHREINER, 0000  
 CURTIS M. SCHROEDER, 0000  
 JEFFREY M. \* SCHROEDER, 0000  
 JEREMY J. SCHROEDER, 0000  
 SCOTT J. SCHROEDER, 0000  
 TODD E. \* SCHROEDER, 0000  
 DANIELLE J. \* SCHUG, 0000  
 JAMES C. SCHUG, 0000  
 CRAIG L. \* SCHUH, 0000  
 SHAWN C. \* SCHULDIT, 0000  
 ROBERT W. \* SCHULTZ, 0000  
 JAMES M. SCHULTZE, 0000  
 RICHARD T. \* SCHUTE JR., 0000  
 DOMINIC M. SCOLA, 0000  
 JAMES J. SCOTT, 0000  
 JEFFREY A. \* SCOTT, 0000  
 RICHARD M. SCOTT, 0000  
 CARMELIA J. \* SCOTTSKILLERN, 0000  
 JERRY R. \* SCRIVEN JR., 0000  
 JOSEPH E. SCROCCA, 0000  
 RODNEY H. \* SEALE, 0000  
 AUGUST C. \* SEEBER, 0000  
 PATRICK R. \* SEIBER, 0000  
 ARTHUR W. SELLERS, 0000  
 LAWRENCE M. SEWARD, 0000  
 JON T. \* SEXTON, 0000  
 SHERRI L. SHADROCK, 0000  
 DAVID E. SHANK, 0000  
 SALEM L. \* SHARP, 0000  
 MERRILL P. \* SHARPTON, 0000  
 MARK A. \* SHEEHAN, 0000  
 RICHARD D. SHEMENSKI, 0000  
 TALMADGE C. SHEPPARD, 0000  
 MAKALENA Y. SHIBATA, 0000  
 WILLIAM J. \* SHINN JR., 0000  
 STEPHEN T. SHORE, 0000  
 THOMAS A. \* SHULTZ, 0000  
 ERIC P. \* SHWEDO, 0000  
 CHARLENE P. SIBAJA, 0000  
 ROSHER A. SIBAJA, 0000  
 MICHAEL R. SIEGL, 0000  
 MICHAEL R. \* SIERAKOWSKI, 0000  
 STEVEN B. \* SIGLICH JR., 0000  
 TERRY D. SIMMS, 0000  
 MICHAEL J. \* SIMPSON, 0000  
 SAMUEL K. SIMPSON II, 0000  
 KEITH L. \* SINGLETON, 0000  
 DAVID R. SIRY, 0000  
 GREGORY T. \* SISSON, 0000  
 RICKY L. SKEEN, 0000  
 SAMUEL H. SKINNER, 0000  
 SHANNON M. SLACK, 0000  
 MICHAEL L. SLUSSER, 0000  
 THOMAS L. SMALL, 0000  
 KENNETH B. \* SMEDLEY, 0000  
 DAVID A. \* SMITH, 0000  
 DONALD E. SMITH, 0000  
 EDWARD L. \* SMITH, 0000  
 ERIC T. SMITH, 0000  
 GRANVILLE R. \* SMITH, 0000  
 GREGORY K. SMITH, 0000  
 GREGORY C. \* SMITH, 0000  
 HANK E. \* SMITH, 0000  
 IRA L. \* SMITH, 0000  
 JAMES F. SMITH, 0000  
 JAMES P. SMITH, 0000  
 JAMES R. \* SMITH, 0000  
 JASON S. \* SMITH, 0000  
 JOEY R. \* SMITH JR., 0000  
 MATTHEW \* SMITH, 0000  
 PATRICK M. \* SMITH, 0000  
 QUENTIN L. SMITH, 0000  
 ROBERT C. \* SMITH JR., 0000  
 ROBERT L. SMITH, 0000  
 RONALD W. SMITH, 0000  
 SHARON G. \* SMITH, 0000  
 TAMARA L. \* SMITH, 0000  
 TONG I. \* SMITH, 0000  
 MICHAEL K. \* SNEDDEN, 0000  
 KENT M. \* SNYDER, 0000  
 MIKE SOLIS, 0000  
 DEAN R. \* SOMERS, 0000  
 RUTH L. SONAK, 0000  
 SCOTT E. SONSALLA, 0000  
 JON K. SOWARDS, 0000  
 RICHARD J. \* SPANARD, 0000  
 JOHN P. \* SPANOGLE, 0000  
 ANTHONY D. \* SPAULDING, 0000  
 JEFFREY S. SPEAR, 0000  
 JONATHAN E. SPEARS, 0000  
 RICHARD C. SPENCER JR., 0000  
 VANCE R. SPERRY, 0000  
 JAMES G. SPIVEY, 0000  
 SCOTT A. \* SPRADLIN, 0000  
 CHARLES E. \* STCLAIR, 0000  
 MATTHEW N. STADER, 0000  
 CHARLONE E. \* STALLWORTH, 0000  
 RICHARD E. STANFIELD II, 0000  
 PAUL R. \* STANFILL, 0000  
 NAOMI R. \* STANKOWMERCER, 0000  
 DWAYNE T. STANTON, 0000  
 PAUL T. STANTON, 0000  
 TERESA L. STARKS, 0000  
 ADAM C. STELLHAMMER, 0000  
 JENNIFER M. \* STEPHENS, 0000  
 JAMES M. STEPIEN, 0000  
 ROBERT P. \* STERBUTZEL, 0000  
 LLOYD C. \* STERLING, 0000  
 JAMES L. \* STEVENSON, 0000  
 JAMES M. \* STEVISON, 0000

GLENDA M. STEWARD, 0000  
 ALLISON L. \* STEWART, 0000  
 LAUNDETTE A. \* STEWART, 0000  
 LAWRENCE I. \* STEWART, 8900  
 RYAN T. STEWART, 0000  
 RICHARD G. \* STINSON, 2695  
 ROGERS L. \* STINSON JR., 1082  
 CARY G. STOLARCEK, 0000  
 JONATHAN M. \* STONE, 7853  
 LESLIE E. \* STONHOCKER, 9488  
 ALAN W. \* STOUT, 9360  
 STEVEN D. \* STOWELL, 4491  
 MICHAEL E. \* STUBBER, 8853  
 BRIAN L. \* STUCKERT, 0172  
 RODRIGUEZ L. STUCKEY, 0000  
 BRIAN P. SULLIVAN, 0000  
 JOHN F. SULLIVAN III, 0000  
 MICHAEL C. \* SULLIVAN, 2652  
 MICHAEL D. SULLIVAN, 0000  
 MICHAEL P. \* SULLIVAN, 0281  
 SHANE M. SULLIVAN, 0000  
 STEPHEN K. \* SULLIVAN, 0858  
 RAYMOND V. \* SUMNER, 9093  
 TIMOTHY J. \* SWANNER, 2713  
 ERICK W. \* SWEET II, 5218  
 MATTHEW J. \* TACKETT, 1836  
 STEPHEN P. TALBOTT, 0000  
 ADAM S. \* TALKINGTON, 2267  
 TERRY P. \* TANNER, 1479  
 PAUL W. \* TAPPEN, 6961  
 MICHAEL S. TARQUINTO, 0000  
 DAVID F. TASHEA, 0000  
 CHRISTOPHER J. \* TATKA, 0000  
 ANNE V. \* TAYLOR, 3991  
 CHARLES A. \* TAYLOR, 4522  
 HORACE D. TAYLOR, 0000  
 JOSEPH R. \* TAYLOR III, 8705  
 KEITH L. \* TAYLOR, 8302  
 MICHAEL R. \* TAYLOR, 5137  
 PATRICK E. \* TAYLOR, 0774  
 RANDY L. \* TAYLOR, 7790  
 RICHARD I. \* TAYLOR IV, 9979  
 DANIEL L. TEETER, 0000  
 COREY M. \* TEJCHMA, 4683  
 DIANNA N. TEPIN, 0000  
 BRUCE W. TERRY, 0000  
 KIRKPATRICK F. \* TERRY, 7944  
 TONY L. \* THACKER, 6385  
 SAKURA S. THERRIEN, 0000  
 ALLAN R. THOMAS JR., 0000  
 CALVIN C. \* THOMAS, 5597  
 DAVID A. THOMAS, 0000  
 GLENN R. THOMAS, 0000  
 JERRY J. \* THOMAS, 7307  
 JOSEPH J. \* THOMAS JR., 6367  
 KIM M. \* THOMAS, 4477  
 LENARD E. THOMAS II, 0000  
 STEVEN L. \* THOMAS, 2434  
 CHRISTOPHER M. \* THOMPSON, 6417  
 DAVID G. \* THOMPSON, 8782  
 MARK A. \* THOMPSON, 6428  
 ANTHONY M. THORNTON, 0000  
 DOUGLAS E. \* THORNTON, 9728  
 TIMOTHY N. TIMMONS, 0000  
 PETER B. TINGSTROM, 0000  
 BRADLEY F. \* TISCHLER, 7159  
 ROY L. \* TISDALE, 9237  
 MICHAEL A. \* TODD, 7311  
 VICTOR E. \* TODD, 9726  
 WALTER R. \* TODD JR., 6105  
 LLOYD L. \* TOGISALA, 3801  
 VINCENT J. \* TOLBERT, 4746  
 ERIC S. TOLLEFSON, 0000  
 BOYD J. \* TOMASETTI, 9668  
 WILLIAM P. \* TOMLIN, 8977  
 GREGORY A. TOROK, 0000  
 EDWIN R. \* TORRES, 2768  
 MARIO TORRES, 0000  
 AADAM B. \* TRASK, 4552  
 REBECA R. \* TRAYLOR, 8020  
 STEPHEN R. TREATON, 0000  
 PATRICK W. \* TRIPLETT, 0349  
 EARLE C. \* TROTT, 0886  
 DAVID S. \* TROUTMAN, 9174  
 MICHAEL A. TRUE, 0000  
 ANDRE V. \* TUCKER, 6641  
 JOHN D. TUCKER, 0000  
 AARON D. TUEMLER, 0000  
 LINDA F. \* TURK, 9867  
 PAUL W. \* TURNBULL JR., 4039  
 FRANK L. TURNER II, 0000  
 GREGORY S. \* TURNER, 0832  
 JOHN W. TURNER, 0000  
 MATTHEW J. TURPIN, 0000  
 KEVIN C. \* TYLER, 5651  
 JEFFREY G. \* URBAN, 2082  
 JOSE A. \* VALENTIN JR., 5413  
 JAMES T. \* VALENTINE, 9935  
 JEFFREY VANCLEAVE, 0000  
 JEFFERY P. \* VANCUREN, 0921  
 CHRISTINE A. \* VANLOOK, 2660  
 WILLIAM D. \* VANNESS, 5995  
 JOSEPH W. \* VARNEY, 0564  
 VICTOR C. \* VASQUEZ, 9179  
 GRANT A. VAUGHAN, 0000  
 JOEY L. VAUGHT, 0000  
 EDWARD M. \* VEDDER, 3205  
 MICHAEL A. \* VEGA, 9626  
 DANIEL L. VELAZQUEZ, 0000  
 WILLIAM J. \* VELAZQUEZRIVERA, 1180  
 KIMBERLY J. \* VENABLE, 9719  
 MARTIN W. \* VERBOOM, 3104  
 TODD J. VERRILL, 0000

GARRETT J. VERSER, 0000  
 SCOTT D. \* VERVISCH, 3591  
 MICHAEL VICK, 0000  
 PETER B. \* VIEN, 7267  
 BRIAN D. VILE, 0000  
 NOAH \* VILLANUEVA, 9154  
 CHRISTOPHER C. VINE, 0000  
 DANIEL J. \* VINSAND, 0000  
 THOMAS P. VOGEL, 0000  
 TIMOTHY J. VOLKMANN, 0000  
 JASON R. VRANES, 0000  
 CLIFFORD L. \* VROONLAND, 0000  
 PETER J. \* VUTERA, 0000  
 JENNIFER J. WABALS, 0000  
 DAVID A. WALDRON, 0000  
 GARY A. WALENDA, 0000  
 ANTHONY T. \* WALKER, 0000  
 BRITTIAN A. \* WALKER, 0000  
 FRANK E. \* WALKER, 0000  
 JAMES E. \* WALKER, 0000  
 JAMES H. WALKER II, 0000  
 MARC A. WALKER, 0000  
 MARION \* WALKER JR., 0000  
 MICHAEL A. \* WALKER, 0000  
 RHETT D. \* WALKER, 0000  
 ROY E. \* WALKER, 0000  
 ANDREW D. WALMSLEY, 0000  
 BRIAN E. \* WALSH, 0000  
 JAMES P. WALSH, 0000  
 JOSHUA F. \* WALSH, 0000  
 KIMBERLY A. WALTER, 0000  
 FLETCHER D. WALTERS, 0000  
 ADAM Z. \* WALTON, 0000  
 DINA S. \* WANDLER, 0000  
 HENRY H. \* WANG, 0000  
 KENNETH M. WANLESS JR., 0000  
 CHAD E. \* WARD, 0000  
 DERWIN E. \* WARD, 0000  
 JASON C. WARD, 0000  
 RICHARD I. WARD, 0000  
 JOEL E. \* WARHURST, 0000  
 WILLIAM L. \* WARNER, 0000  
 GREGORY L. WARREN, 0000  
 MONICA P. WASHINGTON, 0000  
 ROBERT E. \* WATTS, 0000  
 CAMERON W. \* WEATHERS, 0000  
 JONATHAN K. WEAVER, 0000  
 WARREN S. \* WEAVER, 0000  
 KELLY L. WEBSTER, 0000  
 JOHN L. WEDGES III, 0000  
 FREDERICK D. \* WEIS, 0000  
 PAUL I. \* WEIZER, 0000  
 SAMUEL J. \* WELCH, 0000  
 JASON A. \* WENDELL, 0000  
 CHRISTOPHER W. WENDLAND, 0000  
 ROBERT B. \* WENGER, 0000  
 JASON A. WESBROCK, 0000  
 DOUGLAS R. WESNER, 0000  
 MICHAEL J. WEST II, 0000  
 GUY E. \* WETZEL, 0000  
 JOHN N. WHILDEN, 0000  
 EDDIE L. \* WHITE JR., 0000  
 JEANINE M. \* WHITE, 0000  
 LAWRENCE B. \* WHITE, 0000  
 SCOTT A. WHITE, 0000  
 GENE P. WHITESIDES, 0000  
 YWAIN A. \* WHITFIELD, 0000  
 WARREN J. \* WHITMIRE, 0000  
 LISA D. WHITTAKER, 0000  
 RICHARD \* WHITTINGSLOW, 0000  
 JOHN P. WHYTE III, 0000  
 KENNETH W. WICAL, 0000  
 FRANCES E. \* WIDDICOMBE, 0000  
 LON R. \* WIDDICOMBE, 0000  
 JAMES G. WIDEMAN, 0000  
 JOHN S. WIEMAN, 0000  
 MICHAEL B. \* WILBER, 0000  
 SHANE \* WILDE, 0000  
 SCOTT D. WILKINSON, 0000  
 BRADLEY A. \* WILLIAMS, 0000  
 BRIAN L. \* WILLIAMS, 0000  
 DESMOND R. WILLIAMS, 0000  
 HENRY T. \* WILLIAMS III, 0000  
 KENNETH K. WILLIAMS, 0000  
 MATTHEW D. WILLIAMS, 0000  
 SEAN C. WILLIAMS, 0000  
 THOMAS R. \* WILLIAMS, 0000  
 TENNIE L. WILLIAMSHARRIS, 0000  
 DANIEL J. WILLIAMSON, 0000  
 SAMUEL J. WILLMON, 0000  
 MARK E. WILSON, 0000  
 SEAN P. \* WILSON, 0000  
 EDWARD B. \* WILTCHER, 0000  
 DIEDRE L. WINDSOR, 0000  
 DAVID G. WINGET, 0000  
 BRIAN D. WINNINGHAM, 0000  
 DAVID WISE, 0000  
 DAVID O. \* WISEMAN, 0000  
 EVAN H. \* WOLLEN, 0000  
 JASON A. WOLTER, 0000  
 ERNEST Y. WONG, 0000  
 CAMILLA A. \* WOOD, 0000  
 CHRISTOPHER D. WOOD, 0000  
 MARC D. WOOD, 0000  
 THOMAS E. \* WOOD, 0000  
 CLEO J. \* WOODBURY, 0000  
 HARVEY L. \* WOODBURY JR., 0000  
 CECIL H. \* WOODS, 0000  
 SCOTT C. \* WOODWARD, 0000  
 FORREST A. WOOLLEY, 0000  
 COLIN H. WOOTEN, 0000  
 JAMES P. WORK, 0000  
 BREN K. \* WORKMAN, 0000

JOSEPH E. \* WORLEY JR., 0000  
 ONINTZA R. WREN, 0000  
 GARVEY A. \* WRIGHT, 0000  
 JAMES W. WRIGHT, 0000  
 PATRICIA K. \* WRIGHT, 0000  
 STEVEN C. \* WRIGHT, 0000  
 SUSAN L. \* WRIGHT, 0000  
 WESLEY H. \* WRIGHT, 0000  
 RICHARD M. WRONA JR., 0000  
 STEVEN G. \* YAMASHITA, 0000  
 MICHAEL F. YANKOVICH, 0000  
 BRIAN J. \* YARBROUGH, 0000  
 MANU L. \* YASUDA, 0000  
 RENE \* YBARRA, 0000  
 SAMUEL YBARRA, 0000  
 CURTIS D. \* YOUNG, 0000  
 JAMES C. \* YOUNG, 0000  
 MARC D. \* YOUNG, 0000  
 MARCUS R. YOUNG, 0000  
 ROBERT E. YOUNG, 0000  
 STEVEN L. YOUNGBLOOD, 0000  
 VICTOR Y. YU, 0000  
 CHRISTOPHER J. YUSKAITIS, 0000  
 DAVID \* ZACCHEUS, 0000  
 DOUGLAS E. ZADOW, 0000  
 MATTHEW A. \* ZAHN, 0000  
 RICHARD H. ZAMPPELLI, 0000  
 JOHN J. ZAVAGE, 0000  
 JUAN C. \* ZAVALA, 0000  
 ERIC P. \* ZENK, 0000  
 MICHAEL T. \* ZERNICKOW, 0000  
 DANIEL N. \* ZEYTOONIAN, 0000  
 CODY L. \* ZILHAVER, 0000  
 LELAND H. \* ZIMMERMAN JR., 0000  
 DAVID J. ZINN, 0000  
 JERZY S. \* ZUBR, 0000  
 RICHARD M. \* ZYGADLO, 0000  
 X0000  
 X0000  
 X0000

#### IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

#### To be lieutenant commander

GLENN A. JETT, 0000  
 DANNY W. KING, 0000  
 FAITH E. STRAUSBAUGH, 0000  
 ROBERT W. VEIT, 0000  
 MATTHEW WILLIAMS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

#### To be lieutenant commander

RICHARD S. ADCOOK, 0000  
 ANDREW J. AVILLO, 0000  
 RAUL L. BARRIENTOS, 0000  
 JOHN E. BISSELL, 0000  
 BRYAN BLANKENSHIP, 0000  
 CARLEN P. BLUME, 0000  
 PRESTON C. BRIGGS, 0000  
 DERRICK B. CASTRO, 0000  
 BRETT M. CHUNG, 0000  
 BRENT J. CRUMPTON, 0000  
 JEREMY B. DAVIDSON, 0000  
 MARY A. DIETRICH, 0000  
 VINH D. DOAN, 0000  
 ERIC S. EVANS, 0000  
 BRIDGET M. FERGUSON, 0000  
 JONATHAN G. FRANKMANN, 0000  
 BENJAMIN J. FRAVEL, 0000  
 LENNY FUTERMAN, 0000  
 ELIZABETH B. GOHL, 0000  
 DANIEL E. GROSSMAN, 0000  
 HATIM A. HAMAD, 0000  
 JERALD B. HAWK, 0000  
 JASON C. HOLLIER, 0000  
 RACHEL A. HOLY, 0000  
 WEI HUANG, 0000  
 ANDREW S. HUTTULA, 0000  
 JOSEPH C. JOYCE, 0000  
 MOHAMMAD KAMIL, 0000  
 ANGELINE A. KUZNIA, 0000  
 BRETT T. LAGGAN, 0000  
 JEFFERY S. LEE, 0000  
 JOHN R. LUNDSTROM, 0000  
 JOHN D. MCCLAUGHLIN, 0000  
 SAMIRA MEYMAND, 0000  
 JEFFREY P. MILES, 0000  
 ANN B. MONASKY, 0000  
 ENRIQUE M. MORALES, 0000  
 KEVIN D. MORSE, 0000  
 RACHEL MYAINGMISFELDT, 0000  
 SHANNON D. NALLY, 0000  
 CHRISTOPHER G. PACE, 0000  
 ORBITO I. PATANGAN, 0000  
 YAOSHIEN PENG, 0000  
 DONALD M. PHILLIPS JR., 0000  
 ROBERT T. RADEL, 0000  
 JOHN M. RAY, 0000  
 MATHEW J. ROYAL, 0000

MELISSA L. RUFF, 0000  
NANCY S. SALISBURY, 0000  
GLYNN S. SPENCER JR., 0000  
JENNIFER T. STATLER, 0000  
GREGORY L. STINE, 0000  
KAREN M. STOKES, 0000  
STEVEN M. STOKES, 0000  
HELENE S. STRAZZA, 0000  
MICHAEL M. TARIGHATI, 0000  
ANDREW P. TAYLOR, 0000  
HIEN T. TRINH, 0000  
BRENDAN W. TULLY, 0000  
DEBRA M. VAZQUEZ, 0000  
MICHAEL B. VENER, 0000

YEN H. WAGNER, 0000  
JOHN H. WILSON, 0000  
EMME H. WONG, 0000  
JEFFREY G. ZELLER, 0000

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT AS A PERMANENT LIMITED DUTY OFFICER IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 532:

*To be lieutenant*

DANIEL C. RITENBURG, 0000

**WITHDRAWAL**

Executive message transmitted by the President to the Senate on September 13, 2004, withdrawing from further Senate consideration the following nomination:

ROBERT JEPSON, OF GEORGIA, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 14, 2008, WHICH WAS SENT TO THE SENATE ON DECEMBER 9, 2003.