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House of Representatives

The House was not in session today. Its next meeting will be held on Monday, January 27, 2003, at 2 p.m.

Senate

THURSDAY, JANUARY 9, 2003

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

The PRESIDENT pro tempore. The Senate's guest Chaplain this morning is RADM Barry C. Black, the Chief of Chaplains for the United States Navy.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray:

Eternal Lord God, good beyond all that is good, fair beyond all that is fair, in whom is calmness, peace, and concord, destroy the dissensions that divide us and bring us back to the unity You desire for humanity.

Lord, we seek for peace and unity, and yet we live in tension. We make agreements but suspect that we have not agreed. We flex the muscle of our might to reassure ourselves and to caution aggressors, and still anxieties persist.

Lord, show us the way. Keep us from presuming that because of some goodness we possess, You are on our side. Empower us, instead, to seek to be on Your side.

Bless this great land. Bless also all whom You have set in authority. Give them such wisdom and candor, courage and justice, joy and truth, that Your will will be done on Earth even as it is done in Heaven.

All glory, honor, and praise be to You. 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, this morning there will be a period of morning business for 2 hours, until 11:30 a.m., for Senators to speak and introduce bills.

Today, we expect to receive from the House a continuing resolution. It is my hope that we will be able to take up that measure and pass it in short order. We also hope to have the committee resolutions completed so that we can get the committees up and running so they can all begin their work for the 108th Congress.

Yesterday, the Republican conference approved our membership and, therefore, we would like to have the respective party committee resolutions passed today if at all possible.

Over the course of the morning we will be talking leadership to leadership to establish a timetable, but hopefully that can be done today in terms of the committee composition and chairmanships.

Senators should know that rollcall votes are possible today. We will let Senators know the timing of votes as soon as they are scheduled. Also, Senators should be aware that if we are unable to complete our work today, there could be rollcall votes on Friday.

I yield the floor.

(Mr. ALEXANDER assumed the chair.)

Mr. STEVENS. Will the Senator yield?

Mr. FRIST. Yes.

Mr. STEVENS. Mr. President, if that resolution is agreed to today, I would like to have a meeting of the Appropriations Committee tomorrow morning at 10 o'clock.

Mr. FRIST. I understand. It is absolutely critical that we finish much of the business from last year. There are 11 appropriations bills that are very dependent on us having the committee resolutions passed. Hopefully that can be done as soon as possible. We made real progress yesterday. I am very hopeful, over the course of today, we can come to some conclusion with that, and then we would be able to have the appropriations meetings and be able to address the spending bills—11 of those spending bills that are critically important to this country—over the course of Friday and next week.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, before the majority leader leaves, as the leader knows, we had a very productive meeting with the President yesterday. We left there with the feeling of bipartisanship that we should have with us today. We would hope, with the chairman of the very important Appropriations Committee, the President pro tempore of the Senate, being on the

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

floor today, that we can make it possible so he and Senator BYRD can lead us in completing that appropriations process.

So we look forward to working with you. Hopefully, we can get this done in the near future.

ORDER OF PROCEDURE

Mr. REID. Mr. President, after the Chair announces the period of morning business, I ask unanimous consent I be recognized in morning business, and then the Senator from New Hampshire, Mr. GREGG, be recognized for up to 40 minutes.

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

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 11:30 a.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Nevada.

LEGISLATION TO BE PASSED

Mr. REID. Mr. President, we did have a meeting with the President yesterday. It was one where we talked about the things that need to be done. The people who were at the meeting are experienced and understand the legislative perils we face on a daily basis. But we also recognize there are things that need to be done for the country, and we have to work toward that.

I want to just briefly mention today that Senator DASCHLE introduced, on behalf of the Democratic caucus, bills that we believe are extremely important to pass. These are not necessarily in the order of importance, but the first bill introduced was S. 6, the Comprehensive Homeland Security Act.

Basically, this bill builds on legislative initiatives that were passed in the 107th Congress. It would authorize funding for important programs. We have big holes in our security blanket. We have to do something about chemical security, domestic nuclear plants. We have to do something about rail security, security of water treatment works, and border security efforts to combat terrorism generally. This legislation is, in my opinion, a must-do piece of legislation.

Prescription drugs has been talked about endlessly, with nothing having been done. It is so important that we pass legislation that makes Medicare a more meaningful, modern piece of legislation for our senior citizens.

When the Medicare legislation passed in 1965, there was really no need for prescription drugs because they were not used as they are today to make people more comfortable, to save lives, and to prevent disease. But now that is part of the basic treatment that seniors have.

The average senior has 18 prescriptions filled every year. As a result, they pay large amounts out of their pocket for prescription drugs. What we have to do is provide a prescription drug benefit as part of Medicare. We need to do that and also in the process preserve Medicare. Medicare is not a perfect program, but it is a good program. People are saying it is about to go broke. Medicare is not about to go broke. And always remember that Medicare is a pay-as-you-go program. We continually have to refund and figure out ways to finance Medicare. That is the way it is. It is different than Social Security.

So a prescription drug benefit is important for Medicare. Also, it is important we get ahold of prescription drug prices generally for everybody. Prescription drugs in this country are tremendously expensive, more expensive than in any other country, even though we develop and manufacture and produce most of them. It is not fair we spend more on prescription drugs than other countries. It is not fair they are cheaper in Canada and cheaper in Mexico than they are in the United States.

The Leave No Child Behind Act is something that is an important piece of legislation, but the problem now is that it is not funded. We have to provide full funding for this No Child Left Behind Act. We have to hold States accountable for ensuring that all students have access to educational resources.

We have to guarantee full funding of the Individuals With Disabilities Education Act.

The Senator from New Hampshire has been a loud advocate for doing something to fund that program. We have to, as part of S. 8, help communities modernize public schools, and there are other things we need to do included in S. 8 that we need to debate and pass this year.

S. 9 is the protection for pensions. This is a buildup of last year's corporate scandals and the 3-year stock market decline. They have simply highlighted the need to strengthen pension protections. That is what S. 9 is all about.

S. 10 deals with the more than 40 million people who have no health insurance. There are many other people who have inadequate health insurance. We have to do something to provide some way of these people getting decent medical care. Over 40 million people with no health insurance says it all. That is what S. 10 is all about.

As to the Equal Rights and Equal Dignity for Americans Act, we believe that we have to expand hate crimes protection, strengthen enforcement of existing civil rights laws, support legal representation for indigent Americans, and respond to the injustice of racial profiling. That is what S. 16 is all about. It is important legislation that needs to be passed.

Global warming is S. 17. There is no question, there is no debate—sensibly, logically, intellectually—that global warming is taking place. It is. The question is, what are we going to do about it? That is the key.

We as Democrats talk about the minimum wage. We do it because most people have the stereotype that people who draw the minimum wage are kids flipping hamburgers at McDonald's. That is not the case. In fact, 60 percent of the people who draw the minimum wage are women; for 40 percent of those women, that is the only money they get for them and their families. So it is really important that we do something to increase the minimum wage. The minimum wage act would in two steps raise the minimum wage by $1.50: 75 cents when we pass the legislation; 75 cents after that. It is important we do that.

Many people who work two and sometimes three jobs, most of them part time, are paid the minimum wage. We need to increase that. That is the right thing to do.

I was very happy the leader included in his package of must-do legislation for the Democratic caucus this year the Veterans and Military Personnel Fairness Act. Among other provisions, this includes expanding full concurrent receipt of military retirement. We have made a little bit of progress over the last couple years. Last year we made the most progress, but we are still lacking.

If you retire from the military and have a medical disability, you cannot draw both pensions. Prior to last year, no one could. Last year we provided that people who are Purple Heart recipients basically can. We need to expand that. I was very happy the leader included this legislation that I authored and have worked on very closely with Senators LEVIN and WARNER. It has taken years to get where we are now. We will continue to try to expand until people who retire from the military and have a disability can draw the same pension as somebody who retires from Sears and Roebuck and the Department of Interior and has the military disability. They should be able to draw the pension just the same. We want that to happen.

S. 21, the Emergency Disaster Assistance Act, addresses severe drought and floods, natural disasters farmers and ranchers face all over the country. We need to do more to take care of these desperate people. Time magazine had their pictures of the year. I looked at that last night before going to bed. It is interesting to note that a number of those pictures deal with the drought that has taken place. One picture is of a 67-year-old farmer. For the first time in his career, he has nothing. He said: Farmers know what to do when it rains; we don't know what to do when it doesn't rain.

That is what this legislation is all about. I hope in the spirit of what the majority leader talked about today and the President talked about at the White House yesterday we can work together to pass this legislation.

The majority has pieces of legislation that they believe are important to pass. What we should do is work together. They have pieces of our legislation. Maybe we can work together. That is what we should do to pass the legislation. I don't think there would be many who would disagree that this legislation is important. They may not agree with every part of it, but that is what legislation is about. Legislation is the art of compromise. I hope we can move forward and do some compromising and some legislating.

Before the Senator takes his 40 minutes, I would say to my friends on the Democratic side, prior to their arriving, Senator GREGG asked for 40 minutes of the hour that the Republicans have set aside. He will do that now. Do you want to lock in a time for the two Senators now?

Mrs. LINCOLN. Mr. President, I would need 5 minutes.

Mr. REID. You are entitled to 10. So following the remarks of the Senator from New Hampshire, the Senator from Arkansas will speak. The Senator from Minnesota?

Mr. DAYTON. If I may have 15.

Mr. REID. Mr. President, I ask unanimous consent that following the statement of the Senator from New Hampshire, the Senator from Arkansas be recognized for up to 10 minutes and the Senator from Minnesota for up to 15 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. I have no objection.

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

The Senator from New Hampshire.

Mr. GREGG. Mr. President, I will speak for about 40 minutes. I understood the Senator from Arkansas only needed about 5 minutes. I am happy to yield to her now as long as it does not impact my 40 minutes, if the Senator from Arkansas wishes to proceed.

Mrs. LINCOLN. Mr. President, I ask unanimous consent that I might proceed as in morning business for 5 minutes and that it not take anything out of the time of the Senator from New Hampshire.

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

TRIBUTE TO LANCE CORPORAL JASON SMEDLEY

Mrs. LINCOLN. Mr. President, I have some very important guests with me today in the Senate. I wanted to share that with my colleagues as well as my colleagues across the land.

I rise today to pay tribute to a young man who is with me today and who has served on my staff for the past year, Jason Smedley, of Little Rock, AK. We are joined today by his mother and his girlfriend and many members of my staff. Jason is a lance corporal in the 4th Civil Affairs Group of the U.S. Marine Corps stationed here in Washington, DC.

On Friday, Jason and his colleagues will depart for the Middle East where he will await orders for potential U.S. military action against Iraq. Like all of the men and women who serve in our armed forces to preserve our liberties and ensure global security, Jason is making a tremendous sacrifice in service to his country.

As a senior at Howard University, Jason is only a few months away from completing studies and earning his degree which he plans to earn upon his return. He will be leaving behind his 2-year old daughter Isis and his parents James and Carolyn Smedley, all of Little Rock, AK.

For the next few months, Jason is offering his service in a cause greater than himself. I know that all of my colleagues and the American people join me in honoring Jason and the tens of thousands of men and women who, just like him, face similar sacrifices in the coming weeks and months.

From Arkansas alone, as of last week nearly 700 Guardsmen and reservists have been activated in support of the war on terrorism and for potential action against Iraq. These include troops from Little Rock, North Little Rock, Lincoln, Ogden, Ozark, Siloam Springs, Van Buren, Fayetteville, Pine Bluff, and Fort Smith. I ask unanimous consent that the list of Arkansas units currently activated in support of the war on terrorism and potential action against Iraq be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mrs. LINCOLN. We are proud of each and every one of these men and women for their commitment to this country and to each of us. We look forward to welcoming them back when their work overseas is done. My own father who passed away in October was a veteran of the Korean war. He taught me to always respect the great commitment made by our troops in fighting to protect our freedoms. Our troops of today's generation deserve the same respect.

During Jason's service to Arkansas as a member of my staff, I have appreciated his hard work, as well as his energy and positive attitude. I look forward to welcoming him back to my staff as soon as possible. I am sure all of my colleagues here will join me in wishing Lance Corporal Jason Smedley the best in the months ahead.

I thank his mother and girlfriend for being here to share that with us today. Most importantly, I ask my colleagues, as we enter into the challenging months we have before us in this great country, that we look not only within ourselves but around us to our immediate family, to our extended family, to our Senate family, and to all of those lives that are going to be, have been, and will be affected. This is a great country. The freedoms we enjoy, the incredible potential that we have is right here in people such as Jason Smedley.

I ask my colleagues to join me as we wish Jason well in his endeavors and as he goes to take on whatever his duties may be on behalf of the American people. I thank my colleague from New Hampshire for affording me the opportunity to salute someone who has meant an awful lot to me in my life and in my work and now to me, as an American citizen, and to the rest of this great country.

Thank you, Mr. President. Thank you, especially, to Lance Corporal Jason Smedley. We bid you well.

Thank you, Mr. President.

EXHIBIT 1

The following units from Arkansas have been activated as of December 31, 2002:

Army National Guard:

N. Little Rock, State Area Command, AR Army NG HQ;

Ft. Smith, 142nd Field Artillery HHB, 2nd Battalion;

Lincoln, 2–142nd Field Artillery, HHSB, Detachment 1;

Ogden, 142nd Military Intelligence Battalion Co. A, Detachment 4;

Ogden, 142nd Military Intelligence Battalion Co. A, Detachment 3;

Ozark, 142nd Field Artillery Battery C, 2nd Battalion;

Siloam Springs, 142nd Field Artillery, 2nd Battalion, Battery B;

Van Buren, 142nd Field Artillery, 2nd Battalion, Battery A;

West Memphis, 216th Military Police Company Guard Company;

Little Rock, 149th Medical Company Forward, Detachment 1; and

Little Rock, State Area Command, AR Army National Guard HQ.

Army Reserve:

Fayetteville, 362nd Psychological Ops. Co. EF SPT ELE;

Fayetteville, 362nd Psychological Ops. OEF SPT ELE 2;

Little Rock, 431st Civil Affairs Battalion;

Little Rock, 460 Chemical Brigade, Detachment 1; and

Pine Bluff, 92nd Chemical Battalion, Detachment 1.

Air National Guard:

Little Rock, 189th Airlift Wing; and

Fort Smith, 189th Airlift Wing.

Navy Reserves:

Little Rock, Naval Suport Activity Bahrain, Detachment C.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I join with the Senator from Arkansas in thanking her staff member for going to serve our country. We wish him good luck and godspeed as he goes forth to protect us.

NO CHILD LEFT BEHIND

Mr. GREGG. Mr. President, I wanted to speak today on a number of issues—primarily on the issue of the legislation we passed a year ago, which was landmark legislation, called ''No Child

Left Behind.'' It fundamentally changed the way the Federal Government and many of our educational institutions across the Nation will approach the education of low-income especially, but children generally.

Yesterday was the 1-year anniversary of this extraordinary bill, the most significant piece of education reform legislation passed by the Congress. It was the primary domestic policy initiative of the President in his first 2 years in office. It continues to be one of his primary focuses. The No Child Left Behind bill had as its goal essentially a few items. No. 1 was that low income children who for years have been basically warehoused through our system will no longer be put into that situation. Low-income children especially will be given the opportunity to learn and compete in our society and be given the opportunity to receive an education that will allow them to participate in the American dream; and that no child—low-income or not—should be left behind by our educational system. It did this and it tries to accomplish this goal by basically empowering the local school districts, the teachers, the principals, and the school boards, with more opportunities for educating the low-income child. It gives them more flexibility over the dollars the Federal Government puts back into the school districts and gives them more dollars. At the same time, it is saying to the school districts and the States that we are going to give you more dollars and more flexibility for handling the dollars and, in addition, we are going to expect results, accountability; and the children, as they move through their educational experience—in the elementary school systems, especially—are actually learning to their grade level.

We are going to have standards and tests—not developed by the Federal Government but, rather, by the local communities and the States—and those standards and tests are going to be set by the local communities and the States. Once they are set, we are going to expect that the children in those schools in those districts will have the educational experience that will allow them to reach those standards and goals set out by the States and local communities. So we will have accountability.

Most important, we are going to give the parents of those children the opportunity to see how successful their children are, to learn whether or not the schools they are in are teaching their children at a level that gives the children the ability to compete in America and participate in the American dream.

If the school systems regrettably do not succeed, if after years of effort in trying to bring them up to speed they are unable still to educate the children at a level that is competitive with their peers, then we are going to give the parents and the school systems tools to allow those schools to reform and we are going to give the parents tools to get their children other options for education.

So under this bill, we would basically do four things: 1, put more money into the system; 2, put more flexibility into the system for the use of that money; 3, expect accountability; and empower parents to take action to try to correct the situation of their child not getting the education and assistance that they need.

This bill, this concept, obviously, is a huge and fundamental change. There is clearly going to be, and there has been, a period of adjustment and ramping up and organizing that is necessary to put this type of change in place. We are just really in the early stages of that effort. In fact, the States, under this bill, do not have to have their plans in and approved until the end of this month. So as a practical matter, many States have not even ordered their plans in order to respond to the issue of how you bring your children up to speed and how you make sure no child is left behind. A few States have. The President yesterday recognized five States that have put in place plans that meet the basic goals of the No Child Left Behind bill, which is to create a system where there is accountability and where parents will know how much their children are learning and where, if it doesn't work, if some schools are not reaching the levels of success that are required, then there will be options for those parents, such as public school choice, such as getting tutorial support for their children, or such as just reform fundamentally the school that is having problems.

Five States have already accomplished that: Ohio, Massachusetts, New York, Indiana—I am not sure of the fifth. But these States have a lot of kids in their school systems and they have been able to pull together the plans to be successful under the No Child Left Behind bill.

As these States and communities and school systems have tried to get organized to be ready for the No Child Left Behind initiative and tried to address the issue that I think we all want to accomplish—to make sure the school systems of America are strong, vibrant, and are giving children what they need in order to learn—as that has happened, unfortunately, there has been an undercurrent of opposition growing. I am not sure what is energizing it. Some is initiated by the fact that many of our States and local school districts are going through very difficult economic times now, and therefore they are under strain financially, and that is understandable. Some of it is initiated simply because there are, unfortunately, people in the educational community—certainly not the majority and certainly not even a large percentage, in my opinion, because I think the vast majority of people in education really want to succeed and they want this bill to work and they understand the importance of making sure our children learn or they would not be in education. It is a very altruistic undertaking.

Some at the higher levels of some of our professional organizations basically don't like the idea of accountability. They don't like the idea that there will be a scorecard that parents can look at to determine whether or not children are getting an education that will make them competitive in America and give them a shot at the American dream. For years, unfortunately, kids have been allowed to slip through the system, to be warehoused and just pushed on. That simply is not acceptable under this bill. That means people are going to have to perform to bring those kids up to the ability to read and write and do the basic elements that are required in order to be a literate person in America. Unfortunately, some people do not like that pressure being put on them to be accountable.

Then there is the problem, unfortunately, to some degree, of the old-fashioned ''we are headed into a Presidential election, so let's be partisan.''

Today I want to spend some time going over what we as the Republican Party have put forward in resources to support the bill and why I believe we have committed the type of resources that are necessary to make No Child Left Behind successful because we have heard a number of speeches made on the other side of the aisle by, unfortunately, Members who should be familiar with this issue but who appear to not be familiar with the facts attacking the issue of whether or not this President has made a strong enough commitment in the area of funding to support the No Child Left Behind bill.

It is important to do this in a juxtapositional manner. This President came into office saying he was going to make education a No. 1 goal. He was the successor to an administration which did not make education the No. 1 goal of its administration. I believe it is important to reflect on the fact that we, as Republicans, have truly committed significant resources, especially in comparison to the prior administration in this area.

For example, since 1996, when Republicans took control of the Congress, Federal spending for education has more than doubled and Pell grants, which are the maximum awards—Pell grants being higher education grants—have increased by 62 percent from $2,400 up to $4,000.

Looking at the programs which are covered by the No Child Left Behind bill, funding has increased by 49 percent, almost 50 percent in the last 2 years. That means that funding for education has grown faster as a function of the Federal Government than any other element of the Federal Government. That includes Health and Human Services and Defense. Defense is up 48 percent; Health and Human Services is up 96 percent; Education is up 132 percent. That is a massive increase in the commitment to education.

Republicans have committed the highest level of funding to education in the history of this country. Last year, under President Bush's leadership, we committed $60.5 billion, for an increase of 44 percent for K–12 education and higher education. This is nearly $20 billion more than the highest level of funding of the Clinton administration. This chart shows that: $60 billion versus $42 billion.

A year ago, President Bush signed into law, as I mentioned, the No Child Left Behind bill, which contained the most significant elementary and secondary education reforms in the last 30 years, and he followed it up with the largest increases in elementary and secondary education funding in the history, a whopping $4.8 billion, representing a 28-percent increase in funding as a result of his commitment to back up that law.

In addition to increasing the funding for the No Child Left Behind bill, the Congress passed tax cut legislation that provided $30 billion of tax relief for parents who are trying to educate their children. Our tax bill created a new deduction for qualified higher education expenses, increased the amount individuals can contribute to educational savings accounts, allowed tax redistribution from qualified tuition plans, expanded deductions which teachers can take as a result of expenses they incur to buy classroom supplies and created a loan forgiveness program for teachers.

I note that tax bill which increased spending on education by $30 billion did not receive one vote from one member of the Democratic side of the aisle on the Education Committee. So when I hear these folks who come down to this well from the committee on which I have the honor to serve say we are not making our commitment—the Republican Party specifically, and we have heard this interminably for the last few months—we are not making our commitment to fund education, I find that hard to defend in the face of the facts which I have just outlined.

In addition to the No Child Left Behind bill and the tax bill, we have dramatically increased funding for special education under the Republican Congress. We have increased funding for IDEA by 224 percent since the Republicans took control of the Congress. In fact, unlike the previous administration which essentially level funded IDEA with every budget they sent up here, President Bush has increased funding for special education by over $1 billion in each year of his Presidency.

There have been dramatic increases, which are shown by this chart, in the request for and the actual funding that has gone into special education as a result of President Bush being elected President, which is the exact opposite of how special education was being treated under the prior administration, where virtually no increase was occurring from the request put forward by the President, then-President Clinton, in his budget.

President Bush supported the largest increase in the title I program in history. Last year, title I received $1.5 billion. Title I is the program that is directed specifically at low-income kids. It is the program which is the core of the No Child Left Behind bill.

Last year, President Bush, as I mentioned, put $1.5 billion of new money into this title. He has requested an additional $1 billion of new money for this year. When you add these together, this will be the single largest increase in title I funding in the history of the program, and these dollars are dramatic in the face of what occurred under the prior administration where the largest increase that was ever requested by the prior administration was $200 million to $300 million. It was not until President Bush was elected President and took up this cause of educating lower income children that significant dollars flowed into this program for the purpose of educating low-income children. This chart reflects that.

In 2 years, President Bush has increased funding by over $2.5 billion, which represents a larger increase in funding in 2 years than President Clinton asked for in his entire 7 years by a factor of about 25 percent.

If one looks at the specific programs within the educational component, such as reading, within the last year alone, we have tripled the funds for effective reading programs. As we all know, this President and First Lady Laura Bush consider reading to be the real civil right of the 21st century. Kids have to be able to read competitively with their peers or they cannot compete in the American society. They will not have a shot at the American dream. And Mrs. Bush, who, of course, is a librarian and a former teacher, has made reading the essence of her efforts as First Lady, and President Bush has made a commitment to reading, an absolutely critical element of making sure that children are not left behind. He has developed a whole set of issues in this area of reading.

The starkness of this chart, which shows the funding differences between the President's commitment to reading and the prior administration's commitment to reading, pretty dramatically sets out the fact that we have made the commitment on a core element of education to accomplish the goal of making sure kids are competitive and have the knowledge they need to participate in our society.

It is not just reading that we have funded with significant increases. You can look at the programs for immigrant children, where we have seen the largest increase ever in that program, to try to help kids learn English, kids who come to America and unfortunately—well, no, not unfortunately. They have come to America to participate in our dream. But they have come here speaking a different language, and this program tries to assist them.

In the area of teachers, I have heard from the other side of the aisle, Members on the other side of the aisle make representations that we have not made a commitment to teachers. They cannot possibly defend that on the facts. Within the last year, State and local school districts have received dramatic increases in funding for teacher programs, specifically $742 million, a 35 percent increase in teachers' programs.

More important than that, we have taken off of those programs the strictures and the categorical directions which came under the prior administration. We took all the different programs for teachers, put them together, and we no longer say you have to do this with the teacher money; you have to do that with the teacher money; you have to send the teacher there; you have to give the teacher that. We say to the local school district—we say to the local principal, most importantly—you are going to get this money. You are supposed to spend it the best way you know how to get the best teachers in your classrooms. If you want to use it for merit pay, you can; if you want to use it to send the teachers to extra course curriculum activity, you can; if you want to use it for supplies for your teachers, you can use it that way. It is up to the principal and school district on how to spend that money. We are not going to decide here in Washington. We are not going to send it out with a bunch of strings leading out from this desk, telling you how to run that program. We know you, the principal, you the school district, know best what your teachers need in order to make them better and stronger participants in the classrooms.

So we are going to give you this 35 percent increase, $742 million, without strings. We are simply going to require that at the end of the day your teachers be qualified to teach the courses they are in, a fairly reasonable requirement. I think most people think it is a reasonable requirement.

But the other side of the aisle says we haven't increased teacher funding this year. That is true. That's because we increased it by 35 percent last year. But that is such a specious argument because the dollar increase which we have put into the program has been so significant that it hasn't even been all spent. I will get to that in a second.

In addition, the President requested dramatic increases in funding for programs specifically designed to help the neediest children—as I mentioned, title I and IDEA. For 2003, the President has requested even more money in these categories.

It should be noted that over the last several years, educational funding has greatly outpaced the rate of inflation and the rate of growth of our schools. I think this is important. We have increased elementary and secondary educational funding at the Federal level by 28 percent, whereas student enrollment over the same period has only increased by .3 percent—less than 1 percent. That is a dramatic fact and this chart shows it. I am not sure if those

who are watching can see this. This is the .3 percent increase in enrollment. This is the increase in funding. In fact, the funding for education has grown at such a rapid rate that school districts simply have not been able to absorb it all. This is another important point. We have been putting so much money so fast into the educational system that the educational community, quite honestly, has not been able to develop the programmatic activity to handle the money efficiently and effectively yet.

There is presently $4.5 billion of Federal funds which has been appropriated and is unspent. It has not been drawn down by the school districts or by the States. This pie chart shows where this money is. A lot of it is in the school improvement program. A lot of it is in special education. A lot of it is in education for the disadvantaged. That is the title I program. These are huge amounts of dollars.

So when the other side of the aisle comes to this floor and starts saying there is not enough money in education, we have not spent enough money at the Federal level, first off, they ought to look at the history of their leadership when they were in charge, because their leadership made nowhere near the commitment this President has made. Second, they ought to give the President credit for what he has done, which is dramatically increase the amount of funding in the area of title I activity—over 27 percent. Third, they ought to at least acknowledge there has been so much money put into the system so fast, because of this President's commitment, that the system is still trying to adjust to it and figure out how to handle it efficiently.

It is interesting to note that a great deal of the money that has not been spent here is in the two programs which were true failures that were the primary initiatives of the Clinton administration, one being class size and the other being school renovation. These two programs, which were the classic, categorical, ''we know best'' Washington programs, which have basically been merged now into the overall approach of giving States more flexibility and sending the money back as more of a flexible grant with results-based testing versus input control—these programs are the ones with some of the biggest dollars waiting here in Washington to be managed by the local communities.

So we spent a lot of time here talking about dollars, but let's remember something else. In the area of education it is not necessarily dollars that makes the difference. There are a lot of statistics that point this out, but I think common sense points it out as well as anything else. I think we all know a good school system depends on a lot of factors. It depends on parental involvement, No. 1. You have to have parents who want to see their kids educated, in most cases, to get participation in that atmosphere at home. It depends on a good principal, one of the most important factors; good teachers, obviously; good facilities; and the atmosphere in the community that encourages academics in the school systems.

We know for a fact that just putting dollars into the system has not worked. That is why our system is doing so poorly. Federal funding has increased over the last 10 years, dramatically, but scores, for example, in math, have been flat. Reading scores have the same track record. Federal funding has increased dramatically, but scores in reading have been flat. When we compare ourselves to the other industrialized countries in the world, we spend more money on education than almost any other industrialized country, per pupil. We are spending $8,000. But our reading scores, our math scores, are some of the worst in the industrialized world, whereas other nations that are spending significantly less per child are doing much better academically. Hungary is a good example.

Granted, these other nations don't have some of the issues we have. They may be more homogeneous nations, they are much smaller, so they don't have the same concerns. But the fact is that we can show that the amount of money we spend is competitive with everybody in the world, but the results are not. We as a creative Nation should not tolerate that sort of situation.

So it is not just money that is important. But, if it were just money that was important, this administration gets an A+ for having made the dollar commitment that is necessary in very difficult times.

Let's go back to the first chart. This Government, under the President and under Republican leadership, has increased spending for education by 132 percent—more than we have increased spending in any other Federal account, such as defense, which is always used as a whipping dog for some of my colleagues across the aisle for increased spending, and Health and Human Services.

When we talk about education, I do want to take a second to talk about higher education because that's another area where we have heard some fairly aggressive misrepresentation from the other side of the aisle. The fact is, President Bush has increased funding for student aid at a dramatically faster pace than the prior administration increased funding in this area. Let's compare President Bush's higher education record to that of President Clinton.

The last time the Democrats were in charge, they actually cut the Pell grant by $100. For the year 2003, President Bush has requested the highest level of funding for student aid in the history of these programs. Under the President's budget, total funding for financial aid for higher education and kids going to college will be $55 billion. That is a 5-percent increase over 2002.

Furthermore, the President has more than tripled the loan forgiveness activities in areas such as math and science, special education teachers, and low-income schools. And under the President's proposal, teachers would qualify for up to $17,500 in loan forgiveness, up from the current $5,000 that teachers get if they go into high-need schools.

The keystone of the President's effort is in the Pell grant. As I mentioned, the last time the Democrats were in charge they cut Pell grants by $100. President Bush has dramatically increased the Pell grant program. Whereas, President Clinton's first budget request for the Pell grant program was $8.3 billion, his next six Pell grant budget requests were for less than that amount—less than the original amount. In his last budget—the 2001 budget—he actually increased Pell grant funding.

President Bush came in and the Pell grant account was at, I think, $11 billion. He has increased that dramatically. Under President Bush, we have seen a $4.5 million increase. Needy college children who weren't getting them before will now be getting Pell grants. He has increased the funding. So it is now up to almost $11 billion. That is a dramatic increase in Pell grant funding. He has also increased the amount of the actual grant for students under the Pell grant program.

Not only has the President made the commitment in the elementary and secondary school level, in title I, in IDEA, in reading, in immigrant education, but he has also made a commitment at the higher education level.

Let us go back to the issue of this tax cut directed at benefiting people in education. This is something that has sort of been overlooked by my colleagues on the other side of the aisle when they are attacking the President for his failure to fund education. It is pretty hard to attack him on that, but they have been making this representation.

Here is how this tax cut has worked, translated into real dollars. We put in place a new above-the-line reduction for qualified higher education expenses. It is a $3,000 deduction today. It is going to go up to $4,000 in 2004. And it represents an $11 billion tax cut for Americans who are sending their kids to school. Eliminated is the 60-month limitation on the student loan interest deduction. That represents a $3.4 billion benefit to kids who get out of school with lots of loans. We know that is one of the big issues for kids today. They leave the school system and their college experience with a lot of loans, and they have to pay them back. This is a $3.4 billion attempt to try to reduce that burden. He has increased the annual limit on the contribution to the educational savings accounts from $500 to $2,000. That is a $1.2 billion benefit to people who are trying to save to make sure that they can go to college and participate in the American dream.

He has allowed tax-free deductions for qualified tuition plans used to pay educational expenses, and he has permitted private institutions to setup those plans. This is a real benefit to people who want to get ready for education and to be sure, when they go to college, that they have the funds to pay for it, $2.3 billion of benefits is represented by this change.

He made the income exclusion for employer-provided educational activity permanent. When your employer gives you the opportunity to go to school to better yourself, you will be able to take advantage of that. That is a $3 billion benefit to people trying to get their education.

Over the next 5 years these changes will provide almost $22 billion in direct in-the-pocket benefit to students and parents who are trying to make sure that their kids participate in higher education and as a result can go into the American workforce better prepared and have a better opportunity to be successful.

As this chart shows, during the last year of the Clinton administration, total higher education tax benefits amounted to $7.6 billion. President Bush's tax benefits for helping families today represents almost a $12 billion benefit. That is a huge difference. It is something, however, that is never mentioned by the other side of the aisle.

When President Clinton came into office in 1993, the total appropriations for discretionary student programs was about $8 billion. President Clinton's last budget request for discretionary student aid totaled about $11 billion, an increase of about 5.4 percent per year over 8 years.

Let us remember that during all of those 8 years we were fortunate to have a surplus and a strong economy. In contrast, when President Bush came into office in 2001, as I mentioned, the appropriations was about $11 billion for student discretionary programs—for student activities for schools. President Bush's latest budget request for discretionary student aid will be about $14 billion. That is an increase of 18.3 percent over the 2001 appropriations. Over 2 years that averages to a 9.1 percent increase—almost 70 percent higher than the increases during the Clinton years.

Remember that this was done and has been done during the period when we were facing a deficit. Of course, if you start adding in things such as the higher education and a tax cut, it even gets higher and more significant.

Yesterday, Senator KENNEDY—soon to be, I believe, my ranking Member, I am not really sure whether he is chairman or ranking Member right now. I believe he is still chairman—who I work with on the education committee and Congressman MILLER, who is the ranking Member of the House Education Committee, sent a letter to the Secretary of Education that suggested that we were underfunding No Child Left Behind; that the administration was actually providing too much flexibility under that bill to the local school districts and the States. We have talked a little bit here about the funding issue of No Child Left Behind, but let me go into some specifics.

The letter, I believe, was blatantly misleading. It talks about a $90 million cut.

The President requested a $1 billion increase in title I and a $1 billion increase in IDEA. It is very hard to criticize the President for cutting a $90 million earmarked program for untested non-means-tested program—to attack the President for cutting that $90 million when he is putting in $2 billion of new funding that will benefit the same people in a much more aggressive way, directed with flexibility and with accountability at the local school districts. It is truly a bit of an inconsistency to attack him on that point.

Then the letter went on to say, Well, you haven't funded it up to the authorization level—No Child Left Behind. There are many pieces of legislation attached to this Congress that are funded to the authorization level. And there is no legislation that has passed through this Congress in the last 2 years that has received the type of funding increases that the educational accounts have received, as I mentioned earlier.

Authorization levels is a term we use around here basically to set out a thematic approach to an issue; not an actual approach, a wish-list approach. That is why we almost never go to authorization levels in funding. Think of it as your credit card. You have a maximum level that you can take out under your credit card, but rarely, hopefully, do you ever get to that level. Usually you are borrowing much less than that.

Mr. President, I ask unanimous consent for an additional 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GREGG. Mr. President, the fact is, what counts is what is actually being spent in relation to what was spent the year before and in relation to the rest of the priorities of the Government. As I have mentioned, this President's commitment to education has been $20 billion higher in 2001 than the Clinton administration's commitment in its last year. As a percentage of spending of the Federal Government, it dwarfs everything else. We are outspending defense by a factor of 3 and outspending health and human services by a factor of 2. Yet the letter went on to say that the funds were not adequately increased for teacher funding. I mentioned that earlier. That is because we raised it $742 million the year before.

We have a total funding for teachers of $3 billion in the appropriations process. So it is totally inconsistent to say: Well, they have not increased it this year—when they ignore and do not give credit for last year's $740 million increase in teacher funding.

You can go down the list. The same is true with representations made in the area of weakening the dropout provisions or in the area of alternative certification. Just the idea that there is opposition to alternative certification is pretty outrageous. We are trying to get classroom teachers who know what they are doing. Alternative certification is one of the best ways of accomplishing that.

They went on to say we are dumbing down the tests because we are allowing a patchwork of local tests to meet the new annual testing. But that claim is absolutely inaccurate. And the Department has made it crystal clear to the States the only local tests that are available to meet the uniform tests are those that can still be compared to the rest of the States. So you do not have a dumbing down of those tests.

There are other issues in that letter which I will put in the RECORD—because I have obviously taken more time and appreciate the courtesy of the Senator from Minnesota in his allowing me to proceed even longer—that are simply inconsistent with the way the law is being put in place and being organized.

The bottom line is this: No child left behind is a dramatic departure from the historic role and goal and undertaking that we have had in education in this country, a dramatic departure because it says, very simply, children can learn and will learn. And we are going to require that our school systems not leave children behind. It is a dramatic departure because it empowers parents to do something when they find their children in schools that are not working. It is a dramatic departure because it gives local school districts, teachers, and principals a huge amount of flexibility to undertake the goals of educating their children. It is a dramatic departure because it has accountability, and it allows transparency on that accountability. It is a dramatic departure because it has huge increases in funding, as have been outlined by the points I have made here today.

Rather than attacking the funding effort, and rather than attacking the underlying goals here, we should be pulling together to make sure this bill succeeds because the success of this bill is critical to the success of our Nation.

If we can produce an educational system which really does take care of all American children, which really does make sure that every child in the first grade, the second grade, and by the third grade can read, we will have made a massive stride to eliminating poverty in this country, to making our Nation prosperous, and to making sure that all Americans have a good and decent life and have a chance to participate in the American dream.

This bill was an extraordinary bipartisan success. I regret there has been this growing, orchestrated effort to basically try to undermine it. I hope my

statements today have made it clear that on the facts the funding has been there. I hope that, as we move down the road in the future, we can accomplish the goals of this bill, without getting into this type of debate but will rather be focused on debates as to how we can make it work better in the actual delivery of service to the kids in America.

No child left behind is truly a historic piece of legislation. Let's try to make it work right. Let's recognize that we are working aggressively to accomplish that.

On January 8, 2002, the one-year anniversary of the passage of ''No Child Left Behind'', Senator KENNEDY and Representative MILLER sent a letter to Secretary Paige suggesting that we are imperiling the law's goals by underfunding NCLB and by providing too much flexibility in its implementation.

I ask unanimous consent that a response to Senator KENNEDY and Congressman MILLER's letter on No Child Left Behind be printed in the RECORD.

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

Let's review the letter.

Funding. Kennedy and Miller misleadingly claim that the Administration cut NCLB by $90 million. Although it's true that $90 million was cut from earmarks and the Fund for the Improvement for Education—which contains many untested, non-means tested programs—funding for Title I and IDEA was increased by $1 billion. An administration that requests such an enormous overall funding boost can hardly be criticized for cutting $90 million from untested programs that are not necessarily targeted toward either disadvantaged or disabled kids, and are therefore not critical to successfully implementing ''No Child Left Behind.''

The Democrats also state that the Administration's budget is $7 billion shy of what was promised in NCLB. Let's keep in mind that authorization levels are maximum numbers that can be spent, not necessarily what should be spent. Think of it as the maximum on your credit card. You have a maximum amount of money you can borrow on your card, but generally you don't spend all of that money. Authorization numbers are similar. They are suggested levels of funding that are not necessarily based on what is needed or what is available to spend.

Democrats know this. Back in 1995, when they passed the last K–12 education bill, the Democrat Congress and President Clinton authorized $13 billion for education programs, yet they appropriated only $10.3 billion. Curiously, not a single Democrat accused President Clinton of under funding education by $2.7 billion.

Unfunded mandates. Messrs. Kennedy and Miller claim that NCLB burdens school districts and States with unfunded mandates to build schools and hire highly qualified teachers to comply with the bill's public school choice capacity requirements, but that is not the case. It should be noted that since 1995 Congress has been prohibited from passing unfunded mandates.

With regard to school construction, the U.S. Department of Education has never required school districts to build new schools to accommodate NCLB's public school choice provisions. Furthermore, the Department is still waiting for States to draw down $900 million in school renovation funds that were appropriated in 2001.

With regard to the new teacher requirements, it should be noted that the new ''high-quality'' teacher requirements that were included in No Child Left Behind were coupled with one of the largest increases in teacher funding in history. Last year States received over $3 billion to assist them with the teacher requirements—this was a 35 percent increase over anything Clinton provided for teachers. Furthermore, States are guaranteed to continue to receive at least another $3 billion.

Weakening drop-out provisions. Kennedy and Miller say that NCLB final regulations establish an incentive for schools to focus on test scores while ignoring high dropout rates, thereby jeopardizing the law's accountability provisions. Nothing could be further from the truth; the regulations are actually stronger than the statute. The statute was unclear on graduation rates. The regulations state that even if all children are doing well in school, if dropout rates are high, then the school is still identified as in need of improvement.

Alternative certification. The Democrats criticize the Department for allowing teachers who are alternatively certified or working on becoming alternatively certified to be counted as highly qualified. This is a perfect example of how the Democrats do the teacher union's bidding by trying to prevent individuals who don't go through the traditional teacher certification process—which is dominated by the unions and their allies—from being hired by schools. They want no competition from Teach for America or other programs that encourage professionals from other fields to become teachers.

Prohibiting norm-referenced tests. Kennedy and Miller state that NCLB prohibits ''norm-referenced'' tests, which measure students' achievement against that of their peers. That is patently false. Although the House bill originally prohibited ''norm-referenced'' tests, that provision was dropped in conference and no such prohibition is contained in the law.

Different tests for different students. The Democrats claim that the Department allows States to use a patchwork of local tests to meet the new annual testing requirements, making it impossible to measure whether achievement gaps are being closed. The Department, however, has made it crystal clear the States can only use local tests if those tests allow for a uniform or comparable measure of student performance across the State. NCLB is based on President Bush's firm commitment to reduce the achievement gap. To infer that in any way this Administration would allow States to mask the achievement gap is simply absurd.

Allowing discrimination with federal funds and denying basic civil rights protections for children. The Democrats are engaged in a bit of revisionist history when they claim that NCLB allows federal education programs to directly fund religious organizations and to permit organizations to discriminate based on religion. After many, many hours of negotiations, we reached a bi-partisan agreement to be silent, that is, to allow current law to continue to operate, on the issue of Title VII of the 1964 Civil Rights Act. Title VII prohibits discrimination based on race, sex religion, and national origin in employment, except with regard to employment by religious institutions. We did not, nor did we intend to, reverse that precedent. To claim otherwise is simply a ridiculous misinterpretation of the facts.

In sum, the letter from Messrs. KENNEDY and MILLER is classic political ploy. The Democrats want the Department to pile additional requirements onto States and school districts who are already doing a yeomen's job to comply with the many reforms in NCLB. This letter is nothing short of an attempt to sabotage the bill and ensure that States and school districts will be so overwhelmed that they will be unable to implement even the smallest provisions in the bill.

Mr. GREGG. I yield the floor. I especially thank the Senator from Minnesota for his courtesy in allowing me to proceed.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I thank the distinguished Senator from New Hampshire for his impassioned set of statements. I share the Senator's hope that we can work constructively on both sides of the aisle on behalf of education in America.

Mr. President, I ask unanimous consent that following my remarks, Senator DEWINE be recognized for up to 15 minutes.

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

TAX CUTS

Mr. DAYTON. Mr. President, I wonder if perhaps you and some of my colleagues remember, as I do, the movie ''Animal House,'' one of the classic American comedies. In the movie, the rogue fraternity Delta House had one solution to many of their problems, and that was a road trip. If there was an academic suspension—a road trip; fraternity problems—a road trip; expulsions—a road trip.

Here in Washington we have some who hold a similar one-line refrain to just about every problem; and that is—tax cuts. We have budget surpluses—tax cuts; budget deficits—tax cuts; economic recessions—tax cuts.

Well, like road trips, tax cuts are a lot more fun and popular than dealing with unpleasant realities. Tax cuts are practically guaranteed to make the politicians who support them popular with their constituents, and so I must confess to liking them myself. But, like road trips, tax cuts not only avoid unpleasant realities, they often make them worse. They might postpone the day of reckoning, but the conditions will be even worse as a result, not only because of the delay in facing up to those realities, but also because of the tax cut itself.

This tax cut proposal that the President made 2 days ago is the road trip equivalent of visiting Fort Lauderdale. It is excessive, it is reckless, it is dangerous, and it is seductively appealing. Masquerading it as economic stimulus would be consumer fraud. I note with interest that the White House has seemed to have dropped that claim. Little of it would take effect actually this year, and none of the proposals put real dollars in the pockets of consumers.

This is a reelection stimulus package aimed at 2004 rather than an economic stimulus package aimed at 2003. It is

putting money in the pockets of the wealthiest Americans who, if this administration had its way, would, it seems, pay almost no Federal taxes of any kind, whether they are alive or after they are dead. It is important we remember that the richest Americans already got huge tax reductions in 2001. Those with incomes of more than $1 million a year will get an average of $650,000 in tax cuts over the 10-year life of that bill. The rich do not need another tax cut, yet they would be the ones getting most of the money in the President's proposal.

The struggling millionaire getting by on an annual income of $1 million or more would be getting another $50 to $100,000 a year in additional tax reduction, depending on their amount of dividend income. Middle-income-tax payers, upper middle income-tax payers, people who work for a living, would get the benefit of the increase in the child tax credit, which I support. That is a good idea. I hope this body will pass it. But they will get little from the rest of the President's proposals. And for most of them who put their investments into 401(k)s or IRAs or other retirement accounts for whom dividend income is already tax exempt, there would be no additional gain in our doing so at the cost of some $67 billion over the next 10 years to the Federal Treasury.

In fact, the total tax package of $670 billion in cost over the next 10 years would give little boost to economic recovery, little tax relief to most Americans, and once again, more huge tax cuts to the richest 1 percent of Americans.

Those of us who point this out are accused of class warfare. I must say, this is not my proposal. These are the facts. And those who are proposing it are the ones who are guilty of setting one class of Americans against others.

In addition, this is a $670 tax package that we cannot afford. We are already running, once again, $200-billion-a-year deficits. That is $200 billion a year in deficit after we use up all of the Social Security trust fund surplus. President Clinton, in 1997 and 1998, balanced the Federal budget for the first time in 28 years. Then he did it again in 1999 and 2000, in the actual operating account of the Federal Government, leaving the Social Security surpluses untouched. As you recall, those of you who, like me, ran in the year 2000, most of us, I think probably all of us promised to put that money in a lockbox.

The President, when he was campaigning, promised to put the Social Security surpluses in a lockbox which meant that the rest of the Federal operating budget would have to be balanced, and it was. It was projected by OMB in January of 2001 to remain balanced, actually in a surplus, for the next 10 years. Well, of course, that has not happened.

We have gone from debating, when I first arrived here 2 years ago, how to best utilize a $5.6 trillion expected surplus over the decade, how we could pay down the national debt and save $200 billion a year in interest payments so that when the baby boom generation retires in significant numbers, starting in about a decade, when that trust fund has to start cashing in its IOUs, that this country would be in the strongest possible financial condition to meet those growing needs. But in 2 years, those surpluses have disappeared, and we are now looking at projected deficits every year for the foreseeable future, which is heading us, with additional debt and no cushion, toward a financial Armageddon in a decade that will rival nothing we have seen in this country since the Great Depression.

The least we should do—not what we should do but the least we should do—is not make it worse. This tax proposal would do so.

So in one tax proposal, we have greater tax unfairness, greater income inequality, greater financial instability, a greater future catastrophe. For this proposal and those who support it, it is like an alcoholic. I am a recovering alcoholic, so I know whereof I speak. It is like an alcoholic who knows that they should stop, that it is bad, that there are going to be future disastrous consequences, but is unwilling or unable to do so.

I must say that those of us who are ''Friends of Bill W.'' see other signs of that kind of behavior in some of the statements being made these days, justifications for these deficits—that a trifecta caused our budget downfall; people don't cause deficits, trifectas cause deficits—and denial where top administration officials are starting to say: Well, deficits don't matter.

Well, they mattered when the President was campaigning in the year 2000 and pledged to keep the Social Security surpluses in a lockbox. They mattered the last 2 years when the President criticized any attempt to spend additional money on schoolchildren or prescription drugs for the elderly. It seems that deficits don't matter only when the White House wants to ignore them.

It is bad enough that people in the administration who should know better say that deficits don't matter. It is their job to pretend that the emperor has clothes even when he does not. But other economists and economic policymakers around the country who are saying the same things and making up rationalizations and contradicting their former positions really are guilty of professional cowardice, and they do their country a great disservice by the masquerade they are enabling. They have no honest escape from or avoidance of the truth and the facts as they know them to be.

I must say that responsibility starts with and falls most heavily on the Chairman of the Federal Reserve, who has danced around the head of a needle every time this administration has proposed policies which contradicted the admonitions he consistently gave to the Congress during the last administration. I think it will be shameful for anybody, any professional economist, or economic policymaker to come to Capitol Hill in the next few weeks and hedge or confuse or rationalize whether this is an economic stimulus proposal, which is not what its benefits are relative to its fiscal cost to this country, and whether it promotes greater tax inequality or equity. And anyone who is unwilling to speak that truth should have the integrity to step out of any public position or should just stay away from here entirely.

To the millionaires and the multimillionaires of America, the captains of industry who are running up support for this proposal, I know whereof I speak. I say, you are letting your greed ruin America. I can understand most Americans' aversion to taxes, especially the poor, the middle class, even the upper middle class who are living on their earned incomes, who are raising children, wanting to improve their own financial conditions and that of their families. I can understand their resentment for every tax dollar. But if you can't live on a million dollars in this country and pay your fair share of taxes on it, you should deal with that yourself. You are the luckiest people in America. You are the luckiest people in the world. You are the luckiest people in the history of the world.

If you are paying more taxes, it is because you are earning more money, a lot more money in many cases in the last few years. For people who want to make more money and pay less taxes on it, that, to me, is greed. To advocate for it, knowing the financial condition of this country, knowing the harm it would cause your children and your grandchildren when they have to pay the bills in the years ahead, is not only selfish, it is downright unpatriotic.

This antitax ideology is destructive to America. This obsession with paying no taxes whatever it takes, moving a home or residence, moving a business, setting up offshore shells and tax evasions and other kinds of tax avoidance, people who are doing so should be ashamed. If this country falls into a financial abyss in the years ahead, we will have no one to blame but you. Nothing that anyone has hoarded will begin to replace the economic strength of this country if it is lost.

There are other reasons this tax cut is terrible. That is that it ignores the serious unmet needs of our people. The priorities of this Congress and this administration regretfully have been tax cuts for the rich ahead of quality education for our schoolchildren, prescription drug coverage for senior citizens, disaster aid to destitute farmers and flood and fire victims, and a lot of serious unmet social needs.

One of those areas of greatest critical need and a broken promise of the Federal Government for a decade is the area of special education. It was a quarter century ago when Congress made a promise that it would pay for 40 percent of the cost of special education. In fact, Congress even passed a

law in 1982 that stated that it would do so. It legally bound itself to providing 40 percent of the cost of special education.

Today, nationwide it is 16 percent; in other words, less than half of the promise that was made.

For my State of Minnesota, that difference amounts to over $200 million a year in tax money, in funding for education that has to be made up by tax money in Minnesota, with more regressive property taxes, State income taxes—money that Minnesota does not have and many other States don't have.

Now, I heard my friend from New Hampshire recite a great number of statistics that purported to demonstrate how much the Federal Government has increased its funding for education. The problem with the numbers of percentage of increase is the actual base in many of these programs—the measure was quite low. In fact, the Federal share for funding of all of K–12 education has been 7 percent. The State and local governments have been obligated to pick up the rest. For most of the time it has been desirable because it has maintained local control of our schools. But you can increase a low number by a high percent and still have a low number.

I heard lots of blaming of the previous administration, that they should have spent more for education. I would say, having come 2 years ago, probably it should have done so. Probably the last 25 years of administrations should have spent more for education—certainly in special education they should have honored that promise when it was made and kept it. The priority of the last administration, almost by necessity, was to bring this country out of deficits, to put this country back in sound fiscal condition, to put the Social Security surplus money in a lockbox so it would, therefore, meet present and future retirements.

I believe I heard the Senator from New Hampshire say that in all of those 8 years, this country was operating in a surplus. That is not the case.

The PRESIDING OFFICER. The Senator has used up his time.

Mr. DAYTON. Mr. President, I ask unanimous consent to have 2 more minutes to finish my remarks.

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

Mr. DAYTON. Certainly we should have spent more. President Bush, to the extent he has spent more money—and he has—for special education, boosting the Federal share from 12 to 16 percent, I give him credit for doing so.

But I am not concerned about who is right. I am concerned about doing what is right. I am concerned about what is right for the schoolchildren of this Nation. I speak as a former schoolteacher who taught in a public school in New York City with 32 children in the classroom. It was the toughest job I ever had. I heard them say that the number of students in a classroom doesn't make any difference. Anybody who has tried to teach kids knows it makes a difference. I have been to 150 more schools in Minnesota, and anybody who doesn't know they are substandard and dangerously decrepit—they can cite all the statistics they want, but they are not looking at reality. Anybody who thinks the schools are over funded and that teachers who are averaging $40,000 nationwide are overpaid should spend a day, a week, or a year in a school and see what that job is about, see the kids from all different backgrounds and countries with different languages and capabilities—no wonder test scores are affected.

Anybody who thinks we are over funding public education is off in another world. In Minnesota and in other States where funds are not and will not be available through property taxes and State taxes, the question is, Who will help us out? The Federal Government has these tax cuts for the wealthiest people, and we are saying to these kids: No, I am sorry, you go your own way, you suffer, we are not going to put computers on your desks to enable you to succeed. We are going to test you and find out how you are doing and use the bully pulpit. It is no wonder good teachers are leaving. Who would want to stay when that is going on. This next year is about priorities for this country, priorities on how we will spend the money and the resources we have. That debate should continue.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Ohio is recognized for 15 minutes.

Mr. DURBIN. Mr. President, I ask unanimous consent to follow the Senator from Ohio for 15 minutes.

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

TRIBUTE TO OHIO COLLEGE FOOTBALL TEAMS

Mr. DEWINE. Mr. President, I am very proud, as the 108th Congress gets underway today, to pay tribute to the awesome accomplishments of this season's Ohio State University football team—a team that, after what was certainly one of the greatest games in college football history, clinched the 2002 National Collegeiate Football Championship title. This recent distinction represents Ohio State's fifth outright national football title.

It is a great privilege, also, to represent a State that is home to many outstanding schools and numerous past national champions of college football. In Alliance, OH, for example, we have the Mount Union College Purple Raiders. This exceptional football team ended the year with a 14 and 0 record, winning the division III national championship for the sixth time in 7 years.

The team is 109 and 1 in the last 11 regular seasons. Since 1990, the Raiders have won an incredible 162 out of 170 games. So I congratulate these fine young athletes on yet another great championship season.

I want to recognize the Raiders' coach, Larry Kehres, for his dedication and commitment to the school and to the team. He has just been named the AFCA Division III National Coach of the Year, making him the first coach to win 7 national coach of the year awards. Mr. President, this is an unprecedented accomplishment. I congratulate Coach Kehres and his entire coaching staff. I wish him and the Purple Raiders and their fans all the best for next season and for many years to come.

Mr. President, I also congratulate Ohio State football coach Jim Tressel, who was named this season's Division 1–A National Coach of the Year. This is the third time Coach Tressel has been recognized as national coach of the year, and deservedly so. He is a man who already has a lifetime coaching record of 142 wins, 62 losses, and 2 ties. He has coached previous teams at Youngstown State University to 4 national championships and has qualified for the Division 1–AA playoffs a remarkable 10 times in the past. He is a native Ohioan who graduated cum laud in 1975 from another fine Ohio institution of higher learning, Baldwin Wallace College. Coach Jim Tressel stresses academics, athletics, and community responsibility. When Jim Tressel took over as head coach of Ohio State, he said this:

> The two greatest days in our student-athletes lives should be the day they walk across the stage to receive their diploma and the day they slip a championship ring on their finger.

Because of Coach Tressel's dedication to his athletes, many of the players on Ohio State's football team have and will accomplish both of these great honors.

Mr. President, I am sure many of my colleagues watched last week's Ohio State-University of Miami game. What a great game it was. Both teams played very well, and both schools can be very proud. I know that Senator REID and Senator MCCONNELL certainly watched the game. They have both already come to the floor to talk about it. I thank them for their remarks on the floor earlier in the week.

I was pleased to join my friend and colleague from Ohio, Senator GEORGE VOINOVICH, in sponsoring a resolution honoring the team's achievement. This resolution commends not only the entire Ohio State athletic department, but also recognizes the support and dedication of the Ohio State marching band, the cheerleaders, the students, the administration, the board of trustees, the faculty, the alumni, the City of Columbus, the entire State of Ohio, and all of the great fans. Indeed, this season and last week's championship game represent the culmination of a year of hard work and a true team effort.

Mr. President, anyone who watched last week's game will tell you it was an

unbelievably tense game. Ohio State entered the game at least an 11½-point underdog. The team's defense was certainly key in putting Ohio State into a position where they could win the game. During the first overtime, the game was tied 17 to 17. Then facing what could have been the end of the game—fourth down and 14 yards to go—Ohio State completed a 17-yard pass to stay alive.

I know Ohio State fans, whether they were in Tempee, AZ, or whether they were, as I was, watching TV in Cedarville, OH, just could not believe what happened. Ohio State's quarterback faded back and made that unbelievable pass on fourth down and 14. After a few more plays, the Buckeyes scored from the 1-yard line to go into that second overtime.

Then in the second overtime, Ohio State scored on a rushing attempt, and this proved to be the last score of the game. Miami got the ball, of course, and then on the last play of the game, fourth and goal at the 1-yard line, the Buckeyes blitzed and forced Miami's quarterback to rush his pass in desperation, allowing the Buckeye defensive linebacker to bat it down to the ground. This moment secured Ohio State as the 2002 national champions and gave the team a place in history. Without a doubt, both teams played well; both teams are great champions.

Many sports writers already have made the case that Ohio State's 31-to-24 double overtime victory in this year's Fiesta Bowl was the greatest championship game in the history of college football. This sort of fantastic finish was the same type of dramatic conclusion to many of the Buckeyes's wins this season.

The truth is Ohio State was underestimated the entire season, but because the players worked together as a team to overcome huge obstacles, they were able to reach their ultimate goal. The unselfish attitude of the players and coaches resulted in win after win for their team.

The Ohio State University football team defied history and odds to win 14 games in one season, overcoming all barriers along the way to persevere in the end.

I wish to conclude with the words of former Ohio State national champion coach, Ohio legend, the late Woodrow Wayne Hayes—Woody Hayes. I quote Woody Hayes:

> Anytime you give a man something he doesn't earn, you cheapen him. Our kids earn what they get, and that includes respect.

It is with great respect today that I say congratulations and go Bucks.

Mr. President, I ask unanimous consent that the names of the Ohio State football team, coaching staff, and players be printed in the RECORD.

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

2002 OHIO STATE FOOTBALL TEAM ROSTER

John Adams, Tucker Allen, Will Allen, Tim Anderson, David Andrews, Kyle Andrews, Redgie Arden, Bryce Bishop, Mike Bogart, Jason Bond, LeAndre Boone, Joe Bradley, Bobby Britton, Jason Caldwell, Bobby Carpenter, Drew Carter, Angelo Chattams, Bam Childress, Maurice Clarett, Adrien Clarke, R.J. Coleman, John Conroy, Chris Conwell, Ryan Cook, Bryce Culver, Mike D'Andrea, Doug Datish, Michael DeMaria, Mike Doss, Ivan Douglas, T.J. Downing, Tyler Everett, Dustin Fox, Simon Fraser, Chris Gamble, Steve Graef, Cie Grant;

Marcus Green, Andy Groom, Maurice Hall, Roy Hall, Ryan Hamby, Rob Harley, Ben Hartsock, A.J. Hawk, John Hollins, Santonio Holmes, Andrew Hooks, Josh Huston, Harlen Jacobs, Michael Jenkins, Branden Joe, Mike Kne, Craig Kolk, Craig Krenzel, Mike Kudla, Scott Kuhnhein, Maurice Lee, Jamal Luke, Nick Mangold, Thomas Matthews, John McLaughlin, Scott McMullen, Richard McNutt, Jeremy Miller, Brandon Mitchell, Steven Moore, Ben Nash, Donnie Nickey, Mike Nugent, Adam Olds, Shane Olivea, Pat O'Neill, Jim Otis;

Fred Pagac Jr., Roshawn Parker, Steve Pavelka, Joel Penton, Kenny Peterson, Scott Petroff, Quinn Pitcock, Robert Reynolds, Jay Richardson, JaJa Riley, Mike Roberts, Lydell Ross, Matt Russell, Nate Salley, B.J. Sander, Tim Schafer, Brandon Schnittker, Darrion Scott, Rob Sims, Antonio Smith, Troy Smith, Will Smith, Michael Stafford, Alex Stepanovich, David Thompson, Matt Trombitas, Jack Tucker, Kyle Turano, Andree Tyree, Jeremy Uhlenhake, E.J. Underwood, Chris Vance, Bryan Weaver, Stan White Jr., Kurt Wilhelm, Matt Wilhelm, Sam Williams, Steve Winner, Mike Young, and Justin Zwick.

Mr. DEWINE. I thank the Chair, and I yield the floor.

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

Mr. HOLLINGS. Mr. President, I ask unanimous that following the remarks of the distinguished Senator from Illinois I be recognized.

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

Mr. DURBIN. Mr. President, I say to my colleague from the State of Ohio, I tuned in to that game in the final minute of the regular game and was watching as one of the Miami running backs was injured. It appeared the game was going to end with Miami being the winner. I agree with the Senator from Ohio, it was one of the most exciting college football games I have ever seen. Of course, being from Illinois, since our signature university is one of the 11 members of the Big Ten, we are particularly proud that another team from the Big Ten is the national champion, and the Ohio State Buckeyes certainly did us proud that evening. I am sure Senator DEWINE is very happy about that outcome and proud of what they did as well.

Mr. DEWINE. Mr. President, if my colleague will yield, I appreciate my colleague's comment. I just knew my colleague from Illinois, another Big Ten school, would be rooting for the Buckeyes that day.

Mr. DURBIN. I certainly was.

Mr. DEWINE. I appreciate that.

THE ECONOMY AND EDUCATION

Mr. DURBIN. Mr. President, we came back to Washington to be sworn in and begin a new Congress, and the President traveled to my State of Illinois, to Chicago, to announce his proposal for an economic stimulus. We need it; we need it desperately. For the last 2 years, we have languished. Our economy has gone from bad to worst.

The President inherited a budget surplus, at least on paper, that gave us some opportunities to pay down the debt of the Nation. Instead of borrowing money from the economy to finance our Government, we were actually not borrowing at the same rate. I am careful with my rhetoric because I am being followed by Senator HOLLINGS who is the guru and past master when it comes to the questions of deficits and surplus. He will quickly disabuse me of my notions if I am wrong. He will concede, as I hope I would as well, that our budget situation today is worse than it was when President Bush took office in terms of the deficits we are generating.

That deficit situation reflects three situations, some of which we control and some we do not. No one could have anticipated the negative impact September 11 had on our economy and the increased expenses of Government for military and defense efforts. That is something for which no President can be held accountable because it was totally unexpected. That situation has added to our deficit.

The continued recession we are going through has made the deficit even worse: Fewer tax revenues going into Washington, fewer dollars available for spending on programs and a deficit as a result.

The third piece, though, has to fall on the President's lap. He came to us and said: I want to cut taxes, and if I cut taxes, this economy will turn around, trust me. The majority of the Senate and the House did—I was not one of them—and they were wrong.

The President's tax cut proposal did not invigorate the economy; it added to our deficit. So that red ink pool gets deeper and deeper. We are deeper in debt and the economy is still languishing.

The President came back this week and said: I have a brand new idea: More of the same. Let me cut taxes on the highest income people in America, and I swear to you, America, this time it is going to work; if you will just give the richest people in America a substantial tax break, we know they will do the right thing; we know they will invigorate the economy.

Isn't it interesting what the public reaction has been? CNN had a call-in and said to the American people: Do you buy the President's approach? Do you want to try this again or would you rather go for a different approach suggested by the Democrats, that we have a smaller more manageable stimulus package that helps us this year immediately and is focused on helping the majority of Americans, not just 1 percent of the wage earners, the wealthiest?

The CNN poll came back. Two to one, the people calling in said: We prefer the more managed approach, the smaller stimulus that does not add to the deficit and, frankly, tries to help all taxpayers, not just the wealthiest among us. Two to one, people rejected President Bush's failed economic policy which he is trying to bring back to us again.

Let me tell you what is interesting, too. President Bush suggests that in the course of this economic stimulus we can take out of the Treasury during the next 10 years—let me get the number correct—$676 billion. Most of it is not going to happen in the first year, so it is not much of a stimulus package. It really does not happen at all. To suggest that people who receive corporate dividends this year will not have to pay taxes next year—of course, those are the wealthiest people in America as a class—it will not stimulate the economy. Most Americans say that does not make any sense at all. Why create a worse deficit for our country, more debt for our children, more competition for capital funds between business and Government with a program that won't work?

The President says we can take $676 billion out of our Treasury for this experiment, the first phase of which has already failed. Taking that money out of the Treasury would, of course, mean less money available for America's priorities.

What would that be? Well, more compensation to provide for our military. We are about to go to war. I hope we do not. If we do, make no mistake, we will spend what is necessary to put our troops in the field and make sure they are adequately trained, have the right resources and technology to win, and come home safely. We will spend that money. And we should—every penny of it.

The President says as we take money out of the Treasury, it makes no difference. It does; more money spent on the military means less money spent elsewhere. For example, homeland security. We want to be safe in Illinois. Every person does. It costs money. We need a statewide communication network so all the first responders—police, fire, medical communities—can share in communications instantly. It will cost us $20 million. We do not have it.

If the Federal Government wants to make America safer, wants real homeland security, start on the home front. When we take $676 billion out for a tax break for wealthy people, the likelihood that Illinois will get $20 million to be safer as a State is diminished dramatically.

Another area tells an important story about the priorities of this administration: education. When we take more money out for tax breaks for wealthy people, there is less money available to go into education. Remember a year ago? A year ago yesterday President Bush signed No Child Left Behind, the first and highest priority of his new administration. When he was still in Texas before being sworn in, he called in the congressional leaders, Democrats and Republicans, and said: Put your party label aside; can't we all agree—Senator KENNEDY, Congressman GEORGE MILLER and the Republican leaders—on a bipartisan basis to do something meaningful for America's schools? He convinced them. He convinced me. He convinced the majority in Congress. We passed No Child Left Behind and said we would go after the 6 million-plus students in America who are falling behind in failing schools. We are going to not only find out what their current state of education is, we are going to help the school districts get back on their feet with better teachers, better classrooms, more technology, more time in the classroom, and better results. I cheered it on. We all did. It was a bipartisan approach. The President took great pride. This would be the centerpiece of his new administration. He was truly going to be an education President.

As soon as the floodlights had dimmed and the television cameras had left, we learned something in this town of secrets, about a secret that had been kept by the administration. The secret was this: The President was prepared to sign the bill to approve the plan. The President was not prepared to put the Federal dollars on the table to make it work. As a consequence, we stand here today with mandates from this No Child Left Behind on school districts in States across America and the Bush White House refuses to fund those mandates.

Pick your State. With very few exceptions, every State in the Union is in deep deficit. My home State of Illinois will swear in a new Governor on Monday. Congressman Rob Blajovich is leaving the House of Representatives to become our new Governor. He inherits a fiscal nightmare of a $4 billion deficit. California has more than a $30 billion deficit. These Governors who are required to balance their budgets will be scrambling to cut basic services or increase taxes. They have no other place to turn.

One of the major responsibilities of our State is education. At a time when the State of Illinois cannot afford to meet its basic obligation for education, we have a mandate coming from President Bush, a mandate under No Child Left Behind, which will add to the expenses of Illinois and every other State, but the President refuses to put the money on the table to fund his own education program.

Take a look at some of the charts to get an idea of the priorities of education by this Bush administration. The Elementary and Secondary Education Act, the basic bedrock of helping failing schools and students improve, is a part of the Federal budget which reflects the priorities of the administration. Under the Clinton administration, the average amount of increase each year was 22.3 percent. In comes President Bush, the education President, proposing a 3.6-percent increase. Thank goodness Congress refused, denied him, and increased it to 20 percent. This tells you about the priorities.

Look at the increases in education over the last 7 years, overall spending in education, and you see double digits, but for 1 year, until we come to President Bush; his increase was 2.8 percent in education. The education President will not put the money on the table. Under the Bush administration, we have the smallest increase for education in 7 years.

Now take a look at what the Bush budget has done. Because he cuts back on education increases, because he will not fund his own No Child Left Behind, 18,000 teachers were cut from professional development to improve their skills in the classroom; 20,000 students lost college work-study programs; 25,000 limited-English-proficient children were cut from the Federal bilingual education programs; 33,000 kids cut out of afterschool programs; no increase in Pell grants; no increase in student loans. Is this the education President?

No child left behind? Look who is being left behind. Not only the children but the teachers—and the Nation.

If you take a look at President Bush's budget, he promised 6.7 million children would be rescued by No Child Left Behind. In fact, they have not been. They have been left behind themselves. The President said we were going to have 2 million more children protected this year. In fact, there are only 354,000.

When it comes down to it, you have the Bush administration on the one hand posing for pictures and shaking hands with school principals across America and with the other hand reaching into their pockets and pulling out their State funds to fund his unfunded mandate under No Child Left Behind. We will have States paying for the testing required by the Federal Government and not paid for, paying for the evaluation of students required by the Federal Government and not paid for, teacher certification and improvement required by the Federal Government and not paid for, paraprofessionals improving skills required by the Federal Government and not paid for—along series of unfunded mandates from this President.

What will it mean in the States across the Nation? Read the bad news. I have it here. State after State is seriously considering, and some already deciding, to go to a four-day school week because they cannot afford to keep the schools open while President Bush sends unfunded mandates under No Child Left Behind.

Mr. REID. Will the Senator yield?

Mr. DURBIN. I am happy to yield.

Mr. REID. The Senator has outlined what we have required States to do as a result of Federal legislation. What if school districts decide not to do this?

Mr. DURBIN. They could face a cutoff of the existing Federal funds they are receiving. You have States that could be penalized, States that already are in trouble because of State deficits. They could be penalized by not complying with the Federal mandates that President Bush created, signed, and refused to fund.

Now, let me tell you where I stand. Senator KENNEDY, who is not with us today but he certainly has been our leader on this issue, has called for full funding under title 1, full funding under the IDEA program for disabled students, and those are things I support. It comes to about $7 billion, if I am not mistaken. We should come up with that money. If we can find $676 billion for tax breaks for wealthy people, can we not find $7 billion for education?

It is my position—and I do not speak for anyone but myself on this—if this Congress fails to fund the unfunded mandates of No Child Left Behind, this Senator will propose suspending those mandates, saying to those school districts across America that until we are prepared to put the money on the table, until this economy is stronger, we are not going to require you to test every student every year to make an evaluation of each of those students and go through all the requirements of No Child Left Behind.

The President cannot have it both ways. He cannot call himself an education President, wrap himself in the cloak of educational reform, and then refuse to put the money on the table. That is what he has done, year after year after year.

There are those who believe the way to stimulate America's economy is to make sure a majority of tax breaks go to a majority of Americans who believe that we should invest, as well, in the education of our children. Is there anything more important? This administration makes it the lowest priority. It should be our highest. That investment by our Nation at this moment in time will not only help us through the current recession but it will also help us for generations to come.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that morning business be extended for 20 minutes, and that the additional minutes be evenly divided between the Democrats and the Republicans.

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

Mr. REID. I ask unanimous consent that the Senator from South Carolina be recognized for 20 minutes.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 20 minutes.

THE ECONOMY

Mr. HOLLINGS. I commend our distinguished friend from Illinois. He has brought into sharp focus our dilemma with respect to the prime initiative of President Bush with respect to education.

I just finished a column for the local newspaper relative to symbols versus substance. You will find our Republican colleagues very strong on symbols but very weak on substance itself.

Let me ask the question, rhetorically, of course: What Governor, what mayor—all of us are facing these deficits—is cutting taxes in the face of these deficits? With voodoo? In other words, all you have to do to fix the deficit is cut your revenues. We heard this under President Reagan, and Vice President Bush called it voodoo. We heard all you needed to do was to cut taxes and the people would have so much money they would spend and everything else. We would have consumer demand. You would have sales tax revenues. You would have income tax revenues, they would all increase, and we would just grow out of a deficit.

At that time Vice President George Herbert Walker Bush, Bush No. 1, called it voodoo.

We just had, last year and the year before, of course, voodoo II. A tax cut of $1.3 trillion plus interest costs $1.7 trillion. We are cutting the revenues and at the same time in the 4 years, and I want my colleagues to check the record and mark it down, the defense budget has gone in the last a little over 3, nearer 4 years from 1998 until now, from $271 billion to at least $371 billion. It will probably be nearer $386 billion. We have increased defense costs $100 billion. We have increased health costs $107 billion, when you look at Medicare and Medicaid and the veterans. But that does not include the community health centers or child health care, of course. So we spend another $200 billion there. We have increased agriculture, farm subsidies another $35 billion.

While we are increasing the spending that both sides of the aisle support—health care, defense, and agriculture, some $235 billion—and then we cut the revenues $1.7 trillion, in voodoo, and we end up with a deficit. We are just like the States. Only there is no serious purpose up here for the needs of the country. It is only for the needs of the campaign.

We have been using this Congress and the White House to campaign. The heck with the country. Despite having just completed one election, we're already looking at the next election. And the blooming media has gone along with us. They treat politics as a spectator sport, where they want to know who is up, who is down, who is announcing, who is quitting, who is doing this, and who is doing that. You can't get their attention on paying the bill.

As a result, the debt has soared to $6.3 trillion. We will be debating next month about increasing the debt limit. I want to see how many of my colleagues will vote for that. They have increased the debt by cutting all the revenues, increasing all the spending, and saying: I am against the Government, the Government is too big, the Government is not the solution, the Government is the problem.

I have sent to the desk a value-added tax. I want to increase taxes. I am sober. I am experienced. I got a triple A credit rating back in 1959 for the little State of South Carolina. I know what you have to do to pay the bill. I have been the chairman of our Budget Committee up here in the National Government, in the Senate. I can tell you, this is about my third try for a value-added tax.

My bill will be referred to the Finance Committee. I know revenue measures under the Constitution derive in the House of Representatives. But I know also that we had a hearing back in the 1980s when we had this voodoo. Lloyd Bentsen of Texas was chairman of that committee. I brought Dr. Cnossen, the Hollander expert. He testified, because he knew he had helped the United Kingdom. He had written a value-added tax for Japan, for Canada—every industrialized country in the world save the United States has a value-added tax. That is one of the big deficiencies we have in international trade.

They have a 15 percent to 17 percent advantage with their VAT. We have the disadvantage. When Dr. Cnossen testified, as they were leaving the room—I will never forget—former Senator John Chafee turned to Lloyd, the chairman, and he said, ''Lloyd, if we had a secret ballot we would vote it out of this committee unanimously.''

We needed the money to balance the budget. We tried with Gramm-Rudman-Hollings and had a temporary restraint on the Federal budget. But then instead of a prompter, a sword to prompt fiscal responsibility, it was used as a shield. We needed to take extreme action. But we didn't take it, and Gramm-Rudman-Hollings was out by 1992. Bush I was running a $400 billion deficit and lost office to the Governor of Arkansas.

Let's get to the Governor of Arkansas. When Clinton got nominated, his friend Erskine Bowles from Charlotte got together business leaders and market experts. They went down to Little Rock. Along with them was Alan Greenspan. Greenspan told then-Governor Clinton—he said, When you come to Washington you are going to have to not only cut spending, you are going to have to increase taxes.

Clinton said, Are you serious?

He said, The country needs it. We are not going to have any investment, we are not going to have any jobs, until the Government starts paying down the debt.

And paying down the debt was the 8-year chant on the floor of the Senate. You can't hear it now. You can't hear it now, about paying down the debt. You have to have tax cuts and so forth. One side says let's have, I don't know, a $700 billion, $800 billion, $900 billion

tax cut. The other one says, no, only $200 billion or $300 billion. We are back into the ying and the yang. We had that under voodoo I, under Bush II, year before last, when he said he wanted $2.3 trillion in tax cuts. The Democrats come around and said $900 billion and we compromised at $1.3 trillion and with interest costs $1.7 trillion. That is what we are on course to do.

Politicians go on the weekend shows chanting, I am for the rich, you are for the poor, the ying and yang, and it is all campaign applesauce. It is not for the good of the country.

I am telling you what we need to do is pay for the war. We have a President, a Commander in Chief who says, look, I am going to send you to get killed in Iraq, or maybe North Korea, or wherever he is headed. He is going to ask you to fight and sacrifice, but we are not going to pay for it. We are going to have to run deficits. In past wars we ran deficits, but we paid for it at the particular time.

What really happened? If you take all of the deficits for the last 30 years—right after World War II—under Presidents Truman, Eisenhower, Kennedy, Johnson, Nixon, Ford—you take the sum total of all those deficits. It is $358 billion.

We just finished the fiscal year—one year under Bush II—which does not include the cost of the real war. It was only an excursion in Afghanistan. The Congressional Budget Office says the excursion in Afghanistan and homeland security amounts to $35 billion at the most. But in one year we have run a deficit of $428 billion. And to what do we owe this amount? Guess what. We had a stimulus—I want everybody to hear this—a stimulus of $428 billion in the last fiscal year. We are already $159 billion in the red the first 3 months of this fiscal year.

Added together, you have a $587 billion stimulus in the last 15 months. It hasn't worked. We are getting worse and worse. There is not going to be financial investment as long as we continue on this course. It is absolutely reckless to talk about whether any kind of a dividend can do it, or whether a marriage penalty can do it, or whatever else. They have to come around and argue about double taxation and everything else of that kind. We need to do both. We need to cut the spending and we need to increase the revenues. To accomplish this goal, we must have a value-added tax.

I can tell you here and now that it will take a year to get this 1 percent value-added tax up and running. It will take a year to get it the administration worked out, and to get the different businesses to change around their computers and for the IRS to institute it. And when we do it will get about $35 or $40 billion, and we will begin a modest effort to pay for whatever war, whether it is a domestic war, an Iraqi war, a North Korean war, or some of the 14 peacekeeping operations.

I can tell you now the military is stretched. That Reserve crowd that flies the C–17s in my backyard have been there since September 12, 2001. If they made $60,000 or $70,000 in private life, they are down now to $35,000 at the most. They cannot pay their rent. It is the same way with the National Guard. They are being called up everywhere in these particular cases.

We need to come to grips with what we are doing and cut out the campaigning and start looking at the needs of the country. Specifically, every Senator says we are not going to spend Social Security. President Bush, in February the year before last, when he submitted his message to the Congress said: I am setting aside $2.6 trillion for Social Security.

We have that, and more. In the law, it says: You shall not spend the Social Security surplus on anything other than Social Security. That is section 13301, recommended in section 21 of the Greenspan Commission. I dropped in a bill that requires the Secretary of the Treasury to certify that if there is a deficit there cannot be a tax cut. That tax cut—whatever they pass in this pandemonium, pell-mell rush for reelection—whatever tax cut they pass will not take effect until that on-budget surplus or on-budget deficit is zero.

That is the test of not using Social Security moneys. I want to keep them honest. I have already introduced it as a bill. It won't be a surprise. I had it all ready last year. We couldn't even debate the budget last year. We were criticized on the Democratic side of the aisle for not bringing up the budget. But I say bring it up and we will get the votes and find out whether they really want to protect Social Security because they have been spending it on any and everything but Social Security. Under section 21 of the 1983 Greenspan Commission report, it said set these funds aside in trust for the baby boomers. There is nothing wrong with Social Security except how they spend it. Now we owe the Social Security trust fund $1.3 trillion because we have been spending it on any and everything other than Social Security.

Let us not double talk the electorate. Let us remember to tell the truth to the American people. But I can tell you the bottom line is there is a $428 billion deficit for 2002, and we are $159 billion already in the red in first 3 months of 2003—in the last 15 months we have $600 billion of stimulus money that hasn't stimulated the economy. Another $30 billion or $40 billion a year is not going to stimulate it.

So we are whistling ''Dixie.'' We are doing this not for the country but for campaigns.

I want to say one more word with respect to the economy. We were having a hearing, and the distinguished Senator from Kansas talked about Boeing and how they just lost some 10,000 jobs. I reminded him that since NAFTA, we have lost 55,200 textile jobs. The Senator from West Virginia, Mr. ROCKEFELLER, reminded us how we lost the steel industry. We can go right on down. We have 6.3-percent unemployment in my little State of South Carolina. We are not manufacturing anything. We have exported the industrial backbone of the United States. What we have is not free trade. Now the Senator from Kansas understands that it is competitive trade.

There are all kinds of subsidies. There is a standard of living. We require before you open up any manufacturing, you have to have clean air, clean water, Social Security, Medicare, Medicaid, plant closing notice, parental leave, safe machinery, safe working places—go right on down the list—the highest standard of living. You can go to Mexico for 58 cents an hour, and you can go to China for less than that. They are leaving Mexico to go to China. They are all talking about free trade. Nothing is free. It is competitive.

We have to rebuild the economic manufacturing capacity and strength of the United States. We need jobs. We are not going to have any jobs until we get a competitive trade policy. Otherwise we are not going to have any investment long-term because what we are doing is increasing interest on taxes. You cannot avoid it. The interest costs for the debt is growing at $1 billion a day right now. If we go to war, oil costs are going up, and interest costs are going up. Rather than $365 billion, interest costs are going to be up to $400 billion to $500 billion for just carrying the charges—for the privilege of campaigning and the politicians looking out for their reelection and not for the country.

I am sorry to say this. But that is the truth.

I see others are now ready to speak. I will speak at length otherwise with respect to the draft. There is no sense of sacrifice in this country. Our friend, CHARLIE RANGEL, over on the House side, has put in the draft bill. In the beginning, I was opposed to the creation of an all volunteer force. So I put the draft bill in the Senate three other times. And I put it in now a fourth time day before yesterday because there has to be a sense and a feel of shared sacrifice. Don't come and tell us we have a strong economy, and I am sending you to get killed; and, this is a wonderful thing. We have to have more confidence in our commander in chief. He simply cannot just go to flag factories, get his sound bite early in the morning, rat-a-tat-tat sound bite, have two fundraisers at night, and let the country go to—you know what—in a hand basket.

That is what is going on. We have to sober up. We have to pay for the war. There has to be a shared sacrifice and sense of it in this country. I think the country is ready, but the Government is not.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the Senator from South Carolina for his remarks.

EXTENSION OF MORNING BUSINESS

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the period for morning business be extended; that I be recognized for up to 20 minutes and that Senator LEVIN be recognized for up to 10 minutes.

Mr. STEVENS. I temporarily object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

Under the previous order, the majority controls the remainder of the time in morning business.

Is there objection?

Without objection, it is so ordered.

Mr. FEINGOLD. I thank the Senator from Alaska.

CIVIL RIGHTS AS A PRIORITY FOR THE 108TH CONGRESS

Mr. FEINGOLD. Mr. President, this month our Nation will celebrate what would have been Dr. Martin Luther King, Jr.'s 74th birthday. It is right and fitting that on the third Monday of every January since 1986, Americans have paused from their work, school, or other activities to honor Dr. King and his legacy. Dr. King gave hope to millions of Americans and was a catalyst for the greatest advancement in civil rights our Nation has experienced since the end of the Civil War.

Because of great Americans such as Dr. King, separate but equal is no longer the law of the land. Because of the progress we have made in the last 50 years, segregation in public schools has been unlawful. African Americans have the right to vote. Americans cannot be fired or denied a job based on race, religion, ethnicity, national origin, gender, or age. Our Nation has made great strides to protect freedom and equality for all Americans as a result of Dr. King's leadership.

But almost 40 years after Dr. King delivered his historic ''I Have a Dream'' speech on the steps of the Lincoln Memorial, and nearly 35 years after Dr. King was tragically gunned down at a hotel in Memphis, TN, our Nation still has a long way to go to finish his work.

As we begin the 108th Congress, I want to take this moment to urge both my colleagues and the President to make civil rights a priority.

Earlier this week, the Senate welcomed a new majority leader, Senator BILL FRIST. But the discussions leading up to that should be the beginning, not the end, of a national discussion about the unfinished work of securing civil rights for every American.

Congress and the President can demonstrate their support for freedom and justice by supporting civil rights initiatives that have been ignored for far too long. And they should begin this month, as the new Congress convenes and as the Nation celebrates Dr. King's birthday.

Perhaps no issue on this agenda is more urgent than the issue of racial profiling. Racial profiling is the insidious practice by which some law enforcement agents routinely stop African Americans, Latinos, Asian-Americans, Arab Americans, and others simply because of their race, ethnicity, or national origin. Reports in States from New Jersey to Florida, and Maryland to Texas all show that African Americans, Hispanics, and members of other minority groups are sometimes being stopped by some police far in excess—far in excess—of their share of the population and the rate at which they engage in criminal conduct.

Just this week, the Boston Globe ran a series of news articles about its analysis of traffic stop data in Massachusetts and came to the same troubling conclusion we have seen in places such as New Jersey and Maryland. Racial profiling still exists and is a very real problem. It hasn't gone away or ended. In fact, the Massachusetts experience only underscores the need for a national law on this issue of racial profiling. And the time to act is now.

I might add that the urgency for banning racial profiling is compounded by concerns post-September 11 that racial profiling—not good police work and following up on legitimate leads—is being used more frequently against Arabs, Muslims, or Americans who are perceived to be Arabs or Muslims.

President Bush pledged to end racial profiling nearly 2 years ago during this first address to a joint session of Congress. Attorney General John Ashcroft also has acknowledged the damage caused by racial profiling and, he too, called for an end to the practice. So it is time for this administration to move this effort forward.

In the last Congress, a bipartisan group of Members of Congress sponsored the End Racial Profiling Act. Representative JOHN CONYERS, the distinguished ranking member of the House Judiciary Committee, and I, intend to reintroduce our bill early in this Congress. Our bill bans racial profiling and requires Federal, State, and local enforcement agencies to take steps to prevent the practice. This bill should be one of the top agenda items in this Congress, and the administration should follow through on its promise to address this issue.

September 11 cannot be an excuse for continued delay in dealing with the problem of racial profiling. This is a problem and a challenge that our country can and must meet. We need improved intelligence and we need improved law enforcement, not racial stereotypes, to protect our Nation from future terrorist attacks.

Indeed, I believe that the End Racial Profiling Act is a pro-law enforcement bill. It will help to restore the trust and confidence of the communities our police and law enforcement have pledged to serve and protect. That confidence is crucial to success in stopping crime, and, yes, in stopping terrorism. The End Racial Profiling Act is good for law enforcement and good for America.

As Dr. King often implored his fellow activists, it is not time to wait. It is not time to ''slow up'' or ''cool off.'' He said, ''[W]e can't afford to stop now because our Nation has a date with destiny. We must keep moving.'' Mr. President, it is time to act.

Yes, we have many pressing priorities this Congress. And I certainly think that first and foremost is combating terrorism and addressing our Nation's weak economy. But we cannot ignore a fundamental responsibility of this Congress: to fight for freedom, justice, and equality for all Americans. In addition to passing the End Racial Profiling Act, Congress and the President should also address a range of civil rights-related issues this Congress—from education, to welfare, to health care, to improving our criminal justice system.

We should ensure that every child has access to a quality public education. I voted against the education bill in the last Congress, because I do not believe that it will bring us closer to that goal. I am particularly concerned about the annual testing mandate included in this law. Study after study shows that disadvantaged students lag behind their peers on standardized tests. If we are to truly leave no child behind, we should give local school districts the resources they need to provide the basic educational services and programs to which each child is entitled. If we fail to provide these resources, we run the risk of setting disadvantaged children up for failure on these tests—failure which could damage the self-esteem of some of our most vulnerable students.

Congress should also do more to ensure that federally funded programs comply with civil rights and other laws. In particular, we must improve the Federal welfare law to require that each State's program treats all applicants and clients fairly. While Congress rightly encouraged State-level innovation with the 1996 welfare law, we should use the pending reauthorization of that law as an opportunity to ensure that all State plans conform to uniform Federal fair treatment and due process protections for all applicants and clients.

Congress should ensure that all Americans get a fair wage for an honest day's work. Too often, parents work double shifts or more than one job for low wages in order to make ends meet and to provide the basic necessities for their families. We must at last increase the Federal minimum wage. And we must work to close the wage gap between women and men.

Congress should also take action to ensure fairness and justice in the administration of the death penalty. We know that the administration of the

death penalty at the Federal and State levels is flawed. With over 100 innocent people on death row later exonerated in the modern death penalty era, any reasonable person can see that the current system risks executing the innocent.

Just this week, the University of Maryland released a study finding enormous racial and geographic disparities in the Maryland death penalty system. African-American defendants accused of killing white victims are significantly more likely to face the death penalty than cases with nonwhite victims. Prosecutors in Baltimore County are significantly more likely to file initially for a death sentence than other Maryland jurisdictions.

I think Governor Glendening did the right thing when he placed a moratorium on executions last year, and I urge Governor Ehrlich to continue that moratorium while he and other Maryland officials analyze this study's disturbing findings. It would be contrary to our Nation's fundamental principles of justice and fairness to execute anyone in Maryland until the disparities identified by this study have been addressed.

Of course, Maryland is not the only State with troubling racial and geographic disparities in its death penalty system. Similar concerns have been raised about the Federal system, as well as the administration of the death penalty in other States. That is why Congress should pass the National Death Penalty Moratorium Act. Congress and the President should support a moratorium on executions while a national, blue ribbon commission reviews the fairness of the administration of the death penalty.

This is a civil rights issue. We simply cannot say we live in a country that offers equal justice to all Americans when racial disparities plague the system by which society imposes the ultimate punishment.

Congress must also do more to protect hardworking Americans from discrimination in the workplace. We should pass the Employment Non-Discrimination Act. I have been pleased to join my colleague, Senator KENNEDY, in sponsoring this important bill that will ensure that Americans are not discriminated against by employers based on their sexual orientation. The world has changed. It is time that we take this step on behalf of equal opportunity and equal rights.

Congress should also take another step to realize Dr. King's dream of a nation where all Americans have the right to vote and to be represented in their Congress. We meet today in a jurisdiction where over half-a-million people are denied the right to fully participate in their government. The majority of the people in this jurisdiction, the District of Columbia, are African American. Shutting them out of our Government is a continuing moral stain on our Nation that must be addressed. We should take action on legislation sponsored by Senator LIEBERMAN and myself, under D.C. Delegate ELEANOR HOLMES NORTON's leadership, to grant full congressional representation for the District of Columbia.

Finally, the President should demonstrate his commitment to justice for all Americans by nominating judges to the Federal bench whose records demonstrate that they will uphold our Nation's civil rights laws and give fair and impartial treatment to all who come before them. The President's renomination this week of Charles Pickering, Sr. to a position on the Fifth Circuit is a step backward. As a member of the Judiciary Committee, I reviewed his record closely last year and came to the conclusion that Mr. Pickering would not be fit for a position on the Fifth Circuit. I am not convinced that he will give all who come before him a fair hearing, especially on issues of racial justice.

Soothing words or a change of leadership alone cannot heal the divisions that remain in our Nation. Congress and the Administration must take concrete steps to protect Americans' civil rights, not just give them lip service.

As Dr. King said, ''This is no time to engage in the luxury of cooling off or to take the tranquilizing drug of gradualism. Now is the time to make real the promises of democracy.''

There is much more work to do to fulfill Dr. King's dream that all of America's children would someday live in a country ''where they will not be judged by the color of their skin but by the content of their character.'' Let's begin that work in this Congress, in this body, during this month when the nation celebrates Dr. King's birthday. There is no time to waste.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Without objection, it is so ordered.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2003

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to H.J. Res. 1, the short-term continuing resolution which is at the desk; further, that the resolution be read the third time and passed, and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, there are a number of our colleagues—and I would say I am certainly one of them—who would vote no if we were to have a rollcall vote on this continuing resolution today. I have attempted to accommodate colleagues who are not able to be here as a result of their illness, and it is only as a result of illness we will forego the need for a rollcall vote. But I think this moment requires at least an explanation.

We are now into the 6th month of the effort underway in Congress to address appropriations. We have continued to extend the continuing resolutions at levels far below what is viewed as adequate for education, homeland security, health, research, and for the priorities that many of us hold to be the most important. So I must say I am deeply troubled by this continuing extension of the continuing resolution without addressing the need for adequacy in education and homeland security, in particular.

Basically, what this reflects is a dramatic cut, a deep cut in the funding for education, a deep cut in the funding for homeland security, a deep cut in transportation and research—cuts virtually across the board. I hope this will be the last continuing resolution that we will adopt in this manner.

I know that the chairs and ranking members of the Appropriations Committee are working now to resolve the other matters relating to these priorities and will bring an appropriations bill to the floor perhaps within the next few days.

It is with that understanding that we will not object to this CR, that we will not ask for a rollcall vote, but that we will voice, as strongly as we can, our opposition to these cuts and our determination to find a way to address them successfully as we consider the appropriations bills perhaps as early as next week. I do not object.

Mr. STEVENS. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I congratulate our leaders for this understanding. We are standing by ready to commence work on the 11 bills that are the fiscal year 2003 appropriations bills. We have had great bipartisan work on our committee with the staff and the Members. I believe the Democratic leader is absolutely correct; we are prepared to work with anyone in the Senate to try to work out any details that might have to be considered. We look forward to working with Senator DASCHLE in every way possible so we can move these bills as quickly as possible.

I speak as one who has just come back from my home in Alaska. We have the highest unemployment I have seen. Many of these bills contain money that would bring construction items and jobs to my State during this year. If we delay any further, we miss the construction season. These bills are vital

to restart our economic engine. I am pleased to have this report that we are able to move forward on this continuing resolution. I can pledge the four leaders of the Appropriations Committees—of the House and Senate—on a bipartisan basis have agreed to work together to get these bills finished as rapidly as possible with the help of the leaders. I thank the leaders.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, Senators should not be under any illusion: CR will starve vital functions of government. You don't have to take my word for it. According to Representative BILL YOUNG the Republican chairman of the House Appropriations Committee, a long-term CR at these levels ''would have disastrous impacts on the war on terror, homeland security, and other important government responsibilities.''

Chairman YOUNG wrote that sentence in a memo he sent to Speaker HASTERT. The memo went even further, detailing the impact of a CR on a host of important domestic programs. Here is a sampling of what Chairman YOUNG said will be cut:

No. 1, FBI: The funding to hire additional agents to fight terrorism and to continue information technology upgrades would be denied;

No. 2, bioterrorism: There would be no funding for the President's $800 million initiative to increase funding for new basic bioterror research, to develop and test a new improved anthrax vaccine, and to assist universities and research institutions;

No. 3, first responders: There will be no funding for the President's $3.5 billion initiative to provide assistance to local law enforcement, fire departments, and emergency response teams;

No. 4, SEC/corporate responsibility: There will be insufficient funding to support current staffing requirements let alone significant staff increases needed to monitor corporate behavior;

No. 5, veterans medical care: A long-term CR would leave the veterans medical health care system at least $2.5 billion short of expected requirements;

No. 6, firefighting: The $1.5 billion taken from other Interior Department programs to pay for firefighting costs will not be replaced;

No. 7, Pell grants: A freeze in this program will result in a shortfall of over $900 million;

No. 8, Medicare claims: There will be no funding for the President's $143 million proposal to ensure that the growing number of claims are processed in a timely manner;

No. 9, special supplemental feeding program for WIC: Funding would be reduced by $114 million below current levels, meaning less will be available for families that depend on this program;

No. 10, Social Security claims: There will be no funding increase to process and pay benefits to millions of Social Security recipients.

In addition to the program cuts listed by Chairman YOUNG, the House CR omits assistance for thousands of farmers all over this country who are confronting the worst drought in more than 50 years.

This is the wrong way to do business. We should be completing our work on the bipartisan appropriations bills, not cutting education, veterans affairs, homeland security and other important priorities.

Each of these bills properly fund key priorities. And, most importantly, each enjoyed the unanimous support of the Democrats and the Republicans on the Committee.

Mr. President, the chairman of the Appropriations Committee in the House wrote a memo that has been widely read. It is an excellent memo that reviews the impact of these cuts. It was sent to the Speaker last October. I ask unanimous consent that the memo be printed in the RECORD.

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

MEMORANDUM

To: Speaker Hastert
From: Chairman C.W. Bill Young
Re: Impacts of a Long-term Continuing Resolution
Date: October 3, 2002

Pursuant to my October 1st correspondence regarding the state of the appropriations process, I want to provide you with further analysis of the potential impacts of a long-term continuing resolution (CR). These projections assume a current-rate CR excluding one time expenditures that extends through February or March.

A long-term continuing resolution (CR) that funds government operations at FY02 levels would have disastrous impacts on the war on terror, homeland security, and other important government responsibilities. It would also be fiscally irresponsible. It would fund low-priority programs the President has proposed to eliminate.

Homeland Security—The President has proposed a nearly $40 billion increase for homeland security in his FY03 budget. None of these funds would be provided under a long-term CR. Assuming Congress completes work on creating a Department of Homeland Security, a long-term CR would leave this new agency with very little resources to carry out its new mission.

Projects—A long-term CR ensures that no Member of Congress would receive a single project. The Committee has received tens of thousands of requests for billions of dollars from almost every Member of Congress.

War Supplemental—It is likely that the first item Congress will consider when we reconvene after the election is a major supplemental to fund possible military operations in Iraq. It would be highly problematic to expect the Congress to complete work on 11 spending bills while working on an urgent war supplement.

HOMELAND SECURITY IMPACTS OF LONG-TERM CR

FBI—We would not have sufficient funding to hire additional agents to fight terrorism and to continue IT upgrades that will help the FBI ''connect the dots'' through data mining proposals and other information infrastructure enhancements.

TSA—Efforts to improve aviation, maritime and land security would be seriously curtailed. Port, cargo, and trucking security would seriously deteriorate. If emergency funds are excluded from the CR calculations (which is historically the case), TSA would be under an annual rate of $1.5 billion for the life of a long-term CR. This would be only 28 percent of their FY03 budget request ($5.3 billion). At this level, it is unlikely TSA could maintain their current workforce of 32,000 screeners as well as air marshals. TSA would likely face personnel RIF's. Most airports would not be able to meet the deadlines for security improvements established by Congress last December.

Coast Guard—The Coast Guard is requesting a large ($500 million) budget increase in FY03, and much of this is to hire additional security personnel, such as Maritime Safety and Security Teams to patrol harbors and respond to suspicious activity. It also includes funds to expand the sea marshal programs, which escorts DoD and high-risk commercial ships into pert. Under the FY02 level, these safety expenses would be deferred, or would require diversion of fund from other critical missions such as drug interdiction or search and rescue. Coast Guard ''deepwater'' program is slated to expand from $500 million in FY02 to $725 million in FY03. The contract was just signed this past June. Under a long-term CR, the effort will have to be scaled back due to lack of funding. This will impact shipyards, design companies, aircraft manufacturers, and integration companies, all around the country.

Bioterrorism—President has proposed a nearly $800 million increase for new, basic bioterror research, $250 million to develop and test a new improved anthrax vaccine, and $150 million to assist universities and research institutions in upgrading research facilities to conduct secure, comprehensive research on biological agents. None of these important initiatives to combat, study and prevent bio-terroism would be funded under a long-term CR.

Border Patrol/INS—Efforts to deploy an additional Border Patrol agents and immigration inspectors at land port-of-entry along both the northern and southern borders would be stalled. Likewise, construction projects that are necessary to house these additional Border Patrol agents would be delayed. No funding would be available to continue planning and implementation of the INS' Entry Exit system, a program designed to facilitate more secure and controlled access to this country by non-U.S. citizens.

First Responders—The President has proposed a new initiative to provide $3.5 billion in assistance to local law enforcement, fire departments and emergency response teams across the Nation. No funds would be provided for this program, one of the highest domestic security priorities for the President and his Homeland Security advisor. Tom Ridge.

Hospital preparedness—We would not have sufficient funds to assist hopitals in making the necessary infrastructure improvements and expansions so that they are prepared to respond to bio-terrorism emergencies.

Diplomatic security—We would not have the funds to hire additional State Department security staff for deployment overseas, or to carry out needed technical and physical security upgrades.

Office of Homeland Security—The Office of Homeland Security was funded through the $20 billion supplemental. Under a clean CR, this office would not be funded.

PROGRAMMATIC IMPACTS OF LONG-TERM CR

SEC/Corporate Responsibility—We would not be able to fund current staffing requirements, let alone support significant staff increases needed to fight corporate fraud and protect investors.

Veterans—The veterans medical care system will likely be at least $2.5 billion short

of expected requirements. Veterans would be deprived of significant increases in medical care proposed by the President and the House budget resolution.

NIH—We would not be able to scale-up significantly Federal support for bio-preparedness research and development as proposed by the President. Anthrax vaccine research and development also would be slowed. It would forgo the nearly $4 billion proposed for the National Institutes of Health which is consistent with Congress commitment to double funding for NIH over a set period of time.

Foreign Operations—Afghanistan reconstruction, including the famous Presidential ring road, would staff, increasing chances that unrest and killings would resume there as the Iraq matter comes to a head. It will severely cut the U.S. contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria and reduce by 30 percent funds for Plan Colombia.

Firefighting—interior has already spent $1.5 billion on firefighting above what provided in FY02. This has come at the expense of other programs including Member projects. These bills would not be paid under a long-term CR.

Pay—All agencies would have to absorb Federal employee pay increases due in January. This will make it much more difficult for agencies to operate under a current rate and result in widespread layoffs and furloughs.

Pell Grants—A freeze in the Pell program will result in the accumulation of a significant shortfall. There will be a shortfall of over $900 million, even when factoring in the $1 billion supplemental appropriation provided to the program in fiscal year 2002.

DEA—We would be unable to hire new agents in response to FBI restructuring, which shifted 400 FBI drug agents to counter-terrorism. We have proposed to hire hundreds of new agents to fight the war on drugs. Not a single new agent would be hired under a long term CR leaving a significant gap in the federal government's drug enforcement capabilities.

GSA Construction—No new starts for any GSA line-item construction ($630 million); would delay $300 million for 11 courthouse construction projects, $30 million for 6 border station construction projects, and $300 million for 5 other construction projects, including funds for consolidating Food and Drug Administration facilities, a major Census building, and the US mission to the UN in New York. Projects would become more expensive due to inflation.

Campaign finance Reform—No funding for implementation of the Bipartisan Campaign Reform Act making it difficult for the Federal Elections Commission to implement the reforms signed into law by the President.

Federal Prisons—Insufficient activation funds to four Federal prisons that are scheduled to open in FY 2003, exacerbating the already overcrowded conditions in the Federal prison system.

Medicare claims—We would not be able to provide additional funding, as proposed by the President, to handle the increased Medicare claims volume in a timely manner. The President proposed a $143 million increase to adequately process the growing number of claims. A long term CR would significantly slow down the claims process and unnecessarily inconvenience Senior Citizens who depend on Medicare.

Yucca Mountain—A CR at the FY 2002 enacted level of $375M would significantly cut DOE's nuclear waste repository program by over $200 million. This would cause real delays in the scheduled opening of the facility.

The Special Supplemental Feeding Program for Women, Infants, and Children (WIC) would be reduced $114 million from current levels. This would result in less assistance being available for families who depend on this important program, especially in uncertain economic times.

The Food and Drug Administration would be reduced by $138 million which would result in immediate furloughs and RIFs among newly hired employees responsible for enhanced availability of drugs and vaccines, and for increased food safety activities (primarily surveillance of imported food products, an identified vulnerability).

Social Security—The President also asked for a significant increase in funds to process and pay benefits to the millions of Social Security recipients.

The PRESIDING OFFICER. Is there objection to the unanimous consent request of the majority leader?

Without objection, it is so ordered.

The joint resolution (H.J. Res. 1) was read the third time and passed.

EXTENSION OF MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that the period for morning business be extended until 3 p.m., with the time equally divided, and that Senators be permitted to speak for up to 10 minutes each.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HARKIN. Mr. President, I understand that the Senate is now in morning business. I ask unanimous consent that I be allowed to proceed in morning business for up to 30 minutes.

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

STATE OF THE AMERICAN ECONOMY

Mr. HARKIN. Mr. President, I want to spend some time today here on the floor of the Senate discussing the state of the American economy, the choices we face, how we got here and hopefully a vision for a better future for our middle-class working families.

What is the state of the Nation's economy? You don't need to look at the economic indicators, and the latest unemployment statistics, although they could tell you a story. You can just walk on the streets of Burlington or Waterloo or any city, or most towns large and small anywhere in America. For ordinary people paying taxes, it is tough for families right now. People are hurting.

In the longer view, we face a growing fiscal and economic crisis due to a lack of reasonable economic leadership of this President. We have returned to deficit spending and are mortgaging the dreams of the middle class with millions to finance a tax cut aimed at the very few. That tax cut is squeezing out sensible, middle-class tax relief. It is squeezing out funding for health care and education. In the last year, the President, even in his budget reduced funding for the Leave No Child Behind Act, which just yesterday at the White House he was touting as being a great success. It is squeezing out money needed for that.

Worst of all, the President's fiscal mismanagement threatens Social Security and Medicare, and threatens having a real prescription drug benefit that is so needed. It threatens the need that we have to raise the floor on Medicare payments to States. My State of Iowa is right now rock bottom in the Nation in terms of beneficiary funding for Medicare.

Again, we are facing the retirement of the baby boomers who are coming along pretty soon; and, of course, the need to fight terrorism.

All of these are being squeezed by the misguided and misplaced economic policies of this administration. To date, the economic leadership of President Bush has been a miserable failure.

Let us start at the beginning.

On the day that George W. Bush was sworn as the 23rd President of the United States, the 10-year budget surplus was estimated at $5.6 trillion $3.1 trillion on budget—the largest in American history. That year's budget surplus was $236 billion—again, the largest 1-year budget surplus in our Nation's history. The economy had created 22 million new jobs in the previous 8 years. Unemployment stood at 4.2 percent, a record.

The Nation's fiscal health in January of 2001 was such that facing a slowing economy, we could have passed a substantial stimulus package to boost the short-term economy without harming the Nation's long-term fiscal health. In kind of simple terms, it is if you or I get sick, and if we eat right and exercise, and we are in good health, we can even ride out the occasion of a bad flu, for example. But if you haven't taken care of yourself, if you haven't eaten right, and you are not in good health overall, a simple flu can put you in the hospital or on life support. That is the kind of smart economic plan we followed in the 1990s. Those fiscally responsible and pro-growth policies made it possible for us to deal with the short-term economic slowdown without harming our Nation's long-term fiscal health.

Unfortunately, President Bush chose a different but now an all-to-familiar economic course—a massive, fiscally irresponsible tax cut that does little to create jobs but does benefit largely the wealthiest among us. It has little or nothing to do with helping the middle class or with creating jobs.

In this day and age it seems that a Republican candidate running for

President can never go wrong by proposing a massive, deficit-bloating tax plan that largely benefits the wealthy. That is what candidate George Bush did in 1999. It was not about the state of the American economy, it was about simple Republican politics.

The Bush tax plan forgot that Americans don't live their lives on the right or the left of political parties. They live and work and struggle as part of the great American middle class. And they are here every day—not just on election day. They deserve economic policies that respond to their needs—not the short-term political goals of this President, or any other politician or party or political theory. Not only is the Bush tax plan rooted in what I call 2000 Republican politics, but it is deeply rooted in a failed economic theory called ''supply-side economics.'' Supply-side economics is nothing more than a dressed up fancy name for what we called back in the 1920s and the 1930s trickle-down economics. In fact, former President Bush called it, I think, what it really is. He once termed it voodoo economics.

You can call it anything you want, but, in the end, it spells disaster for America's long-term fiscal health. At its core, trickle-down economics says that if we just slash marginal tax rates, particularly for the wealthiest Americans, they will get so much money that it will trickle down, and the economy will grow so rapidly that this tax cut will, to a significant extent, pay for itself.

Well, it is a nice theory for those who are not weighted down by the burden of reality. It does not work in widely held economic theory and it did not work in practice when former President Reagan tried it in 1981. That is a fact.

Many will claim that the 1981 tax cut was good for the economy. In fact, the economy dropped like a rock. When it passed in August 1981, unemployment was 7.4 percent. By the end of the year, it had climbed to 8.5 percent. A year after passage, it was continuing to rise, reaching a peak of 10.8 percent.

In Iowa, we faced the worst farm and small-town prices since the Great Depression. I have a chart in the Chamber that depicts what happened after the 1981 tax bill was passed. It shows the unemployment rate going up and up and up and up and up all the time. That was the result of that 1981 tax bill.

While the economy did get back on track, it did thanks to a sharp cut in interest rates by the Federal Reserve in 1982. But the adverse effects of this misguided tax policy remained. The Federal deficit climbed from 2.7 percent of the gross domestic product to over 5 percent—double. More importantly, over time, the Government's publicly held debt multiplied fivefold as well.

This failed philosophy is now being put into practice for the second time with the first Bush tax cut and now with this proposed second tax cut. That is why I call those who support this failed economic program ''red ink'' Republicans. Maybe, as we move ahead if this is the course Republicans choose, I say to the Presiding Officer, we should replace the symbol of the Republican Party with something more fitting. Rather than an elephant that is supposed to have a great memory, perhaps the symbol of the Republican Party ought to be a big bottle of red ink, because every chance that these ''red ink'' Republicans get, they leave us swimming in red ink in this country. They did it in 1981. They are doing it again now—deficits, deficits, deficits as far as the eye can see.

This chart shows what happened during the 1980s. The deficits climbed. Then, in 1993, we enacted the Clinton economic program. Look what happened to the deficits. Down they came. Down they came, until we had the largest surplus on record.

Then we hit 2001, and another trickle-down economic tax plan, with deficits soaring again. And again, we are swimming in red ink in this country. The trickle-down, red-ink tax cut in 1981 did not get folks to work then, and it isn't now.

Just look at how many of my Republican friends reacted to the recent appointment of Stephen Friedman to the chairmanship of the President's National Economic Council. Many vocally opposed Mr. Friedman's appointment because, of all things, he was a member of the Concord Coalition, a bipartisan organization focused on doing away with the deficits. They certainly did not want anyone like that as the Chairman of the President's National Economic Council.

I think the case of Mr. Friedman signals the modern day Republican Party's total abandonment of fiscal discipline. It began in 1981. It continued through the 1990s as Republicans, to a person here in the Congress, opposed President Clinton's economic plan, a plan that balanced the budget, brought us a surplus, created 22 million new jobs, and gave us the longest economic expansion in America's history.

Now these ''red ink'' Republicans are still at it today. We heard all kinds of arguments in 1993—I was here—from my friends on the other side of the aisle about how terrible this 1993 recovery plan was going to be. Why, it was just going to be awful. It was going to destroy this country. And yet, as I said, it created one of the longest economic expansions in our Nation's history. Not one Republican voted for it.

One trickle-down Republican after another united in one prediction: that the 1993 bill was going to ruin the economy.

Well, let's take a look at what happened, after that 1993 bill was passed, in terms of unemployment. Unemployment was high. We passed the bill and unemployment came down. It came down, in fact, to the lowest point in our Nation's recent history; down to about 4 percent in the late 1990s.

Now we come to the end of 2000. We have our country on course. We have a record surplus. We have predicted surpluses for this decade of over $5 trillion; a healthy basis on which we could now begin to address the needs of the baby boomers as they start to retire, reduce the public debt, get our economy on a sound keel, and then, when the baby boomers retire, we will have the wherewithal to meet those needs of Social Security and Medicare. That is where we were at the beginning of the Bush Presidency in 2001.

That was until President Bush sent down his tax proposal of 2001. The Congress passed it and sent it to the President. The price tag was supposed to be $1.35 trillion, but the actual cost was much higher. It was only by using some accounting gimmicks and tricks that would even make Ken Lay of Enron blush. The actual cost goes much higher.

The 2001 tax bill was structured in another interesting way. In 2001, those in the top 1 percent of income—with incomes averaging over $1 million got under 10 percent of the benefits. For 2002 and 2003, they get under 20 percent of the benefits. By 2006, they are scheduled the get over a third of the benefits. And in 2010, they get over 50 percent of the benefits.

This truly is trickle-down economics. The top 1 percent's share of the Bush tax cuts—see, it is a kind of little trick. It starts out low, but look what happens when we go through the decade. And we wind up in a decade where over 50 percent of the Bush tax cut goes to the top 1 percent, the wealthiest people in this country.

What did President Bush tell us at the time in trying to pass this bill?

I quote here from a speech he gave at Western Michigan State:

> Tax relief is central to my plan to encourage economic growth, and we can proceed with tax relief without fear of budget deficits, even if the economy softens. Projections for the surpluses in my budget are cautious and conservative. They already assume an economic slowdown in the year 2001.

President Bush gave that speech on March 27, 2001:

> . . . we can proceed with tax relief without fear of budget deficits. . . .

We went from a surplus, the largest on budget surplus in our Nation's history of $83 billion, to over a $300 billion deficit just two years later; a shift of over $400 billion in just two years. $½ trillion in surpluses wiped out in 2 years of this Presidency. And he said there would be no fear of budget deficits. Well, maybe the President doesn't fear budget deficits; maybe like President Reagan.

Maybe they don't care, but the middle class in America, the baby boomers about ready to retire better fear it because it is eating right into Social Security. That is exactly what it is doing.

Then he says, ''projections for the surpluses in my budget.'' Can you believe that his budget actually projected surpluses when in the very first year it plunges us into the biggest deficits we have ever had?

I can only say that if I were President and my economic advisers had given me this plan and written this speech for me, which I assume they probably did for him, and it turned out the way it turned out, I would fire the whole lot of them. Obviously, they didn't know what they were talking about. Either that or they knew what they were doing, they knew what they were talking about, and they were pulling the wool over the eyes of the American people. I tend to think that is really what it was about. It was a scheme to reward those who had done the most to help this President get elected, a massive tax cut for the wealthiest in our country.

Two years after this quote, here is the Bush economic record: The estimated 10-year budget surplus of $5.6 trillion is wiped out; this year's on-budget deficit, $319 billion as estimated by the CBO. The economy has shed 2 million jobs, the worst record of negative job creation of any President in more than 50 years.

I must hand it to this President. All this was done in 2 years. It is amazing. The latest unemployment is about 6 percent. This is where we came from: 4.5 percent in April, 2001 when the bill became law. After 18 months, it is still going up. Hang on.

That is why we need a short-term stimulus to stop the rise in unemployment. Quite frankly, the President's program of slashing taxes on dividends will not do that. I will explain that.

The Center on Budget and Policy Priorities noted that:

> The tax cut would cost the Treasury approximately $4 trillion in the decade after 2011, the same period when the baby boomers will begin to retire in large numbers and the cost of Social Security and Medicare and Medicaid and long-term care will rise substantially as a result. Yet it is during that same decade, after 2010, that the cost of a permanent tax cut would explode as all of its revenue losing provisions would then be fully in effect.

As I pointed out, after it goes fully into effect, well over half of it goes to the top 1 percent of our country. And yet those who rely on Social Security and Medicare and long-term care are the ones put at risk.

Continuing:

> [If] the tax cut takes full effect as scheduled and continues after 2010, the long-term cost will substantially exceed the 75-year deficit projected within Social Security. In fact, if the tax cut were just scaled back so that three-fifths of it took effect while the funds of the other two-fifths were used to strengthen Social Security, the entire 75-year projected deficit of Social Security could be eliminated.

There you have it. You have your priorities. Do you want to shore up and secure Social Security for the next 75 years, or do you want to give the top 1 percent of our country more tax breaks?

That is the course we face. That is the course we have to change: Going from an $86 billion budget surplus to a $318 billion deficit, a shift of over $400 billion.

The economic record of this President is one of fiscal mismanagement, economic stagnation, rising unemployment, and jeopardizing the jobs and the futures of our middle-class families and jeopardizing the long-term health of Social Security and Medicare. That is why we have to change course now.

I said, we need to begin with a stimulus package to stop the rise in unemployment. In the coming debate, the President has already accused some of us on our side of playing ''class warfare.'' But it is the President's own tax cut of 2 years ago that already declared class warfare, class warfare on the middle class. Take from the middle class, give to the wealthiest 1 percent. If that is not class warfare, I don't know what is.

Middle-class families are not getting their fair share of tax relief. They are not seeing their incomes rise. Many are losing their jobs. And every day hundreds of thousands of working families go without any health insurance. Millions of Americans are already without any health insurance coverage whatsoever; every day hundreds of thousands more are added to the rolls.

For some reason the President cannot see the pain that his economic policies are causing. The President's refusal to see his own mistakes reminds me of that scene from the Caine Mutiny. The ship was sailing through a typhoon. It was in danger of floundering, but stubbornly and rigidly, Captain Queeg tells the helmsman to hold course, because Queeg refused to listen. He refused to see the danger ahead. He could not save the ship.

Just like the crew of the Caine, our first loyalty is in saving the ship, not protecting the captain, not blindly following what the captain says when we plainly know what lies ahead. That is why it is time for us to change America's economic course. We need to provide an immediate stimulus to put people to work.

The President made his proposal. It is more of the same—more tax cuts for the wealthiest, little for working and middle-class families. The centerpiece of the President's new proposal is the elimination of dividend taxes at an estimated cost of $364 billion over 10 years.

According to the tax policy center, about 45 percent of these benefits will go to the wealthiest 5 percent of taxpayers. Sound familiar? It should. We did the same thing 2 years ago.

Here are the facts: A 100-percent reduction in dividend taxes, plus the other components of the Bush economic plan, would provide for those who make more than a million dollars a year over $88,000 in tax cuts this year, 2003. For my fellow average Iowan making between $20,000 and $30,000 a year, they will get $204 in 2003. So I guess the President is right. Everybody gets a little something—yes, average working families get the crumbs from the table and the wealthy get the smorgasbord. But, looking ahead, most of the benefits that went to average taxpayers dissolve. But, the linchpin of the plan that mostly goes to the top 5 percent, that continues on for the long haul

That is class warfare. It is a direct frontal assault on the middle class in America. But not only is the Bush plan class warfare, it mortgages our future by raiding the Social Security and Medicare trust funds. And now it will shortchange key investments in education, health care, and homeland security. I predict—and I will come to the floor next week and apologize if I am wrong—that the appropriations bills that will be brought up by the Republican side to be added to the continuing resolution for this year will have cuts in education compared to what the Appropriations Committee approved last summer. I predict that there will be cuts in education.

Quite frankly, in the budget for this year that the President sent up for fiscal year 2003, he actually proposed cutting funding for Leave No Child Behind. Secretary Paige was on television today saying that was wrong. Next time I see Secretary Paige, next time he comes before our committee for a hearing, I am going to get the White House's own budget book and lay out the programs for Leave No Child Behind and show him what the President's budget was. There was a cut of $90 million in the Bush budget this year for the Leave No Child Behind programs. Why? So we can pay for all these tax cuts for the wealthiest in our society.

Trickle-down economics. We need to get a prescription drug benefit through for the elderly, but there will not be any money for it. Why? Because we are going to have a tax benefit, doing away with taxes on dividends, which benefit the wealthiest 5 percent. We will not have any money left for prescription drug coverage. So we have to change course. We cannot blindly follow the captain in his misguided economic policies for America. We must stimulate job growth now and it must not come at the expense of Social Security.

I think the following elements should be addressed and should be passed to get our economy going. First, extend the unemployment insurance benefits. We need to do that now. We have considerable reserves and now those facing long-term unemployment need help. Of course, if they get that money, they spend it quickly and it helps the economy. Now, we did pass an extension this week that is short, but we need to do more.

Secondly, we need to provide fiscal relief for the State. States all across the country, including my own, are facing huge deficits that they have to eliminate under their State constitutions. That means there are going to be big cuts in crucial services—often health care for the poor or the working poor, education for our children, housing, help for the homeless, things that States have to spend a lot of money on.

Well, they will not have it. So we are going to need to step in to provide these crucial services.

Third, we need to quickly put people back to work on things we need. I have been trying for years to get the Congress to address the need of rebuilding and modernizing schools all over America. We did succeed in getting a billion dollars into that program in the last Clinton budget for 2001. The results of that are now coming in from States all over America. That money was used to rebuild and modernize schools all over America.

Our experience in Iowa—I can only speak about that because that is all I have the data for right now—was that for every dollar that we put into rebuilding and modernizing schools in Iowa, it translated into well over $20 of economic activity. It put people to work, it got money into the economy, and guess what we got out of it. We got new schools, new classrooms, better equipped classrooms for our teachers to teach in.

There are many projects in this country that are truly needed. We can have people working on these within months. I was told when they were using this money to build a new school in Iowa with this money that not only did it put people to work immediately, but the whole chain—everything from the electricians ordering electrical parts, lights and wiring, to those who put in the wallboard, ordering that, and the lumber and the tile and everything that goes into that. As one small restaurant owner told me, for the year and a half they were building the school, he even had people come in there buying lunches, so it even helped that local economy. This is what we need to do to get people back to work right away.

Fourth, we need to pass a short-term middle-class tax cut that will improve our short-term economy without further harming our long-term fiscal health. I say that we should consider a short-term payroll tax holiday, paid through the general fund, that will put money in the hands of people more likely to spend it right now. If we had a payroll-tax holiday, people could get their money directly through the regular payroll checks, that will speed up its delivery and the likelihood that it will be spent now.

We need to stimulate the economy right now and this would help working people left out of the tax rebates in 2001.

Fifth, we must cut wasteful spending and close tax loopholes. I have outlined a series of cuts in Government spending that would do that. I say to my friends on the other side that we can have a significant stimulus package and we can take care of the unemployed, provide tax relief for middle-class families for this year, and reduce the size of Government at the same time.

One of the first things we have to do is have competitive bidding in Medicare. Now, we have cut down the waste, fraud, and abuse in Medicare over the past 10 years. It has gone from $20-some billion a year to around $11 billion or $12 billion. We have a ways to go. But the one thing that would save money right now and cut wasteful spending would be good old-fashioned competitive bidding in Medicare. We ought to do it and we ought to do it soon.

I believe that the stimulus package should entirely be in the people's hands this year. The cost should not exceed $100 billion. And, that it could be more than fully paid for over the course of ten years through the implementation of reductions in spending by things like requiring competitive bidding on durable medical equipment and by eliminating the tax rate cut that only goes to the one percent of those with the highest incomes, averaging over a million dollars a year. We also need to eliminate allowing Benedict Arnold companies and individuals that make their home overseas in order to escape paying their fair share of taxes.

Well, this, I believe, is the course of action we ought to take and not continue on the disastrous course we were set upon 2 years ago. And now we are asked to make it even worse with the new President Bush proposing tax relief for the wealthy. We need a strategy that adheres to these good principles: benefit working and middle-class families, focus on job creation, restore fiscal discipline. In short, America's new economic strategy must take into account the economic realities, not failed trickle-down theories or cynical political strategies purely for election purposes.

When it comes to the economy, I will paraphrase President Bush in his acceptance speech at the Republican National Convention almost 3 years ago: You have had your chance. You have not led. We will. That is what we need to do.

President Bush's response was to make permanent the 2001 tax windfalls which will blow a hole in the budget to endanger Social Security. Add to that another windfall tax benefit to the wealthiest in our country. By every measure, it is the wrong course for America. It will just ensure the rich get richer, the poor get poorer, and the middle class gets stuck with paying both of the bills. It is time for a new direction. I am hopeful that in the Senate we can have a real debate over the best economic policies for the future of our country.

When it comes to the economy, the President reminds me of the guy who is lost driving but he refuses to pull over and get directions. He just keeps going down the same roads over and over. Mr. President, it is either time to pull over and get directions or let someone else drive because it is obvious, Mr. President, you and your economic team are lost. It is time to return to policies we know work: Balanced budgets, tax cuts for working families, investment in education and health care, not failed trickle-down economics.

Let's start the debate. Let's have the debate, but more than the debate, let's have the votes in the Senate. We can no longer afford to delay. We have to step up to the plate and change our course. We are now in the midst of a serious economic and fiscal predicament. We have to make some adjustments, some course corrections. We cannot cling dogmatically and rigidly to the same old policies that did not work before, are failing us now, and will jeopardize the future of Social Security and Medicare.

Again, let's have the debate but, more importantly, let's have the votes to change the economic course in our country so that our middle-class families are the ones who benefit. Let's end the class warfare declared on the middle class by this President and his failed economic policies. Let's recognize that we are all in this together, and the best way to keep that ladder of opportunity there so people, yes, on the bottom can become middle class and, yes, those in the middle class can become rich is to change the failed economic policies of this administration.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. LEVIN. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. REED. Yes, I yield.

Mr. LEVIN. Mr. President, I ask unanimous consent that after the Senator from Rhode Island speaks for up to 10 minutes, the Senator from New York then be recognized for 10 minutes, and then I be recognized for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Rhode Island.

Mr. REED. Mr. President, the American economy is in serious distress and thousands of families across America are suffering. When President Bush took office in January 2001, the unemployment rate was 4.2 percent. In November of 2002, the unemployment rate was 6.0 percent; 2.2 million more Americans were out of work than when President Bush took office in January of 2001.

The economy is not growing fast enough to generate the jobs that continue to employ millions of Americans. Labor market conditions are not improving. In fact, tomorrow the Bureau of Labor Statistics will report on employment statistics in December, and they are likely to be unchanged from November, roughly 6 percent unemployment in the United States.

This is an extremely disappointing economic record, and the Bush administration is refusing to take prompt and responsible action to put Americans back to work.

Increasingly, we hear the Republicans trying to deflect this situation by claiming this is the Clinton recession, but the National Bureau of Economic Research, which is recognized as

the authority on these matters, indicated that the recession began in March 2001, months after President Clinton left office, several months after President Bush assumed responsibility for economic policy.

Indeed, in the last full month of the Clinton administration, the unemployment rate was 4.0 percent. In the last full quarter of the Clinton administration, the economy was still growing. More to the point, rather than assessing responsibility, a President of the United States, regardless of responsibility, has to act on behalf of the American people, and we are still waiting for prompt and effective action from President Bush to remedy the ills of this economy.

What has the President proposed to get us moving again? He is proposing, as the centerpiece of his plan, a massive elimination of taxation on dividends, which has several problems.

First, it would have no immediate stimulative effect on the economy.

Second, it is grossly unfair. It will accrue to taxpayers with very high incomes and provide little or no benefit to the majority of taxpayers, including most seniors, and it significantly erodes long-term budget discipline, which has been the foundation of economic growth in this country since the Clinton administration.

When we began debating a stimulus package over a year ago—because even then we recognized the economy was foundering—the four leaders of the House and Senate Budget Committees on a bipartisan basis established principles for any effective stimulus package. The Congressional Budget Office used similar principles in a report in January of 2002 evaluating proposed changes in tax policy aimed at providing stimulus.

The President's dividend proposal, when measured by these bipartisan principles, fails dramatically.

First, a tax cut is most effective as stimulus when it puts money into the hands of the people who will spend that money almost immediately, but based on the administration's own theories, only $20 billion of the projected direct cost of $364 billion over 10 years will be spent in the first year. A small fraction of the ultimate cost of this tax plan will be available to be spent in the near term. That is when we need stimulus. That is what a stimulus package is all about.

Second, the dividend proposal is particularly poorly targeted as stimulus. Most families have little or no direct ownership in stock. They have pension plans, they have Keogh plans, they have retirement accounts, but the majority of direct ownership of stock is concentrated in the hands of very wealthy individuals, higher income households that are more likely to save the money than to immediately engage in consumption, to increase demand, to get the economy moving.

As I mentioned before, a stimulus by its very nature should provide immediate effects, but even the $20 billion in projected stimulus for 2003 is not really stimulus because taxpayers will have to wait until they file their returns next year until they actually see this money in their hands.

Stimulus should not undermine long-term economic discipline. We found out through the policies of the Clinton administration that sound fiscal policy in Washington, leading ultimately to a surplus, was the foundation for economic expansion, the longest running economic expansion in the history of this country. We are in grave danger of losing that economic discipline, of seeing interest rates begin to climb and choke off growth.

For all these reasons, the President's proposal, particularly his centerpiece, the dividend proposal, is bad economic policy.

Some have said these criticisms are just an exercise in class warfare. Let me tell my colleagues the facts. Under the President's proposal, the 226,000 tax filers with more than $1 million of income—about .2 percent of tax filers—will receive an average tax cut of almost $90,000. A third to a half of that will come simply from this dividend proposal.

In contrast, the 109 million taxpayers with incomes under $75,000—the middle and working class Americans, 82 percent of taxpayers—will receive an average tax cut of $273. Let me once again suggest the dimensions here: 226,000 upper-income tax filers versus 109 million middle-class and working-class tax filers. The 226,000 receive $90,000 on average; the 109 million—the rest of us—receive about $273. Now, nearly a quarter of elderly taxpayers will be left out of this bounty. Nearly half the heads of households with children will be left out of the benefit.

I have concentrated on the bad economic policy associated with this proposal. But it is also terrible budgetary policy. Even without the President's new proposal, we have seen a stunning decline in our fiscal situation. In January of 2001, we were looking at a projected surplus over 10 years of $5.6 trillion. In fact, we were shopping around—not really ''we,'' the Republicans—were shopping around for tax cuts because they said we will have too much surplus and we will not be able to conduct debt operations of the United States. We will have too much surplus, and we will not be able to find investments for all this money. In a little over 2 years, we have seen those surpluses disappear.

Still, we have educational issues we have to fund and health care issues. Ask the average American what they are most concerned about, the first concern is health care. Can I get it? If I am a business man or woman, can I afford to give it to my employees. Second issue, can we maintain education? That is not just an issue for families but for States and localities. They are suffering under tremendous budget pressure. Their two biggest items of expense are health care and education.

And we have the challenges of international affairs and of homeland defense. All of these proposals require expenditures that cannot be ignored or deferred. And the President proposes further to weaken our fiscal balance, our fiscal foundation.

And there is another issue. We are within a decade of the baby boom generation reaching retirement age, a huge demographic tidal wave. Will we be prepared for it? Will we have the resources to take care of Medicare and Social Security? Not if we cut taxes as dramatically and as inefficiently and inappropriately as the President has asked.

Now, there is an alternative to the President's proposal. That is a proposal that Democrats in both the Senate and House have advocated. The plans differ but they are consistent in many respects. They want to give tax benefits to middle and working class Americans. They want to make sure these benefits are immediate. They can be spent now to stimulate the economy and get them going forward. And they are crafted in such a way we do not jeopardize any further our fiscal discipline here in the United States. These are the proposals we should enact. I hope we do.

Let me conclude by summarizing a major concern I have. We will, in the weeks ahead, debate this issue of stimulus and growth. We will take votes on stimulus and growth. We will try to adopt economic policy. But for me, the real issue is not whether we reduce taxes, the real issue for me is whether we are going to have a Social Security system for Americans of this generation, of my generation, and of future generations.

This chart is illustrative. Where is all the money coming from in the President's proposal, $933 billion? That is not just a direct tax benefit, that is all the interest over 10 years that we will have to pay because of this deficit. Where does it come from? It comes from the Social Security system. I fear that if we enact the President's proposal, within months the President will simply say we can no longer afford Social Security. We have such a large deficit now we have to abandon the system.

I hope all my colleagues and the American people pay attention to the votes in the next several weeks. They are not about growth and stimulus but about whether we will have a Social Security system, whether we will have an adequate Medicare system, whether we will keep our promise over 60 more years to the people of America.

These are daunting times. We need policies that will work, that will be fair, and that will leave us stronger rather than weaker. I hope we adopt these policies.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, I commend my colleague from Rhode Island;

he has done a superb job in his leadership of the Joint Economic Committee, following the economic trends and keeping track of all of the evidence that supports the remarks he has completed.

I join the Senator and my other colleagues in sharing some of my own thoughts on this latest tax proposal outlined by the President. I will be sure not to call it a stimulus package because it is not. In fact, as I understand it, the President and his staff have recently been careful not to describe it as one either. Yet, again, the administration has opted to use our stumbling economy to stimulate budget-busting tax cuts, rather than to use common sense to stimulate the stumbling economy.

There is a conventional wisdom developing in Washington. One can almost see it and one can certainly hear it as it emerges from the pages of our national newspapers and our television talk shows. That conventional wisdom proclaims the boldness of President Bush's economic strategy. ''In for a dime, in for a dollar,'' says one of our colleagues. ''Big steps get more followers,'' says a White House official.

I am relatively new to the Senate but not to the work of public service. So I do have a healthy respect for conventional wisdom and the power that it has over how people think and even act about the issues. I also know enough to be weary of marching in lock step with the latest line. Far too often, what we collectively say and think today is proven to be wrong tomorrow.

I will not deny that the President's plan is, as conventional wisdom holds, bold. I looked up the meaning of that word. There is nothing that equates ''bold'' with ''good'' or ''bold'' with ''right.'' We should not assume that the solution to our deficits or to our faltering economy is to in some way take bold action, even if it is wrong. We ought to be looking for the right action that will bring about the results that all agree are in our country's best interests.

Winston Churchill once said: Never in the field of human conflict have so few given so much to so many. The Bush economic plan turns that saying on its head: Never in the field of economics have so few been given so much at the expense of so many.

What is this really all about? I believe fundamentally it is a question of values. What do we as Americans value? Every discussion we make about our own private money or that we make as a society about tax or spending decisions is at bottom a decision about values. People who live for today because they will not plan for tomorrow are demonstrating their values. They are not willing to put away and save. They think somehow it will rain from heaven. We look at them and say they are irresponsible.

Here, when we look at the tax decisions proposed by this administration, we have to ask ourselves, What are the values that are embedded in these proposals? I believe when it comes down to a choice about values, the American people expect us to be making choices that reflect their values.

During the 1990s, we saw the creation of over 22 million new jobs. That reflected our value of work and the belief that a good job is by far the best kind of outcome for any economic or social policy.

Over the last 2 years, we have seen what is called negative job growth. That means that people are losing jobs and are not able to find them. During the 1990s, real median family income grew by over $6,000 with double-digit income growth for all income brackets, and unemployment and welfare rolls hit their lowest level in 30 years. We ended the 1990s with the largest surplus and 3-year debt paydown in American history. Those reflected solid American values: Pay as you go; live within your means, the kind of values with which I was raised, the kind of values I think made America a very great nation.

We are at this turning point. I think someone has to say that a strategy of ''in for a dime, in for a dollar'' is not the strategy for our Nation.

Many Americans are counting their pennies. They are worried about where their next dollar is coming from. They should not feel the values they hold dear are being abrogated by irresponsible economic decisions made by their Government. Someone needs to point out that it is hard to be in for a dime and in for a dollar when what you are really doing is passing the buck.

We are passing the buck right to our States and our cities. We are forcing them to make the hard decisions we are avoiding. Looking at a State such as New York, we are facing drastic cutbacks. When I talk about the services that will be cut, I am not talking about luxuries. I am talking about taking police off the street. I am talking about closing fire houses. I am talking about increasing tuition so much that some kids are going to have to drop out of college because they and their families will not be able to afford for them to stay.

As we look at what the States and cities of our country are laboring under, how can we in good conscience turn our backs on them? How can we continue to talk about enormous tax cuts that will not stimulate anything except red ink, when we are on the brink of facing perhaps military actions that will require billions upon billions of our dollars?

Our Governor in New York recently announced that the $2 billion deficit we face this year could grow to $10 billion next year. The President's tax package basically says: That is your problem, New York; not ours. In all of the counties throughout New York, as in States around the country, every dime of property tax raised in the counties of New York may very well end up going to pay for the Medicaid bills that we have.

Unlike the Federal Government, States have to balance their budgets. They cannot just have a gigantic credit card that runs up the costs and does not really worry about tomorrow. Our States need help. That is one of the reasons why last year I fought for some assistance with the Federal Medicaid matches amounts and today I will again join Senator ROCKEFELLER and Senator COLLINS in introducing a similar proposal that would bring an additional $20 billion in fiscal relief to States, including $2.6 billion for New York.

Those are all stopgap measures, because if the President's proposal is enacted, it will have a dramatic ripple effect through the States, because most States tie their tax systems to the Federal system so when a change is made in Washington, where some kind of tax is cut, one can count on revenues being taken away from the States.

The President's package was advertised as costing about $674 billion. The truer cost is closer to $900 billion and we are still trying to calculate the real cost.

I am not going to, as some of my colleagues have, talk about the unfairness of the way this tax is configured. I think that pretty much speaks for itself. But I want to say a word about deficits.

I realize there is a new economic team in town and the President's advisers do not think budget deficits are much of a problem. I have to respectfully disagree. I cannot understand how a tax cut that pushes us deeper into long-term debt and raises our current budget deficit is not a values choice. We are choosing to go into debt instead of providing help for the States. We are choosing to run up the deficit and therefore we cannot keep our promises to our children and our schools about funding the education reform we voted for.

Where will we, for example, come up with the money for the promised prescription drug benefit? Where will we come up with the money to keep the lights and the heat on in homes that rely on the low income heating energy program? I do not understand how these are the choices that reflect the values of the vast majority of Americans, and today I raise these issues.

I do not think we should shy away in this Chamber from saying that, yes, the proposal may be bold and it may be big but it is boldly wrong. It takes big steps in exactly the wrong direction from where our country should be headed. We will talk day after day about the real choices, trying to illustrate and contrast the value systems that underlie the economic policies chosen by this administration compared to those that were chosen by the previous administration, because it is imperative that the American public understands this is not just about photo ops. It is not just about speeches and rhetoric. It is not even just about charts. It is about the future of this

country and it is about the billions of individual choices that Americans will be able to make as they seek to demonstrate their own responsible life choices, as they seek to acquire greater opportunity for themselves and their children, and as they seek to contribute to making our country richer, safer, stronger, and smarter in the future.

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

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

IRAQ

Mr. LEVIN. Mr. President, as we begin the 108th Congress, I want to talk about the situation in Iraq and our response to it, because I believe there may be a fundamental misunderstanding as to the process that is underway to bring about Iraq's disarmament. Pursuant to U.N. resolution 1441, the U.N. Inspection Commission and the International Atomic Energy Agency are to provide updates to the U.N. on the results of their inspections to date. These updates are intended to be interim reports, not final conclusions. I think we all, particularly the administration and the press, need to be very aware of that fact.

The January 27 report will only be one of a number of such reports that will be presented to the Security Council over the weeks and months to come. It is not a determining date on the issue of whether or not Iraq has materially breached U.N. resolution 1441, or whether we will use force against Iraq. We are not in the fourth quarter of some football game. In fact, we have just begun to share a small quantity of the large amount of information that we have relative to Iraqi suspect sites.

Let us look at the events that led up to the unanimous decision by the United Nations Security Council on November 8 of last year to set up an enhanced inspection regime to afford Iraq an opportunity to comply with its disarmament obligations. Iraq, as we all remember, invaded Kuwait on August 1, 1990. After numerous demands and diplomatic, economic, and political action by the international community, on November 29, 1990, almost 4 months after the attack, the U.N. authorized member states ''to use all necessary means'' to liberate Kuwait.

Iraq's defeat at the hands of a United States-led coalition in 1991 was followed by a U.N. Security Council resolution in April 1991 that established a number of conditions for a cease fire, notably including a demand for the destruction of Iraq's weapons of mass destruction programs, and Iraq accepted that resolution.

In the intervening years, Iraq repeatedly obstructed and failed to cooperate with the weapons inspectors of the United Nations and of the atomic energy agency that were charged with the responsibility of disarming Iraq.

With this historical background, the Security Council adopted resolution 1441 on November 8 of last year to set up an enhanced inspection regime. Under resolution 1441, Iraq is required to provide the United Nations inspectors and the IAEA ''immediate, unimpeded, unconditional, and unrestricted access to any and all areas, including underground areas, facilities, buildings, equipment, records and means of transport which they wish to inspect, as well immediate, unimpeded, unrestricted, and private access to all officials and other persons whom the inspectors of the IAEA wish to interview,'' and that includes outside of Iraq. Resolution 1441 also requires Iraq to provide a complete, accurate, and full declaration of all aspects of its weapons of mass destruction and delivery systems programs.

In order to assist the U.N. Security Council in its oversight of implementation of Iraq's disarmament, resolution 1441 set out a time line of events. Using November 8, 2000, the date the U.N. Security Council adopted resolution 1441, Iraq was required to accept the resolution within 7 days. It did so. Iraq was required to provide a full declaration of weapons of mass destruction within 30 days of November 8. It said that its declaration was a full one and it did it on the 29th day.

The inspectors were to start within 45 days of November 8; the inspections began on November 25th.

The inspectors were to provide an update on their inspections to the Security Council within 60 days of the date that the inspections commenced. They have announced their intention to provide these first interim progress reports on January 27, within that time limit.

The inspection process was begun with reasonable speed. The inspectors have already inspected a Presidential palace that had heretofore been subject to special rules, and they are inspecting on weekends and holidays. Their principal job right now is to establish a baseline for future inspections and testing Iraq's willingness to cooperate. This is the key, the inspection process is at its beginning. As of the end of December, virtually all of the arms inspections had taken place in the Baghdad area as the U.N. inspectors only had one of its eight helicopters in Iraq and had just opened a headquarters in Mosul in northern Iraq.

Again and most significantly, the United States and other nations with sophisticated intelligence capabilities have only just begun to share intelligence with the arms inspectors and are proceeding cautiously in light of the reported Iraqi infiltration of the inspectors during the 1990s. In fact, today's Washington Post reports that Secretary of State Powell stated in an interview yesterday that the administration was holding back much of the information in its possession, waiting to see if the inspectors ''are able to handle and exploit'' the information that we did give them.

The inspection process is estimated to take months, not weeks, and this timetable was understood by the Security Council from its inception. That is why the U.N. resolution refers to the January 27th reports from the inspectors as ''updates,'' and that is why January 27 is not a deadline for deciding whether to use force.

British Foreign Secretary Straw noted on December 19, with respect to the declaration filed by Iraq on its weapons of mass destruction and delivery systems: that [''What we've got today is a further step in a very calm and deliberate process to try by every means possible to get Iraq to comply with its international obligations peacefully and therefore and thereby to resolve this crisis in a peaceful manner.'']

In an interview at Crawford, TX, on December 31, President Bush seemed to agree with the British Secretary when he stated that he hoped the Iraqi situation will be resolved peacefully. And in answer to a reporter's question, President Bush said: ''You said we're headed to war in Iraq—I don't know why you say that. I hope we're not headed to war in Iraq.'' On that same day, U.N. Secretary General Kofi Annan said ''Obviously they [the inspectors] are carrying out their work and in the meantime Iraq is cooperating and they are able to do their work in an unimpeded manner, therefore I don't see an argument for a military action now.'' And, in a press conference at the Pentagon just yesterday, Secretary of Defense Rumsfeld said ''I don't know why anyone would use the word 'inevitable.' It clearly is not inevitable.''

The arms inspections in Iraq are at an early stage. The United States has just begun to provide information to the inspectors about suspect sites. Barring a dramatic development, the interim progress reports that the inspectors will make to the U.N. Security Council on January 27 will only be one of a number of such reports that will be presented to the council over the months to come.

Earlier today, Mohamed ElBaradei, Director General of the IAEA, at a press conference at the United Nations stated ''We will provide an update report on the 27th of this month. However, that report, we should emphasize, is an update report, it is not a final report. It's a work in progress. And this simply would register where we are on the 27th of January, but we obviously continue to we'll our work afterward, and we still have a lot of work to do.''

In the absence of the U.N. inspectors finding that Iraq currently possesses or is developing weapons of mass destruction or that Iraq is not cooperating with the inspections, we need to give

the inspectors the needed time to complete their work. In the meantime, we need to provide targeted intelligence to inspectors to facilitate their effort, without disclosing sources and methods, of course. That is our best chance of bringing about Iraq's voluntary disarmament or, failing that, obtaining broad international backing, including U.N. authorization for a multilateral effort to forcibly disarm Iraq.

If we prejudge the outcome of the inspections or if we don't furnish the arms inspectors with targeted intelligence, we will not be able to obtain the international support, as represented by U.N. authorization for the use of force, that is so highly desirable and advantageous to us. Forcibly disarming Iraq without international support would be perceived as a unilateral attack by the United States and a few allies. International support is critical to reducing the short-term risks, such as a loss of regional cooperation with resulting increased probability of U.S. casualties and reduced likelihood of international contributions in a postconflict environment.

International support is also important to reducing long-term risks, such as a loss of international cooperation in connection with the war against al-Qaida, and increased probability of terrorist attacks against us.

In summary, January 27 is the first interim report. It is not D-Day, decision day, as to whether to attack Iraq. We must not prejudge the outcome of the very inspection process that we worked so hard to put in place as being highly relevant to the question of whether we launch attack on Iraq. We must share all the information we can on suspect sites. And finally, if we don't share our information with the U.N. inspectors, or if we prejudge the outcome of these inspections, we will increase the likelihood that we will go to war and increase the risks, short term and long term, to our troops and our Nation in doing so.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

EXTENSION OF MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent the period for morning business be extended until 4:30, with the time equally divided and Senators permitted to speak for up to 10 minutes each.

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

The PRESIDING OFFICER. The Senator from Colorado.

ENFORCEMENT OF THE LAW OF THE RIVER

Mr. ALLARD. Mr. President, the beginning of the 108th Congress marks a pivotal moment in the management of one of the most complex water systems in the world. Complex both hydrologically and legally, the river is managed through a series of agreements that are collectively known as the ''law of the river.'' and it is the ''law of the river'' that brings me to the floor today.

For years, the State of California has consumed far more than its annual allocation of 4.4 million acre-feet of water from the Colorado River. Instead, the State has pursued a path of overuse—often drawing more than 1 million acre-feet of water a year over its allocation. With the turn of the new year, and just as Colorado enters the fourth year of the most severe drought in 300 years, I am pleased that Secretary Norton and the Department of the Interior have taken strong action to force California into compliance with the decades-old agreements that dictate the amount of water that the State is entitled to consume, thereby ending its abuse of the river. This watershed decision to enforce the 4.4 million acre-feet allocation reveals a welcome determination to ensure confidence in the law through decisive action, demonstrating to all parties that abuse of the ''law of the river'' will not be tolerated.

''The law of the river'' has evolved over 80 hard fought years; every precious drop of the river means life or death to the people of the basin States. Secretary Norton has now made it clear that every party to the compact will be held accountable, and that these agreements will stand as precious as the water itself. No longer will States be able to ignore the ''law of the river.''

In Colorado, our citizens must abide by the doctrine of prior appropriations. Other States govern water under a hybrid or riparian rights system. These time-tested theories have one constant principle—a user cannot take more water than its legal share. This strong sentiment is reflected in a recent Denver Post editorial that I would like to share with you today. I ask unanimous consent that the article be printed in the RECORD at the conclusion of my remarks.

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

(See exibit 1.)

Mr. ALLARD. California has had ample opportunity to meet its legal obligation; agreements outlining baby steps toward compliance with the 4.4 limit have been in existence since the 1990's. Even though the State has consumed far more than its fair share for years, it has had plenty of opportunity to live within its allocation. Yet in the end, with the water shutoff, I hope California will recognize its legal obligations.

To Secretary Norton and my colleagues from the basin States, I urge you to continue to force all members to abide by their allocation and to protect the law. Secretary Norton's fair action has demonstrated that this administration will uphold the ''law of the river,'' and when the law is not adhered to, those in violation will be held accountable.

I have remained in close contact with Colorado Governor Bill Owens throughout the ordeal, and would like to share with you an insightful comment made by the Governor in a conversation we had shortly after the decision to shut off the water was announced Governor Owens said, ''In the West, our word is our bond. As Colorado suffers from the worst drought in its history, we cannot and will not support so-called 'surplus' water deliveries to California, unless California keeps its word to us.'' I certainly agree.

I commend the Secretary for her action, and hope this will serve as a clarion call that the law of the river is indeed a law that must be obeyed.

EXHIBIT 1

[From the Denver Post, January 4, 2003]

THE LAW OF THE RIVER

Nevada shouldn't be surprised. Two weeks ago, U.S. Interior Secretary Gale Norton said California couldn't take more than its legal share of Colorado River water. This week, she told Nevada the same thing. Her actions were proper. All seven states that share the river and tributaries must abide by the Colorado River Interstate Compact, the 80-year-old agreement known as ''the law of the river.''

California hogs 5.2 million acre-feet of river water a year, far more than its legal share of 4.4 million acre-feet.

But Nevada has been slurping more than its share, too. The pact entitles Nevada to 300,000 acre-feet annually, but it uses an extra 37,00 acre-feet a year, or 11 percent over its legal share.

California had wanted Norton to declare a surplus of water in the Colorado River, thus letting it continue using more than its legal allotment. But such a declaration would have been absurd during an ongoing, record-breaking drought.

After telling California ''no,'' Norton had to apply the same standard to other states. Although Nevada's excess water use is a drop in the bucket compared to California's wastrel ways, Nevada also must follow the law of the river.

Colorado doesn't use its entire share of river water, however. The river flows on the Western Slope, but our population lives mostly on the Front Range. The dispute is over preserving Colorado water rights for future generations.

Colorado is supposed to get 51.75 percent of the river's water. The interstate pact assumed the Colorado River would, on average, flow 7.5 million acre-feet a year. But the pact was signed during an exceptionally wet era in the West, so it overestimated how much water the river usually has. Still, the optimistic scenario entitled Colorado to 3.85 million acre-feet of river water in an average year.

In reality, the Colorado River averages about 6 million acre-feet a year, allowing Colorado 3.1 million acre-feet under the formula.

But Colorado consumes only 2.65 million acre-feet from the river in a normal year. So, depending on how the river's average flows are calculated, Colorado lets 500,000 to 1.2 million acre-feet of its share flow out of state. Much of that water supplies vegetable farms and fruit orchids in California's agriculturally rich Imperial Valley.

To recapture its lost water, Colorado leaders have floated ideas to build new dams or pump thousands of acre-feet from the Utah

line to metro Denver. But any of the plans would cost billions of dollars and create ecological woes.

If Colorado's population continues growing, our state someday will claim its share of Colorado River water. When it does, California and Nevada could rights demand that Colorado and other upper-basin states—Wyoming, Utah, Arizona, and New Mexico—follow the pact's strict limits, too.

The law of the river must be enforced, for everyone. And water conservation must become a way of life in the West.

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

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

CONGRATULATING THE OHIO STATE UNIVERSITY BUCKEYES NATIONAL CHAMPIONSHIP WINNER

Mr. VOINOVICH. Mr. President, I rise today as an alumnus of Ohio State University and a Senator filled with pride for our 2002 national champions, the Ohio State Buckeyes.

I congratulate my home team and their outstanding coach, Jim Tressel, on a spectacular win and the best season ever in the history of Ohio State University—14 wins and no losses. Throughout the season, the Buckeyes showed a remarkable spirit of determination, cooperation, and the best teamwork that I have seen in a football team, frankly, during my lifetime.

The Buckeyes have good people and a great leader who inspired his team to do their best—as athletes and young men with character, determination, pride, and loyalty to each other and to their alumni.

On the night of the game, some of the sports pundits said that the other team had more talent than the Ohio State Buckeyes. But throughout this season, we utilized our talent more fully than any other opponent.

The Buckeyes have that special ingredient—sticking together and working together—a true symbiotic relationship. They understood that the more they cooperated on behalf of the team as a whole the better off all of them would be. That is the spirit that shone through during the whole season—unselfish determination and genuine teamwork. That is what it was about.

Their lesson is a good one for us in the Senate. It is the same kind of spirit that we are going to need on the floor of the Senate and in our country if we expect to win the war on terrorism and to become national champions for our hard-working citizens who put their trust in us. We would all do well to emulate the 2002 Ohio State Buckeyes. I congratulate our 2002 national champions and again underscore that if we can maintain the spirit they have of working together, teamwork, and bipartisanship, we are going to have an outstanding season here in the 108th Congress.

I suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, are we in morning business?

Mr. CRAPO. The Senate is in morning business for another 23½ minutes.

Mr. DORGAN. I ask unanimous consent to speak in morning business for 20 minutes.

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

HOMESTEAD ECONOMIC OPPORTUNITY ACT

Mr. DORGAN. Mr. President, there has been a great deal of discussion in recent days about the American economy. The President was in Chicago the middle of this week and proposed a new plan talking about tax cuts in order to stimulate the economy. Others in the Democratic Caucus in the Senate and the House have talked about various plans for tax cuts to stimulate the economy. While all this discussion about the economy is important, I wanted to mention something else that is happening in the American economy that gets precious little attention.

There is an economic blight that is occurring in our country that is out of sight and therefore it is not very well understood by most Americans. I want to talk about it for a moment.

In the last Congress, with Senator Chuck Hagel from Nebraska, I introduced legislation called the New Homestead Economic Opportunity Act. I visited briefly yesterday with Senator HAGEL and we are going to be talking about reintroducing that legislation very soon in this Congress. I wanted to make a couple of comments about it and alert colleagues that this legislation is something we are going to work very hard to try and get approved by this Senate.

There is a problem in this country with the economy. This is not a problem about the American economy in its entirety. It is a problem about the economy in the heartland of our country. This map shows the rural counties of high out-migration in the country, that is, counties in which people are moving out, not in; counties that are losing population.

If we draw an egg shape from North Dakota down to Texas in the middle part of our country, we have the heartland of America being depopulated.

This is the heartland of America, which is North Dakota, South Dakota, Nebraska, Kansas, right on down to Texas, including some States on both sides. This is the part of the country that we populated a century and a half ago with something called the Homestead Act. My great-grandmother, named Caroline, with her six children—her husband having died, she was an immigrant widow from Norway—decided to move to the prairies of North Dakota. She pitched a tent, built a house, started a farm, and raised a family. She had a son, who had a daughter, who had me, and that is how I come from Hettinger County in North Dakota.

A century and a half ago, we populated the middle part of our country through something called the Homestead Act, saying to people: move there, build there, and create a family there. We will give you some free land. It is called the Homestead Act. So they did. In covered wagons they came to the middle of our country. Now a century and a half later, people are moving out in a relentless depopulation. In every one of these States—North Dakota, Nebraska, Kansas, South Dakota, Wyoming—people are moving out of the rural counties. The percentage of out-migration is shown on this chart. In North Dakota, about 90 percent of the counties are losing population. I grew up in a county in southwestern North Dakota. My home county is bigger than the State of Rhode Island. When I left there were 5,000 people who lived there. Now there are 2,700 living there. In the year 2020 the demographers say there will be 1,700 living in my home county, a county larger than the State of Rhode Island.

In this county, there is a town called New England, ND, a wonderful little community. Donna Dorman is the minister at the Lutheran Church in New England. She said that as a minister she presides over four funerals for every wedding. Think of that: Four funerals she officiates at for every wedding. This is a Lutheran minister. What does that say about the towns, where the population is getting older, people are moving out, young couples that stay are not having children. It is the opposite of the movie ''Four Weddings and a Funeral.'' Four funerals per wedding. That is a description of what is happening up and down the middle part of the country with this steady depopulation.

Then we have people in other parts of the country who are trying to recreate what we have in the middle: Great schools, good places to live, safe neighborhoods, good places to raise children. They are trying to recreate that in other population centers of the country.

We have people leaving the middle of America, in the heartland. The question is, What do we do about this? Can we do anything? William Jennings Bryant said destiny is not a matter of chance; it is a matter of choice. It is not a thing to be waited for; destiny is a thing to be achieved.

The question is, What kind of an economy do we want in this country? Do we care about the heartland? Do we want to do something about the depopulation of the heartland? When America's cities were in deep trouble several decades ago, with the decay of America's cities and the economic blight affecting America's metropolitan areas, guess what the Congress did. The Congress said, let us help; let us develop an urban renewal program, a model cities program. And we did. We invested in America's cities. And America's cities are doing well. We turned around the major metropolitan areas of this country with programs deciding that the cities are too good, too important, to be allowed to fail. So we had model cities and urban renewal programs.

What about America's heartland? Is that important enough to save? Is it important enough to care about? Senator HAGEL and I introduced a piece of legislation called the New Homestead Economic Opportunity Act. We do not have land to give away to people who would come out and homestead anymore. We did a century and a half ago. We gave them free land. We do not have land to give away. What we do have is tax and other financial incentives to offer to encourage people to stay there, to come there, to live there, to grow there, to build there, and to do business there. We have the capability to say to them: If you are going to run a business in a rural county that has lost more than 10 percent of its population in the last 20 years, you may benefit from investment tax credits. You are a new student who has graduated from school and are employed in a high out-migration rural county, you will get some help paying off your college loans. There are tools we can develop and use to do that.

Senator HAGEL and I have written a piece of legislation that has now been joined by 10 other members of the Senate, Republicans and Democrats, saying this country owes it to itself to save the heartland.

Let me describe why I think this is important to do. Some would say, well, whatever is, is; whatever happens, happens, and do not pay too much mind to it. If for some reason the incentives for life in America in the year 2003 do not provide people some inertia or encouragement to settle in Hettinger County, ND, that is just the way it is. I suppose you could have said that a century and a half ago and we would not have the wagon trains taking the pioneers out to go homestead. They did not say it then. They said it is important to populate the heartland of our country for a number of reasons.

I will discuss the value system in rural America that nourishes and refreshes the values of our country. I come from a wonderful State of 640,000 people. I grew up myself in a very small town. There were 400 people when I was living in that town. Now there are fewer than 300 people in that same community. I graduated from a senior high school class of nine students. In my State, in communities like that, there are wonderful people and they are great places in which to live. In my State, there is a small town called Sentinel Butte, ND. They have one gas station. The man and his wife who run the gas station are nearing retirement age and do not want to work all day long, so when they close the gas station in early afternoon, they hang the key to the gas pumps on a nail in the front door. If you want gas and they are not open, take the key, unlock the pump, pump gas, and write your name on a tablet that is right below the key.

That is a value system that is important. It works in rural America. There is a place called Marmarth. They have a hotel in Marmarth that is a very small town but no one works at the hotel. If you need a bed, go take a bed and get some rest. And there is a cigar box tacked on the inside of the door when you leave. When you are done sleeping at that hotel, when you leave, please put a little money in the cigar box.

Is that a big business? No. Is it important to Marmarth? Sure. In a town called Tuttle, the grocery store closed. That little community understood you need to have a grocery store. No one would come in and build a grocery store. So the city government built it. The city council decided we have to build a grocery store. And I was there the day they cut ribbons on the grocery store in Tuttle, ND. They blocked off Main Street and had the high school band play. What was that about? Cutting the ribbon on a new grocery store in Tuttle, ND, that was developed by the city council of Tuttle, ND.

In Havana, ND, they cannot keep a cafe open, unless they have people in town sign up for the time they are going to work for nothing to keep the cafe open. When is it your turn to work in the cafe? That is the way the community keeps the cafe open.

All of these things represent a value system that I think is important to this country—wonderful small communities making do for themselves, great places in which to live, great places in which to raise children, safe streets, good neighbors. We are going to lose all of that unless the Congress decides the heartland is worth saving. The New Homestead Economic Opportunity Act is a piece of legislation Senator HAGEL and I will reintroduce in the next couple of weeks. My hope is that Senators, Republicans and Democrats, up and down the heartland, will join us as cosponsors once again this year and that we can work together creating tools by which these States, these counties, these small cities that are losing population, can begin once again to build a future home and opportunity for themselves.

There are some who say, well, this is just the way things are, just a force of life that is not going to change. People are moving from rural areas to the cities. My State is also an agricultural State with a lot of family farmers. I know there are some who look at that and say, Why would someone farm? I suppose you have to live on a farm to understand the values and the forces that make you believe it is a wonderful way of life.

I notice that there is a television network that is going to do a reality show which I read about yesterday—and shook my head once again, as is so often the case with modern television shows. They are looking for a poor farm family somewhere in this country. They are going to take that poor farm family, they said, and put them in a mansion in Beverly Hills and then do reality television to see how they react, a poor farm family in a Beverly Hills mansion, kind of like ''The Beverly Hillbillies.'' They are doing what I think they call their ''hick search'' now, looking for these people who would not fit in. Then they would send them out to a mansion in Beverly Hills so they can do a television show and make fun of them. There is precious little to make fun of, in my judgment, about the value system of life on the family farm in this country. It is about struggling against the odds. It is about perseverance, sometimes against hope, almost. It's about developing survival skills.

These are people who put a seed in the ground and then have to pray and hope the seed comes up to a plant, so that it grows into a plant and perhaps it will rain, so it grows and perhaps it won't rain too much so it doesn't drown out, maybe the insects won't come in and eat it, maybe it won't get crop disease, maybe it won't hail, maybe you won't get a windstorm that knocks the crop over. But, in any event, in the fall when you have grown that seed into a crop, having put all your money into it in the spring to try to get the seed into the ground, then if you are lucky enough to get a crop, then you have to hope that the price is decent in August, September, October, because if you lost the crop you lost everything, and if you get a crop and don't get a price in the fall you have lost everything.

Those are the odds these farmers have faced, those who have elected to go to the prairies in the heartland of our country and begin to farm. They produce America's food. But they do more than that. They produce communities. They are a seedbed of values that, as I said, nourishes and refreshes the value system of our country.

My fervent hope is that we will find a way in this Congress to understand, just as we did in dealing with the blight of America's cities, that we have responsibility to deal with the relentless out-migration that is crippling so many rural counties up and down the part of America's heartland that you see marked in red.

I think there is a tendency for some to think what is between California and New York is simply 6 hours in an

airplane seat. That, of course, is not the case at all. What is between California and New York is a wonderful part of America and a part of America that we should care a great deal about, a part of America that is suffering a great deal at this point with the outmigration of people. You see it in red on this map.

As we proceed, there will likely be things that are very partisan here on the floor of the Senate, and perhaps properly should be because the political parties come to this debate on a range of issues believing in different things—not different goals, but dramatically different ways to achieve the same goal, in many cases. But my hope is that even as we have those debates which can and perhaps will be partisan debates from time to time, there will be some issues on which Republicans and Democrats can say: Sign us up together. This is not about getting credit. It's not about forcing the other side to lose or demanding that we win. It is about doing together that which needs to be done for the preservation of this country, for the preserving of values in this country, and for the nourishing of hope for certain people in this country who have lost hope, especially those living in the heartland and living in circumstances where their neighbors have left, their community is shrinking, family farmers are leaving.

We can do better than that. My hope is that we will find a bipartisan way in this Congress to decide this, too, is an urgent priority for our country and pass legislation of the type Senator HAGEL and I will reintroduce once again, called the New Homestead Economic Opportunity Act.

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. STEVENS. 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.

EXTENSION OF MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that the time for morning business be extended by 10 minutes and that I be permitted to speak.

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

IN HONOR OF CAPTAIN JIM BINKLEY

Mr. STEVENS. Mr. President, I come with a sad heart today because on January 3, the City of Fairbanks, where I started my life in Alaska, and the State of Alaska lost a great citizen with the passing of Captain Jim Binkley at the age of 82.

Jim was born in our State in Wrangell, on May 16, 1920. His parents were gold rush pioneers, and his father was a riverboat pilot on the Stikine River in southeast Alaska.

In World War II, he was a veteran who served on riverboats in Alaska and after the war he attended the University of Alaska in Fairbanks. In 1950, Jim and his wife Mary bought their first boat, the Godspeed, and began what would become Alaska Riverways, Incorporated. They ran a historic riverboat for tourists who came to Alaska.

Jim and Mary built and rebuilt many of their company's sternwheelers in the backyard of their family's home which was on Noyes Slough, which is a river that runs through Fairbanks, AK. It was a great experience to go with him on that boat. I have taken many people on Captain Jim's boat.

Alaska Riverways is Fairbanks' number one tourist attraction. Each summer, Alaska Riverways' three sternwheelers, the Discovery (I), the Discovery (II), and the Discovery (III), ferry thousands of tourists down the Chena and Tanana Rivers, following trails to the gold rush people and really letting people see what rural Alaska is like.

Along with being a successful riverboat captain, Jim served in the Alaska State House of Representatives for two terms from 1961 to 1964. In addition to that service in the Alaska legislature, Captain Jim served on numerous community boards and organizations. He received many statewide awards, including being named ''Alaskan of Year'' and the business leader of the year.

Jim was a proud father of three sons and daughter Marilee. I know all three sons: Johne, Jim Jr., and Skip. They are all riverboat captains and they have continued the great tradition of their father, as have several of his grandchildren.

Captain Jim was clearly a leader in the development of Alaska tourism and of our State in general. His vision and hard work forever changed Alaska's visitor industry, and for that we are very grateful.

I am pleased to say I have asked that a flag be flown over the Capitol today so we may send it to his family, along with a copy of this statement.

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

● Ms. MURKOWSKI. Mr. President, I rise today to speak and honor a great Alaskan, and long time family friend, Jim Binkley of Fairbanks.

Jim, one of the State's great riverboat captains, died last Friday after a long and painful illness. I join all Alaskans in expressing my deepest condolences to his family and all of his friends across the State.

Jim was born in Wrangell in southeast Alaska 82 years ago and was raised in California after his father's death. After high school, Jim moved back to Wrangell and worked as a river guide with him uncle, learning his craft on riverboats and gaining his love of the water. After a few years he moved to Fairbanks to attend the University of Alaska.

It was there during the long Fairbanks summers that he learned the ways of interior rivers, working on steamboats, hauling supplies to Eskimo and native villages along the Yukon River. While his schooling at the University was interrupted by a tour of duty in the U.S. military during World War II, he returned to school in Fairbanks after the war. There he met his future wife of 55 years, Mary Hall, and they were married in June 1947.

In 1950, Jim and Mary were asked to run riverboat cruises in Fairbanks by Alaska tourism pioneer Chuck West. Using the Episcopal Church vessel, ''Godspeed'' they began offering tours of the Chena and Tanana Rivers. As their business expanded, they needed a bigger boat. So in 1955, Jim and Mary, along with their original partner Bill English, built the first Riverboat Discovery in their backyard on the Noyes Slough in Fairbanks.

Over his 45 years in the riverboat business, Jim built two more boats, helping to launch the modern era of tourism in Alaska's interior. But he launched much more for Alaska.

He helped create Alaskaland, Fairbanks' historic major municipal park. He was a founder of the Alaska Visitors Association and the Fairbanks Convention and Visitors Bureau. And he showed his commitment to public service by serving two terms in the Alaska House of Representative in Juneau from 1961 through 1964.

He was also a pioneer in improving communications in Alaska, serving on the boards of Alascom, Pacific Corp. and later Pacific Telecom, helping switch telecommunications in Alaska from an era of Government-controlled long-distance phone service to the modern era of satellite communication that included the arrival of live television to all parts of the State.

He received numerous awards, including being named the Alaskan of the Year and the Business Leader of the Year.

While I have lived in Anchorage for the past 25 years, I can never forget sitting in my parents' backyard along the Chena River in Fairbanks. You could almost tell time by when Captain Binkley would pilot the Discovery past our house, always waving his warm welcome as we tooted a fog horn in reply as the sternwheeler rounded the small bends heading for the junction with the Tanana.

Alaska has lost a great pioneer and an even greater leader. I want to express my deepest condolences to his wife, Mary, to his son Johne, himself a former leading member of the Alaska Legislature, to his sons Jim, Jr. and Skip and to all his grandchildren. All of Alaska mourns his passing.●

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

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

US AIRWAYS

Mr. SANTORUM. Mr. President, I rise today to talk about an issue that is of acute importance to my State, the State of Pennsylvania, and, I argue, to the traveling public throughout the east coast, in particular. That is the situation of US Airways and the problem that US Airways is encountering in reorganizing the company and trying to get the government loan provided here by legislation enacted after September 11. The Air Transportation Stabilization Board has set forth criteria that US Airways must meet in order to secure that loan and continue to operate. They are under a relatively tight timeframe and have to go to court next Thursday, I believe, to get the reorganization plan approved.

There are several issues out there, but the most important and major issue is the issue of the pension plan that US Airways has and the expense associated with that, and in particular, the pilots' plan. US Airways has been working now for a better part of a year to work with the union and within its management to find cost savings, money dictated by the Air Transportation Stabilization Board, and they have done an excellent job. I will say that the US Airways unions have done an outstanding job in working with management to try to get the company to be an efficient and lower cost airline to survive in these very difficult times in the airline industry.

One of the most important aspects of the reorganization, as I mentioned before, was the rather significant pension liability and, in particular, because of the higher salaries of pilots, the pilot pension program. US Airways has been negotiating with the pilots now for quite some time, and within the last month or so came up with an agreement to restructure the plan—in fact, to terminate the plan and then restart the plan—with a different benefit structure and having the cost of those benefits amortized over a 30-year period.

They went to the Pension Benefit Guaranty Corporation, the government agency that oversees the pension plans and guarantees those plans, and asked for an approval to terminate and restart the plan with a 30-year amortization. The Pension Benefit Guaranty Corporation informed the company and union they believed they had no legal authority. Any time you get two lawyers in a room you have five opinions; but in this case, some lawyers on both sides suggested there was, and some suggesting there was not, legal authority to terminate and restart.

I will say, for the purpose of the taxpayers, had the Pension Benefit Guaranty Corporation decided to accept the US Airways pilots' union plan, there would have been no liability to the PBGC, and no cost associated with it. The airline would have terminated the plan but maintained all the liability and simply amortized that cost over a 30-year period. The Pension Benefit Guaranty Corporation proposed in the alternative that they terminate the plan; PBGC take over the responsibility for that plan; and US Airways move forward without a pilot pension plan.

Such a plan, which I think you could make the argument, would be to the financial benefit of US Airways and the management because they would be released of this rather significant, roughly $3 billion, obligation of paying pilot pensions. But, US Airways management, working together with their unions in a great spirit of cooperation, did not want to have their pilot pensions reduced in the area of 75 percent. That would be the result of a takeover by the PBGC. So they have pled with the PBGC to approve their plan which would result in, again, a drastic reduction in the benefits of the pilots, but not as draconian as the PBGC change.

Having said all that, they have been back and forth and back and forth and we are now at a point where there does not seem to be any hope for an agreement. We have been working together, myself and Senator SPECTER from Pennsylvania. I ask unanimous consent that the distinguished Senator from North Carolina, Senator DOLE, be added as a cosponsor to S. 119—the bill I will call up in a minute.

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

Mr. SANTORUM. We have been working together, the Senators from North Carolina, Florida, New York, Pennsylvania, Massachusetts, and Virginia—Senator WARNER is a sponsor of this resolution—to see what we can do to be helpful in this process. The problem is, candidly, that this plan has to be filed by next Thursday, a week from today. So the PBGC says they do not have the legal authority to approve the US Airways plan.

So the only way to get around that problem is for Congress to act to amend the law, pension law, and allow for this agreement that US Airways and the pilots union have agreed to, to be a valid change in plan under the pension laws of this country.

So, I, in just a few minutes, am going to ask unanimous consent that we bring up this legislation and that we debate it on the floor of the Senate and pass this legislation today. I understand this is an extraordinary thing to ask. I know the Chairman of the Finance Committee is here, as well as the former Chairman of the Finance Committee and now ranking member. They have been working diligently trying to deal with this very complex issue. I understand there are a lot of companies who are in similar circumstances as US Airways. But this is a dire situation.

This is the largest carrier on the east coast. This is probably the airline, I would argue, most affected by September 11. It was not one of the airlines targeted by the terrorists on September 11 but, as everybody knows, it is the dominant carrier in the cities that were affected by the terrorist incidents. So, in particular, Reagan National Airport, which was closed for a long period of time, is the most profitable hub of US Airways. So it was dramatically impacted by Government action of shutting down airports, not just by the reduction in the air trafficking that was going on in the country, and the traveling, but by Government action actually shutting down the facility.

So I think we have a special obligation as a result of that to help this particular airline because it was, again, arguably, most affected by what happened.

I understand that this is, as we term it here in the Senate, a rifleshot. And rifleshots are not looked upon kindly by the Finance Committee and by this institution. But I would certainly make the argument that, if a rifleshot were ever warranted, this is a rifleshot that certainly deserves to hit the target.

So, Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 119; that the Senate then proceed to its immediate consideration; that the bill be read three times, passed, and the motion to reconsider be laid upon the table, with no intervening action or debate.

Several Senators addressed the Chair.

Mr. SPECTER. Mr. President, I ask my colleague to withhold the request until I have had a chance to make a brief statement.

Mr. SANTORUM. I withhold my request until the Senator from Pennsylvania speaks.

The PRESIDING OFFICER. The request is withheld.

Mr. SPECTER. Mr. President, I sought recognition to join my distinguished colleague, Senator SANTORUM, in the presentation of this matter which is of great importance, not only to Pennsylvania, but great importance to the country.

The US Airways system is the sixth-largest carrier in the United States. It provides service on a national and international basis. As a result of the problems of September 11, US Airways has had considerable financial problems and has moved forward to get a loan guarantee from the Federal Government, $1 billion, and to accomplish that there have been major concessions made by labor and major concessions made by suppliers to enable the airline to chart a course for the future on which they can succeed.

The Pension Benefit Guaranty Corporation has interpreted the law to say

that they are not in a position to accept the termination of a plan and the reinstatement unless there is a legislative change. If the bill, which Senator SANTORUM, Senator DOLE and I are proposing, is not enacted, airline pilots will have a drastic reduction in their pension benefits, and the taxpayers will have all of the obligations thrust upon the Pension Benefit Guaranty Corporation so that the taxpayers will be hurt and the pilots will be hurt and, ultimately, consumers of airline travel will be hurt.

The legislation which we have proposed would authorize the PBGC to have a discontinuance of the plan and then to have a reinstatement of the plan. I think it is preeminently sensible.

I am not unaware of the prerogatives of the Finance Committee and their guardianship of the law generally, and I do not subscribe to rifleshot, buckshot—any shot. This is a proposal that makes sense. If other companies come in and can make a similar presentation, that makes sense, too.

So it is my hope that we will be able to consider this bill on the merits. We are not too busy to take a little time of the Senate having a discussion of the bill. It cannot be considered without a unanimous consent agreement. But, if the unanimous consent agreement were entered into, we could have debate.

If the Senator from Iowa and the Senator from Montana disagree with the substance of the bill, I can understand that. We can debate it, it can be considered, and we can vote on it. But this is one of those situations where I think a little extra consideration is in line.

If the unanimous consent request is granted, then we can have debate on the merits, and I will go into these issues in some greater detail for the edification of my colleagues whom I hope will have a chance to vote on this matter.

I thank my colleague from Pennsylvania for yielding and for withholding the unanimous consent request.

I have sought recognition today to join my colleague Senator SANTORUM in introducing legislation that would benefit American taxpayers by saving them hundreds of millions of dollars in potential Federal pension liabilities as well as protecting pension benefits of US Airways pilots. Senator SANTORUM and I believe this legislation is a win-win proposition that benefits all parties involved, and it is good policy that the American consumer will benefit from as well.

Sound transportation infrastructure is the backbone of a healthy and vibrant economy. The airline industry continues to struggle in the wake of the events of September 11. Though passengers are returning, the industry is still operating at well below historic levels, and this is obviously affecting the industry's profitability.

US Airways, the Nation's sixth-largest air carrier, has been particularly hard hit, filing for chapter 11 bankruptcy protection on August 11, 2002, and laying off over 13,000 employees since. One unique challenge faced by this airline is the fact that it has historically had a large and lucrative operation at Washington's Ronald Reagan National Airport, and so long as operations from this airport were constrained due to post-September 11 security considerations, US Airways was losing a significant portion of its revenues.

US Airways is now in the final stage of obtaining approval for a $1 billion loan guarantee from the Air Transportation Stabilization Board, ATSB. I have been assured that this loan guarantee will enable US Airways to emerge successfully from chapter 11 bankruptcy proceedings and again vie successfully for passengers in the international market.

But before this can happen, US Airways needs to restructure its pension obligations, which are backed by the Federal Pension Benefit Guaranty Corporation, PBGC, and, ultimately, the American taxpayer. US Airways's pension liabilities increased significantly in recent months due to poor market performance and a 41-year low in interest rates. Funding obligations for the pilots' pension plan is estimated to be $575 million for 2004 and $333 million for 2005. Given its current cash position, US Airways cannot make these payments, and, additionally, the airline has indications from the ATSB that the ATSB will not approve its loan considering these large obligations.

But US Airways is proposing a simple and cost-saving solution that would essentially terminate and then restore its pilots' pension plan, a change that would allow the airline to amortize the plan's unfunded accrued liability and unfunded current liability in level payments over a 30-year period. Simply put, payments that would have been made over a 5-year period would be spread out over 30 years, a schedule that would allow US Airways to fully meet its pension obligations. This means that the PBGC would not have to step in to cover liabilities US Airways would not otherwise be able to meet, and the pilots are agreeable to this proposal. This also means that US Airways would then likely have its loan guarantee approved and thus be able to emerge from bankruptcy protection.

The only problem is that the PBGC has determined that it does not have the legal authority to approve such a plan. Inaction would leave US Airways with no option but to terminate its pilots' pension plan and regrettably transfer liability to the PBGC.

To avoid this unnecessary situation, we are proposing a legislative clarification that would specify that the PBGC has the legal authority to terminate and then restore US Airways's pilots' pension plan, thereby protecting the pilots' pensions while potentially saving the American taxpayer hundreds of millions of dollars annually. I want to emphasize that this is a simple statutory clarification, a clean bill that provides no additional benefits to US Airways and is of no cost to the Federal Government. In fact, successful and timely passage of this bill may very well save the U.S. Treasury billions of dollars over a period of many years.

US Airways will present its reorganization plan before U.S. Bankruptcy Court on January 16, 2003, prior to which it must resolve this pensions issue. Accordingly, time is of the essence, and this legislative fix must be signed into law prior to January 16, 2003, for it to have any positive effect. It is thus with this sense of urgency that Senator SANTORUM and I ask for the bill's immediate consideration.

I ask unanimous consent a list of facts in support of this legislation be printed in the RECORD.

FACTS IN SUPPORT OF LEGISLATION

PROBLEM/BACKGROUND

US Airways is in the final stage of obtaining approval of (1) a $1 billion loan guarantee from the Air Transportation Stabilization Board (''ATSB''), (2) a $240 million equity investment from the Retirement System of Alabama, and (3) a plan of reorganization pursuant to which US Airways would emerge from Chapter 11 bankruptcy proceedings.

On 12/20/02, US Airways filed a Plan of Reorganization and Disclosure Statement with the bankruptcy court. A hearing is scheduled for 01/16/03 on the adequacy of the Disclosure Statement, and if approved, the Plan will be circulated with voting materials to impaired creditors. It is expected that a hearing on confirmation of the plan of reorganization will take place in March 2003.

This progress is a direct result of unprecedented contract modifications agreed to both during the summer and in the last few weeks by the Air Line Pilots Association, International (''ALPA''). These modifications will produce an average savings of $633 million annually.

One of the remaining issues to be resolved is the restructuring of US Airways's pension obligation, which has increased significantly because of the poor market performance and 41-year low interest rates. US Airways sponsors defined benefit plans for its pilots, flight attendants, mechanics and other employees and other employees.

US Airways is facing estimated pension contributions of $1 billion in 2004 and $800 million in 2005 for its defined benefit plans. *The pilot plan pension funding obligation alone is estimated to be $575 million for 2004 and $333 million for 2005*. The Company can not make these payments, given its cash position. Additionally, it has indications from the ATSB and the ATSB will not approve its loan with these large pension obligations. The ATSB is requiring that US Airways develop a viable business plan for the 7-year ATSB loan period.

The traditional funding waiver permitted under the Internal Revenue Code and the Employee Retirement Income Security Act is not sufficient relief because a waiver applies only one year at a time and the waived contribution is amortized over only a 5-year period. A traditional waiver would actually result in increased pension contributions, particularly in years 2005, 2006 and 2007, which the Company cannot afford.

As of 01/01/02, the funded status (on a current liability and market value of assets basis) of the US Airways pilot defined benefit plan was 73.7 percent. Due to the proper market performance and low interest rates, it is

estimated that the funded status of the plan will drop significantly as of 01/01/03 (based on information as of 10/31/02) to 50.1 percent.

US Airways and ALPA reached agreement on substantial changes to the pilots' plan that eliminate and reduce benefits accruing on and after 01/01/03. However, US Airways must resolve the pension funding obligations for benefits that accrued prior to 01/01/03 in order to get final approval for the loan guarantee and emerge from bankruptcy.

There is tremendous urgency to resolving US Airways's pension funding liabilities, which can be achieved in a manner that: Insures the success of US Airways' reorganization; protects the pension benefits of US Airways' employees and retirees, who would lose hundreds of millions of dollars in pension benefits that are not guaranteed by the Pension Benefit Guaranty Corporation (''PBGC'') in the event of plan termination, and retirees, who would hundreds of millions; protect the solvency of dollars in pension benefits that are not guaranteed by the PBGC) in the event of plan termination; and protects the PBGC by providing substantial funding for a continuing plan in place of a plan termination which leaves PBGC with billions of dollars in liabilities that will not be recovered in the bankruptcy.

US Airways' bankruptcy filings emphasized the need to resolve this crisis immediately by legislation, and made clear the likely alternative was plan termination.

SOLUTION

US Airways and ALPA have requested a special funding rule for liabilities that have accrued under the US Airways pilot defined benefit plan as of 12/31/02. Under the proposed bill introduced today, the US Airways pilot defined benefit plan will be treated as if terminated and restored as of 01/01/03, with a restoration payment schedule that amortizes the plan's unfunded liability and unfunded current liability in level payments of a 30-year period.

With enactment of the proposed bill, US Airways would continue to maintain and fund the pension plans for its pilots. US Airways would successfully restructure. US Airways would meet all funding obligations to the pilots' plan by making substantial level pension contributions of approximately $150 million on average per year under the proposed payment schedule. Additionally, with enactment of the proposed bill, the PBGC would avoid the liability and responsibility resulting from the termination of an underfunded pension plan.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. If my colleague would withhold his request, I would like to speak on this issue.

I appreciate the efforts of the two Senators from Pennsylvania to help these underfunded airline pension plans, particularly as it relates to a company that is very important to the economy of their State. We are also in a situation where, as far as I know, the House Ways and Means Committee has not acted on this issue and, consequently, even if the Senate were to pass it the measure would be subject to a blue slip, meaning, under the Constitution, a revenue measure needs to start in the House of Representatives. So if we took action, what would that do? It could not become law.

The legislation the Senator has introduced would create, as a matter of substance, perverse disincentives for all plans that paid premiums to the Pension Benefit Guaranty Corporation. The bill would permit a single airline to avoid the pension funding rules in the Internal Revenue Code, while every responsible plan sponsor funds its own plans. We will need to deal with this particular problem when we deal with the rest of the funding rules and the pension interest rate problem because that is a very real problem and several times we have tried to address it, just not successfully through the whole process. So we get to a point that one set of rules for one company harms the nation's pension laws applicable to the remaining plans.

I respectfully suggest that something this important would—surely ought to be referred to the Finance Committee and that we should deal with it under the regular rules of the committee, but particularly we need a solution that would be nation-wide, not dealing with just one company. So I express opposition to this effort.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I renew my unanimous consent request that I stated previously.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, reserving the right to object and I will object, I deeply appreciate the concerns of both Senators from Pennsylvania, the senior Senator and junior Senator, who spoke eloquently about the problems facing those particular airlines, and I understand that. I think every Member of this body does. The fact of the matter is, there are other airlines, too, facing very difficult financial problems these days. It is unfortunate but that is the fact.

I must say, too, as has the chairman of the Finance Committee, I have not seen that proposal. All I know is what I hear on the floor now. I think it would be inappropriate for the Senate to unanimously pass a change in the pension laws which have not been reviewed by other Senators, certainly not by Members of the Finance Committee.

My good friend, Senator GRASSLEY, soon to be chairman of the Finance Committee, makes a very good point. Even if it were passed here, we would have to wait until some other measure passed in the body so it could be amended and have it considered. There are a lot of reasons—although I certainly appreciate the argument by the Senators—this is not the appropriate time nor the appropriate way to take up this measure.

I ask my good colleagues to work with the committee and to work with Senator GRASSLEY and myself over the next several days or next week—and also with other airlines because other airlines, frankly, are hurt by their request. I was contacted a couple hours ago by airlines that said: Wait a minute. It may be good for them, but it is not good for us.

We have to make sure that all airlines are treated fairly.

I very much look forward to working with my good friends from Pennsylvania, and all Senators. But I just think because of propriety and doing it the right way to make sure this is the right solution that we should not take it up at this time. There may be amendments and modifications to the provision being requested that could be quite helpful to meet some of the objections some others might have. This is the first time we have heard of it. I haven't seen the language. It did not come before our committee.

I must respectfully object to the request.

The PRESIDING OFFICER. Objection is heard.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank my colleagues from Iowa and Montana for their responses. I appreciate their considerations.

It would be my hope, as I said earlier, that they would recognize the exigencies of this situation and permit us to proceed. But in light of their statements that they intend to object, which I understand will follow, I inquire of my colleague from Montana, who is now chairman, and of my colleague from Iowa, who hopefully by this time tomorrow will have the resolution passed to shift the chairmanship, whether there might be an early hearing set in the Finance Committee.

I am in line to be chairman of the appropriations subcommittee having jurisdiction over the Department of Labor. And Senator HARKIN and I have agreed to have a hearing on this next week. But the authorizing committee has the paramount responsibility. There is a U.S. Bankruptcy Court hearing on this matter on Wednesday. I do not think we have a problem about the solvency of US Airways being involved as I thought there might have been several weeks ago. But I think the court might be willing to defer action which touches upon these issues if there was knowledge that there was going to be expedited treatment.

So my question to the chairman and ranking member of the Finance Committee is whether it might be possible to schedule a hearing yet this month which could then be used with the court to defer action with the possibility or prospects of some action by the Senate on this issue, that is, US Airways, or the issue generally.

Mr. BAUCUS. Mr. President, I might say to my good friends that I think that is a good idea. The Senator has my assurance—and I know the assurance of my colleague from Iowa—that we will look into the matter tomorrow, say, and determine if a hearing makes sense. It could well be a very good idea. Maybe it can be resolved in some other way without a hearing.

But I would like to look at the issue and expeditiously, see if there is a way to resolve this matter. It could well be that we could have a hearing this week or sometime this month. It could be a very good idea. We could well do that.

But I could really answer that question a little more after I look at the issue more and know what is involved.

Mr. SPECTER. Mr. President, if I might direct a question through the Chair to the Senator from Montana, he says he may well be able to have a hearing this month. It depends upon his analysis of the legislation or the complexity of it. Would it be a fair statement that the representation could be made to the court that there will be an effort made, if possible, to have a hearing in finance this month?

Mr. BAUCUS. That is a very fair representation.

Mr. SPECTER. I think that would be a yes.

Mr. BAUCUS. That is a yes.

Mr. SPECTER. Might I ask my colleague from Iowa, who will soon waive the gavel, if he concurs in what the Senator from Montana said?

Mr. GRASSLEY. I might modify it just a little bit, but understand that I am making this statement not having had a chance to think deeply on it. But it would be in relationship to the extent to which there should be a hearing just on this one company as opposed to a hearing on the pension problem generally and in the larger context because I did voice in my statement to the Senate that it seems to me that we do have to look into this area, and we have to look at it as a pension problem in a much broader context than just one company. Obviously, in that context, I have absolutely no opposition to looking at the problem of one company. But I also think it ought to be looked into only in the context of the others because of the extent to which it might lead to other companies making the same request.

Mr. SPECTER. Mr. President, if I may direct a question through the Chair to the Senator from Iowa, the substance of what I understand he said is that if it is possible to have a hearing this month, considering whether it be on a single company or the complexity of taking up a broader issue, that consideration would be given to having a hearing this month if it can be done in a practical sense.

Mr. GRASSLEY. In the context of what I stated, the answer to that is, I would agree.

Mr. SPECTER. Mr. President, I take that also to be a yes.

I thank my colleague from Iowa.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I am disappointed that we were not able to get unanimous consent. I certainly understand the position of my colleagues from Montana and Iowa. But I just want to reemphasize that the reason we sought to submit this extraordinary act is because of the timing of the judicial submission a week from now. A revenue bill is being generated in the House. As an old House Ways and Means Committee member, I was very jealous of that prerogative and wanted to make sure that we enforced it with regularity if the Senate got out of constitutional control. I thought it could act on these things unilaterally. But, again, I think there is a certain support on the Ways and Means Committee for dealing with this issue. The request of the Senator from Pennsylvania, hopefully, will not only be one communicated to the Finance Committee but also would be communicated to the Ways and Means Committee in the House to seriously look into this.

I know many of my colleagues from Pennsylvania and other Congressmen from other states are going to be adversely affected—potentially affected—by what happens next Thursday. I hope a request will be made to the Chairman of the House Ways and Means Committee to take a very significant look at this. I hope they will be moved to act in a way that would be beneficial to this situation, and again other situations around the country of pensions failing.

But the point I want to reiterate is if this legislation were passed there would be no cost to the Federal Government by picking up the pensions of the pilots and others in the union of US Airways. Without this legislation, the cost to the Pension Benefit Guaranty Corporation, and, therefore, to the taxpayers of the United States would be about $3 billion. So this is a measure that will save $3 billion over a set number of years. That is not pocket change, even in Washington, DC.

I think there has been an attempt to try to address this issue in a way that does not—as the Senator from Iowa said—create an incentive for companies not to fund their legal obligation. I don't think this narrow provision is an incentive for any other corporation to not do what is required of them under the pension laws. But what we have is an extraordinary case where union and management come together to dramatically reduce the benefits of the pilots. And I underscore the words ''dramatically reduce'' the benefits to the pilots. The pilots signed off on it. They have signed off on this as a way for the company to continue to operate. It will save the taxpayers money, and it will save these airlines and all of the employers—as well as the traveling public in the Northeast and throughout the eastern part of the United States.

I think this is a narrow exception. I think this is a special circumstance. Whether we can effectually change something that would allow the kind of flexibility under very stringent rules—I would agree with the Senator from Iowa. It allows the flexibility of the Pension Benefit Guaranty Corporation to look at the unique circumstances of these petitions of companies and unions.

I just remind everyone, this is not the management going in unilaterally saying: We are going to cut benefits and restructure the program. This is the union and the management saying: This is what we want to do. This is a very rare circumstance, indeed. So I do think we have unique circumstances.

Again, I understand the precedent that this sets, but I am hopeful we can work out a change in the law that will give the PBGC the flexibility to look at these unique circumstances, and unique circumstances in the future with respect to other companies, to come up with a solution that is best for the taxpayer as well as best for the companies and unions involved in these very difficult times.

Mr. President, with that, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHAMBLISS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. 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. HATCH. Mr. President, I ask unanimous consent I can proceed as in morning business.

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

The Senator from Utah.

IN DEFENSE OF THE FEDERALIST SOCIETY

Mr. HATCH. Mr. President, I am very pleased that the President has wasted no time in delivering his judicial nominations left behind in the last Congress. The President's judicial nominees have proven to be superb and among the best I have seen in all my years of service in this body.

As chairman of the Judiciary Committee, I expect that my colleagues on both sides are eager to do the people's business and move as promptly as President Bush to fill judicial vacancies.

Of course, I realize that the distortions have begun.

The usual special interest lobbies, pursuing their political and economic interests, have already been busy painting a very scary picture with the usual shrillness and tired old tactics.

The President of the United States has nominated men and women who, whatever their personal politics or views, are constitutionalists who are committed to enforcing the law as the people's elected representatives have adopted, and who will interpret the Constitution, not rewrite it as if they were in the room with the founding fathers—Constitutionalists, not Republican or Democrat, not liberal or conservative, who will approach their roles in a common sense manner.

But today, I rise to right one particular wrong. A recent report by People for the American Way, with, oddly enough, a remarkably biblical title, paints President Bush's nomination as an Armageddon. In reading the report, one would well think the President is choosing judges from the ranks of the Raelians.

But they especially go out of their way to malign the thousands of honest, smart and hard-working lawyers and law students who are members of the Federalist Society as if these fine men and women wear the mark of the devil.

Mr. President, I am a member of the Federalist Society and I am proud of it. Last year, the Federalist Society celebrated its 20th anniversary, and we are all proud of that.

Of course, the childish games played against the Federalist Society are not new. Over the past 2 years, members of the Federalist Society have been much maligned by some even in this body. The Federalist Society has even been presented as an ''evil cabal'' of conservative lawyers. Its members have been subjected to questions which remind one of the McCarthy hearings of the early 1950s. Detractors have painted a picture which is surreal, twisted and untrue.

The truth is that liberal orthodoxies reign rampant and often unchecked in a majority of this country's law schools and in the legal profession, and that the left is shocked that an association of honest, non-partisan, constitutionalist lawyers would exist, much less include the notable legal minds it does.

During the mid-1990s, Professor James Lindgren of Northwestern University Law School conducted a survey of law school professors and came to the following conclusion. At the faculties of the top 100 law schools 80 percent of law professors were Democrats or leaned left and only 13 percent were Republicans or leaned right. These liberal professors promulgate their ideology in and outside the classroom.

Mr. President, anyone associated with America's campuses or law schools knows that non-liberal views are regularly stifled and those espousing those views are often publicly shunned and ridiculed. It was this environment of hostility to freedom of expression and the exchange of ideas in universities that set the stage for the formation of the Federalist Society. And given my Democrat colleagues' reaction to the Society, it appears to be fighting against narrow-mindedness still.

In 1982, the Federalist Society was organized, not to foster any political agenda, but to encourage debate and public discourse on social and legal issues. Over the past 20 years, the Federalist Society has accomplished just that. It has served to open the channels of discourse and debate in may of America's law schools.

The Federalist Society espouses no official dogma. Its members share acceptance of three universal ideas: One, that government's essential purpose is the preservation of freedom; Two, that our Constitution embraces and requires separation of governmental powers; and, three that judges should interpret the law, not write it.

Tell me if you disagree with any of these ideas. Most Americans do not, but it seems like some in this town do.

For the vast majority of Americans, these are not controversial issues. Rather, they are basic constitutional assertions that are essential to the survival of our republic. They are truths that have united Americans for more than two centuries.

Recently we have seen the emergence of some groups that seek to undermine the third of these ideas—that judges should not write laws. These groups have attempted to use the judiciary to circumvent the democratic process and impose their minority views on the American people.

This judicial activism is a nefarious practice that seeks to undermine the principle of democratic rule. It results in an unelected oligarchy—government by small elite. Judicial activism imposes the will of a small group of politicized lawyers upon the American people and undermines the work of the people's representatives.

Indeed, if the radical left, the abortion on demand lobby, and some predatory businessmen who happen to hold law degrees and call themselves trial lawyers are successful; if we appoint judges that are committed to writing the law and Constitution and not interpreting it only, then all of us can just go home. We can resign ourselves to live under the oligarchic rule of lawyers—or should I say judges.

I happen to know a few lawyers, and please trust me when I say, this is not a good idea.

Not surprisingly in an association of lawyers, the truth is that beyond acceptance of the Federalist Society's three key ideas: freedom, separation of powers, and that judges should not write laws, it is challenging, if not impossible, to find consensus among Federalist Society members. Its members hold a wide array of differing views. They are so diverse that it is impossible to describe a Federalist Society philosophy.

The assertion that members are ideological carbon copies of each other is at the very least ludicrous.

The Society revels in open, thoughtful, and rigorous debate on all issues. It rests on the premise that public policy and social issues should not be accepted as part of a party line but, rather, warrant much thought and dialog. Any organization that sponsors debate on issues of public importance, as opposed to self-serving indoctrination, is healthy for us all and it is good for this body as well.

Now, how does the Federalist Society accomplish its goal? Not by lobbying Congress, writing amicus briefs, or issuing press releases. And, no, it does not threaten members with withdrawal of support in campaigns or running negative smear ads, which some of the special interest groups that smear this President's good judges engage in. The Federalist Society seeks only to sponsor fair, serious, and open debate about the need to enhance individual freedom and the role of the courts in saying what the law is rather than what it should be. The Society believes that debate is the best way to ensure that legal principles that have not been the subject of sufficient attention for the past several decades receive a fair hearing.

The Federalist Society's commitment to fair and open debate can be seen by a small sampling of some participants in its meetings and symposiums. I venture to say the Federalist Society's meetings and symposiums are among the most well attended and among the most widely attended and among the most diversely attended and among the best symposiums held by anybody in the judicial field. But those participants who have participated—maybe we should look at some of them. They have included scores of liberals such as Justices Ruth Bader Ginsburg and Stephen Breyer, Michael Dukakis, BARNEY FRANK, Abner Mikva, Alan Dershowitz, Laurence Tribe, Steve Shapiro, Christopher Hitchins, and Ralph Nader, to name a few.

I would like to include for the RECORD a list of 60 participants in Federalist Society events that demonstrates the remarkable diversity of thought of Federalist Society events. One of them is Nadine Strossen, president of the ACLU, who many of us know, respect, and have worked with, and who has participated in Federalist Society functions regularly and constantly since its founding, and who attended the recent 20th anniversary dinner.

The ACLU's president has praised the Society's fundamental principle of individual liberty, its high-profile on law school campuses, and its intellectual diversity, noting that there is frequently strenuous disagreement among members about the role of the courts. Ms. Strossen has said that she cannot draw any firm conclusion about a potential judicial nominee's views based on the fact that he is a Federalist Society member.

It seems to me that an organization that includes such a wide array of opinion serves this Nation well and does not deserve the vilification it gets from the usual suspects here in Washington.

There are many notable conservatives that also affiliate with the Federalist Society. But as the members of the Senate demonstrate, even amongst those that are often labeled ''conservatives'' there is much disagreement on most social and political issues. Some, unfortunately, often portray the Federalist Society as a tightly knit, well-organized coalition of conservative lawyers who are united by their right-wing ideology. This is far from true. Allow me to illustrate further.

Three years ago the Washington Monthly published an article entitled ''The Conservative Cabal That's Transforming American Law,'' which cited a 1999 decision by a panel of the D.C. Circuit's Court of Appeals as the ''network's most far-reaching victory in recent years.''. The decision overturned some of the EPA's clean-air standards

on the grounds that it was unconstitutional for Congress to delegate legislative authority to the executive branch. C. Boyden Gray, a former White House Counsel for the first President Bush and a member of the Federalist Society's Board of Visitors, filed an amicus brief making the winning argument.

However, this is not the smoking gun case that opponents of the Federalist Society would have us believe it to be to prove that it is part of the vast right wing conservative conspiracy. First, the case was overturned on appeal by the Supreme Court, in a decision written by Justice Antonin Scalia, a frequent participant in Federalist Society activities who was the faculty advisor to the organization when he taught at the University of Chicago.

Second, the Washington Monthly piece also attacked Boyden Gray as a water carrier for the Federalist Society for advancing Microsoft's effort against antitrust enforcement.

Of course, Mr. Gray serves on the Society's Board of Visitors with Robert Bork, who has been Microsoft's chief intellectual adversary. They are on opposite sides.

There is not quite the vast right wing conspiracy hobgoblin some of the special interest groups in this town would have the American people and members of this body believe in. Indeed, I urge my colleagues to be extra careful when and look at the record before they attack this fine organization or its members.

A close examination of the Federalist Society reveals not a tight-knit organization that demands ideological unity, but an association of lawyers, much like the early bar associations that first appeared in this country in the late 19th century, made up of individuals from across the political spectrum who are committed to the principles of freedom and the rule of law according to the Constitution.

As a co-chairman myself, I am not surprised that the President has sought out its members to appoint for position on the bench and in the government. I applaud his foresight and wisdom. I am proud that its members are solid constitutionalists, whether they are liberal or conservative, Democrat or Republican.

Mr. President, contrast that with People for the American Way, which has waged every obnoxious rotten fight against President Bush's nominations that has been waged in the last year. This is a very well-heeled organization. It is totally ideological. If you disagree with their far left liberal viewpoints, then they vilify you and try to impugn your motives. That is not what I call fairness in the debates that we should have around this body. Yet it is amazing to me how some in this body seem to be absolutely in tune, or should I say marching to the drumbeat of People for the American Way.

I started off by mentioning criticisms by the People for the American Way of the Federalist Society, and I have to say, if you add it all up, this is a well-heeled, very liberal organization that is as partisan, combative, obnoxious in many ways, and false in its arguments and accusations as any organization I have seen in this country.

In almost every case where there has been any type of conservative of stature nominated to the courts, they have come in and completely done their best to deliver body blows to that nominee. It all seems to come down to basically one issue, and that is, if they suspect that a nominee is pro-life, then that is just an absolute no-no to them. It isn't just that. They have taken other nominees nominated by this President and others in the past, have taken their records and, in my opinion, have distorted in many ways their record. I don't think People for the American Way should be in a position to criticize the Federalist Society which primarily conducts the best symposia in law in America today. That is a fact.

I will never forget; I was invited to the University of Chicago by the Federalist Society members—150 members at that time—to speak at the law school at the behest of the Federalist Society. I figured there would be 100 or 150 people there. They had this one hall rented. They had to take me in the back way because of the protesters out front. Although I was willing to go through the protesters, they were afraid some of them were violent. We went inside the hall, and they were absolutely jampacked, people hanging from the rafters. Almost all of those who disagreed with the Federalist Society principles—in other words, principles that were not the left-wing principles—had a heavy piece of parchment paper. As I went to speak, they would stand up and rattle that paper. And that sound was deafening. You could not be heard. I have to say that what was going to be about a 20-minute speech turned out to be 145 minutes, or 2 hours by the time I could complete it.

I have to say I enjoyed the experience. But it was disconcerting that people at a major university—these were not people from the law school, in my opinion. And I am not sure they were even students at the university, many of them—would try to stop discourse from a U.S. Senator or anybody else, for that matter, who came there in good faith to deliver points of view that certainly I felt were worthy of consideration in this field of law.

I have to say there was one young lady three or four rows down who kept yelling epitaphs at me throughout my remarks. I tried to humor her, and I tried to go along and be reasonably thoughtful and kind to her. But, finally, I could tell she was getting on the nerves of almost everybody because she was really out of line and loud. I kind of enjoyed the confrontation to a degree. But it was getting old. Finally, after about an hour and 15 minutes, I looked at her, and, I said, I finally figured it out. You could not possibly be a member of this great law school, because, No. 1, you are so rude. I said, No. 2, you are so stupid. Of course, even at that point, even those who were there to oppose me and to rattle their parchment so I couldn't be heard started to cheer and applaud. I was able to end my remarks, which I felt were remarkably good for anybody in the field of law, whether they were from the left or the right or the center. I think in the end they were good for everybody there.

That is what is going on in the debate on judges today. We have some of these well-heeled left-wing groups that don't care what the facts are and distort anybody's life by coming in and utilizing their economic swat because they have all kinds of left-wing money behind them to malign and to slander and sometimes libel very good nominees.

I know a number of people in People from the American Way, and I have respect for some of them, but I have to tell you I hope they will elevate their discourse so that we will have true debates and not distortions and slander and libel and complete ignorance of what people stand for and what their records are.

I think we are getting down to where we are getting very close in this country to where single litmus tests are going to determine whether we can have judges. And we are getting to the point where the great jurists of the future might not arise because we might have to go to the lowest common denominator.

Having said all of that, I look forward to working with every group in this coming year. Hopefully, we can get a greater sense of discourse and a greater sense of responsibility, and that when we raise objections we hope they will be legitimate and honorable objections rather than objections geared to trying to smear somebody because of their disagreement. I think it is time we elevate the discourse around judges in this country, and I hope this year we can prove we can do that. But, in any event, my hopes have not been fulfilled today.

I ask unanimous consent to have printed in the RECORD 60 diverse participants who have participated in Federalist Society events at this point.

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

60 DIVERSE PARTICIPANTS IN FEDERALIST SOCIETY EVENTS

SUPREME COURT JUSTICES

1. Justice Stephen Breyer
2. Justice Ruth Bader Ginsburg
3. Justice Anthony Kennedy
4. Justice Antonin Scalia
5. Justice Clarence Thomas

CABINET MEMBERS

6. Griffin Bell
7. Abner Mikva
8. Bernard Nussbaum
9. Zbigniew Brezinski
10. Alan Keyes

ELECTED

11. Barney Frank

12. Michael Dukakis
13. George Pataki
14. Eugene McCarthy
15. Charles Robb
16. Jim Wright
17. Mayor Willie Brown

JUDGES

18. Robert Bork
19. Guido Calabrasi
20. Richard Posner
21. Alex Kozinski
22. Pat Wald
23. Stephen Williams

LAW SCHOOL DEANS

24. Robert Clark—Harvard
25. Anthony Kronman—Yale
26. Paul Brest—Stanford
27. John Sexton—NYU
28. Geoffrey Stone—Chicago

LAW SCHOOL PROFESSORS

29. Alan Dershowitz—Harvard
30. Laurence Tribe—Harvard
31. Cass Sunstein—Chicago

Mr. HATCH. Mr. President, I yield the floor.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, in my first act after taking the oath of office for my second term, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes legislation, sending a signal that violence of any kind is unacceptable in our society.

Each day we are in session I have taken the opportunity to make sure another example of a hate crime is published in the RECORD in an effort to sway my colleagues about the need for expanding current hate crimes law to include sexual orientation, gender and disability and to expand the definition of what is a hate crime.

Hate crimes legislation will benefit our Nation as a whole, our country is a diverse one, made up of Muslims, Christians, and countless other religious faiths. Our society finds great strength in its Black and Hispanic communities as well as its gay and Jewish communities. Groups such as these represent not divisions but diversity, and that distinction has built a great Nation. However, hate crimes touch all our communities and tear the very fabric that binds our Nation together.

Passage of a hate crimes bill will assure all Americans that the violence done by a hate crime will not go unpunished. It will ensure that the violence done to an American because of the color of his or her skin will not go unpunished and will make it easier to punish on the Federal level. It will ensure Muslim Americans that they will not be harassed because of their faith and make it easier to punish on a Federal level. It will ensure that sexual orientation and identity are not reasons for a violent crime that goes unpunished.

As we move through these early weeks of the 108th Congress, I call on all my colleagues to consider hate crime legislation as a way to move forward on civil rights issues that are so important in our democratic society.

So, I rise today to describe yet another terrible crime that occurred January 1, 2003 in Miami, FL. After leaving a New Year's Eve party in South Beach, a gay man was shot by two attackers. Earnest Robinson, 23, was walking home when he was approached by two men, one of whom tried to pick him up.

Upon realizing that Robinson was not a woman, one of the men shot him and left him on the street. Police say one of the assailants shouted anti-gay slurs before shooting the victim. Robinson was treated at a local hospital and is in good condition.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. Hate crimes legislation like the Local Law Enforcement Enhancement Act is now 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.

POLICE OFFICERS ARE BEING KILLED

Mr. LEVIN. Mr. President, late last year, the Federal Bureau of Investigation released its annual report on Law Enforcement Officers Killed and Assaulted in 2001. According to the report, there were 136 law enforcement officers killed in 30 States. The tragic events of September 11, 2001, claimed the lives of 72 officers. Excluding these 72 lives, the number of officers killed in 2001 increased over 37 percent, from 51 officer fatalities in 2000 to 70 in 2001. A closer examination of data shows that firearms were used in 61 of the officer murders, and of those, handguns were responsible for 46. The handgun of choice was the 9 millimeter. In my home State of Michigan, Clinton Township, the city of Detroit, and the Federal Protective Service in Detroit each lost an officer in 2001. One of these officers worked in the building in which my Detroit office is located.

In 1994, the Brady law established the National Instant Criminal Background Check System, NICS. The creation of this check system allows federally licensed gun sellers to quickly determine whether an individual is eligible to purchase a firearm. Since its inception, NICS checks have prevented more than 156,000 felons, fugitives, and others not eligible from purchasing a firearm without infringing upon any law-abiding individual's ability to buy a firearm. However, a loophole in the law allows unlicensed private gun sellers to sell guns without conducting a NICS background check.

During the last Congress, Senator REED introduced the Gun Show Background Check Act. I cosponsored that bill because I believe it is a critical tool in preventing guns from getting into the hands of criminals and other ineligible buyers. This bill would simply apply existing law governing background checks to individuals buying firearms at gun shows. As reflected in the FBI report, preventing easy and unchecked access to guns is critical in preventing police deaths and gun violence. That is why it is supported by major law enforcement organizations including the International Association of Chiefs of Police, the National Troopers Coalition, the International Brotherhood of Police Officers, the Police Executive Research Forum, the Major Cities Chiefs, the National Association of School Resource Officers, the National Black Police Association, the National Organization of Black Law Enforcement Executives, and the Hispanic American Police Command Officers Association.

We must stand by our Nation's law enforcement community and take this commonsense step to reduce gun violence. I urge all of my colleagues to join me in supporting this legislation when it is reintroduced during this Congress.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last congress, Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred on November 3, 2002, in Atlanta, GA. Gregory Love, a junior at Morehouse College, was beaten with a baseball bat in a college shower. He was treated at a local hospital where doctors removed a blood clot from the lining of his brain. The assailant, Aaron Price, a sophomore, admitted to the beating and will be charged with a hate crime based on his perception of the victim's sexual orientation.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

MOUNT UNION FOOTBALL TEAM

● Mr. DEWINE. Mr. President, I rise today to congratulate the Mount Union Purple Raiders football team, from Alliance, OH, on a number of outstanding achievements. The Purple Raiders recently won the Division III National Championship for the sixth time in 7 years. Maintaining a perfect record of 14 victories this season, Mount Union's team is 109 and 1 in the last 11 regular seasons, and since 1990 the Raiders

have won an incredible 162 out of 170 games.

I congratulate these fine young athletes on yet another championship season and would like to recognize Raiders' coach Larry Kehres for his dedication and commitment to the school and the team. He has just been named the AFCA Division III National Coach of the Year, making him the first coach to win seven National Coach of the Year Awards. This is an unprecedented accomplishment, and I congratulate Coach Kehres and wish him and the Purple Raiders all the best for next season and many more after that.

While their execution of the split-back offense is flawless, it is Mount Union's academic performance that is truly remarkable. The football team has graduated a near-perfect percentage of players in the last 17 seasons. I applaud the Purple Raider players who exceed all expectations on the gridiron, as well as in the classroom.

For the local residents of Alliance and the students of Mount Union, there is so much to be proud of when it comes to the Purple Raiders. As the fans crowd into the oldest college football stadium in Ohio every fall, they are not only cheering for the heroes of the Purple Raiders, but also for future heroes, future leaders who will have learned the valuable lessons that come with a solid education and a demanding athletic routine. These experiences will aid them in making a positive impact many years from now.

Again, I congratulate head coach Larry Kehres and his Purple Raiders on another perfect championship season. They are a shining example of true student-athletes.

I ask that the names of the Mount Union College Purple Raiders football team coaching staff and players be listed at the conclusion of my remarks.

The list follows.

PURPLE RAIDERS COACHING STAFF

Larry Kehres, Don Montgomery, Jeff Wojtowicz, Joe Leigh, Marty Cvelbar, Vince Kehres, E.J. Henderson, Rudy Sharkey, Paul Gulling, Gene Paina, Joel Cockley, and Clyde Ross.

STUDENT ASSISTANT COACHES

Jason Candle, Jason Gerber, Nick Lesniak, and Kacy Carter.

PLAYERS

Jamoni Robinson, Randy Mason, Josh Reger, Aaron Bubonics, Rourke Skelton, Ryan Rimedio, Jason Cavell, Jay Francis, Josh Liddell, Steve Watson, Derrick Leach, Michael Hinger, Rob Adamson, Zac Bruney, Joe Montgomery, Wade Kirk, Jesse Clum, Brandon Fishbach, Ryan Modica, Andrew Winkler, Jesse Burghardt, Ken Whitfield, Mike Miller, Matt Cole, Grant Relic, Marty Mazanec, Tom Underdahl, Mike Adamson, Matt Caponi, Michael Kernik, Chris Kern, Russell Logan, Matt Sotcan, Sean Keegan, Jamie Allman, Robert McDavid, and Ross Watson;

Cody Bertone, Vince Suber, Jared Gulling, Dustin Blake, Michael Marcellino, Justen Stickley, Scott Casto, Nick Sirianni, Emery Holmes, Justin Burton, Todd Frank, E.J. Lilly, Jonathan Falatic, Anthony Frate, Aaron Robinson, Jeff Strauch, Jordan Beach, Mike Sabo, Josh Church, Brett Jordan, Dan Pugh, Ryan Witkoski, Mike Abramo, Jeff Berdysz, Chase Ross, Mike Gibbons, Rick Ciccone, Brian Weiser, Tony Buckler, Nick Ciani, Michael Deitrick, Jonathan Bailey, Jason McElhaney, Kalvine Mcgee, Keith Spivey, Kelechi Ibeh, and Josh Wells;

Antoine Beale, Chris Carter, Kyle Pelfrey, Luke Garland, Vince Ilacqua, Joe Culler, Mark Brace, Brian Wise, Shaun Spisak, Monty Harris, Stan Watson, Byron Jackson, Brian Miller, Brett Linzey, Justin Meiser, James Wetzel, Peter Gasparro, George Wilders, Brent Fox, Scott Kyser, Thomas Cesarz, Dusty Sanna, Jim Nelson, Derek Buell, Bruce Novestine, Bryan Myers, Josh Lahmers, Josh Huffman, John Gliha, Mike Restivo, Dave Knestaut, Josh Hoskins, Ron DeJulio, Thomas Manning, Grant Savelli, Mike Reeder, and John Brutvan;

Daniel Blume, Bob Bradley, Eric Cook, Jeff Goodwill, Ryan Knapp, Vance Vukelic, Don Penny, Adam Holmes, Eric Spurlock, Robert VanDyke, Frederick Blackman, Dusty Wilson, Jesse Wells, Rick Prescott, Eric Ardo, Pat Yappel, Mark Pauli, Dominic Danesi, Levi Motts, Justin Coston, Frank Palcko, George Momirovic, Drew DeHart, Brian Boucher, Brian Leckonby, Jonathan Harvey, Maurice Gibson, Larry Kinnard, Michael Gill, Josh Johnson, Matthew Byrne, Brent Miller, Derek McIntosh, Adam Slopek, Andrew Blake, Doug Miller, Joe Bugara, and Marcello DeAngelis; and

John Healy, Trevor Smith, Randell Knapp, Tom Sanor, Geoff Dartt, Aarik Gault, James Cunningham, Michael Myers, Joel Sickmeier, Corey Brunson, Drew Hanley, Greg Braur, Keith Brown, Travis Johnson, Caleb Chappelear, Mike Maluk, Matt Campbell, Kristopher Takach, Josh Ludwig, Jake Guthrie, Antoine Dillard, Matthew Bogo, Victor Preisel, Dan Phillips, Edward Dick, Karl Jackson, Buddy Wolf, Brandon Harr, Rob Conroy, Johnny Josef, Scott Campbell, Jeff Knoblauch, Chad Teague, Sam Vucelich, Ryan Westerburg, Donte Rhode, and Brian Proud.●

IN MEMORIAM: JOE REMCHO

● Mrs. BOXER. Mr. President, I rise in tribute to the late Joe Remcho, who died in a helicopter crash in California last Saturday. Joe was a great American an accomplished attorney, a strong advocate for civil liberties, a leading legal scholar, and a trusted advisor to many public officials.

Joe's curriculum vitae is varied and impressive. After graduating from Yale University and Harvard Law School, he taught second grade for a year at an inner-city public school. In the early 1970s, with the Vietnam war at its height, the young attorney went to Saigon to serve on the Lawyers Military Defense Committee. After returning to the United States, he moved to California to become the staff attorney for the American Civil Liberties Union of Northern California. Four years later, he established a successful private practice specializing in first amendment, education, and election law. His clients included California's Governor and the State assembly. In 1988, he was honored by his colleagues as California's Trial Lawyer of the Year.

Despite his very full docket, Joe found time to serve as an adjunct professor of law at the University of San Francisco, a commissioner on the California Fair Political Practices Commission, and a member of California's bipartisan State committees on internet political practices and the Political Reform Act.

Above all, Joe Remcho was a warm and wonderful human being a devoted family man, a loving husband and father, and a friend to those who were fortunate enough to know him.

I last saw Joe just 2 days before he died. Our families were together, and his strength and warmth were ever present.

Whether he was spending a quiet vacation with family and friends or fighting in court to defend the Constitution, Joe Remcho lived his life to the fullest. His death leaves a tremendous void in the lives of all those who knew him, but his memory fills that space with love and admiration.●

THE SILVER ROSE

● Mr. NELSON of Nebraska. Mr. President, I am here today to thank Gary Chenett, Diane Rey, and John Schniedermeier. They are responsible for awarding the Silver Rose to our veterans in Nebraska. The Order of the Silver Rose was established in 1997 by Mary Elizabeth Marchand. Her father, Chief Hospital Corpsman Frank Davis, died from illnesses resulting from the use of Agent Orange in the Vietnam war. He was a combat veteran; however, he was not wounded in combat, but was exposed to a dangerous substance while fighting for his country that took his life many years later.

The Department of Defense has determined that Chief Davis and many like him do not qualify for the Purple Heart. It is the mission of the Order of The Silver Rose organization to recognize the courage, heroism, and contributions of American service personnel found to have been exposed to Agent Orange in a combat zone. I am sure that as time passes, they will expand their focus to members who have died from other conflicts.

The Order of the Silver Rose gives many veterans the satisfaction that they are being recognized for giving their Nation the ultimate sacrifice. There are thousands of veterans who served this country faithfully and now find themselves in poor health, some fatal health, directly due to being exposed to harmful substances during war.

Gary Chenett, Diane Rey, and John Schniedermeier have awarded 11 Nebraskans with the Silver Rose, I would like to honor them today, they are: Raymond D. Todorovich of Omaha, Edgar Fleharty of Fremont, Randy E. Holke of Fremont, John Schniedermeier of Omaha, Ronald R. Charles of Omaha, Terry H. Greenwell of Omaha, David C. Smith of Firth, Joseph E. Stillwell of Omaha, Roy R. Rogers of Fremont, Albert W. Kowalski of Omaha, and Gilbert J. Styskal, Jr. of Omaha.

On behalf of Nebraska, I thank these brave patriots for their sacrifices.●

LEON WEINER, IN MEMORIUM

● Mr. CARPER. Mr. President, I would like to set aside a moment to reflect on the life of Mr. Leon N. Weiner upon his passing. Leon was a good friend and a man who made remarkable contributions toward affordable housing for thousands of families in Delaware and many more beyond our state's borders. He was a man with a kind heart, diverse interests, great abilities, and boundless energy.

Leon was born in Philadelphia, PA. After graduating from Overbrook High School, he attended the University of Pennsylvania for 3 years before leaving to take up a job as an apprentice machinist at Westinghouse Electric Corp. in Essington, PA.

After serving his country in the Army Air Corps during World War II, Leon came to Delaware and joined his uncle in building Leedom Estates near New Castle. This was one of the first suburban housing projects in New Castle County and the first of more than 5,000 houses that Leon built across New Castle County during his 54-year career. At the age of 53, he turned his attention to the challenge of building housing for low- and moderate-income families and seniors.

A very colorful character, Leon spoke with a booming voice and always wore suspenders, something that became his trademark. To the end of his days his office was filled with honorary gavels, keys to cities, and pictures of him with leading Democratic figures. In 1979 he was inducted to the National Housing Hall of Fame and subsequently was given the National Housing Man of the Year Award. His appointment to the Kaiser Commission on Urban Housing led to the landmark Housing Act of 1968.

Leon leaves behind his wife of 53 years, Helen; as well as a stepdaughter; three grandchildren; and two great-grandchildren. He also leaves behind many friends, colleagues and several thousand families who are living more productive, satisfying lives today because Leon was committed to building affordable housing.

Leon's lifelong dream was that low-income seniors and families would have the opportunity to afford their own homes, in the communities they called home. He lived to see that dream largely fulfilled.

Leon's legacy will live on in the lives of those he helped shape, in the rooms of affordable low-income housing he helped build, and in the hearts of those who were lucky enough to call him their friend. I rise today to commemorate Leon's life, to celebrate his life, and to offer his family our support and our thanks for sharing with the rest of us a truly remarkable human being. Although a resident of nearby Pennsylvania, Leon embodied the best of Delaware where his firm, Leon Weiner and Associates, was headquartered. He will be sorely missed. I know he can never be replaced.●

IN MEMORIAM: MARYJANE DUNSTAN

● Mrs. BOXER. Mr. President, I rise to remember and pay tribute to a most beloved and accomplished constituent, Maryjane Dunstan, who died on December 20, 2002.

Although most of us knew her as a California resident for over 50 years, Maryjane was born in Bethlehem, PA, on January 12, 1925, and went on to serve in the Waves during WWII. Her pursuit of education brought her to San Francisco where she earned both a BA and an MA at San Francisco State University. For her excellence as a teacher, she was awarded a Fulbright scholarship to Burma where for 4 years she taught teachers on methods of teaching English, until the political climate in Burma forced her departure in 1962.

Upon her return, she embarked on a 20 year career at the College of Marin in Kentfield, CA, including 12 years as the founder and chairwoman of the Communications Department where she developed one of the most innovative classes anyone had ever seen: The Future. Her coauthored textbooks, ''Worlds In The Making'' and ''Star Sight,'' were designed to help students project themselves into a possible and desirable future, and to motivate them to create a human and humane future for all.

Those of us who didn't know her through the college, crossed her path as the owner of the Artists Proof Bookstore in Larkspur, Marin County, or through the Literary Luncheons which brought accomplished writers to the community to share their talent.

In truth, Maryjane's greatest joy came as she continually provided a rich milieu for people interested in the large and small issues facing the community, intent on her belief that each of us is responsible for improving the quality of life around us. She never tired of working to help community groups analyze and explore problems and to inspire individuals to seek solutions. She understood how to create positive change by fostering thoughtful, informed action.

She was always gracious, willingly taking on the small tasks as well as the immense, seemingly impossible projects, always an inspiring role model with her passionate interest in the politics, economy and welfare of her community.

For all of this, she has been recognized by her town, her county, and her State. In 1989, she received the Larkspur Citizen of the Year Award from the Larkspur Chamber of Commerce. In April of 1999 the Marin County Commission on Women bestowed upon her the Women of Wisdom, Passion and Vision Award. The Marin County Board of Supervisors proclaimed June 13, 1999, Maryjane Dunstan Day. Also, in 1999 the California State Legislature gave her a Certificate of Recognition for her contributions to improve the lives of women. And the California State Senate gave her a Certificate of Recognition for distinguished service in education. Thanks in large part to Maryjane's work on behalf of low cost and senior housing, the Larkspur City Council approved a 24-unit workforce housing project in December 2002. The developer, the Ecumenical Association for Housing will dedicate the building to her in honor of her work for affordable housing.

Maryjane Dunstan leaves a legacy of hope and optimism for any community that is willing to work collaboratively to enhance the quality of life and create viable, peaceful solutions to all kinds of challenges.

Maryjane will be greatly missed.●

HONORING ROBERT HOLSTEIN

● Mrs. BOXER. Mr. President, I rise today to honor the late Bob Holstein, an attorney in Riverside, CA. He is survived by his wife, Loretta, and five children. I know they will all miss him very much.

A former priest, Bob Holstein cared passionately about people. He did not just speak about peace and social justice, but worked for it every day of his life. He and Loretta regularly provided both the inspiration and the financial means to make projects come to fruition. Riverside's landscape and the lives of countless Californians were changed by their generosity.

Bob Holstein counted my late friend and colleague, Congressman George Brown, among his good friends, along with many other government officials. He was also the friend of the University of California, Riverside, where he and Loretta endowed a chair in religious studies. It was also under his careful guidance that the campus built St. Andrew's Newman Center.

Upon hearing of his friend's death, Bishop Gerald Barnes of the Diocese of San Bernardino said: ''In a world long on style, Bob Holstein was long on substance. He was genuine. Bob lived what he believed. And what he believed was justice and fairness for all peoples. Particularly the poor and disenfranchised.''

I ask my colleagues to join me today in honoring Bob Holstein, who dedicated his life to the betterment of his fellow men and women. He will be sorely missed by his friends, colleagues, and by the countless people who live better lives because of his actions.●

WIND CAVE NATIONAL PARK CENTENNIAL

● Mr. DASCHLE. Mr. President, I rise today to recognize a milestone in South Dakota and the United States, the centennial of Wind Cave National Park.

For years, American Indians in the Black Hills had told stories about holes that blow wind. In 1881, while exploring in southwestern South Dakota, Jesse and Tom Bingham came upon one of those holes, Wind Cave. A man named

Charlie Crary was the first person to enter the cave, and 6 years later it was reported to be 3 miles long. An early landowner was once heard saying he had ''given up finding the end of Wind Cave.''

For nearly 20 years, the cave was held in private ownership through mining and homestead claims. In the late 1890s, the Department of the Interior took jurisdiction over the area after it ruled that no legitimate mining development was occurring and that homesteaders were not acting in good faith to occupy the land. On January 9, 1903, President Teddy Roosevelt, one of our Nation's most revered conservationists, signed legislation creating Wind Cave National Park, the seventh national park in the country and the first ever in the world to protect a cave. Later, Wind Cave officials were put in charge of managing new parks in the Black Hills area, including Devils Tower National Monument and Mount Rushmore National Memorial, until those parks established their own management programs.

For 100 years, Wind Cave National Park has been one of the jewels of the National Park System. Today, the cave is one of the world's longest and most complex cave systems, with more than 103 miles of mapped tunnels, with more passageways still being discovered. Indeed, we may never find the cave's end. Cavers and tourists from around the world are attracted by the cave's unique boxwork, a honeycomb-shaped formation that covers the cave's ceilings and walls. And while that park's namesake is its focal point, the land above the cave is equally impressive, with 28,000 acres of rolling meadows, majestic forests, creeks, and streams. As one of the few remaining mixed-grass prairie ecosystems in the country, the park is home to abundant wildlife, such as bison, deer, elk and birds, and is a National Game Preserve.

As many of my colleagues may know, last year, I introduced the Wind Cave National Park Boundary Revision Act. This legislation would enhance Wind Cave National Park's value to the public and help visitors enjoy it even more by expanding the park in it's southern ''keyhole'' region. This land currently is owned by a ranching family that wants to see it preserved for future generations. The land is a natural extension of the park, with mixed-grass prairie and ponderosa pine forests set off by a dramatic river canyon. The area also boasts archaeological sites, such as a buffalo jump over which early Native Americans once drove the bison they hunted. The addition of this land would enhance recreation for hikers who come for the solitude of the park's backcountry.

Wind Cave National Park is a national treasure, and I can think of no better way to help the park enter its next century than by approving this expansion. The Senate approved the expansion last November, but unfortunately, it was not considered by the House before Congress adjourned for the year. I intend to reintroduce this legislative soon, and hope that my colleagues will again support its passage so we can permanently protect these extraordinary lands for future generations of Americans to enjoy.

I congratulate the National Park Service and the staff of Wind Cave National Park on the centennial of the park's founding, and wish them all the best for the next 100 years.●

HONORING JIM SEARS OF INDIANAPOLIS, IN

● Mr. BAYH. Mr. President, I rise today to honor Jim Sears, a fellow Hoosier, an Indiana State Police officer, a family man and a friend, who passed away on December 31, 2002.

As those who knew Trooper Sears would attest, his strong commitment to the city of Indianapolis was reflected in his distinguished career. In 1962, he became the first African American to wear an Indiana State Police uniform. He opened doors for other African Americans who aspired to become State Police officers and to break through barriers of all kinds. Marion County's first African American Sheriff, Frank Anderson was a classmate of Sears' at Short Ridge High School in 1956 and was with him on the day they both went downtown to apply for the force. State Police Superintendent Melvin Carraway referred to Sears as ''our mentor.''

Jim Sears' life was an example of kindness, gentleness and perseverance in the face of constant prejudice. His guiding principle was to protect the dignity of the public, especially those whom he was forced to deal with for legal infractions. He once shared that if he caught someone speeding, he would ask the person to step out of the car if children were present in an attempt to protect the children from witnessing their parent in an embarrassing situation.

Trooper Sears sought to keep others from humiliation, although often he was the recipient of cold, disparaging treatment from fellow troopers and the public because of the color of his skin. Not easily discouraged Trooper Sears remained a perfectionist and a stickler for regulations, allowing others to benefit from his shining example. In 1976, Trooper Sears and a group of other Black troopers settled a racial discrimination lawsuit with the State Police, which subsequently agreed to recruit and promote minorities. ''Despite the bad things that happened, I'd do it all over again,'' Trooper Sears said after the settlement. ''Because someone had to straighten out this mess of people not being hired strictly on color. I helped open the door.''

After 15 years as a trooper, Jim Sears was transferred to the job he called ''the highlight of his career,'' serving on the security detail for Gov. Otis Bowen from 1977 to 1980. After that detail, Sears was head of the department's planning arm when he retired in 1992 after 30 years of service. After retirement, Jim Sears graduated from Indiana University-Purdue University of Indianapolis and worked for the Indiana Bureau of Motor Vehicles.

Trooper Jim Sears opened doors for those who followed. He was a true leader and humanitarian whom the city of Indianapolis and the State of Indiana will miss tremendously.

We owe a debt of gratitude to the late Jim Sears for his lifelong service to Indiana and our Nation.●

IN RECOGNITION OF THE 70TH WEDDING ANNIVERSARY OF MILLARD AND HATTYE MAE BIDDLE

● Mr. CARPER. Mr. President, I rise today in recognition of the 70th wedding anniversary of my dear friends Millard and Hattye Mae Biddle. Our friendship has spanned some three decades. I want to congratulate them on behalf of all Delawareans wish them both the very best in all that lies ahead.

As they celebrate this milestone in their lives, they will surely reflect on the many changes, successes, and accomplishments they have experienced together over the last 70 years. Theirs is a journey of which they can be proud.

The Biddles have lived in the Dover community for many years. For a number of those years, they owned a bed and breakfast in Wyoming, DE. At the start of my career, I worked in Kent County and lived in New Castle County in the northern part of out State. Their trademark hospitality was in full swing. I stayed so often as their guest, they finally gave me my own bedroom and a key to the House! They have always made me feel like a member of their family, and their home became, in many ways, mine as well.

Both Millard and Hattye Mae have lived their lives in the service of others. Long before it was popular, Hattye Mae recognized the tremendous need for early childhood education for kindergartners and preschool children in Kent County. She started a successful preschool called the Little School. Both the school and its students—hundreds of them—have grown up, stronger under her watchful eye.

Hattye Mae volunteers at the Old State House in Dover, giving tours to the many visitors. She has served as a member of the board of directors and is now an honorary member of the Board of Directors of Kent/Sussex Industries, a nonprofit organization that provides work opportunities for Delawareans each year. And no July in Harrington is complete without seeing her sweet smile at the annual Delaware State Fair.

Millard started his career delivering milk for the Frear Milk Company. After serving in World War II, Millard opened a grocery store. He returned to public service as a Kent County assessor shortly thereafter, from which he happily retired.

Millard served as a member of the Dover Housing Authority and served two terms on the Dover City Council. He is, in fact, the oldest living former council member. Millard has enjoyed many hours giving tours at the E.R. Johnson Victrola Museum in Dover, reading about the talking machines, records and other relics of the Victor Talking Machine Company of Eldridge R. Johnson Manufacturing Machinists. A wiz at clock making, Millard enjoys using old Victrola records and transforming them into clocks. They are, by all accounts, incredibly impressive.

Today, I rise to congratulate Millard and Hattye Mae on their 70th wedding anniversary. In a day and age where many marriages do not last 70 months or even 70 weeks, the strength and durability of their union serves as a source of inspiration to us all. In addition, each of them has demonstrated great devotion to their family, three children, nine grandchildren and nine great-grandchildren, and to their community in too many ways to number. I know that their years together hold many beautiful memories. It is my hope that those ahead will be filled with continued joy and contentment. They give true meaning to the words of the poet who wrote, ''Grow old along with me, the best is yet to be.''●

TRIBUTE TO JAMES R. TILLING

● Mr. VOINOVICH. Mr. President, I rise today to recognize and pay tribute to James R. Tilling, who is retiring after 33 years of service to the State of Ohio.

Mr. Tilling came to Ohio in September, 1969 to begin a career as a political science professor at my alma mater, Ohio University in Athens. He spent 6 years at Ohio University where he taught courses in American national government, urban government and politics, and Soviet government and foreign policy. In academic year 1973–1974, he was named a ''University Professor,'' an honor given each year to the 10 best teaching professors at Ohio University.

Following his tenure as a distinguished Ohio University professor in 1977, Mr. Tilling joined public service, as director of communications and research of the Ohio Senate's Republican caucus. He served twice as minority chief of staff, in 1979 to 1980 and 1983 to 1984. He was elected clerk of the senate for 1981 to 1982.

From January 1984 until April 1994, Mr. Tilling served as chief executive officer of the senate under then-senate presidents Paul Gillmor and Stanley J. Aronoff. In that capacity, he was responsible for the day-to-day operation of the senate's staff and also worked with senate Republican members to develop their legislative policy agenda.

Through the years, Mr. Tilling made significant contributions which helped improve the effectiveness and efficiency of the Ohio Legislature. For example, in 1981 and 1992, he was the principal coauthor of the bipartisan congressional redistricting plans which determined congressional district boundaries for the 1980s and 1990s. In 1991, he served as the secretary for to the Ohio Apportionment Board, where he helped craft the districting plan for the Ohio General Assembly in the last decade.

In addition to creating the redistricting plans that have been in effect for 20 years, Mr. Tilling has been a key advisor in major policy debates in the Ohio Legislature, he has recruited candidates to run for the U.S. Congress and he has the regard of legislators and policymakers on both sides of the aisle.

I worked with him and appreciated his contributions when I was Governor of Ohio during the 1990s. For the past 7 years Mr. Tilling has served as chief of staff and chief policy advisor to Ohio Attorney General Betty D. Montgomery. I recruited Betty Montgomery to run for attorney general and I know how valuable Mr. Tilling has been to her over the years.

James R. Tilling has over three decades of dedicated and distinguished public service to the people of Ohio and our Nation. I commend his intellect and his passion for public service which have inspired colleagues and students alike. His contributions are longlasting and should be emulated for years to come.●

EXTENSION OF UNEMPLOYMENT

● Mr. KERRY. Mr. President, the American people are facing difficult economic times. The unemployment rate is at a 9-year high, and a growing number of both skilled and unskilled American workers are left without jobs and without a way to provide for themselves and their families.

I am so pleased that we finally passed S. 23 on Tuesday, which provides a 5-month extension of the Temporary Extended Unemployment Compensation Act of 2002, and that the House passed it also. I believe that it was critical for the Congress to address the issue or expiring unemployment insurance benefits on the very first day of the 108th Congress. Actually, if we had had it our way, my Democratic colleagues and I would have delivered this aid to unemployed workers last year before 780,000 workers had their benefits cut off. At the end of the last Congress, Democrats asked for unanimous consent eight times to pass a bill that would provide benefits for workers who were cut off from their benefits on December 28, for workers who had not yet received the extension, and for workers who had run out of their State and Federal benefits and had not yet found a new job. But each time Republicans objected to this proposal. An agreement was finally reached between Senate Democrats and Republicans in December, but the Senate agreement was rejected by House Republicans.

S. 23 will help millions of Americans, 91,000 in Massachusetts alone, but there is one deserving group that it won't help, the more than 1 million unemployed workers who have already exhausted their State and Federal unemployment benefits. On Tuesday, Senator REED asked that the Senate not adjourn until it address the issue of unemployment insurance benefits for workers who have already exhausted their benefits. Unfortunately, I was not present for Tuesday's vote because I was detained at a doctor's appointment, but had I been present I would have voted in favor of continuing the debate until we addressed the needs of the long-term unemployed.

Over 2 million people's benefits have expired since the passage of the Temporary Extended Unemployment Compensation Program in March 2001. Of those 2 million, 1 million are still working hard to find jobs. There are 1.5 million fewer jobs today than there were in March 2001 and the economy remains weak. I have heard from so many of my constituents about how difficult it is to find jobs in this economic climate. Twenty percent of America's unemployed have been without work for more than 26 weeks, and the percentage is still growing. We must not leave the long-term unemployed and their families with no where to turn.

We have taken an important first step to help unemployed workers. But we have not done nearly enough. And I will continue to urge my colleagues to take action to help the long-term unemployed.●

BOB POTTER

● Mr. CRAIG. Mr. President, I rise to day to congratulate Bob Potter, president of Jobs Plus in Coeur d'Alene, ID, on his retirement and a job well done.

Idaho found Bob Potter after he retired the last time enjoying life at his home on Hayden Lake. Thankfully, we had a few good salesmen in North Idaho who drew him out of retirement to head Jobs Plus, the then-new economic development corporation for Kootenai County. Over the past 16 years, Bob has done a stellar job. Jobs Plus, under his leadership, has recruited over 70 companies that employ over 3,500 workers with a payroll just shy of $100 million. What a tremendous benefit to North Idaho.

Bob always jokes that the Governor of California ought to be on his board because no one does more for his recruitment. However, the truth of the matter is that Bob's tireless efforts to recruit small and medium size businesses is what gets results. The key to sales is to show someone they have a need and that your product will meet it. Yes, California's business climate has created a need for businesses to lower costs, and Idaho is the perfect place to come to do that. However, folks wouldn't know about that unless Bob Potter was knocking on their doors.

Over the years, I have answered many a call from Bob to help recruit,

and I have visited many of the businesses that have chosen Idaho. Every time, Bob is delight to deal with and his effectiveness shines through. He had truly been a blessing to Idaho.

While I am saying, ''thank you, Bob,'' I know I am not saying farewell. I know that he will still be active in the community because Bob Potter cares deeply about Idaho.●

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 and a treaty which were referred to the appropriate committees.

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

MESSAGES FROM THE HOUSE

Under the authority of the order of January 7, 2003, the Secretary of the Senate, on January 8, 2003, during the recess of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill, without amendment:

S. 23. An act to provide for a 5-month extension of the Temporary Extended Unemployment Compensation Act of 2002 and for a transition period for individuals receiving compensation when the program under such Act ends.

The message also announced that the House has agreed to the following resolutions:

H. Res. 2. Resolution stating that the Senate be informed that a quorum of the House of Representatives; has assembled; that J. Dennis Hastert, a Representative from the State of Illinois, has been elected Speaker; and Jeffrey J. Trandahl, a citizen of the State of South Dakota, has been elected Clerk of the House of Representatives of the One Hundred Eight Congress.

H. Res. 3. Resolution stating that a committee of two Members be appointed by the Speaker on the part of the House of Representatives to join with a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and Congress is ready to receive any communication that he may be pleased to make.

The message further announced that pursuant to section 5(a)(2) of the Benjamin Franklin Tercentenary Commission Act (Public Law 107–202), the Speaker appoints the following Member of the House of Representatives to the Benjamin Franklin Tercentenary Commission: Mr. CASTLE of Delaware; and Mrs. Elise DuPoint of Rockland, Delaware.

The message also announced that pursuant to section 206 of the Juvenile Justice and Delinquency prevention Act of 1974 (42 U.S.C. 5616) and upon the recommendation of the Minority Leader, the Speaker reappoints the following member on the part of the House of Representatives to the Coordinating Council on Juvenile Justice and Delinquency Prevention to a 2-year term: Mr. Gordon A. Marin of Roxbury, Massachusetts.

The message further announced that pursuant to section 4404(c)(2) of the Congressional Hunger Fellows Act of 2002 (Public Law 107–171), the Speaker appoints the following members on the part of the House of Representatives to the Board of Trustees of the Congressional Hunger Fellows Program for a term of 4 years: Mrs. JO ANN EMERSON of Cape Girardeau, Missouri; and Mr. David Weaver, Jr. of Lubbock, Texas.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following bill:

S. 23. An act to provide for a 5-month extension of the Temporary Extended Unemployment Compensation Act of 2002 and for a transition period for individuals receiving compensation when the program under such Act ends.

Under the authority of the order of January 7, 2003, the enrolled bill was signed by the President pro tempore (Mr. STEVENS) on January 8, 2003.

At 9:36 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 11. An act to extend the national flood insurance program.

H.R. 16. An act to authorize salary adjustments for Justices and judges of the United States for fiscal year 2003.

H.J. Res. 1. A joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

H.J. Res. 2. A joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 1. Concurrent resolution regarding consent to assemble outside the seat of Government.

At 10:24 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 8. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate:

At 2:43 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that pursuant to 15 U.S.C. 1024(a), the Speaker appoints the following Member of the House of Representatives to the Joint Economic Committee: Mr. SAXTON of New Jersey.

ENROLLED JOINT RESOLUTION SIGNED

At 4:41 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 1. A joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

The joint resolution was signed subsequently by the President pro tempore (Mr. STEVENS).

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 16 An act to authorize salary adjustments for Justices and judges of the United States for fiscal year 2003.

The following joint resolution was read the first time.

H.J. Res. 2. Joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on January 8, 2003, she had presented to the President of the United States the following enrolled bill:

S. 23. An act to provide for a 5-month extension of the Temporary Extended Unemployment Compensation Act of 2002 and for a transition period for individuals receiving compensation when the program under such Act ends.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–206. A communication from the Secretary of Energy, transmitting, pursuant to law, the ''Report To Congress By The Secretary of Energy Regarding Programs For The Protection, Control and Accounting of Fissile Materials in the Countries of the Former Soviet Union Second Half of Fiscal Year 2002''; to the Committee on Armed Services.

EC–207. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report relative to Section 122 of the National Defense Authorization Act, fiscal year 2001, authorizes the use of a multiyear procurement contract for the DDG–51; to the Committee on Armed Services.

EC–208. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Enterprise Software Agreements'' received on November 7, 2002; to the Committee on Armed Services.

EC–209. A communication from the Deputy Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–210. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report relative to funding transfers in 2002 under the Authority of the Defense Appropriations Act of 1997, 2000, 2001, and 2002 and transfers made during the Fiscal Year 2002 under the Authority of the

Emergency Supplemental Act in response to the Terrorist Attacks on the United States; to the Committee on Armed Services.

EC–211. A communication from the National Service Officer, American Gold Star Mothers, Inc., transmitting, pursuant too law, a report relative to the CPA audit; to the Committee on the Judiciary.

EC–212. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report relative to Foreign Relations Authorization Act; to the Committee on the Budget.

EC–213. A communication from the Chairman, Office of the General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled ''Contribution Limitations and Prohibitions'' received on November 12, 2002; to the Committee on Rules and Administration.

EC–214. A communication from the Chief of Staff, U.S. Trade and Development Agency, transmitting, pursuant to law, the report relative to a prospective funding obligation related to the Partnering for Clean Water in Asia Conference; to the Committee on Appropriations.

EC–215. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report relative to a violation of the Antideficiency Act by the Department of the Navy; to the Committee on Appropriations.

EC–216. A communication from the Chief Counsel, Foreign Claims Settlement Commission, Department of Justice, transmitting, the report entitled ''Foreign Claims Settlement Commission's Annual Report for 2001''; to the Committee on Foreign Relations.

EC–217. A communication from the Director of Governmental Affairs, Commission on International Religious Freedom, transmitting, the report relative to the human rights conditions in Afghanistan; to the Committee on Foreign Relations.

EC–218. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report relative to international agreements other than treaties entered into by the United States under the Case-Zablocki Act; to the Committee on Foreign Relations.

EC–219. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, the report correcting a computation error, contained in Executive Communication 8910 of the 107th Congress, covering defense articles and services that were licensed for export under section 38 of the Arms Export Control Act during Fiscal Year 2001; to the Committee on Foreign Relations.

EC–220. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfishery; Whiting Closure for the Catcher/Processor Sector; to the Committee on Commerce, Science, and Transportation.

EC–221. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species Fisheries 2002 Atlantic Bluefin Tuna Quota Specifications and General Category Effort Controls'' received on November 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC–222. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Retention of Shipping Papers—Response to Appeals'' received on November 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC–223. A communication from the Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Science Advisory Board (SAB) Notice of Open Meeting November 5, 2002 from 8:30 a.m. to 12:00 p.m.; Wednesday, November 6, 2002 from 1:30 p.m. to 5:00 p.m. and Thursday, November 7, from 8:30 a.m. to 12:00 p.m.; to the Committee on Commerce, Science, and Transportation.

EC–224. A communication from the Legal Advisory, Wireless Telecommunications Bureau, Federal Communications Commissions, transmitting, pursuant to law, the report of rule entitled ''Amendment of Part 95 of the Commission's Rules to authorize the use of 406.025 MHz for Personal Locator Beacons (PLB)'' received on November 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–225. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Consumer Information; Safety Rating Program for Child Restraint Systems'' received on November 12, 2002; to the Committee on Commerce, Science, and Transportation.

EC–226. A communication from the Administrative Specialist, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regulations on Safety Integration Plans Governing Railroad Consolidated, Mergers, and Acquisitions of Control'' received on November 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC–227. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report entitled ''Department of Transportation's Research, Development, and Technology Plan''; to the Committee on Commerce, Science, and Transportation.

EC–228. A communication from the Chairman, Federal Trade Commission, transmitting, pursuant to law, the report entitled ''Federal Trade Commission Management's Report on the Final Actions for the Six-Month Period Ending March 31, 2002'' received on November 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC–229. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, the report entitled ''Subsonic Noise Reduction Technology''; to the Committee on Commerce, Science, and Transportation.

EC–230. A communication from the Comptroller General, General Accounting Office, transmitting, pursuant to law, the report relative to Reducing Redundant IT Infrastructure Related to Homeland Security; to the Committees on Appropriations; the Budget; Agriculture, Nutrition, and Forestry; Armed Services; Commerce, Science, and Transportation; Environment and Public Works; Finance; and the Judiciary.

EC–231. A communication from the Secretary of Defense, transmitting, the report urging Congress to adopt in an additional provision in the Defense Appropriations Bill with the authority to use up to $150 million to support allied and indigenous forces in activities in support of U.S. forces; ordered to lie on the table.

EC–232. A communication from the Assistant Administrator, Office of Administration and Resources Management, Environmental Protection Agency, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Assistant Administrator for Enforcement Compliance and Assurance, received on October 15, 2002; to the Committee on Environment and Public Works.

EC–233. A communication from the Assistant Administrator, Office of Administration and Resource Management, Environmental Protection Agency, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Administrator for Enforcement Compliance and Assurance, received on October 15, 2002; to the Committee on Environment and Public Works.

EC–234. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to at KNOB NOSTER, Whiteman AFB, MO Class D and E Airspace Areas Docket NO. 02–ACE–7 [10–25–10/31]'' received on November 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC–235. A communication from the Director, National Archives and Records Administration, Information Security Oversight Office, transmitting, pursuant to law, the report relative to Information Security Oversights Office's (ISOO) ''Report to the President for 2001'' received on December 4, 2002; to the Committee on Governmental Affairs.

EC–236. A communication from the Inspector General Liaison, National Headquarters, Selective Services System, transmitting, pursuant to law, the semi-annual report in accordance with the Inspector General Act of 1978; to the Committee on Governmental Affairs.

EC–237. A communication from the Chair, Railroad Retirement Board, transmitting, pursuant to law, the report entitled ''Office of Inspector General Railroad Retirement Board'' received on December 2, 2002; to the Committee on Governmental Affairs.

EC–238. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the Semiannual Report to Congress, April 1, 2002-September 30, 2002, along with the classified Annex to the Semiannual Report on Intelligence-Related Oversight, received on December 16, 2002; to the Committee on Governmental Affairs.

EC–239. A communication from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting, pursuant to law, the report relative to the Fiscal Year 2002 activities of the agency's formal management control review program; to the Committee on Governmental Affairs.

EC–240. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the semiannual report of the Inspector General of the Peace Corps covering the period from April 1, 2002, through September 30, 2002; to the Committee on Governmental Affairs.

EC–241. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the semiannual report of the Office of Inspector General (OIG) for the period April 1, 2002, through September 30, 2002; to the Committee on Governmental Affairs.

EC–242. A communication from the President of the United States, transmitting, the report of an alternative plan for locality pay increases payable to civilian Federal employees covered by the General Schedule (GS) pay system in January 2003; to the Committee on Governmental Affairs.

EC–243. A communication from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule

entitled ''Official Seals'' received on December 4, 2002; to the Committee on Governmental Affairs.

EC–244. A communication from the Chairman, Board of Governors, United States Postal Service, transmitting, pursuant to law, the Semiannual Report to Congress of the Inspector General and the Postal Service management response to the report for the period ending September 30, 2002; to the Committee on Governmental Affairs.

EC–245. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report entitled ''Unvouchered Expenditures Report'' received on December 12, 2002; to the Committee on Governmental Affairs.

EC–246. A communication from the Commissioner, Social Security, transmitting, pursuant to law, the Social Security Administration's (SSA) Performance and Accountability Report (PAR) for the Fiscal Year 2002, received on December 4, 2002; to the Committee on Governmental Affairs.

EC–247. A communication from the Administrator, Agency for International Development, transmitting, pursuant to law, the report entitled ''U.S. Agency for International Development (USAID) Inspector General's Semiannual Report to the Congress (SARC) for the period ending September 30, 2002'' received on December 12, 2002; to the Committee on Governmental Affairs.

EC–248. A communication from the General Counsel, National Labor Relations Board, transmitting, pursuant to law, the report entitled ''The National Labor Relations Board Office of Inspector General has prepared its inventory of inherently governmental and commercial activities'' received on December 12, 2002; to the Committee on Governmental Affairs.

EC–249. A communication from the Chairman, Federal Maritime Commission. transmitting, pursuant to law, the Federal Maritime Commission's Inspector General's Semiannual Report for the period April 1, 2002-September 30, 2002; to the Committee on Governmental Affairs.

EC–250. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department of Health and Human Services (HHS) Office of Inspector General (OIG) Semiannual Report for the period April 1, 2002, through September 30, 2002; to the Committee on Governmental Affairs.

EC–251. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled ''Audit of Advisory Neighborhood Commission 5 C for Fiscal Years 1999, 2000, 2001, and 2002, through June 30, 2002'' received on December 12, 2002; to the Committee on Governmental Affairs.

EC–252. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report entitled ''Making Continuing Appropriations'' received on November 25, 2002; to the Committee on the Budget.

EC–253. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the appropriations report containing OMB cost estimates for P.L. 107–248, the Department of Defense Appropriations Act, 2003; P.L. 107–249, the Military Construction Appropriations Act, 2003; and detail on estimating differences with CBO; to the Committee on the Budget.

EC–254. A communication from the Acting Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Small Business Size Standards; Adoption of Size Standards by 2002 North American Industry Classifications System for Size Standards'' received on December 12, 2002; to the Committee on Small Business and Entrepreneurship.

EC–255. A communication from the Acting Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Small Business Investment Companies'' received on December 12, 2002; to the Committee on Small Business and Entrepreneurship.

EC–256. A communication from the Acting Deputy General Counsel, Office of Disaster Assistance, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Pre-Disaster Mitigation Loans'' received on November 25, 2002; to the Committee on Small Business and Entrepreneurship.

EC–257. A communication from the Secretary of Energy, transmitting, pursuant to law, the report entitled ''Comprehensive Status of Exxon and Stripper Well Oil Overcharge Funds, Forty-Sixth Report Covering January 1, 2001 through March 31, 2002; to the Committee on Energy and Natural Resources.

EC–258. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''West Virginia Regulatory Program'' received on December 2, 2002; to the Committee on Energy and Natural Resources.

EC–259. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Mississippi Regulatory Program'' received on December 2, 2002; to the Committee on Energy and Natural Resources.

EC–260. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Iowa Abandoned Mine Land Reclamation Plan'' received on December 2, 2002; to the Committee on Energy and Natural Resources.

EC–261. A communication from the Deputy Assistant Secretary, Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Special Regulations; Areas of the National Park System Snowmobile use at Yellowstone and Grand Teton N.D.'' received on November 19, 2002; to the Committee on Energy and Natural Resources.

EC–262. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report relative to test programs regarding the transportation of household goods for members of the Armed Forces; to the Committee on Armed Services.

EC–263. A communication from the Assistant Secretary of Defense, transmitting, pursuant to law, the report relative to activities of the Medical Informatics Advisory Committee and the coordination of development and maintenance of health care informatics systems; to the Committee on Armed Services.

EC–264. A communication from the Director, Defense Procurement and Acquisition Policy, transmitting, pursuant to law, the report of a rule entitled ''Foreign Military Sales Customer Involvement'' received on December 12, 2002; to the Committee on Armed Services.

EC–265. A communication from the Deputy Chief of Naval Operations, Manpower and Personnel, Department of the Navy, transmitting, pursuant to law, the report relative to the conversion of certain functions performed by Department of Defense civilian employees to the private sector; to the Committee on Armed Services.

EC–266. A communication from the Assistant Secretary of Defense, transmitting, pursuant to law, the report relative to implementing the TRICARE Pharmacy Benefits Program (TPBP); to the Committee on Armed Services.

EC–267. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services .

EC–268. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–269. A communication from the Secretary of Defense, transmitting, pursuant to law, the report relative to the Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States and the Government of Tajikstans' claimed costs for such military support; to the Committee on Armed Services.

EC–270. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary of Defense (Reserve Affairs), received on November 13, 2002; to the Committee on Armed Services.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–1. A resolution adopted by the Legislature of Rockland County, State on New York, relative to the Younger Americans Act; to the Committee on Health, Education, Labor, and Pensions.

RESOLUTION No. 650

Whereas, the United States Congress has introduced the Younger Americans Act (H.R. 17 and S. 1005); and

Whereas, the proposed legislation will provide assistance to mobilize and support communities throughout the nation in carrying out community-based youth development programs that ensure that all youth have access to various programs and services that build the competencies and character development needed to fully prepare them to become adults and effective citizens; and

Whereas, the proposed legislation works to ensure that all communities are able to provide programs that fulfill five core needs that all young people between the ages of ten and nineteen have, namely, ongoing relationships with caring adults, safe places with structured activities, access to services that promote healthy life styles, opportunities to acquire marketable skills and competencies, and opportunities for community service and civic participation; and

Whereas, the Younger Americans Act creates a comprehensive national youth policy, provides 5.75 billion dollars over the course of five years to support existing and future youth development programs, and gives our nation's youth a voice in decision-making; and

Whereas, the proposed legislation establishes in the Executive Office of the President of the United States the Office of National Youth Policy, a Director of that office, and the Council on National Youth Policy within the office; and

Whereas, the proposed legislation does not specify specific programs to be funded, rather, it allows communities to make these decisions and to make various programs and services available to all youth, including,

community youth centers, workforce preparation programs, youth-led programs, community service programs, mentoring programs, cultural programs and sports programs; and

Whereas, while the Younger Americans Act focuses on all young people, it includes a special focus on youth who have greater needs and who reside in rural communities, high areas of poverty or out-of-home facilities, as well as youth who are subjected to abuse and neglect; and

Whereas, it is the local communities, not the federal government, who are in control of the funds designated pursuant to this act; and

Whereas, the Rockland County Legislature firmly believes that passage of the Younger Americans Act (H.R. 17 and S. 1005) is necessary in order to assist America's youth and to help guide them down the road to adulthood; and

Whereas, the Multi-Services Committee has met, considered and by a unanimous vote approved this resolution: Now, therefore, be it

Resolved, That the Legislature of Rockland County hereby requests the United States Congress to enact the Younger Americans Act (H.R. 17 and S. 1005); and be it further

Resolved, That the Clerk to the Legislature be and is hereby authorized and directed to send a certified copy of this resolution to the Hon. George W. Bush, President of the United States; Hon. Charles Schumer and Hon. Hillary Rodham Clinton, United States Senators: Hon. Benjamin Gilman, Hon. Eliot Engel, Hon. Nita Lowey and Hon. Sue Kelly; Members of the United States Congress; the President Pro Tem of the United States Senate; the Speaker of the United States House of Representatives; the Majority and Minority Leaders of the United States Senate and House of Representatives; and to such other persons as the Clerk, in his discretion, may deem proper in order to effectuate the purpose of this resolution.

POM–2. A resolution adopted by the Legislature of Rockland County, State of New York, relative to the United Nations Convention on the Rights of the Child; to the Committee on Foreign Relations.

RESOLUTION NO. 651

Whereas, on November 20, 1989, the governments represented at the United Nations General Assembly agreed to adopt the Convention on the Rights of the Child into international law; and

Whereas, the Convention on the Rights of the Child is an international treaty that recognizes the human rights of children and establishes in international law that nations throughout the world must take steps to ensure that all children have access to services such as education and health care and can grow up in a caring, loving and nurturing environment; and

Whereas, the Convention on the Rights of the Child sets forth the rights to which every child is entitled, irrespective of gender, religion or social origin; and

Whereas, the Convention on the Rights of the Child highlights the critical role that the family plays in the development and growth of our youth; and

Whereas, the Convention on the Rights of the Child attempts to reinforce the idea that children have a right to express their views and to have their opinions given the importance that they deserve; and

Whereas, the Convention on the Rights of the Child is the most widely accepted and rapidly accepted human rights treaty in history; and

Whereas, to date, one-hundred and ninety-one nations have ratified the Convention on the Rights of the Child, while only two nations, the United States and Somalia, have not yet ratified the Convention; and

Whereas, the Rockland County Legislature is a strong advocate for the rights of all children and commends the nations throughout the world that have decided to abide by the principles set forth in this important treaty; and

Whereas, the Multi-Services Committee has met, considered and by a vote of three ayes to one nay approved this resolution: Now, therefore, be it

Resolved, That the Rockland County Legislature hereby requests the United States Congress to support ratification of the United Nations Convention on the Rights of the Child; and be it further

Resolved, That the Clerk to the Legislature be and is hereby authorized and directed to send a copy of this resolution to the Hon. George W. Bush, President of the United States; Hon. Charles Schumer and Hon. Hillary Rodham Clinton, United States Senators; Hon. Benjamin Gilman, Hon. Eliot Engel, Hon. Nita Lowey and Hon. Sue Kelly, Members of the United States Congress; the President Pro Tem of the United States Senate; the Speaker of the United States House of Representatives; the Majority and Minority Leaders of the United States Senate and House of Representatives; Kofi Annan, Secretary General of the United Nations; and to such other persons as the Clerk, in his discretion, may deem proper in order to effectuate the purpose of this resolution.

POM–3. A resolution adopted by the New Jersey State Senate relative to allocation of additional resources to address resident Canada goose population in New Jersey; to the Committee on Agriculture, Nutrition, and Forestry.

SENATE RESOLUTION NO. 36

Whereas, Canada geese are migratory game birds afforded protection by the federal Migratory Bird Treaty Act, 16 U.S.C. 703 et seq.; and

Whereas, The United States Department of Agriculture currently provides assistance to the State's agricultural community and municipalities in identifying non-lethal, or harassment, techniques available to manage the Canada goose population; and

Whereas, The Canada goose population residing year-round in New Jersey has grown significantly over the past two decades; and

Whereas, This large Canada goose population causes a significant amount of damage to agricultural crops every year, contributes to nonpoint pollution, and generally causes significant lawn maintenance, sanitation, and nuisance problems for public parks, playgrounds, golf courses, schoolyards, and corporate parks; and

Whereas, Given the economic damage, pollution, health and aesthetic concerns and problems attributable to the resident Canada goose population, the federal government should direct more resources to this State to assist in controlling this population: Now, therefore, be it

Resolved by the Senate of the State of New Jersey:

1. This House urges the United States Department of Agriculture to allocate additional resources to address problems associated with the resident Canada goose population in New Jersey. The House urges the United States Department of Agriculture to dedicate an additional wildlife biologist to the department's New Jersey office to assist the State's agricultural community and municipalities in identifying non-lethal harassment techniques and to facilitate applications to the United States Fish and Wildlife Service for additional management options when the harassment techniques are unsuccessful.

2. Duly authenticated copies of this resolution, signed by the President of the Senate attested by the Secretary thereof, shall be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the majority and minority leaders of the United States Senate and the United States House of Representatives, each member of Congress elected from this State, the Secretary of the United States Department of Agriculture, the Commissioner of the New Jersey Department of Environmental Protection, and the Secretary of the New Jersey Department of Agriculture.

POM–4. A communication from the Senate of the State of Pennsylvania relative to Human Rights violations in Nigeria; to the Committee on Foreign Relations.

SENATE RESOLUTION NO. 297

Whereas, In March 2002, a Sharia court in the state of Katsina in northern Nigeria sentenced 30-year-old Amina Lawal to death for having engaged in sexual intercourse outside marriage; and

Whereas, The government used Amina Lawal's pregnancy as evidence of her having committee adultery; and

Whereas, On August 19, 2002, the judgment of the lower court that sentenced Amina Lawal to death by stoning was upheld on appeal; and

Whereas, Over the past year, some northern Nigerian states have increasingly applied Sharia law to criminal cases, principal among them sexual intercourse outside marriage by women; and

Whereas, As a consequence, Nigerian Sharia courts have ordered public flogging, long-term imprisonment and death by stoning for cases involving sexual intercourse outside marriage; and

Whereas, The Nigerian constitution guarantees the right to life and to freedom from torture and cruel and inhuman and degrading punishments and the right to fair trial; and

Whereas, Nigeria is also a state party to the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment and the International Covenant on Civil and Political Rights (ICCPR); and

Whereas, The ICCPR protects the right to life, and, in countries which have not abolished the death penalty, assures that sentences of death may be imposed only for the most serious crimes; and

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POM–5. A joint resolution adopted by the Alaska State Legislature Relative to federal land grants; to the Committee on Energy and Natural Resources.

HOUSE JOINT RESOLUTION NO. 48

Whereas vast tracts of lands managed by federal agencies of the United States have been withdrawn from public entry; and

Whereas, in many instances, the original purpose for the withdrawal has been accomplished or lapsed; and

Whereas, in the State of Alaska, many of these withdrawn lands have been selected by the state under the Alaska Statehood Act for transfer to become state-owned lands; and

Whereas the withdrawn lands in the state have been selected because of their value for recreation, mineral resources, and access corridors; and

Whereas the withdrawn lands cannot be transferred to the State of Alaska until and unless the federal withdrawals are removed; and

Whereas the land managing agencies of the United States are neither empowered nor

motivated to terminate these so-called ''temporary'' withdrawals; and

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POM–6. A resolution adopted by the New Jersey State Senate relative to construction of a memorial at Gateway National Recreation Area; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION NO. 77

Whereas, On September 11, 2001, terrorists injured or killed thousands of innocent victims in the United States by hijacking and crashing four commercial airliners; and

Whereas, Two of the commercial airliners were crashed into the World Trade Center towers in New York City, one commercial airliner was crashed into the Pentagon while another crashed in Pennsylvania; and

Whereas, A significant percentage of the victims in these attacks were residents of the State of New Jersey, and the toll on the State of New Jersey and its residents has been severe; and

Whereas, Legislation currently pending in the United States House of Representatives as House Resolution Number 4726 would allow a permanent memorial to the victims of the September 11, 2001 terrorist attacks against the United States to be constructed on Sandy Hook in the Gateway National Recreation Area; and

Whereas, The Sandy Hook peninsula is included in the Gateway National Recreation Area administered by the National Park Service within the United States Department of the Interior; and

Whereas, The State of New Jersey recognizes the need to remember and honor the victims of the September 11, 2001 attacks: Now, therefore, be it

Resolved by the Senate of the State of New Jersey:

1. This House urges the Congress of the United States to support legislation currently pending in the United States House of Representatives as House Resolution Number 4726, which would allow a permanent memorial to the victims of the September 11, 2001 terrorist attacks against the United States to be constructed on Sandy Hook in the Gateway National Recreation Area.

2. Duly authenticated copies of this resolution, signed by the President of the Senate and attested by the Secretary thereof, shall be transmitted to the President and Vice-President of the United States, the Speaker of the United States House of Representatives, the majority and minority leaders of the United States Senate and the United States House of Representatives, each member of the United States Congress elected from this State, the Secretary of the United States Department of the Interior, and the Director of the National Park Service.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Small Business and Entrepreneurship:

Special Report entitled ''Summary of Legislative and Oversight Activities During the 107th Congress.'' (Rept. No. 108–1).

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. 106. A bill to amend the Internal Revenue Code of 1986 to increase and modify the exclusion relating to qualified small business stock, to reduce the depreciation recovery period for certain restaurant buildings, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 107. A bill to prohibit the exportation of natural gas from the United States to Mexico for use in electric energy generation units near the United States border that do not comply with air quality control requirements that provide air quality protection that is at least equivalent to the protection provided by requirements applicable in the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. NELSON of Nebraska:

S. 108. A bill to provide emergency disaster assistance to agricultural producers; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. NELSON of Nebraska:

S. 109. A bill to convert the temporary judgeship for the district of Nebraska to a permanent judgeship, and for other purposes; to the Committee on the Judiciary.

By Mr. GRAHAM of South Carolina:

S. 110. A bill to increase the amount of student loan forgiveness and loan cancellation available to qualified teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRAHAM of Florida (for himself and Mr. NELSON of Florida):

S. 111. A bill to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HOLLINGS:

S. 112. A bill to amend the Internal Revenue Code of 1986 to impose a value added tax and to use the receipts from the tax to fund America's war effort; to the Committee on Finance.

By Mr. KYL (for himself, Mr. HATCH, Mr. DEWINE, and Mr. SCHUMER):

S. 113. A bill to exclude United States persons from the definition of ''foreign power'' under the Foreign Intelligence Surveillance Act of 1978 relating to international terrorism; to the Committee on the Judiciary.

By Mr. COCHRAN:

S. 114. A bill to amend title XVIII of the Social Security Act to remove the 20 percent inpatient limitation under the medicare program on the proportion of hospice care that certain rural hospice programs may provide; to the Committee on Finance.

By Mr. COCHRAN:

S. 115. A bill for the relief of Richi James Lesley; to the Committee on the Judiciary.

By Mr. GRAHAM of Florida:

S. 116. A bill to authorize the Secretary of Agriculture to sell or exchange certain land in the State of Florida, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRAHAM of Florida:

S. 117. A bill to authorize the Secretary of Agriculture to sell or exchange certain land in the State of Florida, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. EDWARDS (for himself and Mr. HOLLINGS):

S. 118. A bill to develop and coordinate a national emergency warning system; to the Committee on Commerce, Science, and Transportation.

By Mr. SANTORUM (for himself, Mr. SPECTER, Mr. WARNER, and Mrs. DOLE):

S. 119. A bill to provide special minimum funding requirements for certain pension plans maintained pursuant to collective bargaining agreements; to the Committee on Finance.

By Mrs. HUTCHISON (for herself, Mr. BAYH, Mr. BROWNBACK, Mr. HAGEL, Mr. BURNS, Mr. FITZGERALD, Mr. CORNYN, and Mr. COCHRAN):

S. 120. A bill to eliminate the marriage tax penalty permanently in 2003; to the Committee on Finance.

By Mrs. HUTCHISON (for herself, Mrs. FEINSTEIN, Mr. HATCH, Mr. LEAHY, Mrs. CLINTON, Mr. ENSIGN, Mr. MILLER, Mr. VOINOVICH, Mr. CRAPO, Mr. LUGAR, Mr. BINGAMAN, Ms. STABENOW, Mr. FITZGERALD, Mr. FEINGOLD, Mr. BIDEN, Mr. MCCONNELL, Mr. NELSON of Florida, Mr. BENNETT, Mr. DODD, Ms. LANDRIEU, Mr. SESSIONS, Ms. COLLINS, Mr. ALLARD, Mr. ROCKEFELLER, Mr. WYDEN, Mr. HARKIN, and Mr. DURBIN):

S. 121. A bill to enhance the operation of the AMBER Alert communications network in order to facilitate the recovery of abducted children, to provide for enhanced notification on highways of alerts and information on such children, and for other purposes; to the Committee on the Judiciary.

By Mr. SHELBY (for himself, Mr. SARBANES, Mr. BOND, Ms. MIKULSKI, Mr. BUNNING, Mr. BENNETT, Mr. ALLARD, Mr. ENZI, Mr. HAGEL, Mr. CHAFEE, Mr. JOHNSON, Mr. REED, Mr. SCHUMER, Mr. BAYH, Mr. MILLER, Ms. STABENOW, and Mr. CORZINE):

S. 122. A bill to extend the national flood insurance program; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KYL:

S. 123. A bill to exclude United States persons from the definition of ''foreign power'' under the Foreign Intelligence Surveillance Act of 1978 relating to international terrorism; to the Committee on the Judiciary.

By Mr. ROBERTS:

S. 124. A bill to amend the Food Security Act of 1985 to suspend the requirement that rental payments under the conservation reserve program be reduced by reason of harvesting or grazing conducted in response to a drought or other emergency; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROBERTS (for himself, Mr. CRAIG, Mr. BROWNBACK, Mr. CRAPO, and Mr. ENZI):

S. 125. A bill to provide emergency disaster assistance to agricultural producers; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. FEINSTEIN (for herself and Mr. CHAFEE):

S. 126. A bill to amend the Internal Revenue Code of 1986 to suspend future reductions of the highest income tax rate if there exists a Federal on-budget deficit; to the Committee on Finance.

By Mrs. BOXER (for herself and Ms. SNOWE):

S. 127. A bill to allow a custodial parent a bad debt deduction for unpaid child support payments, and to require a parent who is chronically delinquent in child support to include the amount of the unpaid obligation in gross income; to the Committee on Finance.

By Mr. FEINGOLD:

S. 128. A bill to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries the activities of which directly or indirectly affect cranes; to the Committee on Environment and Public Works.

By Mr. VOINOVICH:

S. 129. A bill to provide for reform relating to Federal employment, and for other purposes; to the Committee on Governmental Affairs.

By Mrs. BOXER (for herself, Mr. BIDEN, Mr. HOLLINGS, Mr. KERRY, and Ms. CANTWELL):

S. 130. A bill to amend the labeling requirements of the Dolphin Protection Consumer Information Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. REID (for himself, Mrs. CLINTON, Mr. JEFFORDS, Mr. LIEBERMAN, Mr. HARKIN, and Mr. EDWARDS):

S. 131. A bill to amend the Atomic Energy Act of 1954 and the Energy Reorganization Act of 1974 to strengthen security at sensitive nuclear facilities; to the Committee on Environment and Public Works.

By Mr. FEINGOLD (for himself, Mr. LEVIN, Mr. CORZINE, and Mr. DURBIN):

S. 132. A bill to place a moratorium on executions by the Federal Government and urge the States to do the same, while a National Commission on the Death Penalty reviews the fairness of the imposition of the death penalty; to the Committee on the Judiciary.

By Mr. DAYTON:

S. 133. A bill to amend the Individuals with Disabilities Education Act to fully fund 40 percent of the average per pupil expenditure for programs under part B of such Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DAYTON:

S. 134. A bill to amend the Homeland Security Act of 2002 (Public Law 107-296) to provide that waivers of certain prohibitions on contracts with corporate expatriates shall apply only if the waiver is required in the interest of national security; to the Committee on Governmental Affairs.

By Mr. DAYTON:

S. 135. A bill to amend the Internal Revenue Code of 1986 to expand the 10 percent tax bracket, to freeze the rate of the top tax brackets, to provide an immediate $4,000,000 estate tax exemption and complete estate tax exclusion for family-owned businesses while eliminating the repeal of the estate tax, and for other purposes; to the Committee on Finance.

By Mrs. LINCOLN (for herself, Mr. BAYH, Mr. DURBIN, and Mr. HOLLINGS):

S. 136. A bill to amend the Tariff Act of 1930 to provide for an expedited antidumping investigation when imports increase materially from new suppliers after an antidumping order has been issued, and to amend the provision relating to adjustments to export price and constructed export price; to the Committee on Finance.

By Mrs. LINCOLN:

S. 137. A bill to improve the administration of the Animal and Plant Health Inspection Service of the Department of Agriculture, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROCKEFELLER (for himself, Ms. COLLINS, Mr. NELSON of Nebraska, Mr. SMITH, Mrs. CLINTON, Mrs. HUTCHISON, and Mr. GRAHAM of Florida):

S. 138. A bill to temporarily increase the Federal medical assistance percentage for the medicaid program; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. MCCAIN):

S. 139. A bill to provide for a program of scientific research on abrupt climate change, to accelerate the reduction of greenhouse gas emissions in the United States by establishing a market-driven system of greenhouse gas tradeable allowances that could be used interchangably with passenger vehicle fuel economy standard credits, to limit greenhouse gas emissions in the United States and reduce dependence upon foreign oil, and ensure benefits to consumers from the trading in such allowances; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOMENICI (for himself, Mr. CONRAD, Mr. GRASSLEY, Mr. HOLLINGS, Mr. NICKLES, Mr. SARBANES, Mr. BOND, Mrs. MURRAY, Mr. GREGG, Mr. WYDEN, Ms. SNOWE, Mr. FEINGOLD, Mr. FRIST, Mr. JOHNSON, Mr. SMITH, Mr. BYRD, Mr. ALLARD, Mr. NELSON of Florida, Mr. HAGEL, Ms. STABENOW, Mrs. CLINTON, and Mr. CORZINE):

S. Res. 15. A resolution commending Dan L. Crippen for his service to Congress and the Nation; considered and agreed to.

By Mr. BUNNING (for himself and Mr. MCCONNELL):

S. Res. 16. A resolution honoring the Hilltoppers of Western Kentucky University from Bowling Green, Kentucky, for winning the 2002 National Collegiate Athletic Association Division I–AA Football Championship; considered and agreed to.

By Mr. SARBANES (for himself, Mr. BINGAMAN, Mr. DURBIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. LEVIN, Mr. WARNER, Ms. CANTWELL, Mr. NELSON of Nebraska, Mrs. CLINTON, Mr. AKAKA, Mr. KENNEDY, and Mr. LIEBERMAN):

S. Con. Res. 1. A concurrent resolution expressing the sense of Congress that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States; to the Committee on Governmental Affairs.

ADDITIONAL COSPONSORS

S. 7

At the request of Mr. DASCHLE, the names of the Senator from Connecticut (Mr. DODD) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 7, a bill to amend title XVIII of the Social Security Act to provide coverage of outpatient prescription drugs under the medicare program and to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals, and for other purposes.

S. 8

At the request of Mr. DASCHLE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 8, a bill to encourage lifelong learning by investing in public schools and improving access to and affordability of higher education and job training.

S. 9

At the request of Mr. DASCHLE, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 9, a bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to protect the retirement security of American workers by ensuring that pension assets are adequately diversified and by providing workers with adequate access to, and information about, their pension plans, and for other purposes.

S. 10

At the request of Mr. DASCHLE, the names of the Senator from California (Mrs. BOXER) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 10, a bill to protect consumers in managed care plans and other health coverage, to provide for parity with respect to mental health coverage, to reduce medical errors, and to increase the access of individuals to quality health care.

S. 16

At the request of Mr. DASCHLE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 16, a bill to protect the civil rights of all Americans, and for other purposes.

S. 18

At the request of Mr. DASCHLE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 18, a bill to improve early learning opportunities and promote preparedness by increasing the availability of Head Start programs, to increase the availability and affordability of quality child care, to reduce child hunger and encourage healthy eating habits, to facilitate parental involvement, and for other purposes.

S. 19

At the request of Mr. DASCHLE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 19, a bill to amend the Internal Revenue Code of 1986 and titles 10 and 38, United States Code, to improve benefits for members of the uniformed services and for veterans, and for other purposes.

S. 20

At the request of Mr. DASCHLE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 20, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 22

At the request of Mr. DASCHLE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 22, a bill to enhance domestic security, and for other purposes.

S. 27

At the request of Mr. GRASSLEY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 27, a bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for a packer to own, feed, or control livestock intended for slaughter.

S. 32

At the request of Mr. KYL, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S.

32, a bill to establish Institutes to conduct research on the prevention of, and restoration from, wildfires in forest and woodland ecosystems of the interior West.

S. 35

At the request of Mr. DASCHLE, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 35, a bill to provide economic security for America's workers.

S. 40

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 40, a bill to prohibit products that contain dry ultra-filtered milk products or casein from being labeled as domestic natural cheese, and for other purposes.

S. 50

At the request of Mr. JOHNSON, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 50, a bill to amend title 38, United States Code, to provide for a guaranteed adequate level of funding for veterans health care, and for other purposes.

S. 76

At the request of Mr. DASCHLE, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 76, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 84

At the request of Mr. LUGAR, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 84, a bill to authorize the President to promote posthumously the late Raymond Ames Spruance to the grade of Fleet Admiral of the United States Navy, and for other purposes.

S. 85

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 85, a bill to amend the Internal Revenue Code of 1986 to provide for a charitable deduction for contributions of food inventory.

S. 85

At the request of Mr. LUGAR, the names of the Senator from Missouri (Mr. BOND), the Senator from Mississippi (Mr. COCHRAN) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. 85, supra.

S. 104

At the request of Mr. HOLLINGS, the names of the Senator from Nebraska (Mr. NELSON), the Senator from Massachusetts (Mr. KERRY), the Senator from Hawaii (Mr. INOUYE), the Senator from California (Mrs. FEINSTEIN) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 104, a bill to establish a national rail passenger transportation system, reauthorize Amtrak, improve security and service on Amtrak, and for other purposes.

STATEMENTS ON INTRODUCED BILLS, TUESDAY, JANUARY 7, 2003

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. BIDEN, Mr. LEAHY, Mr. LEVIN, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. AKAKA, Mrs. MURRAY, Mr. DURBIN, Mr. SCHUMER, Mrs. CLINTON, Mr. CORZINE, Ms. STABENOW, Mr. JEFFORDS, and Mr. REID):

S. 6. A bill to enhance homeland security and for other purposes; to the Committee on the Judiciary.

By Mr. DASCHLE (for himself, Mr. ROCKEFELLER, Ms. STABENOW, Mr. SCHUMER, Mr. KENNEDY, Mrs. CLINTON, Mr. AKAKA, Mr. CORZINE, Mr. DURBIN, Ms. MIKULSKI, Mr. LEAHY, Mr. LEVIN, Mr. JOHNSON, Mr. REED, Mr. SARBANES, Mr. DAYTON, Mr. LAUTENBERG, and Mr. REID):

S. 7. A bill to amend title XVIII of the Social Security Act to provide coverage of outpatient prescription drugs under the medicare program and to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mrs. MURRAY, Ms. MIKULSKI, Mr. DODD, Mr. BREAUX, Mr. JOHNSON, Mr. LEAHY, Mr. ROCKEFELLER, Mr. LEVIN, Mr. DURBIN, Mr. SARBANES, Mrs. CLINTON, Mr. AKAKA, Mr. SCHUMER, Mr. BIDEN, Ms. STABENOW, Mr. CORZINE, Mr. DAYTON, Mr. LAUTENBERG, Mr. REID, and Mr. BAUCUS):

S. 8. A bill to encourage lifelong learning by investing in public schools and improving access to and affordability of higher education and job training; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. BINGAMAN, Ms. MIKULSKI, Mr. HARKIN, Mrs. CLINTON, Mr. ROCKEFELLER, Mrs. MURRAY, Mr. SCHUMER, Mr. DAYTON, and Mr. REID):

S. 9. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to protect the retirement security of American workers by ensuring that pension assets are adequately diversified and by providing workers with adequate access to, and information about, their pension plans, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Ms. STABENOW, Mrs. CLINTON, Mr. SCHUMER, Mrs. MURRAY, Mr. CORZINE, Mr. DURBIN, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. LEVIN, Mr. ROCKEFELLER, Mr. AKAKA, Mr. JOHNSON, Mr. SARBANES, Mr. DAYTON, Mr. LAUTENBERG, Mr. LEAHY, Mr. REID, and Mr. PRYOR):

S. 10. A bill to protect consumers in managed care plans and other health coverage, to provide for parity with respect to mental health coverage, to reduce medical errors, and to increase the access of individuals to quality health care; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. LEAHY, Mr. KENNEDY, Mr. BIDEN, Mr. SCHUMER, Mr. DURBIN, Mr. EDWARDS, Mr. AKAKA, Mrs. CLINTON, Mr. CORZINE, Mr. DAYTON, Mr. HARKIN, Ms. LANDRIEU, Mr. LEVIN, Mr. LIEBERMAN, Ms. MIKULSKI, Mrs. MURRAY, Mr. ROCKEFELLER, Mr. SARBANES, Ms. STABENOW, Mr. LAUTENBERG, and Mr. REID):

S. 16. A bill to protect the civil rights of all Americans, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. JEFFORDS, Mrs. FEINSTEIN, Mr. AKAKA, Mr. BIDEN, Mrs. CLINTON, Mr. CORZINE, Mr. DAYTON, Mr. DODD, Mr. KENNEDY, Mr. LIEBERMAN, Mr. LEAHY, Mrs. MURRAY, Mr. SCHUMER, Mr. LAUTENBERG, and Mr. REID):

S. 17. A bill to initiate responsible Federal actions that will reduce the risks from global warming and climate change to the economy, the environment, and quality of life, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. DODD, Mrs. CLINTON, Mr. LEAHY, Mr. ROCKEFELLER, Mr. BINGAMAN, Mrs. MURRAY, Mr. LEVIN, Mr. DURBIN, Mr. SARBANES, Mr. AKAKA, Mr. SCHUMER, Mr. REED, Mr. JOHNSON, Mr. BIDEN, Mr. CORZINE, Mr. DAYTON, Mr. LAUTENBERG, and Mr. REID):

S. 18. A bill to improve early learning opportunities and promote preparedness by increasing the availability of Head Start programs, to increase the availability and affordability of quality child care, to reduce child hunger and encourage healthy eating habits, to facilitate parental involvement, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE (for himself, Mr. AKAKA, Mr. BAUCUS, Mr. BIDEN, Mr. BREAUX, Ms. CANTWELL, Mrs. CLINTON, Mr. CORZINE, Mr. DAYTON, Mr. DORGAN, Mr. DURBIN, Mr. HOLLINGS, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. LEAHY, Mr. LEVIN, Mrs. MURRAY, Mr. REID, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SCHUMER, and Ms. STABENOW):

S. 19. A bill to amend the Internal Revenue Code of 1986 and titles 10 and 38, United States Code, to improve benefits for members of the uniformed services and for veterans, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. EDWARDS, Mrs. CLINTON, Mr. AKAKA, Mr. BAYH, Mr. BIDEN, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CORZINE, Mr. DAYTON, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. KERRY, Mr. KOHL, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. REID, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SCHUMER, Ms. STABENOW, Mr. WYDEN, Mr. LAUTENBERG, Ms. LANDRIEU, Mrs. BOXER, and Mr. PRYOR):

S. 20. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; to the Committee on Health, Education, Labor, and Pensions.

DEMOCRATIC LEADERSHIP PRIORITIES FOR THE 108TH CONGRESS

Mr. DASCHLE. Mr. President, officially, the Congress that ended in December was the 107th Congress. But history will almost surely record it as the September 11th Congress. From the moment the first plane hit the first tower until the last moments of the lameduck session, helping America recover from that horrific day, bringing its plotters to justice and making changes to protect America from future terrorist attacks dominated the Senate's agenda.

We continued that work—even as we confronted unprecedented challenges in the Senate: anthrax, the rise of new threats to our Nation, and the loss of

our friend and colleague, Paul Wellstone.

Through tragic and historic events, the 107th Senate under Democratic control produced a number of important legislative accomplishments: aviation security and counterterrorism legislation; the toughest corporate accountability law since the SEC was created in 1934; the most far-reaching campaign finance reforms since Watergate; the most significant overhaul of Federal education policies since 1965; and a new farm bill to replace the failed Freedom to Farm Act.

However, other important legislation fell victim to special-interest armtwisting, and the other party's unwillingness to compromise on their proposals, or even consider ours. We saw that on proposals to dedicate greater resources to homeland security, a Medicare prescription drug benefit, and a real, enforceable patients' bill of rights.

The proposals we are introducing today recognize that the American people have real concerns about their security, and that Republicans and the Bush administration have not done enough to address those concerns.

But they also recognize that security means more than national security, and homeland security. It means economic security, retirement security, and the security of knowing that our children are getting a good education, and that, if you get sick, health care is available and affordable. It means giving people who work fulltime the security of knowing they can earn a decent wage—whether they work on a farm, in a factory, or at a fast-food restaurant. It is the security of knowing that our air is safe to breathe and our water is safe to drink, that America is living up to its commitment to civil rights, and that we are keeping our promises to our veterans.

Democrats are committed to tackling terrorism abroad, and making our country more secure.

One of our first priorities will be to make Americans safer by enhancing protections for our ports, borders, food and water supplies, and chemical and nuclear plants.

We are introducing a bill to commit real resources to doing all of those things, and to hiring more police and first responders and providing them the tools and training to do the difficult jobs we are now asking them to do.

We also recognize that national strength also depends on economic strength, and in the last 2 years, America's economy has weakened. In the coming weeks, we will put forward our ideas for how best to stimulate the economy in the short term.

But, in the long term, one of the most important things we can do is give people greater confidence that their private pensions will be there for them. That is why another of our leadership bills is one to strengthen pension protections, expand pension coverage, and crack down on rogue corporations.

It has been said that almost every problem any society faces can be solved with two things: good health, and a good education—and we have bills in each of those areas.

The Right Start for Children Act makes Head Start fully available for 4- and 5-year-olds, and increases availability for infants and toddlers. It will help improve childcare quality, make childcare more affordable for 1 million additional children, and strengthen child nutrition programs to reduce child hunger.

The Educational Excellence for All Learners Act builds on that foundation by improving education every step of the way—from kindergarten, to college, to lifelong learning. It makes sure that we match the real reforms we passed last year with the real resources they demand. It will help us recruit, hire, and train qualified teachers, build new schools, and make college and job training more affordable and more available.

President Bush pledged to leave no child behind, and then proposed more than a billion dollars of education cuts. We are proposing to put our money where the Republicans' mouths are—and help secure a good start, a good education, and good prospects for all Americans.

When it comes to health care, it was an outrage that 40 million Americans were uninsured 2 years ago. In the past year, over 1 million more Americans have lost health insurance. And those who are lucky enough to have health insurance are seeing their premiums skyrocket.

With the Health Care Coverage Expansion and Quality Improvement Act, we hope to reduce the number of uninsured by making health care coverage more available to small businesses, parents of children eligible for CHIP and Medicaid, pregnant women, and others.

We also want to improve the quality of care people receive by overcoming Republican resistance to a real, enforceable, patients' bill of rights.

We will also insist that mental illness be treated like any other illness—something that will not only honor Paul Wellstone's legacy, but also help millions of families.

We are also committed to passing a prescription drug benefit under Medicare, and lowering the price of prescription drugs for all Americans. Last year, we passed a bill to lower the price of generic drugs, but the House refused to take it up. And we had 52 Senators support our Medicare prescription drug benefit—but it was blocked on a procedural motion.

The high cost of prescription drugs—combined with the increasing need for such drugs—is destroying the life savings—and threatening the dignity—of millions of older Americans. And that is simply unacceptable.

A couple of months ago in elections all across the country, and in words spoken here in the Senate, we have seen that when it comes to protecting equal rights, we still have a lot of work to do in changing hearts, minds, and laws.

That is why we are introducing The Equal Rights and Equal Dignity for Americans Act. This bill will enforce employment nondiscrimination, fund the election-reform measures we passed last year, outlaw hate crimes, and take other steps to see that as a nation, we live up to the promise of equal rights.

I hope those Republicans who have recently expressed their support for civil rights will join us in expressing their support for this legislation. I also hope they will join us in supporting our bill to combat drug and gun violence, to crack down on new crimes like identity theft, and to protect against and prevent crimes against children and seniors.

We also need to ensure greater dignity for our minimum wage workers, our farmers, and our veterans. The purchasing power of the minimum wage is now the lowest it has been in more than 30 years. And a full-time minimum wage income won't get you over the poverty line. If we can afford over a trillion dollars in tax cuts for those at the top of the income scale, we can afford a dollar fifty more an hour for those at the bottom.

We need to help our rural economy, and help those impacted by a drought and other natural disasters that are being called among the costliest for agricultural producers in our Nation's history.

And we need to maintain our commitment to those currently serving, and keep our promises to our veterans. One way we do that is by allowing our wounded veterans to receive both their full disability and retirement benefits. Another way is by addressing the current crisis in veterans' health care. With each of these proposals—we stand with the leading veterans organizations, and for those who served our country.

Finally, we are committed to stopping what is adding up to an all-out assault on our environment. By unilaterally abandoning the Kyoto process, the Bush administration took us out of position to lead the world on the issue of climate change. The Global Climate Security Act will help America reassert our position of world leadership on this vital issue of world health.

Each of these things is relevant, not revolutionary. If they seem familiar, it is because most of what is in them has been introduced before.

But they are not law, despite the support of the American people and, in some cases, a bipartisan majority of Senators.

They have been opposed by an extreme few, and their special interest supporters. And while those bills have languished, we have seen the rise of more threats to our country; more people have lost their jobs and their health care; and more of our national challenges have gone unmet.

These are our priorities. In the last couple of days, the President has made clear his priorities—more tax cuts for those who need them least.

The President's plan won't help middle income families. It won't contribute to economic growth; it won't make our homeland more secure; it won't expand educational opportunity for the young, or strengthen health care for the elderly.

Instead—by putting us deeper into deficit and debt—it makes all of these things, and all of our other goals, harder to achieve.

Our bills will help us create an America that is stronger, safer, and better for all Americans—and I hope my colleagues will join me in supporting them.

By Mr. DASCHLE (for himself, Mr. LEAHY, Mr. BIDEN, Mr. KENNEDY, Mr. SCHUMER, Mr. DURBIN, Mrs. CLINTON, Mrs. MURRAY, Mr. DAYTON, Mr. CORZINE, and Mr. REED):

S. 22. A bill to enhance domestic security, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased today to join Senator DASCHLE and other Democratic Senators in introducing the Justice Enhancement and Domestic Security Act of 2003. This comprehensive crime bill builds on prior Democratic crime initiatives, including the landmark Violent Crime Control and Law Enforcement Act of 1994, that worked to bring the crime rate down.

This year marked an unfortunate turn after a decade of remarkable declines in the Nation's crime rate. The decade of progress we made under the leadership of a Democratic President helped revitalize our cities and restore a sense of security for millions of Americans. According to the latest FBI report, however, the number of murders, rapes, robberies, assaults, and property crimes is up across the United States in all regions of the country except the Northeast, the first year-to-year increase since 1991. This upswing has been fueled by the faltering economy and high unemployment rates. The President's ill-conceived tax cut in 2001, along with the new cuts he proposes now, are likely to exacerbate these economic woes by plunging us deeper into deficit spending.

It is troubling that, at this crucial moment, the Bush Administration is proposing to reduce by nearly 80 percent the Community Oriented Policing Services, COPS, program that has helped to put 115,000 new police officers on the beat since 1994. I believe that we must fight to maintain and extend the COPS program, which has proven its value in increasing the security of our cities, towns, and neighborhoods.

The Justice Enhancement and Domestic Security Act is designed to get our Nation's crime rates moving downward, in the right direction, again. It also aims to bolster our security against terrorists, and to improve the administration of justice throughout the country.

This bill shows the way to making Americans safer. That objective will not be achieved by partisan posturing, ''tough on crime'' rhetoric, and a few executions. It will be achieved by giving law enforcement the tools they need to do their job, focusing on both immediate and long-term threats we face, and protecting the most vulnerable in our society.

Most importantly, we should not divert all our attention to fighting foreign terrorism and foreign wars only to discover that the safety of Americans at home is jeopardized by losing the fight on crime. Unfortunately, the rising crime rate shows the risk of not paying attention to the domestic crime issue. The safety of our schools, homes, streets, neighborhoods and communities cannot become a casualty of the economic downturn and our international engagements.

Among other things, the bill does the following: Provides $12 billion over three years to support public safety officers in their efforts to protect homeland security and prevent and respond to acts of terrorism. Increases border security by authorizing funds for additional INS personnel and technology. Provides statutory authority for the President to use military tribunals to try suspected terrorists in appropriate circumstances. Targets crime against the most vulnerable members of our society: children and senior citizens. Combats the insidious crime of identity theft. Provides enhanced rights and protections for crime victims. Extends the COPS program and authorizes law enforcement improvement and training grants for rural communities. Increases funding to reduce the backlog of untested DNA evidence in the Nation's crime labs. Proposes important reforms to FBI policies on whistleblowers and other issues critical to our security. Cracks down on war criminals from other nations seeking sanctuary in the United States. Protects against the execution of innocent individuals.

In sum, the bill represents an important next step in the continuing effort by Senate Democrats to enhance homeland security and to enact tough yet balanced reforms to our criminal justice system.

I should note that the bill contains no new death penalties and no new or increased mandatory minimum sentences. We can be tough without imposing the death penalty, and we can ensure swift and certain punishment without removing all discretion from the judge at sentencing.

As we provide the necessary tools for Federal law enforcement officials to protect our homeland security, we must remember that State and local law enforcement officers, firefighters and emergency personnel are our full partners in preventing, investigating and responding to criminal and terrorist acts.

As a former State prosecutor, I know that public safety officers are often the first responders to a crime. On September 11, the Nation saw that the first on the scene were the heroic firefighters, police officers and emergency personnel in New York City. These real-life heroes, many of whom gave the ultimate sacrifice, remind us of how important it is to support our State and local public safety partners.

Subtitle A of title I of the Justice Enhancement and Domestic Security Act establishes a First Responders Partnership Grant program, which will provide $4 billion in annual grants for each of the next three years to support our State and local law enforcement officers in the war against terrorism. First Responder Grants will be made directly to State and local governments and Indian tribes for equipment, training and facilities to support public safety officers in their efforts to protect homeland security and prevent and respond to acts of terrorism. Grants may be used to pay up to 90 percent of the cost of the equipment, training or facility, and each State will be guaranteed a fair minimum amount. This is essential Federal support that our State and local public safety officers need and deserve.

Our State and local public safety law enforcement partners welcome the challenge to join in our national mission to protect our homeland security. But we cannot ask State and local law enforcement officers, firefighters and emergency personnel to assume these new national responsibilities without also providing new Federal support. The First Responders Partnership Grants will provide the necessary Federal support for our State and public safety officers to serve as full partners in our fight to protect homeland security and respond to acts of terrorism.

BORDER SECURITY

Subtitle B of title I provides for additional increases in INS personnel and improvements in INS technology to guard our borders. Just in the last few weeks, we have seen reports suggesting that numerous aliens crossed our Northern border illegally with the intention of planning terrorist act. Through the USA PATRIOT Act and the Enhanced Border Security and Visa Reform Act, we have attempted to bolster our borders by creating additional positions. But our work is not done. This legislation would authorize such sums as may be necessary for the INS to hire an additional 250 inspectors and associated support staff, and an additional 250 investigative staff and associated support staff, during each fiscal year through FY2007. It would also authorize $250 million to the INS for the purposes of making improvements in technology for improving border security and facilitating the flow of commerce and persons at ports of entry, including improving and expanding programs for preenrollment and preclearance. Finally, this subtitle requires the Attorney General to report

to Congress about the Department's implementation of the border improvements we have already legislated, and about his recommendations for any additional improvements.

MILITARY TRIBUNAL AUTHORIZATION ACT

On November 13, 2001, President Bush signed a military order authorizing the use of military commissions to try suspected terrorists. This order stimulated an important national debate and led to a series of Judiciary Committee hearings with the Attorney General and others to discuss the many legal, constitutional, and policy questions raised by the use of such tribunals. Our hearings, and the continued public discourse, helped to clarify the scope of the President's order and better define the terms of the debate.

Administration officials have taken the position that the President does not need the sanction of Congress to convene military commissions, but I disagree. Military tribunals may be appropriate under certain circumstances, but only if they are backed by specific congressional authorization. At a minimum, as the distinguished senior senator from Pennsylvania stated on this floor on November 15, ''the executive will be immeasurably strengthened if the Congress backs the President.'' Clearly, our government is at its strongest when the executive and legislative branches of government act in concert.

Subtitle C of title I, the Military Tribunal Authorization Act of 2003 would provide the executive branch with the specific authorization it now lacks to use extraordinary tribunals to try members of the al Qaeda terrorist network and those who cooperated with them. Specifically, this legislation authorizes the use of ''extraordinary tribunals'' for al Qaeda members and for persons aiding and abetting al Qaeda in terrorist activities against the United States who are apprehended in, or fleeing from, Afghanistan. It also authorizes the use of tribunals for those al Qaeda members and abettors who are captured in any other place where there is armed conflict involving the U.S. Armed Forces.

The Military Tribunal Authorization Act defines the jurisdiction and procedure of tribunals in a way that ensures a ''full and fair'' trial for anyone detained. It incorporates basic due process guarantees, including the right to independent counsel. These procedures do not as some have claimed provide greater protections to suspected terrorists than we offer our own soldiers. These are rather, the very basic guarantees provided under various sources of international law. Finally, the bill comes down squarely on the side of transparency in government by providing that tribunal proceedings should be open and public, and include public availability of the transcripts of the trial and the pronouncement of judgment. Passage of authorizing legislation would ensure the constitutionality of military tribunals and protect any convictions they might yield, while at the same time showing the world that we will fight terrorists without sacrificing our principles.

Title I of our bill would also provide a new tool for law enforcement to deal with the problem of serious hoaxes and malicious false reports relating to the use of biological, chemical, nuclear, or other weapons of mass destruction. These so-called ''hoaxes'' inflict both mental and economic damage on victims. They drain away scarce law enforcement resources from the investigation of real terrorist activity. They interrupt vital communication facilities. Finally, they feed a public fear that the vast majority of law abiding Americans are working hard to dispel.

Federal, State, and local law enforcement already have statutes which they have been using aggressively to prosecute those who have taken advantage of these times to perpetrate hoaxes about anthrax contamination. Existing statutes create serious penalties for threats to use biological, chemical, or nuclear weapons, for sending any threatening communication through the mail, or for making a willful false statement of Federal authorities. Indeed, current Federal threat laws do not require that the defendant have either the intent or present ability to carry out a threat. However, while they carry high penalties, including a maximum of life imprisonment, these statutes can sometimes be awkward when applied in the hoax context.

The Justice Enhancement and Domestic Security Act provides a well-tailored statute that deals specifically with the problem of biological, chemical, nuclear and other mass destruction hoaxes. For instance, it gives prosecutors a means to distinguish between a person who is actually threatening to use anthrax on a victim, and a person who never intends to use it, but wants the victim or the police to think they have done so. Another provision provides for mandatory restitution to any victim of these crimes, including the costs of any and all government response to the hoax. An earlier Administration proposal, offered during the debate over the terrorism bill, would have limited such restitution to the Federal government. As we know all too well from recent events, however, it is State and local authorities, along with private victims, who are often the first responders and primary victims when these incidents occur. Our bill provides a mechanism so that they, too, can be reimbursed for their expenses.

The second title of the Justice Enhancement and Domestic Security Act contains a several proposals aimed at protecting the most vulnerable members of our society: children and seniors.

First, part 1 of subtitle A would enhance the operation of the AMBER Alert communications network in order to aid the recovery of abducted children. It is disturbing to see on TV or in the newspapers photo after photo of missing children from every corner of the Nation. As the father of three Children, as well as a grandfather of two, I know that an abducted child is a parent's or grandparent's worst nightmare.

Unfortunately, it appears this nightmare occurs all too often. Indeed, the Justice Department estimates that the number of children taken by strangers annually is between 3,000 and 4,000. These parents and grandparents, as well as the precious children, deserve the assistance of the American people and helping hand of the Congress.

The AMBER Plan was created as a reaction to the kidnapping and brutal murder of 9-year-old Amber Hagerman of Arlington, Texas, By coordinating their efforts, law enforcement, emergency management and transportation agencies, radio and television stations, and cable systems have worked to develop an innovative early warning system to help find abducted children by broadcasting information including descriptions and pictures of the missing child, the suspected abductor, a suspected vehicle, and any other information available and valuable to identifying the child and suspect to the public as speedily as possible.

The AMBER Alert system's popularity has raced across the United States: since the original AMBER Plan was established in 1996, 55 modified versions have been adopted at local, regional, and statewide levels. Eighteen States have already implemented statewide plans. It is also a proven success: to date, the AMBER Plan has been credited with recovering 30 children.

The National AMBER Alert Network Act of 2003 directs the Attorney General, in cooperation with the Secretary of Transportation and the Chairman of the Federal Communications Commission, to appoint a Justice Department National AMBER Alert Coordinator to oversee the Alert's communication network for abducted children. The AMBER Alert Coordinator will work with States, broadcasters, and law enforcement agencies to set up AMBER plans, serve as a point of contact to supplement existing AMBER plans, and facilitate regional coordination of AMBER alerts. In addition, the AMBER Alert Coordinator will work with the FCC, local broadcasters, and local law enforcement agencies to establish minimum standards for the issuance of AMBER alerts and for the extent of their dissemination. In sum, our bill will help kidnap victims while preserving flexibility for the States in implementing the Alert system.

Because developing and enhancing the AMBER Alert system is a costly endeavor for States to take on alone, our bill establishes two Federal grant programs to share the burden. First, the bill creates a Federal grant program, under the direction of the Secretary of Transportation, for statewide notification and communications systems, including electronic message

boards and road signs, along highways for alerts and other information regarding abducted children. Second, the bill establishes a grant program managed by the Attorney General for the support of AMBER Alert communications plans with law enforcement agencies and others in the community.

Similar legislation was proposed in the last Congress by Senators FEINSTEIN and HUTCHISON and approved by both the Senate Judiciary Committee and the full Senate by unanimous consent only one week after introduction. When the bill passed, it had garnered 41 cosponsors from both sides of the aisle. Unfortunately, despite our great efforts to have the bill passed on its own merits, the House failed to pass it as a stand-alone bill. Instead, it was included in a larger package of bills dubbed the Child Abduction Prevention Act, introduced by Judiciary Committee Chairman SENSENBRENNER. Most of the incorporated bills had passed the House but were stalled in the Senate due to controversial language.

Our Nation's children, parents, and grandparents deserve our help to stop the disturbing trend of child abductions. The AMBER Alert National Network Act ensures that our communications systems help rescue abducted children from kidnappers and return them safely to their families.

Subtitle A of title II also includes the Protecting Our Children Comes First Act of 2003, which would double funding for the National Center for Missing and Exploited Children, (NCMEC), reauthorize the Center through fiscal year 2006, and increase Federal support to help NCMEC programs find missing children.

As the Nation's top resource center for child protection, the NCMEC spearheads national efforts to locate and recover missing children and raises public awareness about ways to prevent child abduction, molestation, and sexual exploitation, As a national voice and advocate for those too young to vote or speak up for their own rights, the NCMEC works to make our children safer. The Center operates under a Congressional mandate and works in cooperation with the Justice Department's Office of Juvenile Justice and Delinquency Prevention in coordinating the efforts of law enforcement officers, social service agencies, elected officials, judges, prosecutors, educators, and the public and private sectors to break the cycle of violence that historically has perpetuated such needless crimes against children.

NCMEC professionals have disturbingly busy jobs, they have worked on more than 90,000 cases of missing and exploited children since its 1984 founding, helping to recover more than 66,000 children. The Center raised its recovery rate from 60 percent in the 1980s to 94 percent today. It set up a nationwide, toll free, 24-hour telephone hotline to take reports about missing children and clues that might lead to their recovery. It also manages a national Child Pornography Tipline to handle calls from individuals reporting the sexual exploitation of children through the production and distribution of pornography and a CyberTipline to process online leads from individuals reporting the sexual exploitation of children. It has taken the lead in circulating millions of photographs of missing children, and serves as a vital resource for the 17,000 law enforcement agencies located throughout the United States.

Today, the NCMEC is truly a national organization, with its headquarters in Alexandria, Virginia and branch offices in five other locations throughout the country to provide hands-on assistance to families of missing children and conduct an array of prevention and awareness programs. It has also grown into an international organization, establishing the International Division of the National Center for Missing and Exploited Children, which works to fulfill the Hague Convention on the Civil Aspects of International Child Abduction. The International Division provides assistance to parents, law enforcement, attorneys, nonprofit organizations, and other concerned individuals who are seeking assistance in preventing or resolving international child abductions.

The NCMEC manages to do all of this good work with only a $10 million annual grant, which expired at the end of fiscal year 2002. We should act now both to extend its authorization and increase the center's funding to $20 million each year through fiscal year 2006 so that it can continue to help keep children safe and families intact around the nation. There is so much more to be done to ensure the safety of our children, and this provision will help the Center in its efforts to prevent crimes that are committed against them.

The Protecting Our Children Comes First Act also increases Federal support of NCMEC programs to find missing children by allowing the U.S. Secret Service to provide forensic and investigative support to the NCMEC. In addition, it facilitates information sharing by allowing Federal authorities to share the facts or circumstances of sexual exploitation crimes against children with State authorities without a court order, and by allowing the NCMEC to make reports directly to State and local law enforcement officials instead of only through Federal agencies.

I applaud the ongoing work of the NCMEC and hope both the Senate and the House of Representatives will support this effort to provide more Federal support for the Center to continue to find missing children and protect exploited children across the country.

Finally, subtitle A of title II addresses the problems caused by housing juveniles who are prosecuted in the criminal justice system in adult correctional facilities. It assists the States in providing safe conditions for their confinement and appropriate access to educational, vocational, and health programs. Improving conditions for juveniles today will improve the public safety in the future, as juveniles who are not exposed to adult inmates have a lower likelihood of committing future crimes.

As a Nation, we increasingly rely on adult facilities to house juveniles. Nearly all of our States house juveniles in adult jails and prisons, and only half maintain designated youthful offender housing units. I believe that there is a will in the States to improve conditions for these juveniles, but resources are often lacking. The Federal Government can play a useful role by providing funding to States that want to take account of the differences between juveniles and adults.

Although many juvenile offenders serving time in adult prisons have committed extraordinarily serious offenses, others are there because of relatively minor crimes and will be released at a young age. Certainly, many of these juveniles can be convinced not to commit further crimes. The social and moral cost of not making that attempt is simply incalculable.

Many scholars have questioned whether housing juvenile offenders with adult inmates serves our long-term interest in public safety. Multiple studies have shown that youth transferred to the adult system recidivate at higher rates and with more serious offenses than youth who have committed similar offenses but are retained in the juvenile justice system. We must ensure that juveniles are treated humanely in the criminal justice system to reduce the risks that upon release they will commit additional and more serious crimes. One of the ways we can do that is by helping States improve confinement conditions.

Our bill creates a new incentive grant program for State and local governments and Indian tribes. These grants can be used for the following purposes related to juveniles under the jurisdiction of an adult criminal court: 1. alter existing correctional facilities, or develop separate facilities, to provide segregated facilities for them; 2. provide orientation and ongoing training for correctional staff supervising them; 3. provide monitors who will report on their treatment; and 4. provide them with access to educational programs, vocational training, mental and physical health assessment and treatment, and drug treatment. Grants can also be used to seek alternatives to housing juveniles with adult inmates, including the expansion of juvenile facilities.

It is important to note that States that choose not to house juveniles who are convicted as adults with adult inmates are still eligible for grants under this bill. For example, they could use the money to train staff, or to provide education or other program for juveniles, or to improve juvenile facilities.

In addition to these grants, part 5 of subtitle II reauthorizes the Family

Unity Demonstration Project, which provides funding for projects allowing eligible prisoners who are parents to live in structured, community-based centers with their young children. A study by the Bureau of Justice Statistics found that about two-third of incarcerated women were parents of children under 18 years old. According to the White House, on any given day, America is home to 1.5 million children of prisoners. And according to Prison Fellowship Industries, more than half of the juveniles in custody in the United States had an immediate family member behind bars. This is a serious problem that reauthorizing the Family Unity Demonstration Project will help to address.

The remainder of title II includes a number of provisions designed to improve the safety and security of older Americans.

During the 1990s, while overall crime rates dropped throughout the nation the rate of crime against seniors remained constant. In addition to the increased vulnerability of some seniors to violent crime, older Americans are increasingly targeted by swindlers looking to take advantage of them through telemarketing schemes, pension fraud, and health care fraud. We must strengthen the hand of law enforcement to combat those criminals who plunder the savings that older Americans have worked their lifetime to earn. Subtitle B of title II of our bill, the Seniors Safety Act of 2003, tries to do exactly that, through a comprehensive package of proposals to establish new protections and increase penalties for a wide variety of crimes against seniors.

This legislation addresses the most prevalent crimes perpetrated against seniors, containing proposals to reduce health care fraud and abuse, combat nursing home fraud and abuse, prevent telemarketing fraud, and safeguard pension and employee benefit plans from fraud, bribery, and graft. In addition, this legislation would help seniors obtain restitution if their pension plans are defrauded.

Many of the proposals in this legislation are just common sense. For example, we would authorize the Attorney General to block telephone service to people using it to commit telemarketing fraud. We would also establish a ''Better Business Bureau'' style clearinghouse at the Federal Trade Commission, so that senior citizens and their families could call and find out whether a telemarketer who was bothering them had a criminal record or had received past complaints.

We would make it a new criminal offense to engage in multiple willful violations of the regulations or laws that protect nursing home residents. We would also protect employees at nursing homes who blow the whistle on the mistreatment of residents by giving them the power to bring a lawsuit for damages if they get fired as a result. And we would tell the Sentencing Commission that if you commit a crime against someone who is old and vulnerable, you should get a longer sentence.

We want to fight health care fraud and pension fraud because these are benefits that older Americans have earned and that they count on everyday. We must do more to prevent crooks from robbing seniors of their security. That is why we want to create new criminal penalties for pension fraud and give law enforcement more tools to root out and stop health care fraud.

The third title of the Justice Enhancement and Domestic Security Act contains important provisions to prevent and punish identify theft, a crime that victimizes thousands of Americans every year. Once a skilled scam artist gets his hands on a consumer's Social Security or bank account number, he can wreak unimaginable havoc on a family's finances.

With society conducting more and more of its business electronically, the incidence of identity theft in America is on the rise. In 2001, the Federal Trade Commission consumer hotline received 86,000 complaints of identity theft. Through the first six months of 2002, it received 70,000 such complaints. These complaints are mainly from people who have been hurt by identify theft, but thousands of others come from consumers worried about becoming an identity thief's next victim.

Our bill would help identity theft victims restore their credit ratings and reclaim their good names. It gives victims the tools they need, such as the right to obtain relevant business records and the ability to have fraudulent charges blocked from reporting in their consumer credit reports. It also includes provisions designed to thwart identity theft, for example by requiring credit card companies to notify consumers of any change of address request on an existing credit account, by ensuring that credit card receipts no longer bear the expiration date or more than the last five digits of the customer's credit card number, and by entitling every citizen to a free credit report once per year upon request. Finally, it includes important provisions to prevent Social Security numbers from being sold, or published without express consent.

Title III also represents the next step in Senate Democrats' continuing efforts to afford dignity and recognition to victims of crime. It provides for comprehensive reform of the Federal law to establish enhanced rights and protections for victims of Federal crime. Among other things, it provides crime victims the right to consult with the prosecution prior to detention hearings and the entry of plea agreements, and generally requires the courts to give greater consideration to the views and interests of the victim at all stages of the criminal justice process. Responding to concerns raised by victims of the Oklahoma City bombing, the bill would provide standing for the prosecutor and the victim to assert the right of the victim to attend and observe the trial.

Assuring that victims are provided their statutorily guaranteed rights is a critical concern for all those involved in the administration of justice. That is why the bill establishes an administrative authority in the Department of Justice to receive and investigate victims' claims of unlawful or inappropriate action on the part of criminal justice and victims' service providers. Department of Justice employees who fail to comply with the law pertaining to the treatment of crime victims could face disciplinary sanctions, including suspension or termination of employment.

In addition to these improvements to the Federal system, the bill proposes several programs to help States provide better assistance for victims of State crimes. These programs would improve compliance with State victim's rights laws, promote the development of state-of-the-art notification systems to keep victims informed of case developments and important dates on a timely and efficient basis, and encourage further experimentation with the community-based restorative justice model in the juvenile court setting. The bill also provides assistance for shelters and transitional housing for victims of domestic violence.

Of particular significance, title III would eliminate the cap on distributions from the Crime Victims Fund, which has prevented millions of dollars in Fund deposits from reaching victims and supporting essential services. With violent crime on the increase and State governments struggling to overcome growing budget deficits, crime victim compensation and assistance programs are facing dire threats to their fiscal stability. We should not be imposing artificial caps on spending from the Crime Victims Fund while substantial needs remain unmet. Our bill proposes replacing the cap with a self-regulating formula, which would ensure stability and protection of Fund assets, while allowing more money to go out to the States for victim compensation and assistance.

While we have greatly improved our crime victims programs and made advances in recognizing crime victims rights, we still have more to do. The Justice Enhancement and Domestic Security Act would help make victims' rights a reality.

Title IV of the bill includes proposals for supporting Federal, State and local law enforcement and promoting the effective administration of justice.

An important element of this effort is the COPS program. As noted earlier, the Bush Administration has proposed to cut the COPS program by nearly 80 percent, despite the success of this program in putting 115,000 new police officers on the beat since 1994. Title IV extends the COPS program through fiscal year 2008, authorizing funding to deploy up to 50,000 additional police officers, 10,000 additional prosecutors, and

10,000 defense attorneys for indigents. It also authorizes $15 million per year for five years to help rural communities retain officers hired through the COPS program for an additional year.

In addition, title IV includes the Hometown Heroes Survivors Benefits Act, which would effectively erase any distinction between traumatic and occupational injuries when surviving families apply to the U.S. Department of Justice Public Safety Officers Benefits, PSOB, Program. The PSOB fund currently pays just over $260,000 to families of firefighters, police officers and emergency medical technicians who die in the line of duty. The survivors of emergency responders who die of heart attacks while performing in the line of duty, however, are ineligible to collect benefits. The Hometown Heroes bill would fix the loophole in the PSOB Program to ensure that the survivors of public safety officers who die of heart attacks or strokes in the line of duty or within 24 hours of a triggering effect while on duty, regardless of whether a traumatic injury is present at the time of the heart attack or stroke, are eligible to receive financial assistance.

The families of these brave public servants deserve to participate in the PSOB Program if their loved ones die of a heart attack or other cardiac-related ailments while selflessly protecting us from harm. It is time for Congress to show its support and appreciation for these extraordinarily brave and heroic public safety officers by passing the Hometown Heroes Survivors Benefit Act.

Title IV would also correct a disparity in the law that denies Federal prosecutors the same retirement benefits as other Federal law enforcement officers. These lawyers, who are more and more often on the front lines in the war on terrorism, deserve the same benefits as the other men and women with whom they work.

Also included in title IV of the bill is the FBI Reform Act of 2003, which stems from the lessons learned during a series of Judiciary Committee hearings on oversight of the FBI that I chaired beginning in June 2001. Even more recently, the important changes which are being made under the FBI's new leadership after the September 11 attacks and the new powers granted the FBI by the USA PATRIOT Act have resulted in FBI reform becoming a pressing matter of national importance.

Since the attacks of September 11, 2001, and the anthrax attacks last fall, we have relied on the FBI to detect and prevent acts of catastrophic terrorism that endanger the lives of the American people and the institutions of our country. The men and women of the FBI are performing this task with great professionalism at home and abroad. I think that we have all felt safer as a result of the full mobilization of the FBI's dedicated Special Agents, its expert support personnel, and its exceptional technical capabilities. We owe the men and women of the FBI our thanks.

For decades the FBI has been outstanding law enforcement agency and a vital member of the United States intelligence community. As our hearings and recent events have shown, however, there is room for improvement at the FBI. We must face the mistakes of the past, and make the changes needed to ensure that they are not repeated. In meeting the international terrorist challenge, the Congress has an opportunity and obligation to strengthen the institutional fiber of the FBI based on lessons learned from recent problems the Bureau has experienced.

The view is not mine alone. When Director Bob Mueller testified at his confirmation hearings in July 2001, he forthrightly acknowledged ''that the Bureau's remarkable legacy of service and accomplishment has been tarnished by some serious and highly publicized problems in recent years. Waco, Ruby Ridge, the FBI lab, Wen Ho Lee, Robert Hanssen and the McVeigh documents—these familiar names and events remind us all that the FBI is far from perfect and that the next director faces significant management and administrative challenges.'' Since then, the Judiciary Committee has forged a constructive partnership with Director Mueller to get the FBI back on track.

Congress sometimes has followed a hands-off approach about the FBI. But with the FBI's new increased power, with our increased reliance on them to stop terrorism, and with the increased funding requested in the President's budget will come increased scrutiny. Until the Bureau's problems are resolved and new challenges overcome, we have to take a hands-on approach. Indeed our hearing and other oversight activities have highlighted tangible steps the Congress should take in an FBI Reform bill as part of this hands-on approach. Among other things, these hearings demonstrated the need to extend whistleblower protection, end the double standard for discipline of senior FBI executives, and enhance the FBI's internal security program to protect against espionage as occurred in the Hanssen case.

When Director Mueller announced the first stage of his FBI reorganization in December 2001, he stressed the importance of taking a comprehensive look at the FBI's missions for the future, and Deputy Attorney General Thompson's office has told us that the Attorney General's management review of the FBI is considering this matter. Director Mueller has stated that the second phase of FBI reorganizations will be part of a ''comprehensive plan to address not only the new challenges of terrorism, but to modernize and streamline the Bureau's more traditional functions.'' Thus, through our hearings, our oversight efforts, and the statements and efforts of the new management team at the FBI, a list of challenges facing the FBI has been developed.

Our bill addresses each of these challenges. It strengthens whistleblower protection for FBI employees and protects them from retaliation for reporting wrongdoing. It addresses the issue of a double standard for discipline of senior executives by eliminating the disparity in authorized punishments between Senior Executive Service members and other federal employees. It establishes an FBI Counterintelligence Polygraph Program for screening personnel in exceptionally sensitive positions with specific safeguards, and an FBI Career Security Program, which would bring the FBI into line with other U.S. intelligence agencies that have strong career security professional cadres whose skills and leadership are dedicated to the protection of agency information, personnel, and facilities. It also requires a set of reports that would enable Congress to engage the Executive branch in a constructive dialogue building a more effective FBI for the future.

The FBI Reform Act of 2003 is designed to strengthen the FBI as an institution that has a unique role as both a law enforcement agency and a member of the intelligence community. As the Judiciary Committee continues its oversight work and more is learned about recent FBI performance, additional legislation may prove necessary. Especially important will be the lessons from the attacks of September 11, 2001, the anthrax attacks, and implementation of the USA PATRIOT Act and other counterterrorism measures. Strengthening the FBI cannot be accomplished overnight, but with this legislation, we take an important step into the future.

In addition to protecting, FBI whistleblowers, title IV of this bill provides new and important protections for other whistleblowers who provide information to Congress.

The 107th Congress was one of rejuvenated bipartisan oversight. On the Judiciary Committee we convened the first series of comprehensive bipartisan FBI oversight hearings in decades after I assumed the Chairmanship. The Joint Intelligence Committee conducted bipartisan hearings to ascertain what shortcomings on the part of our intelligence community need to be corrected so as not the allow the 9–11 terrorist attacks to recur. The Senate Banking Committee conducted extensive oversight of the SEC and its relationship with the accounting industry, to ascertain whether a new regulatory scheme was required. Both the Senate and House Judiciary Committees are still attempting to ascertain how the new powers we provided in the USA PATRIOT Act are being used. These are only a few examples.

A vital part of the increased oversight was the courage of the whistleblowers who provided information. Their revelations have led to important reforms. The Enron scandal and the subsequent hearing led to the most extensive corporate reform legislation

in decades, including the criminal provisions and the first ever corporate whistleblower protections, which I authored. The testimony of the rank and file FBI agents that we heard on the Judiciary Committee helped us to craft bipartisan FBI reform legislation. The same day as Coleen Rowley's nationally televised testimony before the Judiciary Committee, President Bush not only reversed his previous opposition to establishing a new cabinet level Department of Homeland Security, but gave a national address calling for the largest government reorganization in 50 years. In the last year we have learned once again that the public as a whole can benefit from a lone voice. Indeed, Time Magazine recognized the courage of these whistleblowers by naming them the ''People of the Year'' for 2002.

Unfortunately, the people who very rarely benefit from these revelations are the whistleblowers themselves. We have heard testimony in oversight hearings on the Judiciary Committee that there is quite often retaliation against those who raise public awareness about problems within large organizations even to Congress. Sometimes the retaliation is overt, sometimes it is more subtle and invidious, but it is almost always there. The law needs to protect the people who risk so much to protect us and create a culture that encourages employees to report waste, fraud, and mismanagement.

For those who provide information to Congress, that protection is a hollow promise. On one hand, the law is very clear that it is illegal to interfere with or deny, ''the right of employees, individually or collectively, to petition Congress or a Member of Congress, or to furnish information to either House of Congress, or to a committee or Member thereof . . .'' Amazingly, however, this simple provision is a right without a remedy. Employees who are retaliated against for providing information to Congress cannot pursue any avenue of redress to protect their statutory rights. The only exception to this applies to employees of publicly traded companies, who are now covered by the whistleblower provision included in the Sarbanes-Oxley Act that we passed last year. Thus, under current law, government whistleblowers reporting to Congress have less protection than private industry whistleblowers.

Title IV would correct this anomaly by providing government employees that come to Congress with the right to bring an action in court when they suffer the type of retaliation already prohibited under the law. Thus, it does not create new statutory rights, but merely provides a statutory remedy for existing law. That way, we can promise future whistleblowers who come before Congress that their rights to access the legislative branch is not an illusion. We can also assure the public at large that our efforts at Congressional oversight and improving the functions of government will be effective. This legislation is strongly supported by leading whistleblower groups, including the National Whistleblower Center and the Government Accountability Project.

Title IV of the bill also aims to improve the effective administration of justice by offering a two-pronged attack on sexual assault crime in America. First, it adds more Federal resources for States and for the first time, makes those resources directly available to local governments as well, so that they may eliminate the backlog of untested DNA samples, and in particular, the troubling backlog of untested rape kits. Second, because tapping the potential of DNA technology requires more than eliminating existing backlogs, the bill provides increased Federal support for sexual assault examiner programs, DNA training of law enforcement personnel and prosecutors, and updating the national DNA database. To ensure that these grants are effective, the bill heightens the standards for DNA collection and maintenance, and requires the Department of Justice to promulgate national privacy guidelines. The bill also authorizes the issuance of John Doe DNA indictments for Federal sexual assault crimes, which toll the applicable statute of limitations and permit prosecution whenever a DNA match is made.

Congress began to attack the problem of the DNA backlog when it passed the DNA Analysis Backlog Elimination Act of 2000. That legislation authorized $170 million over four years for grants to States to increase the capacity of their forensic labs and to carry out DNA testing of backlogged evidence. Despite the new law and some Federal funding, the persistent backlogs nationwide make it plain that more must be done to help the States. Our bill takes the next step and provides more comprehensive assistance so that the criminal justice system can harness the full power of DNA.

A significant problem that arose during Special Prosecutor Kenneth Starr's investigation of President Clinton was the loss of confidentiality that had previously attached to the important work of the U.S. Secret Service. The Department of Justice and Treasury and even a former Republican President advise that the safety of future Presidents may be jeopardized by forcing U.S. Secret Service agents to breach the confidentiality they need to do their job by testifying before a grand jury. I trust the Secret Service on this issue; they are the experts with the mission of protecting the lives of the President and other high-level elected official and visiting dignitaries. I also have confidence in the judgment of former President Bush, who has written, ''I feel very strongly that [Secret Service] agents should not be made to appear in court to discuss that which they might or might not have seen or heard.''

Section 4502 of the Justice Enhancement and Domestic Security Act provides a reasonable and limited protective function privilege so future Secret Service agents are able to maintain the confidentiality they say they need to protect the lives of the President, Vice President and visiting heads of state.

Title V of this bill would create new treatment and prevention programs to reduce drug abuse, and reauthorize existing successful ones. Treatment and prevention efforts are often overshadowed by law enforcement needs. Indeed, a recent study by the Center on Addiction and Substance Abuse showed that of every dollar States spent on substance abuse and addiction, only four cents went to prevention and treatment. The States and the Federal government have undeniably important law enforcement obligations, but we must do more to balance those obligations with farsighted efforts to prevent drug crimes from happening in the first place.

Heroin is an increasing problem in my State. In other States, methamphetamines or other drugs present a growing challenge. This legislation will help States address their most pressing drug problems, and places a particular emphasis on States that may not have been able to address their treatment and prevention needs in the past. Indeed, among other provisions, the bill offers funding for rural States like Vermont to establish or enhance treatment centers. It instructs the Director of the Center for Substance Abuse Treatment to make grants to public and nonprofit private entities that provide treatment and are approved by State experts. This will allow the Vermont agencies looking to provide heroin treatment—or to prevent heroin abuse in the first place, to acquire Federal funding to help in their efforts.

The bill also authorizes funding for residential treatment centers that treat mothers who are addicted to heroin, methamphetamine, or other drugs. This will help mothers, and the children who depend on them to rebuild their lives, it will keep families together. And I hope it will help avoid further stories like one that appeared in the Burlington Free Press in February 2001, in which a young mother told a reporter how heroin ''made it easier for [her] to take care of [her] kids.''

The bill also would fund drug treatment programs for juveniles, who can see their lives quickly deteriorate under the influence of drugs. This is why I have worked to provide Vermont with funding to establish a long-term residential treatment facility for adolescents. I hope to continue that effort through this bill, in the hope that we may be able to prevent future tragedies.

We also would reauthorize substance abuse treatment in Federal prisons. It is critical that our prisons be drug-free, both because lawbreaking within our correctional system is a national embarrassment, and because prisoners who are released while still addicted to

drugs are far more likely to commit future crimes than prisoners who are released sober. At the same time we are extending the 'carrot' of treatment opportunities, we also authorize grants to States and localities for programs supporting comprehensive drug testing of criminal justice populations, and to establish appropriate interventions to illegal drug use for offender populations.

Among other additional provisions, we would extend the Safe and Drug-Free Schools and Communities Program, and authorize grants to establish methamphetamine prevention and treatment pilot programs in rural areas.

I am particularly proud of title VI of the bill—the Innocence Protection Act, IPA, of 2003. For nearly three years, I have been working hard with members on both sides of the aisle, and in both houses of Congress, to address the horrendous problem of innocent people being condemned to death. The IPA represents the fruits of those efforts. This landmark legislation proposes a number of basic, commonsense reforms to our criminal justice system, aimed at reducing the risk that innocent people will be put to death.

We have come many miles since I first introduced the IPA in February 2000, along with four Democratic cosponsors. There is now a broad consensus across the country—among Democrats and Republicans, supporters and opponents of the death penalty, liberals and conservatives, that our death penalty machinery is broken. We know that the nightmare of innocent people on death row is not just a dream, but a frequently recurring reality. Since the early 1970s, more than 100 people who were sentenced to death have been released, not because of technicalities, but because they were innocent. Goodness only knows how many were not so lucky.

These are not just numbers; these are real people whose lives were ruined. Anthony Porter came within two days of execution in 1998; he was exonerated and released from prison only because a class of journalism students investigated his case and identified the real killer. Ray Krone spent ten years in prison, including three on death row; he was released last year after DNA testing exculpated him and pointed to another man as the real killer. These are just two of the many tragedies we learn of every year.

Today, Federal judges are voicing concern about the death penalty. Justice Sandra Day O'Connor has warned that ''the system may well be allowing some innocent defendants to be executed.'' Justice Ginsberg has supported a state moratorium on the death penalty. Another respected jurist, Sixth Circuit Judge Gilbert Merritt, has referred to the capital punishment system as ''broken.''

We can all agree that there is a grave problem. The good news is, there is also a broad consensus on one important step we must take, we can pass the Innocence Protection Act.

At the close of the 107th Congress, the IPA was cosponsored by a substantial bipartisan majority of the House and by 32 Senators from both sides of the aisle. In addition, a version of the bill had been reported by a bipartisan majority of the Senate Judiciary Committee. It is that version of the bill that we introduce today as title VI of the Justice Enhancement and Domestic Security Act.

What would the IPA do? In short, it proposes two minimum steps that we need to take, not to make the system perfect, but simply to reduce what is currently an unacceptably high risk of error. First, we need to make good on the promise of modern technology in the form of DNA testing. Second, we need to make good on the constitutional promise of competent counsel.

DNA testing comes first because it is proven and effective. We all know that DNA testing is an extraordinary tool for uncovering the truth, whatever the truth may be. It is the fingerprint of the 21st Century. Prosecutors across the country rightly use it to prove guilt. By the same token, it should also be used to do what it is equally scientifically reliable to do, prove innocence.

Where there is DNA evidence, it can show us conclusively, even years after a conviction, where mistakes have been made. And there is no good reason not to use it.

Allowing testing does not deprive the state of its ability to present its case, and under a reasonable scheme for the preservation and testing of DNA evidence, the practical costs, burdens and delays involved are relatively small.

The Innocence Protection Act would therefore provide improved access to DNA testing for people who claim that they have been wrongfully convicted. It would also prevent the premature destruction of biological evidence that could hold the key to clearing an innocent person and, as we recently saw in Ray Krone's case, identifying the real culprit.

But DNA testing addresses only the tip of the iceberg of the problem of wrongful convictions. In most cases, there is no DNA evidence to be tested, just as in most cases, there are no fingerprints. In the vast majority of death row exonerations, no DNA testing has or could have been involved.

So the broad and growing consensus on death penalty reform has another top priority. All the statistics and evidence show that the single most frequent cause of wrongful convictions is inadequate defense representation at trial. By far the most important reform we can undertake is to ensure minimum standards of competency and funding for capital defense.

Under the IPA, States may choose to work with the federal government to improve the systems by which they appoint and compensate lawyers in death cases. These States would receive an infusion of new Federal grant money, but they would also open themselves up to a set of controls that are designed to ensure that their systems truly meet basic standards. In essence, the bill offers the States extra money for quality and accountability.

A State may also decline to participate in the new grant program, In that case, the money that would otherwise be available to the state would be used to fund one or more organizations that provide capital representation in that state. One way or another, the bill would improve the quality of appointed counsel in capital cases.

This is a reform that does not in any way hinder good, effective law enforcement. More money is good for the States. More openness and accountability is good for everyone. And better lawyering makes the trial process far less prone to error.

We can never guarantee that no innocent person will be convicted. But surely when people in this country are put on trial for their lives, they should be defended by lawyers who meet reasonable standards of competence and who have sufficient funds to investigate the facts and prepare thoroughly for trial. That bare minimum is all that the counsel provisions in the IPA seek to achieve.

The Innocence Protection Act addresses grave and urgent problems with moderate, fine-tuned practical solutions. It has passed out of Committee in the Senate and is supported by a majority of the House. Justice demands that we pass it before more lives are ruined.

Title VII of the bill includes various proposals for strengthening the Federal criminal laws, including, in subtitle A, the Anti-Atrocity Alien Deportation Act of 2003. This bill would close loopholes in our immigration laws that have allowed war criminals and human rights abusers to enter and remain in this country. I am appalled that this country has become a safe haven for those who exercised power in foreign countries to terrorize, rape, murder and torture innocent civilians. A recent report by Amnesty International claims that nearly 150 alleged human rights abusers have been identified living here, and warns that this number may be as high as 1,000.

The problem of human rights abusers seeking and obtaining refuge in this country is real, and requires an effective response with the legal and enforcement changes proposed in this legislation. We have unwittingly sheltered the oppressors along with the oppressed for too long. We should not let this situation continue. We need to focus the attention of our law enforcement investigators to prosecute and deport those who have committed atrocities abroad and who now enjoy safe harbor in the United States.

The Anti-Atrocity Alien Deportation Act would provide a stronger bar to human rights abusers who seek to exploit loopholes in current law. The Immigration and Nationality Act currently provides that 1. Participants in

Nazi persecutions during the time period from March 23, 1933 to May 8, 1945, 2. aliens who engaged in genocide, and 3. aliens who committed particularly severe violations of religious freedom, are inadmissible to the United States and deportable. This legislation would expand the grounds for inadmissibility and deportation to 1. Add new bars for aliens who have engaged in acts, outside the United States, of ''torture'' and ''extrajudicial killing'' and 2. remove limitations on the current bases for ''genocide'' and ''particularly severe violations of religious freedom.''

The bill would not only add the new grounds for inadmissibility and deportation, it would expand two of the current grounds. First, the current bar to aliens who have ''engaged in genocide'' defines that term by reference to the ''genocide'' definition in the Convention on the Prevention and Punishment of the Crime of Genocide. For clarity and consistency, the bill would substitute instead the definition in the Federal criminal code, which was adopted pursuant to the U.S. obligations under the Genocide Convention. The bill would also broaden the reach of the provision to apply not only to those who ''engaged in genocide,'' as in current law, but also to cover any alien who has ordered, incited, assisted or otherwise participated in genocide. This broader scope will ensure that the genocide provision addresses a more appropriate range of levels of complicity.

Second, the current bar to aliens who have committed ''particularly severe violations of religious freedom,'' as defined in the International Religious Freedom Act of 1998, limits its application to foreign government officials who engaged in such conduct within the last 24 months. Our bill would delete reference to prohibited conduct occurring within a 24-month period since this limitation is not consistent with the strong stance of the United States to promote religious freedom throughout the world.

Changing the law to address the problem of human rights abusers seeking entry and remaining in the United States is only part of the solution. We also need effective enforcement, which I believe we can obtain by updating the mission of the Justice Department's Office of Special Investigations, or OSI. Our county has long provided the template and moral leadership for dealing with Nazi war criminals. The OSI, which was created to hunt down, prosecute, and remove Nazi war criminals who had slipped into the United States among their victims under the Displaced Persons Act, is an example of effective enforcement. Since the OSI's inception in 1979, over 60 Nazi persecutors have been stripped of U.S. citizenship, almost 50 have been removed from the United States, and more than 150 have been denied entry.

The OSI was created by the power of Attorney General Civiletti almost 35 years after the end of World War II and it is only authorized to track Nazi war criminals. As any prosecutor, or, in my case, former prosecutor, knows instinctively, delays make documentary and testimonial evidence more difficult to obtain. Stale cases are the hardest to make. We should not repeat the mistake of waiting decades before tracking down war criminals and human rights abusers who have settled in this country. War criminals should find no sanctuary in loopholes in our current immigration policies and enforcement. No war criminal should ever come to believe that he is going to find safe harbor in the United States.

The Anti-Atrocity Alien Deportation Act would for the first time provide statutory authorization for the OSI within the Department of Justice, with authority to denaturalize any alien who has participated in Nazi persecution, torture, extrajudicial killing or genocide abroad. The bill would also expand the OSI's jurisdiction to deal with any alien who participated in torture, extrajudicial killing and genocide abroad, not just Nazis. Unquestionably, the need to bring Nazi war criminals to justice remains a matter of great importance. Funds would not be diverted from the OSI's current mission. Additional resources are authorized in the bill for OSI's expanded duties.

Title VII of the Justice Enhancement and Domestic Security Act also includes a proposal to increase the maximum penalties for violations of three existing statutes that protect the cultural and archaeological history of the American people, particularly Native Americans. The United States Sentencing Commission recommended the statutory changes contained in this proposal, which would complement the Commission's strengthening of Federal sentencing guidelines to ensure more stringent penalties for criminals who steal from our public lands. Passage of this legislation would demonstrate Congress' commitment to preserving our nation's history and our cultural heritage.

The Justice Enhancement and Domestic Security Act is a comprehensive and realistic set of proposals for assisting local enforcement, preventing crime, protecting our children and senior citizens, and assisting the victims of crime. I look forward to working on a bipartisan basis for passage of as much of this bill as possible during the 108th Congress.

I ask unanimous consent that a section-by-section summary of the bill be printed in the RECORD.

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

JUSTICE ENHANCEMENT AND DOMESTIC SECURITY ACT OF 2003

SECTION-BY-SECTION ANALYSIS

TITLE I—COMBATING TERRORISM AND ENHANCING DOMESTIC SECURITY

Subtitle A—Supporting First Responders

Sec. 1101. Short title. Contains the short title, the ''First Responders Partnership Grant Act of 2003''.

Sec. 1102. Purpose. Purpose in support of this subtitle.

Sec. 1103. First Responders Partnership Grant Program for public safety officers. Authorizes grants to States, units of local government, and Indian tribes to support public safety officers in their efforts to protect homeland security and prevent and respond to acts of terrorism.

Sec. 1104. Applications. Requires the Director of the Bureau of Justice Assistance to promulgate regulations specifying the form and information to be included in submitting an application for a grant under this subtitle.

Sec. 1105. Definitions. Defines terms used in this subtitle.

Sec. 1106. Authorization of appropriations. Authorizes $4 billion for each fiscal year through FY2005 to carry out this subtitle.

Subtitle B—Border Security

Sec. 1201. Short title. Contains the short title, the ''Safe Borders Act of 2003''.

Sec. 1202. Authorization of appropriations for hiring additional INS personnel. Authorizes such sums as may be necessary for the INS to hire an additional 250 inspectors and associated support staff, and an additional 250 investigative staff and associated support staff, during each fiscal year through FY2007.

Sec. 1203. Authorization of appropriations for improvements in technology for improving border security. Authorizes $250 million to the INS for the purposes of making improvements in technology for improving border security and facilitating the flow of commerce and persons at ports of entry, including improving and expanding programs for preenrollment and preclearance.

Sec. 1204. Report on border security improvements. Directs the Attorney General to submit a report to Congress detailing all steps the Department of Justice has taken to implement the increases in border security personnel and improvements in border security technology and equipment authorized in the USA PATRIOT Act (Pub. L. 107–56) and the Enhanced Border Security and Visa Entry Reform Act (Pub. L. 107–173). The report shall also include the Attorney General's analysis of what additional personnel and other resources, if any, are needed to improve security at U.S. borders, particularly the U.S.-Canada border.

Subtitle C—Military Tribunals Authorization

Sec. 1301. Short title. Contains the short title, the ''Military Tribunal Authorization Act of 2003''.

Sec. 1302. Findings. Legislative findings in support of this subtitle.

Sec. 1303. Establishment of extraordinary tribunals. Authorizes the President to establish tribunals to try non-U.S. persons who are al Qaeda members (and persons aiding and abetting al Qaeda in terrorist activities against the United States); are apprehended in Afghanistan, apprehended fleeing from Afghanistan, or apprehended in or fleeing from any other place where there is armed conflict involving the U.S. Armed Forces; and are not prisoners of war, as defined by the Geneva Conventions. Tribunals may adjudicate violations of the laws of war targeted against U.S. persons. The Secretary of Defense is charged with promulgating rules of evidence and procedure for the tribunals.

Sec. 1304. Procedural requirements. Describes minimum procedural safeguards for tribunals established under this subtitle, including that the accused be presumed innocent until proven guilty, and that proof of guilt be established beyond a reasonable doubt. Trial proceedings will generally be accessible to the public with limited exceptions for demonstrable public safety concerns. Convictions may be appealed to the

U.S. Court of Appeals for the Armed Forces; any decisions of that court regarding proceedings of tribunals are subject to review by the U.S. Supreme Court by writ of certiorari.

Sec. 1305. Detention. Authorizes detention of individuals who are subject to a tribunal under this subtitle. In order to detain an individual under the authority of this section, the President must certify that the U.S. is in armed conflict with al Qaeda or Taliban forces in Afghanistan or elsewhere, or that an investigation, prosecution or post-trial proceeding against the detainee is ongoing. Detention determinations and the conditions of detention are subject to review by the Court of Appeals for the D.C. Circuit.

Sec. 1306. Sense of the Congress. Calls for the President to seek the cooperation of U.S. allies and other nations in the investigation and prosecution of those responsible for the September 11 attacks. It also calls for the President to use multilateral institutions to the fullest extent possible in carrying out such investigations and prosecutions.

Sec. 1307. Definitions. Defines terms used in this subtitle.

Sec. 1308. Termination of Authority. Authority under this subtitle ends on December 31, 2005.

Subtitle D—Anti Terrorist Hoaxes and False Reports

Sec. 1401 Short title. Contains the short title, the ''Anti Terrorist Hoax and False Report Act of 2003''.

Sec. 1402. Findings. Legislative findings in support of this subtitle.

Sec. 1403. Hoaxes, false reports and reimbursement. Sets penalties for (1) knowingly conveying false information concerning an attempt to violate 18 U.S.C. §§175 (relating to biological weapons), 229 (relating to chemical weapons), 831 (relating to nuclear material), or 2332a (relating to weapons of mass destruction), under circumstances where such information may reasonably be believed; and (2) transferring any device or material, knowing or intending that it resembles a nuclear, chemical, biological, or other weapon of mass destruction, and under circumstances where it may reasonably be believed to involve an attempt to violate 18 U.S.C. §§175, 229, 831,or 2332a. Convicted offenders shall be ordered to reimburse all victims and government agencies for losses and expenses incurred as a result of the offense. Authorizes civil actions by victims and by U.S. Attorney General.

Subtitle E—Amendments to Federal Antiterrorism Laws

Sec. 1501. Attacks against mass transit clarification of definition. Clarifies that 18 U.S.C. §1993, which proscribes terrorist attacks against mass transportation systems, extends to attacks against ''any carriage or other contrivance used, or capable of being used, as a means of transportation on land, water, or through the air''.

Sec. 1502. Release or detention of a material witness. Clarifies the conditions under which individuals can be arrested and detained as material witnesses in Federal criminal cases and grand jury investigations.

Sec. 1503. Clarification of sunset provision in USA PATRIOT Act. Clarifies that after sunset of certain provisions in the USA PATRIOT Act (Pub. L. 107–56), pursuant to section 224(a) of that Act, the law shall revert to what it was before that Act was enacted.

TITLE II—PROTECTING AMERICA'S CHILDREN AND SENIORS

Subtitle A—Children's Safety

Part I—National Amber Alert Network

Sec. 2111. Short title. Contains the short title, the ''National AMBER Alert Network Act of 2003''.

Sec. 2112. National coordination of AMBER Alert Communications Network. Requires the Attorney General to assign an AMBER Alert Coordinator of the Department of Justice to act as the national coordinator of the AMBER Alert communications network regarding abducted children. The Coordinator's duties include: (1) seeking to eliminate gaps in the network; and (2) working with States to ensure regional coordination.

Sec. 2113. Minimum standards for issuance and dissemination of alerts through AMBER Alert Communications Network. Directs the AMBER Alert Coordinator to establish minimum standards for the issuance of alerts and for the extent of their dissemination (limited to the geographic areas most likely to facilitate the recovery of the abducted child).

Sec. 2114. Grant program for notification and communications systems along highways for recovery of abducted children. Authorizes grants to States for the development or enhancement of notification or communications systems along highways for alerts and other information for the recovery of abducted children.

Sec. 2115. Grant program for support of AMBER Alert communications plans. Authorizes grants to States for the development or enhancement of education, training, and law enforcement programs and activities for the support of AMBER Alert communications plans.

Part 2—Prosecutorial Remedies and Tools Against the Exploitation of Children Today

Sec. 2121. Short title. Contains the short title, the ''Prosecutorial Remedies and Tools Against the Exploitation of Children Today Act of 2003'' or ''PROTECT Act''.

Sec. 2122. Findings. Legislative findings in support of this part.

Sec. 2123. Certain activities relating to material constituting or containing child pornography. Amends 18 U.S.C. §2252A, regarding activities relating to material constituting or containing child pornography, to prohibit: (1) promoting, distributing, or soliciting material through the mails or in commerce in a manner that conveys the impression that the material contains an obscene visual depiction of a minor engaging in sexually explicit conduct; or (2) knowingly distributing to a minor any such visual depiction that has been transported in commerce, or that was produced using materials that have been so transported, for purposes of inducing a minor to participate in illegal activity.

Sec. 2124. Admissibility of evidence. On motion of the Government, and except for good cause shown, certain identifying information of minors depicted in child pornography shall be inadmissible in any prosecution of such an act.

Sec. 2125. Definitions. Adds new definitions for interpretation of Federal criminal laws regarding sexual exploitation and other abuse of children.

Sec. 2126. Recordkeeping requirements. Increases penalties for violation of recordkeeping requirements applicable to producers of certain sexually explicit materials.

Sec. 2127. Extraterritorial production of child pornography for distribution in the United States. Sets penalties for employing or coercing a minor to engage in sexually explicit conduct outside of the United States for the purpose of producing a visual depiction of such conduct and transporting it to the United States.

Sec. 2128. Civil remedies. Authorizes civil remedies for offenses relating to material constituting or containing child pornography.

Sec. 2129. Enhanced penalties for recidivists. Increases penalties for certain recidivists who commit offenses involving sexual exploitation and other abuse of children.

Sec. 2130. Sentencing enhancements for interstate travel to engage in sexual act with a juvenile. Directs Sentencing Commission to ensure that guideline penalties are adequate in cases involving interstate travel to engage in a sexual act with a juvenile.

Sec. 2131. Miscellaneous provisions. Directs the Attorney General to appoint 25 additional trial attorneys to focus on the investigation and prosecution of Federal child pornography laws. Directs the Sentencing Commission to ensure that the guidelines are adequate to deter and punish violations of offenses proscribed in section 2123 of this Act.

Part 3—Reauthorization of the National Center for Missing and Exploited Children

Sec. 2141. Short title. Contains the short title, the ''Protecting Our Children Comes First Act of 2003''.

Sec. 2142. Annual grant to the National Center for Missing and Exploited Children. Doubles the annual grant to the National Center for Missing and Exploited Children (NCMEC) from $10 million to $20 million and extends funding through FY2006.

Sec. 2143. Authorization of appropriations. Amends the Missing Children's Assistance Act to reauthorize the appropriated such sums as may be necessary through FY2006.

Sec. 2144. Forensic and investigative support of missing and exploited children. Authorizes the U.S. Secret Service to provide forensic and investigative support to the NCMEC to assist in efforts to find missing children.

Sec. 2145. Creation of a Cyber-Tipline. Amends the Missing Children's Assistance Act to coordinate the operation of a Cyber-Tipline to provide online users an effective means of 5 reporting Internet-related child sexual exploitation in the areas of distribution of child pornography, online enticement of children for sexual acts, and child prostitution.

Sec. 2146. Service provider reporting of child pornography and related information. Amends 42 U.S.C. §13032, which requires providers of electronic communications and remote computing services to report apparent offenses that involve child pornography. Under current law, communications providers must report to the NCMEC when the provider obtains knowledge of facts or circumstances from which a violation of sexual exploitation crimes against children occurs. The NCMEC then gives the information to Federal agencies designated by the Attorney General. This section authorizes Federal authorities to share the information with State authorities without a court order and also gives the NCMEC the power to make reports directly to State and local law enforcement. This section also clarifies that such tips must come from non-governmental sources, so as to prevent law enforcement from circumventing the statutory requirements of the Electronic Communications Privacy Act.

Sec. 2147. Contents disclosure of stored communications. Amends 18 U.S.C. §2702 to be consistent with the scope of reports under 42 U.S.C. §13032(d), which provides that, in addition to the required information that is reported to NCMEC by communications providers, the reports may include additional information, such as the identity of a subscriber who sent a message containing child pornography.

Part 4—National Child Protection and Volunteers for Children Improvement

Sec. 2151. Short title. Contains the short title, the ''National Child Protection and Volunteers for Children Improvement Act of 2003''.

Sec. 2152. Definitions. Defines new terms in the National Child Protection Act of 1993.

Sec. 2153. Strengthening and enforcing the National Child Protection Act and the Volunteers for Children Act. Amends the National Child Protection Act to allow qualified State programs that provide care for children, the elderly, or individuals with disabilities to apply directly to the Department of Justice to request national criminal background checks, which shall be returned within 15 business days. A qualified entity in a State that does not have a qualified State program can, one year after the date of enactment of this Act, also apply directly to the Department for a background check, which shall be returned within 20 business days.

Sec. 2154. Dissemination of information. Establishes an office within the Department of Justice to perform nationwide criminal background checks for qualified entities.

Sec. 2155. Fees. Caps fees for national criminal background checks for persons who volunteer with a qualified entity ($5) and persons who are employed by, or apply for a position with, a qualified entity ($18).

Sec. 2156. Strengthening State fingerprint technology. Directs the Attorney General to establish model programs in each State for the purpose of improving fingerprinting technology. Programs shall grant to each State funds to (1) purchase Live-Scan fingerprint technology and a State vehicle to make such technology mobile, or (2) purchase electric fingerprint imaging machines for use throughout the State to send fingerprint images to the Attorney General to conduct background checks. Additional funds shall be provided to each State to hire personnel to provide information and training regarding the requirements for input of criminal and disposition data into the National Criminal History Background Check System (NICS).

Sec. 2157. Privacy protections. Establishes privacy protections for information derived as a result of a national criminal fingerprint background check request under the National Child Protection Act of 1993.

Sec. 2158. Authorization of appropriations. Authorizes $100 million through FY2004, and such sums as may be necessary for the next four fiscal years.

Part 5—Children's Confinement Conditions Improvement

Sec. 2161. Findings. Legislative findings in support of this part.

Sec. 2162. Purpose. Legislative purpose in support of this part.

Sec. 2163. Definition. Defines term used in this part.

Sec. 2164. Juvenile Safe Incarceration Grant Program. Authorizes grants to fund efforts by State and local governments and Indian tribes to alter correctional facilities for detained juveniles so that they are segregated from the adult population, train corrections officers on the proper supervision of juvenile offenders, and build separate facilities to house limited numbers of juveniles sentenced as adults, among other things. Authorizes such sums as necessary through FY2007 for this grant program.

Sec. 2165. Rural State funding. Authorizes $20 million in each fiscal year through FY2006 for grants to assist rural States and economically distressed communities in providing secure custody for violent juvenile offenders.

Sec. 2166. GAO study. Directs the General Accounting Office to conduct a study and provide a report within one year on the use of electroshock weapons, 4–point restraints, chemical restraints, and solitary confinement against juvenile offenders.

Sec. 2167. Family Unity Demonstration Project. Reauthorizes the Family Unity Demonstration Project Act through FY2006. The project provides funding for projects allowing eligible prisoners who are parents to live in structured, community-based centers with their young children.

Subtitle B—Seniors' Safety

Sec. 2201. Short title. Contains the short title, the ''Seniors Safety Act of 2003''.

Sec. 2202. Finding and purposes. Legislative findings in support of this subtitle, and statement of legislative purposes.

Sec. 2203. Definitions. Defines terms used in this subtitle.

Part 1—Combating Crimes Against Seniors

Sec. 2211. Enhanced sentencing penalties based on age of victim. Directs the U.S. Sentencing Commission to review and, if appropriate, amend the sentencing guidelines to include age as one of the criteria for determining whether a sentencing enhancement is appropriate. Encourages such review to reflect the economic and physical harm associated with criminal activity targeted at seniors and consider providing increased penalties for offenses where the victim was a senior.

Sec. 2212. Study and report on health care fraud sentences. Directs the U.S. Sentencing Commission to review and, if appropriate, amend the sentencing guidelines applicable to health care fraud offenses. Encourages such review to reflect the serious harms associated with health care fraud and the need for law enforcement to prevent such fraud, and to consider enhanced penalties for persons convicted of health care fraud.

Sec. 2213. Increased penalties for fraud resulting in serious injury or death. Increases the penalties under the mail fraud statute and the wire fraud statute for fraudulent schemes that result in serious injury or death. The maximum penalty if serious bodily harm occurred would be up to twenty years; if a death occurred, the maximum penalty would be a life sentence.

Sec. 2214. Safeguarding pension plans from fraud and theft. Punishes, with up to ten years' imprisonment, the act of defrauding retirement arrangements, or obtaining by means of false or fraudulent pretenses money or property of any retirement arrangement.

Sec. 2215. Additional civil penalties for defrauding pension plans. Authorizes the Attorney General to bring a civil action for retirement fraud, with penalties up to $50,000 for an individual or $100,000 for an organization, or the amount of the gain to the offender or loss to the victim, whichever is greatest.

Sec. 2216. Punishing bribery and graft in connection with employee benefit plans. Increases the maximum penalty for bribery and graft in connection with the operation of an employee benefit plan from three to five years' imprisonment. Broadens existing law to cover corrupt attempts to give or accept bribery or graft payments, and to proscribe bribery or graft payments to persons exercising de facto influence or control over employee benefit plans.

Part 2—Preventing Telemarketing Crime

Sec. 2221. Centralized complaint and consumer education service for victims of telemarketing fraud. Directs the Federal Trade Commission (FTC) to establish a central information clearinghouse for victims of telemarketing fraud and procedures for logging in complaints of telemarketing fraud victims, providing information on telemarketing fraud schemes, referring complaints to appropriate law enforcement officials, and providing complaint or prior conviction information. Directs the Attorney General to establish a database of telemarketing fraud convictions secured against corporations or companies, for uses described above.

Sec. 2222. Blocking of telemarketing scams. Clarifies that telemarketing fraud schemes executed using cellular telephone services are subject to the enhanced penalties for such fraud under 18 U.S.C. §2326. Authorizes termination of telephone service used to carry on telemarketing fraud. Requires telephone companies, upon notification in writing from the Department of Justice that a particular phone number is being used to engage in fraudulent telemarketing or other fraudulent conduct, and after notice to the customer, to terminate the subscriber's telephone service.

Part 3—Preventing Health Care Fraud

Sec. 2231. Injunctive authority relating to false claims and illegal kickback schemes involving Federal health care programs. Authorizes the Attorney General to take immediate action to halt illegal health care fraud kickback schemes under the Social Security Act. Attorney General may seek a civil penalty of up to $50,000 per violation, or three times the remuneration, whichever is greater, for each offense under this section with respect to a Federal health care program.

Sec. 2232. Authorized investigative demand procedures. Authorizes the Attorney General to issue administrative subpoenas to investigate civil health care fraud cases. Provides privacy safeguards for personally identifiable health information that may be obtained in response to an administrative subpoena and divulged in the course of a Federal investigation.

Sec. 2233. Extending antifraud safeguards to the Federal Employees Health Benefits program. Removes the anti-fraud exemption for the Federal Employee Health Benefits Act (FEHB), thereby extending anti-fraud and anti-kickback safeguards applicable to the Medicare and Medicaid program to the FEHB. Allows the Attorney General to use the same civil enforcement tools to fight fraud perpetrated against the FEHB program as are available to other Federal health care programs, and to recover civil penalties against persons or entities engaged in illegal kickback schemes.

Sec. 2234. Grand jury disclosure. Authorizes Federal prosecutors to seek a court order to share grand jury information regarding health care offenses with other Federal prosecutors for use in civil proceedings or investigations relating to fraud or false claims in connection with any Federal health care program. Permits grand jury information regarding health care offenses to be shared with Federal civil prosecutors, only after ex parte court review and a finding that the information would assist in enforcement of Federal laws or regulations.

Sec. 2235. Increasing the effectiveness of civil investigative demands in false claims investigations. Authorizes the Attorney General to delegate authority to issue civil investigative demands to the Deputy Attorney General or an Assistant Attorney General. Authorizes whistleblowers who have brought qui tam actions under the False Claims Act to seek permission ftom a district court to obtain information disclosed to the Department of Justice in response to civil investigative demands.

Part 4—Protecting Residents of Nursing Homes

Sec. 2241. Nursing home resident protection. Sets penalties for engaging in a pattern of willful violations of Federal or State laws governing the health, safety, or care of individuals residing in residential health care facilities. This section also provides additional whistleblower protection for persons who are retaliated against for reporting deficient nursing home conditions.

Part 5—Protecting the Rights of Elderly Crime Victims

Sec. 2251. Use of forfeited funds to pay restitution to crime victims and regulatory agencies. Authorizes the use of forfeited funds to pay restitution to crime victims and regulatory agencies.

Sec. 2252. Victim restitution. Allows the government to move to dismiss forfeiture proceedings to allow the defendant to use the property subject to forfeiture for the payment of restitution to victims. If forfeiture proceedings are complete, Government may return the forfeited property so it may be used for restitution.

Sec. 2253. Bankruptcy proceedings not used to shield illegal gains from false claims. Allows an action under the False Claims Act despite concurrent bankruptcy proceedings. Prohibits discharge of debts resulting from judgments or settlements in Medicare and Medicaid fraud cases. Provides that no debt owed for a violation of the False Claims Act or other agreement may be avoided under bankruptcy provisions.

Sec. 2254. Forfeiture for retirement offenses. Requires the forfeiture of proceeds of a criminal retirement offense. Permits the civil forfeiture of proceeds from a criminal retirement offense.

TITLE III—DETERRING IDENTITY THEFT AND ASSISTING VICTIMS OF CRIME AND DOMESTIC VIOLENCE

Subtitle A—Deterring Identity Theft

Part 1—Identity Theft Victims Assistance

Sec. 3111. Short title. Contains the short title, the ''Identity Theft Victims Assistance Act of 2003''.

Sec. 3112. Findings. Legislative findings in support of this part.

Sec. 3113. Treatment of identity theft mitigation. Requires business entities possessing information relating to an identity theft or that may have done business with a person who has made unauthorized use of a victim's means of identification to provide without charge to the victim or to any Federal, State, or local governing law enforcement agency or officer specified by the victim copies of all related application and transaction information. Limits liability for business entities that provide information under this section for the purpose of identification and prosecution of identity theft or to assist a victim. Authorizes civil enforcement actions by State Attorney General regarding identity theft.

Sec. 3114. Amendments to the Fair Credit Reporting Act. Amends the Fair Credit Reporting Act to direct a consumer reporting agency, at the request of a consumer, to block the reporting of any information identified by the consumer in such consumer's file resulting from identity theft, subject to specified requirements.

Sec. 3115. Coordinating committee study of coordination among Federal, State, and local authorities in enforcing identity theft laws. Amends the Internet False Identification Prevention Act of 2000 to (1) expand the membership of the coordinating committee on false identification to include the Chairman of the Federal Trade Commission, the Postmaster General, and the Commissioner of the United States Customs Service; (2) extend the term of the coordinating committee through December 28, 2004; (3) direct the coordinating committee to include certain information regarding identity theft in its annual reports to Congress.

Part 2—Identity Theft Prevention Act

Sec. 3121. Short title. Contains the short title, the ''Identity Theft Prevention Act of 2003''.

Sec. 3122. Findings. Legislative findings in support of this part.

Sec. 3123. Identity theft prevention. Requires credit card companies to notify consumers within 30 days of a change of address request on an existing credit account. This section also codifies the current industry practice of ''fraud alerts'' and imposes penalties for non-compliance by credit issuers or credit reporting agencies. A fraud alert is a statement inserted in a consumer's credit report that notifies users that the consumer does not authorize the issuance of credit in his or her name unless the consumer is first notified in a pre-arranged manner.

Sec. 3124. Truncation of credit card account numbers. By 18 months after enactment of this Act, all new credit-card machines that print receipts electronically shall not print the expiration date or more than the last five digits of the customer's credit card number. By 4 years after enactment, all credit card machines that electronically print out receipts must comply.

Sec. 3125. Free annual credit report. Entitles every citizen to a free credit report once per year upon request.

Part 3—Social Security Number Misuse Prevention Act

Sec. 3131. Short title. Contains the short title, ''Social Security Number Misuse Prevention Act of 2003.''

Sec. 3132. Findings. Legislative findings in support of this part.

Sec. 3133. Prohibition of the display, sale, or purchase of social security numbers. Prohibits the sale and display of a social security number without the affirmatively expressed consent of the individual, but allows legitimate business-to-business and business-to-government uses of social security numbers as defined by the Attorney General. Financial institutions, though not subject to the Attorney General rule-making, are prohibited by their own regulators from selling or displaying social security numbers to the general public.

Sec. 3134. Application of prohibition of the display, sale, or purchase of social security numbers to public records. Prohibits government entities from displaying social security numbers on public records posted on the Internet. Only records posted on the Internet after the date of enactment are affected. In addition, the Attorney General may allow some entities that have already posted social security numbers on the Internet to continue doing so. This section also prohibits government entities from displaying a person's social security number on any record issued to the general public through CD–ROMs or other electronic media (for records issued after the date of enactment).

Sec. 3135. Rulemaking authority of the Attorney General. Allows the Attorney General to decide if social security numbers should be removed from the face of simple government documents like professional licenses.

Sec. 3136. Treatment of social security numbers on government documents. Requires social security numbers to be prospectively removed from drivers' licenses and government checks.

Sec. 3137. Limits on personal disclosure of a social security number for consumer transactions. Limits, for the first time, when businesses may require a customer to provide his or her social security number. Under this section, in general, businesses may not require that the social security number be provided. Exceptions include business purposes related to credit reporting, background checks, and law enforcement.

Sec. 3138. Extension of civil monetary penalties for misuse of a social security number. Authorizes the Social Security Administration to issue civil penalties of up to $5,000 for people who misuse social security numbers.

Sec. 3139. Criminal penalties for misuse of a social security number. Creates a five-year maximum prison sentence for anyone who obtains another person's social security number for the purpose of locating or identifying that person with the intent to physically injure or harm her.

Sec. 3140. Civil actions and civil penalties. Individuals whose social security numbers are misused may file a claim in State court to seek an injunction, or seek the greater of $500 in damages or their actual monetary losses. Businesses sued under the statute have an affirmative defense if they have taken reasonable steps to prevent violations of this part.

Sec. 3141. Federal injunctive authority. Provides the Federal government with injunctive authority with respect to any violation of this part by a public entity.

Subtitle B—Crime Victims Assistance

Sec. 3201. Short title. Contains the short title, the ''Crime Victims Assistance Act of 2003''.

Part 1—Victim Rights in the Federal System

Sec. 3211. Right to consult concerning detention. Requires the government to consult with victim prior to a detention hearing to obtain information that can be presented to the court on the issue of any threat the suspected offender may pose to the victim. Requires the court to make inquiry during a detention hearing concerning the views of the victim, and to consider such views in determining whether the suspected offender should be detained.

Sec. 3212. Right to a speedy trial. Requires the court to consider the interests of the victim in the prompt and appropriate disposition of the case, free from unreasonable delay.

Sec. 3213. Right to consult concerning plea. Requires the government to make reasonable efforts to notify the victim of, and consider the victim's views about, any proposed or contemplated plea agreement. Requires the court, prior to entering judgment on a plea, to make inquiry concerning the views of the victim on the issue of the plea.

Sec. 3214. Enhanced participatory rights at trial. Provides standing for the prosecutor and the victim to assert the right of the victim to attend and observe the trial. Extends the Victim Rights Clarification Act to apply to televised proceedings. Amends the Victims' Rights and Restitution Act of 1990 to strengthen the right of crime victims to be present at court proceedings, including trials.

Sec. 3215. Enhanced participatory rights at sentencing. Requires the probation officer to include as part of the presentence report any victim impact statement submitted by a victim. Extends to all victims the right to make a statement or present information in relation to the sentence. Requires the court to consider the victim's views concerning punishment, if such views are presented to the court, before imposing sentence.

Sec. 3216. Right to notice concerning sentence adjustment. Requires the government to provide the victim the earliest possible notice of the scheduling of a hearing on modification of probation or supervised release for the offender.

Sec. 3217. Right to notice concerning discharge from psychiatric facility. Requires the government to provide the victim the earliest possible notice of the discharge or conditional discharge from a psychiatric facility of an offender who was found not guilty by reason of insanity.

Sec. 3218. Right to notice concerning executive clemency. Requires the government to provide the victim the earliest possible notice of the grant of executive clemency to the offender. Requires the Attorney General to report to Congress concerning executive clemency matters delegated for review or investigation to the Attorney General.

Sec. 3219. Procedures to promote compliance. Establishes an administrative system for enforcing the rights of crime victims in the Federal system.

Part 2—Victim Assistance Initiatives

Sec. 3221. Pilot programs to enforce compliance with State crime victim's rights laws. Authorizes the establishment of pilot programs in five States to establish and operate compliance authorities to promote compliance and effective enforcement of State laws regarding the rights of victims of crime. Compliance authorities would receive and investigate complaints relating to the provision or violation of a crime victim's rights, and issue findings following such investigations. Amounts authorized are $8 million through FY2004, and such sums as necessary for the next two fiscal years.

Sec. 3222. Increased resources to develop state-of-the-art systems for notifying crime victims of important dates and developments. Authorizes grants to develop and implement crime victim notification systems. Amounts authorized are $10 million through FY2004, and $5 million for each of the next two fiscal years.

Sec. 3223. Restorative justice grants. Authorizes grants to establish juvenile restorative justice programs. Eligible programs shall: (1) be fully voluntary by both the victim and the offender (who must admit responsibility); (2) include as a critical component accountability conferences, at which the victim will have the opportunity to address the offender directly; (3) require that conferences be attended by the victim, the offender, and when possible, the parents or guardians of the offender, and the arresting officer; and (4) provide an early, individualized assessment and action plan to each juvenile offender. These programs may act as an alternative to, or in addition to, incarceration. Amounts authorized are $10 million through FY2004, and $5 million for each of the next two fiscal years.

Part 3—Amendments to the Victims of Crime Act

Sec. 3231. Formula for distributions from the Crime Victims Fund. Replaces the annual cap on distributions from the Crime Victims Fund with a formula that ensures stability in the amounts distributed while preserving the amounts remaining in the Fund for use in future years. In general, subject to the availability of money in the Fund, the total amount to be distributed in any fiscal year shall be not less than 105% nor more than 115% of the total amount distributed in the previous fiscal year. This section also establishes minimum levels of annual funding for both State victim assistance grants and discretionary grants by the Office for Victims of Crime.

Sec. 3232. Clarification regarding anti-terrorism emergency reserve. Clarifies the intent of the USA PATRIOT Act regarding the restructured Antiterrorism emergency reserve, which was that any amounts used to replenish the reserve after the first year would be above any limitation on spending from the Fund.

Sec. 3233. Prohibition on diverting crime victims fund to offset increased spending. Ensures that the amounts deposited in the Crime Victims Fund are distributed in a timely manner to assist victims of crime as intended by current law and are not diverted to offset increased spending.

Subtitle C—Violence Against Women Act Enhancements

Sec. 3301. Transitional housing assistance grants. Authorizes grants to State and local governments, Indian tribes, and organizations to provide transitional housing and related support services (18-month maximum with a 6–month extension) to individuals and dependents who are homeless as a result of domestic violence, and for whom emergency shelter services or other crisis intervention services are unavailable or insufficient. Amounts authorized are $30 million for each fiscal year through FY2007.

Sec. 3302. Shelter services for battered women and children. Provides assistance to local entities that provide shelter or transitional housing assistance to victims of domestic violence. Provides means to improve access to information on family violence within underserved 15 populations. Reauthorizes funding for the Family Violence Prevention and Services Act at a level of $175 million through FY2006.

Title IV—Supporting Law Enforcement and the Effective Administration of Justice

Subtitle A—Support for Public Safety Officers and Prosecutors

Part I—Providing Reliable Officers, Technology, Education, Community Prosecutors, and Training in Our Neighborhoods

Sec. 4101. Short title. Contains the short title, the ''Providing Reliable Officers, Technology, Education, Community Prosecutors, and Training in Our Neighborhoods Act of 2003,'' or ''PROTECTION Act''.

Sec. 4102. Authorizations. Authorizes $1.15 billion per year through FY 2008 to continue and modernize the Community Oriented Policing Services (COPS) program, which has funded 114,000 new community police officers in over 12,400 law enforcement agencies. This amount includes $600 million for police hiring grants, $350 million per year for law enforcement technology grants, and $200 million per year for community prosecutor grants.

Part 2—Hometown Heroes Survivors Benefits

Sec. 4111. Short title. Contains the short title, the ''Hometown Heroes Survivors Benefits Act of 2003''.

Sec. 4112. Fatal heart attack or stroke on duty presumed to be death in line of duty for purposes of public safety officer survivor benefits. Closes a loophole in the Department of Justice Public Safety Officers Benefits Program by ensuring that the survivors of public safety officers who die of heart attacks or strokes while on duty or within 24 hours after participating in a training exercise or responding to an emergency situation—regardless of whether a traumatic injury was present at the time of the heart attack or stroke—are eligible to receive financial assistance. This section applies to deaths occurring on or after January 1, 2002.

Part 3—Federal Prosecutors Retirement Benefit Equity

Sec. 4121. Short title. Contains the short title, the ''Federal Prosecutors Retirement Benefit Equity Act of 2003''.

Sec. 4122. Inclusion of Federal prosecutors in the definition of a law enforcement officer. Amends 5 U.S.C. §§8331 and 8401 to extend the enhanced law enforcement officer (LEO) retirement benefits to Federal prosecutors, defined to include Assistant United States Attorneys (AUSAs) and such other attorneys in the Department of Justice as are designated by the Attorney General. This section also exempts Federal prosecutors from mandatory retirement provisions for LEOs under the civil service laws.

Sec. 4123. Provisions relating to incumbents. Governs the treatment of incumbent Federal prosecutors who would be eligible for LEO retirement benefits under this part. This section requires the Office of Personnel Management to provide notice to incumbents of their rights under this part; allows incumbents to opt out of the LEO retirement program; governs the crediting of prior service by incumbents; and provides for make-up contributions for prior service of incumbents to the Civil Service Retirement and Disability Fund. Incumbents are given the option of either contributing their own share of any make-up contributions or receiving a proportionally lesser retirement benefit. The Government may contribute its share of any makeup contribution ratably over a ten-year period.

Sec. 4124. Department of Justice administrative actions. Allows the Attorney General to designate additional Department of Justice attorneys with substantially similar responsibilities, in addition to AUSAs, as Federal prosecutors for purposes of this Act, and thus be eligible for the LEO retirement benefit.

Subtitle B—Rural Law Enforcement Improvement and Training Grants

Sec. 4201. Rural Law Enforcement Retention Grant Program. Authorizes grants to help rural communities retain law enforcement officers hired through the COPS program for an additional year. Under this program, rural communities are eligible to receive a one-time retention grant of up to 20% of their original COPS award. Priority is given to communities that demonstrate financial hardship. Authorizes $15 million a year for five years. Provides a 10% set-aside to assist tribal communities.

Sec. 4202. Rural Law Enforcement Technology Grant Program. Authorizes grants to help rural communities purchase crime-fighting technologies without a community policing requirement. Under this program, rural communities are eligible to receive funding for the following general categories of law enforcement-related technology: communications equipment; computer hardware and software; video cameras; and crime analysis technologies. Grant recipients must provide 10% of the total grant amount, subject to a waiver for extreme hardship. Authorizes $40 million a year for five years. Provides a 10% set-aside to assist tribal communities.

Sec. 4203. Rural 9–1–1 service. Authorizes $25 million in grants to establish and improve 911 emergency service in rural areas. Under this program, rural communities are eligible to receive a grant of up to $250,000 to provide access to, and improve, a communications infrastructure that will ensure reliable and seamless communications between law enforcement, fire, and emergency medical service providers. Priority is given to communities that do not have 911 service. Provides a 10% set-aside to assist tribal communities.

Sec. 4204. Small town and rural law enforcement training program. Authorizes funding to establish a Rural Policing Institute as part of the Small Town and Rural Training Program administered by the Federal Law Enforcement Training Center. Funds may be used to: (1) assess the needs of law enforcement in rural areas; (2) develop and deliver export training to rural law enforcement; and (3) conduct outreach efforts to ensure that training programs under the Rural Policing Institute reach law enforcement officers in rural areas. Authorizes $10 million through FY2004 to establish the Rural Policing Institute, and $5 million a year for the next four years to continue programs under the Institute. Provides a 10% set-aside to assist tribal communities.

Subtitle C—FBI Reform

Sec. 4301. Short title. Contain the short title, the ''Federal Bureau of Investigation Reform Act of 2003''.

Part I—Whistleblower Protection

Sec. 4311. Increasing protections for FBI whistleblowers. Amends 5 U.S.C. §2303 to expand the types of disclosures that trigger whistleblower protections by protecting disclosures to a supervisor of the employee, the

Inspector General for the Department of Justice, a Member of Congress, or the Special Counsel (an office associated with enforcement before the Merit Systems Protection Board provided for by 5 U.S.C. §1214).

Part 2—FBI Security Career Program

Sec. 4321. Security management policies. Requires the Attorney General to establish policies and procedures for career management of FBI security personnel.

Sec. 4322. Director of the Federal Bureau of Investigation. Authorizes the Attorney General to delegate to the FBI Director the Attorney General's duties with respect to the FBI security workforce, and ensures that the security career program will cover both headquarters and FBI field offices.

Sec. 4323. Director of Security. Directs the FBI Director to appoint a Director of Security to assist the FBI Director in carrying out his duties under this part.

Sec. 4324. Security career program boards. Provides for the establishment of a security career program board to advise in managing hiring, training, education, and career development of personnel in the FBI security workforce.

Sec. 4325. Designation of security positions. Directs the FBI Director to designate certain positions as security positions, with responsibility for personnel security and access control; information systems security and information assurance; physical security and technical surveillance countermeasures; operational, program and industrial security; and information security and classification management.

Sec. 4326. Career development. Requires that career paths to senior security positions be published. No requirement or preference for FBI Special Agents shall be used in the consideration of persons for security positions unless the Attorney General makes a special determination. All FBI personnel shall have the opportunity to acquire the education, training and experience needed for senior security positions. Policies established under this part shall be designed to select the best qualified individuals, with consideration also given to the need for a balanced workforce.

Sec. 4327. General education, training, and experience requirements. Directs the FBI Director to establish education, training, and experience requirements for each security position. Before assignment as a manager or deputy manager of a significant security program, a person must have completed a security program management course accredited by the Intelligence Community-Department of Defense Joint Security Training Consortium or determined to be comparable by the FBI Director, and have six years experience in security.

Sec. 4328. Education and training programs. Directs the FBI Director, in consultation with the Director of Central Intelligence and the Secretary of Defense, to establish education and training programs for FBI security personnel that are, to the maximum extent practical, uniform with Intelligence and Department of Defense programs.

Sec. 4329. Office of Personnel Management approval. Directs the Attorney General to submit any requirement established under section 4327 to the Office of Personnel Management for approval.

Part 3—FBI Counterintelligence Polygraph Program

Sec. 4331. Definitions. Defines terms used in this part.

Sec. 4332. Establishment of program. Establishes a counterintelligence screening polygraph program for the FBI, consisting of periodic polygraph examinations of employees and contractors in positions that are specified by the FBI Director as exceptionally sensitive. This program shall be established within six months of the publication of the results of the Polygraph Review by the National Academy of Sciences' Committee to Review the Scientific Evidence on the Polygraph.

Sec. 4333. Regulations. Directs the Attorney General to prescribe regulations for the polygraph program, which regulations shall include procedures for addressing ''false positive'' results and ensuring quality control. No adverse personnel action may be taken solely by reason of an individual's physiological reaction on a polygraph examination without further investigation and a personal determination by the FBI Director. Employees who are subject to polygraph 19 examinations shall have prompt access to unclassified reports regarding any such examinations that relate to adverse personnel actions.

Sec. 4334. Report on further enhancement of FBI personnel security program. Requires a report within nine months of the enactment of this Act on any further legislative action that the FBI Director considers appropriate to enhance the FBI's personnel security program.

Part 4—Report

Sec. 4341. Report on legal authority for FBI programs and activities. Requires a report within nine months after enactment of this Act describing the legal authority for all FBI programs and activities, identifying those that have express statutory authority and those that do not. This section also requires the Attorney General to recommend whether (1) the FBI should continue to have investigative responsibility for the criminal statutes for which it currently has investigative responsibility; (2) the authority for any FBI program or activity should be modified or repealed; (3) the FBI should have express statutory authority for any program or activity for which it does not currently have such authority; and (4) the FBI should have authority for any new program or activity.

Part 5—Ending the Double Standard

Sec. 4351. Allowing disciplinary suspensions of members of the Senior Executive Service for 14 days or less. Lifts the minimum of 14 days suspension that applies in the FBI's SES disciplinary cases and thereby provides additional options for discipline in SES cases and encourages equality of treatment. The current inflexibility of disciplinary options applicable to SES officials was cited at a Senate Judiciary Committee oversight hearing in July 2001 as one underlying reason for the ''double standard'' in FBI discipline.

Sec. 4352. Submitting Office of Professional Responsibility reports to congressional committees. Requires the OIG to submit to the Judiciary Committees, for five years, annual reports to be prepared by the FBI Office of Professional Responsibility summarizing its investigations, recommendations, and their dispositions, and also requires that such annual reports include an analysis of whether any double standard is being employed for FBI disciplinary action.

Part 6—Enhancing Security at the Department of Justice

Sec. 4361. Report on the protection of security and information at the Department of Justice. Requires the Attorney General to submit a report to Congress on the manner in which the Department of Justice Security and Emergency Planning Staff, Office of Intelligence Policy and Review (OIPR), and Chief Information Officer plan to improve the protection of security and information at the Department, including a plan to establish secure communications between the FBI and OIPR for processing information related to the Foreign Intelligence Surveillance Act.

Sec. 4362. Authorization for increased resources to protect security and information. Authorizes funds for the Department of Justice Security and Emergency Planning Staff to meet the increased demands to provide personnel, physical, information, technical, and litigation security for the Department, to prepare for terrorist threats and other emergencies, and to review security compliance by Department components. Amounts authorized are $13 million through FY2004, $17 million for FY2005, and $22 million for FY2006.

Sec. 4363. Authorization for increased resources to fulfill national security mission of the Department of Justice. Authorizes funds for the Department of Justice Office of Intelligence Policy and Review to help meet the increased personnel demands to combat terrorism, process applications to the Foreign Intelligence Surveillance Court, participate effectively in counterespionage investigations, provide policy analysis and oversight on national security matters, and enhance computer and telecommunications security. Amounts authorized are $7 million through FY2004, $7.5 million for FY2005, and $8 million for FY2006.

Subtitle D—DNA Sexual Assault Justice Act

Sec. 4401. Short title. Contains the short title, the ''DNA Sexual Assault Justice Act of 2003''.

Sec. 4402. Assessment of backlog in DNA analysis of samples. Requires the Attorney General to survey law enforcement to assess the extent of the backlog of untested rape kits and other sexual assault evidence. Within one year of enactment, the Attorney General shall submit his findings in a report to Congress with a plan for carrying out additional assessments and reports on the backlog as needed. Authorizes $500,000 to carry out this section.

Sec. 4403. The Debbie Smith DNA Backlog Grant Program. Names a section of the DNA Backlog Elimination Act after Ms. Debbie Smith, and amends the purpose section of that Act to ensure the timely testing of rape kits and evidence from non-suspect cases.

Sec. 4404. Increased grants for analysis of DNA samples from convicted offenders and crime scenes. Extends and increases authorizations in the DNA Analysis Backlog Elimination Act, 42 U.S.C. §14135. That Act authorizes $15 million dollars for FY2003 for DNA testing of convicted offender samples, and $50 million for FY2003 and FY2004 for DNA testing of crime scene evidence (including rape kits) and laboratory improvement. This section increases the convicted offender authorization to $15 million a year through FY2007—a total increase of $60 million—and increases the crime scene evidence and laboratory improvement authorizations to $75 million a year through FY2006, and $25 million for FY2007—a total increase of $275 million.

Sec. 4405. Authority of local governments to apply for and receive DNA Backlog Elimination Grants. Authorizes local State governments and Indian tribes to apply directly for Debbie Smith DNA Backlog Grants so that Federal resources can meet local needs more quickly.

Sec. 4406. Improving eligibility criteria for backlog grants. Amends the eligibility requirements for Debbie Smith DNA Backlog Grants to ensure that applicants adhere to certain protocols. In making Debbie Smith DNA Backlog Grants, the Department of Justice shall give priority to applicants with the greatest backlogs per capita.

Sec. 4407. Quality assurance standards for collection and handling of DNA evidence. Requires the Department of Justice to develop a recommended national protocol for the collection of DNA evidence at crime scenes,

which will provide guidance to law enforcement and other first responders on appropriate ways to collect and maintain DNA evidence. This section also amends the Violence Against Women Act of 2000, 42 U.S.C. 3796gg, to ensure that the recommended national protocol for training individuals in the collection and use of DNA evidence through forensic examination in cases of sexual assault that is mandated by that Act is in fact developed, and to include standards for training of emergency response personnel.

Sec. 4408. Sexual Assault Forensic Exam Program Grants. Authorizes grants to establish and maintain sexual assault examiner programs, carry out sexual assault examiner training and certification, and acquire or improve forensic equipment. The grant program is authorized through FY2007, at $30 million per year. In awarding grants under this section, the Attorney General shall give priority to programs that are serving or will serve communities that are currently underserved by existing sexual assault examiner programs.

Sec. 4409. DNA Evidence Training Grants. Authorizes grants to train law enforcement and prosecutors in the collection, handling, and courtroom use of DNA evidence, and to train law enforcement in responding to drug-facilitated sexual assaults. Grants are contingent upon adherence to FBI laboratory protocols, use of the collection standards established pursuant to section 4407 and participation in a State laboratory system. The grant program is authorized through FY2007, at $10 million per year.

Sec. 4410. Authorizing John Doe DNA Indictments. In Federal sexual assault crimes, authorizes the issuance of ''John Doe'' DNA indictments that identify the defendant by his DNA profile. Such indictments must issue within the applicable statute of limitations; thereafter, the prosecution may commence at any time once the defendant is arrested or served with a summons.

Sec. 4411. Increased grants for Combined DNA Index System (CODIS). Authorizes $9.7 million to upgrade the national DNA database.

Sec. 4412. Increased grants for Federal Convicted Offender Program (FCOP). Authorizes $500,000 to process Federal offender DNA samples and enter that information into the national DNA database.

Sec. 4413. Privacy requirements for handling DNA evidence and DNA analyses. Requires the Department of Justice to promulgate privacy regulations that will limit the use and dissemination of DNA information generated for criminal justice purposes, and ensure the privacy, security, and confidentiality of DNA samples and analyses. This section also amends the DNA Analysis Backlog Reduction Act of 2000 to increase criminal penalties for disclosing or using a DNA sample or DNA analysis in violation of that act by a fine not to exceed $100,000 per offense.

Subtitle E—Additional Improvements to the Justice System

Sec. 4501. Providing remedies for retaliation against whistleblowers making congressional disclosures. Provides a remedy for the currently existing right under 5 U.S.C. §7211 for Federal employees to provide information to a Member or Committee of Congress without retaliation. The existing statute provides a right without any remedy for such retaliation; this section creates a cause of action for the injured employee.

Sec. 4502. Establishment of protective function privilege. Establishes a privilege against testimony by Secret Service officers charged with protecting the President, those in direct line for the Presidency, and visiting foreign heads of state.

Sec. 4503. Professional standards for government attorneys. Clarifies the attorney conduct standards governing attorneys for the Federal Government to ensure that Federal prosecutors and agents can use traditional Federal law enforcement techniques without running afoul of State bar rules. This section also directs the U.S. Judicial Conference to develop national rules of professional conduct in any area in which local rules may interfere with effective Federal law enforcement, including, in particular, with respect to communications with represented persons.

TITLE V—COMBATING DRUG AND GUN VIOLENCE

Subtitle A—Drug Treatment, Prevention, and Testing

Part 1—Drug Treatment

Sec. 5101. Funding for treatment in rural States and economically depressed communities. Authorizes grants to States to provide treatment facilities in the neediest rural States and economically depressed communities that have high rates of drug addiction but lack resources to provide adequate treatment. Amount authorized is $50 million a year through FY2006.

Sec. 5102. Funding for residential treatment centers for women with children. Authorizes grants to States to provide residential treatment facilities for methamphetamine, heroin, and other drug addicted women who have minor children. These facilities offer specialized treatment for addicted mothers and allow their children to reside with them in the facility or nearby while treatment is ongoing. Amount authorized is $10 million a year through FY2006.

Sec. 5103. Drug treatment alternative to prison programs administered by State or local prosecutors. Authorizes grants to State or local prosecutors to implement or expand drug treatment alternatives to prison programs. Amounts authorized are $75 million through FY2004, $85 million for FY2005, $95 million for FY2006, $105 million for FY2007, and $125 million for FY2008.

Sec. 5104. Substance abuse treatment in Federal prisons reauthorization. Authorizes funding for substance abuse treatment in Federal prisons through FY2004.

Sec. 5105. Drug treatment for juveniles. Allows the Director of the Center for Substance Abuse to make grants to public and private nonprofit entities to provide residential drug treatment programs for juveniles. Authorizes such sums as necessary through FY2005, and $300 million a year through FY2007 from the Violent Crime Reduction Trust Fund.

Part 2—Funding for Drug-Free Community Programs

Sec. 5111. Extension of Safe and Drug-Free Schools and Communities Program. Extends funding for the Safe and Drug-Free Schools and Communities Program through FY2007, at $655 million a year through FY2005, and $955 million for FY2006 and FY2007.

Sec. 5112. Say No to Drugs Community Centers. Authorizes grants for the provision of drug prevention services to youth living in eligible communities during after-school hours or summer vacations. Authorizes $125 million a year through FY2005 from the Violent Crime Reduction Trust Fund.

Sec. 5113. Drug education and prevention relating to youth gangs. Extends funding under the Anti-Drug Abuse Act of 1988 through FY2007.

Sec. 5114. Drug education and prevention program for runaway and homeless youth. Extends funding under the Anti-Drug Abuse Act of 1988 through FY2007.

Part 3—Zero Tolerance Drug Testing

Sec. 5121. Grant authority. Authorizes grants to States and localities for programs supporting comprehensive drug testing of criminal justice populations, and to establish appropriate interventions to illegal drug use for offender populations.

Sec. 5122. Administration. Instructs Attorney General to coordinate with the other Department of Justice initiatives that address drug testing and interventions in the criminal justice system

Sec. 5123. Applications. Instructs potential applicants on the process of requesting such grants, which are to be awarded on a competitive basis.

Sec. 5124. Federal share. The Federal share of a grant made under this part may not exceed 75% of the total cost of the program.

Sec. 5125. Geographic distribution. The Attorney General shall ensure that, to the extent practicable, an equitable geographic distribution of grant awards is made, with rural and tribal jurisdiction representation.

Sec. 5126. Technical assistance, training, and evaluation. The Attorney General shall provide technical assistance and training in furtherance of the purposes of this part.

Sec. 5127. Authorization of appropriations. Authorizes $75 million for FY2003 and such sums as are necessary through FY2007.

Sec. 5128. Permanent set-aside for research and evaluation. The Attorney General shall set aside between 1% to 3% of the sums appropriated under section 5127 for research and evaluation of this program.

Part 4–Crack House Statute Amendments

Sec. 5131. Offenses. Amends crack house statute (21 U.S.C. §856) to make it apply to those who (1) knowingly open, lease, rent, use or maintain a place either permanently or temporarily for the purpose of manufacturing, distributing or using any controlled substance and (2) manage or control any place, whether permanently or temporarily, for the purpose of unlawfully manufacturing, storing, distributing, or using a controlled substance. These changes clarify that the law applies not just to ongoing drug distribution operations, but to ''single-event'' activities. This section also applies the law to outdoor as well as indoor venues.

Sec. 5132. Civil penalty and equitable relief for maintaining drug-involved premises. Establishes the civil penalty for violating 21 U.S.C. §856 as amended to either $250,000 or two times the gross receipts that were derived from each violation of that section.

Sec. 5133. Declaratory and injunctive remedies. Authorizes the Attorney General to commence a civil action for declaratory or injunctive relief for violations of 21 U.S.C. §856 as amended.

Sec. 5134. Sentencing Commission guidelines. Requires the Sentencing Commission to review Federal sentencing guidelines with respect to offenses involving gammahydroxybutyric acid and consider amending Federal sentencing guidelines to provide for increased penalties.

Sec. 5135. Authorization of appropriations for a demand reduction coordinator. Authorizes $5.9 million to the Drug Enforcement Administration to hire a special agent in each State to coordinate demand reduction activities.

Sec. 5136. Authorization of appropriations for drug education. Authorizes such sums as may be necessary to the Drug Enforcement Administration to educate youths, parents, and other interested adults about the drugs associated with raves.

Part 5—Cracking Down on Methamphetamine in Rural Areas

Sec. 5141. Methamphetamine treatment programs in rural areas. Authorizes grants to establish methamphetamine prevention and treatment pilot programs in rural areas. Provides a 10% set-aside to assist tribal communities.

Sec. 5142. Methamphetamine prevention education. Authorizes $5 million a year through FY2008 to fund programs that educate people in rural areas about the early signs of methamphetamine use. Provides a 10% set-aside to assist tribal communities.

Sec. 5143. Methamphetamine cleanup. Authorizes $20 million to make grants to States or units of local government to help cleanup methamphetamine laboratories in rural areas and improve contract-related response times for such cleanups. Provides a 10% set-aside to assist tribal communities.

Subtitle B—Disarming Felons

Part 1—Our Lady of Peace Act

Sec. 5201. Short Title. Contains the short title, the ''Our Lady of Peace Act of 2003''.

Sec. 5202. Findings. Legislative findings in support of this part.

Sec. 5203. Enhancement of requirement that Federal departments and agencies provide relevant information to the National Instant Criminal Background Check System. Amends the Brady Handgun Violence Prevention Act to require the head of each U.S. department or agency to ascertain whether it has such information on persons for whom receipt of a firearm would violate specified Federal provisions regarding excluded individuals or State law as is necessary to enable the National Instant Criminal Background Check System (NICS) to operate. Directs that any such record that the department or agency has to be made available to the Attorney General for inclusion in the NICS.

Sec. 5204. Requirements to obtain waiver. Makes a State eligible to receive a waiver of the 10% matching requirement for National Criminal History Improvement Grants if the State provides at least 95% of the information described in this Act, including the name of and other relevant identifying information related to each person disqualified from acquiring a firearm.

Sec. 5205. Implementation grants to States. Directs the Attorney General to make grants to each State: (1) to establish or upgrade information and identification technologies for firearms eligibility determinations; and (2) for use by the State's chief judicial officer to improve the handling of proceedings related to criminal history dispositions and restraining orders. Authorizes $250 million a year through FY2006.

Sec. 5206 Continuing evaluations. Requires the Director of the Bureau of Justice Statistics to study and evaluate the operations of NICS and to report on grants and on best practices of States.

Sec. 5207. Grants to State courts for the improvement in automation and transmittal of disposition record. Directs the Attorney General to make grants to each State for use by the chief judicial officer of the State to improve the handling of proceedings related to criminal history dispositions and restraining orders. Authorizes $125 million a year through FY2006.

Part 2—Ballistics, Law Assistance, and Safety Technology

Sec. 5211. Short title. Contains the short title, the ''Ballistics, Law Assistance, and Safety Technology Act of 2003,'' or ''BLAST Act''.

Sec. 5212. Purposes. Statement of legislative purposes.

Sec. 5213. Definition of ballistics. Defines terms used in this part.

Sec. 5214. Test firing and automated storage of ballistics records. Requires a licensed manufacturer or importer to test fire firearms, prepare ballistics images, make records available to the Secretary of the Treasury for entry in a computerized database, and store the fired bullet and cartridge casings. Directs the Attorney General and the Secretary to assist firearm manufacturers and importers in complying. Specifies that nothing herein creates a cause of action against any Federal firearms licensee or any other person for any civil liability except for imposition of a civil penalty under this section. Authorizes $20 million a year through FY2006 to carry out this program.

Sec. 5215. Privacy rights of law abiding citizens. Prohibits the use of ballistics information of individual guns for (1) prosecutorial purposes, unless law enforcement officials have a reasonable belief that a crime has been committed and that ballistics information would assist in the investigation of that crime, or (2) the creation of a national firearms registry of gun owners.

Sec. 5216. Demonstration firearm crime reduction strategy. Directs the Secretary and the Attorney General to establish in the jurisdictions selected a comprehensive firearm crime reduction strategy. Requires the Secretary and the Attorney General to select not fewer than ten jurisdictions for participation in the program. Authorizes $20 million per year through FY2006 to carry out this program.

Part 3—Extension of Project Exile

Sec. 5221. Authorization of funding for additional State and local gun prosecutors. Authorizes $150 million to hire additional local and State prosecutors to expand the Project Exile program in high gun-crime areas. Requires interdisciplinary team approach to prevent, reduce, and respond to firearm related crimes in partnership with communities.

Part 4—Expansion of the Youth Crime Gun Interdiction Initiative

Sec. 5231. Youth Crime Gun Interdiction Initiative. Directs the Secretary of the Treasury to expand participation in the Youth Crime Gun Interdiction Initiative (YCGII). Authorizes grants to States and localities for purposes of assisting them in the tracing of firearms and participation in the YCGII.

Part 5—Gun Offenses

Sec. 5241 Gun ban for dangerous juvenile offenders. Prohibits juveniles adjudged delinquent for serious drug offenses or violent felonies from receiving or possessing a firearm, and makes it a crime for any person to sell or provide a firearm to someone they have reason to believe has been adjudged delinquent. This section applies only prospectively, and access to firearms may be restored under State restoration of rights provisions, but only if such restoration is on a case-by-case, rather than automatic basis.

Sec. 5242. Improving firearms safety. Requires gun dealers to have secure gun storage devices available for sale, including any device or attachment to prevent a gun's use by one not having regular access to the firearm, or a lockable safe or storage box.

Sec. 5243. Juvenile handgun safety. Increases the maximum penalty for transferring a handgun to a juvenile or for a juvenile to unlawfully possess a handgun from one to five years.

Sec. 5244. Serious juvenile drug offenses as armed career criminal predicates. Permits the use of an adjudication of juvenile delinquency for a serious drug trafficking offense as a predicate offense for determining whether a defendant falls within the Armed Career Criminal Act. That act provides additional penalties for armed criminals with a proven record of serious crimes involving drugs and violence.

Sec. 5245. Increased penalty for transferring a firearm to a minor for use in crime of violence or drug trafficking crime. Increases the maximum penalty for providing a firearm to a juvenile that one knows will be used in a serious crime from 10 to 15 years.

Sec. 5246. Increased penalty for firearms conspiracy. Subjects conspirators to the same penalties as are provided for the underlying firearm offenses in 18 U.S.C. §924.

Part 6—Closing the Gun Show Loophole

Sec. 5251. Findings. Legislative findings in support of this part.

Sec. 5252. Extension of Brady background checks to gun shows. Closes the gun show loophole by regulating firearms transfers at gun shows, including requiring criminal background checks on all transferees. Increases penalties for serious record-keeping violations by licensees, and for violations of criminal background check requirements. Amends the Brady law to prevent the Federal government from keeping records on qualified purchasers for more than 90 days.

TITLE VI—THE INNOCENCE PROTECTION ACT

Sec. 6001. Short title. Contains the short title, the ''Innocence Protection Act of 2003.''

Subtitle A—Exonerating the Innocent Through DNA Testing

Sec. 6101. DNA testing in Federal criminal justice system. Establishes rules and procedures governing applications for DNA testing by inmates in the Federal system, and prohibits the destruction of biological evidence in a criminal case while a defendant remains incarcerated, with exceptions.

Sec. 6102. DNA testing in State criminal justice system. Conditions receipt of Federal grants for DNA-related programs on assurances that the State will adopt adequate procedures for preserving DNA evidence and making DNA testing available to inmates. States must also agree to review their capital convictions and conduct DNA testing where appropriate and, in cases where DNA testing exonerates an inmate, investigate what went wrong and take steps to prevent similar errors in future cases.

Sec. 6103. Prohibition pursuant to section 5 of the 14th Amendment. Prohibits States from denying State prisoners access to evidence for the purpose of DNA testing, where such testing has the scientific potential to produce new, noncumulative evidence that is material to the prisoner's claim of innocence, and that raises a reasonable probability that he or she would not have been convicted.

Sec. 6104. Grants to prosecutors for DNA testing programs. Permits States to use grants under the Edward Byrn Memorial State and Local Law Enforcement Assistance Programs to fund the growing number of prosecutor-initiated programs that review convictions to identify cases in which DNA testing is appropriate and that offer DNA testing to inmates in such cases.

Subtitle B—Improving State Systems for Providing Competent Legal Services in Capital Cases

Sec. 6201. Capital Representation System Improvement Grants. Authorizes grants to States to improve the quality of legal representation provided to indigent defendants in capital cases. States that choose to accept Federal funds agree to create or improve an effective system for providing competent legal representation in capital cases. The following funds are authorized to carry out the grant programs: FY2003: $50.million; FY2004: $75 million; FY2005 and FY2006: $ 100 million per year; FY2007: $75 million; FY2008: $50 million.

Sec. 6202. Enforcement suits. A person may bring a civil suit in Federal district court against an officer of a State receiving Federal funds under section 6201, alleging that the State has failed to maintain an effective capital representation system as required under the grant program. The Attorney General may intervene in such suits, and where

he does so, he assumes responsibility for conducting the action. If the court finds that the State has not met the grant conditions, it may order injunctive or declaratory relief, but not money damages.

Sec. 6203. Grants to qualified capital defender organizations. If a State does not qualify or does not apply for a grant under section 6201, a qualified capital defender organization in that State may apply for grant funds. Grants to such organizations may be used to strengthen systems, recruit and train attorneys, and augment an organization's resources for providing competent representation in capital cases.

Sec. 6204. Grants to train prosecutors, defense counsel, and State and local judges handling State capital cases. Authorizes grants to train State and local prosecutors, defense counsel, and judges in handling capital cases. Each program is authorized at $15 million through FY2007.

Subtitle C—Right to Review of the Death Penalty Upon the Grant of Certiorari

Sec. 6301. Protecting the rights of death row inmates to review of cases granted certiorari. Ensure that a defendant who is granted certiorari by the Supreme Court (an action requiring four affirmative votes by qualified Justices), but who is not granted a stay of execution by the Court (an action requiring five affirmative votes), is not executed while awaiting review of his case.

Subtitle D—Compensation for the Wrongfully Convicted

Sec. 6401. Increased compensation in Federal cases. Increases the maximum amount of damages that the U.S. Court of Federal Claims may award against the United States in cases of unjust imprisonment from a flat $5,000 to $ 10,000 per year.

Sec. 6402. Sense of Congress regarding compensation in State death penalty cases. Expresses the sense of Congress that States should provide reasonable compensation to any person found to have been unjustly convicted of an offense against the State and sentenced to death.

Subtitle E—Student Loan Repayment for Public Attorneys

Sec. 6501. Student loan repayment for public attorneys. Encourages qualified individuals to enter and continue employment as prosecutors and public defenders by establishing a program to repay Stafford loans for both prosecutors and defenders who agree to remain employed for the required period of service. This section also extends Perkins loan forgiveness—currently available only to prosecutors—to public defenders. Repayment benefits may not exceed $6,000 in a single calendar year, or a total of $40,000 for any individual.

TITLE VII—STRENGTHENING THE FEDERAL CRIMINAL LAWS

Subtitle A—Anti-Atrocity Alien Deportation Act

Sec. 7101. Short title. Contains the short title, the ''Anti-Atrocity Alien Deportation Act of 2003''.

Sec. 7102. Inadmissibility and deportability of aliens who have committed acts of torture or extrajudicial killing abroad. Amends the Immigration and Nationality Act by expanding the grounds for inadmissibility and deportation to cover aliens who have committed, ordered, incited, assisted, or otherwise participated in the commission of acts of torture or extrajudicial killing abroad and clarify and expand the scope of the genocide bar. This section applies to acts committed before, on, or after the date this legislation is enacted, and to all cases after enactment, even where the acts in question occurred or where adjudication procedures were initiated prior to enactment.

Sec. 7103. Inadmissibility and deportability of foreign government officials who have committed particularly severe violations of religious freedom. Amends 8 U.S.C. 11 82(a)(2)(G), which was added as part of the International Religious Freedom Act of 1998, to expand the grounds for inadmissibility and deportability of aliens who commit particularly severe violations of religious freedom.

Sec. 7104. Bar to good moral character for aliens who have committed acts of torture, extrajudicial killings, or severe violations of religious freedom. Amends 8 U.S.C. 1101(f), which provides the current definition of ''good moral character,'' to make clear that aliens who have committed torture, extrajudicial killing, or severe violation of religious freedom abroad do not qualify. This amendment prevents aliens covered by the amendments made in sections 7102 and 7103 from becoming U.S. citizens or benefitting from cancellation of removal or voluntary departure.

Sec. 7105. Establishment of the Office of Special Investigations. Provides explicit statutory authority for the Office of Special Investigations (OSI), which was established in 1979 within the Criminal Division of the Department, and expands OSI's current authorized mission beyond Nazi war criminals. This section also sets forth specific considerations in determining the appropriate legal action to take against an alien who has participated in Nazi persecution, genocide, torture or extrajudicial killing abroad, and expressly directs the Department of Justice to consider the availability of prosecution under U.S. laws for any conduct that forms the basis for removal and denaturalization. In addition, the Department is directed to consider deportation to foreign jurisdictions that are prepared to undertake such a prosecution.

Sec. 7106. Report on implementation. Directs the Attorney General, in consultation with the INS Commissioner, to report within six months on the implementation of the Act, including procedures for referral of matters to OSI, any revisions made to INS forms to reflect amendments made by the Act, and the procedures developed, with adequate due process protection, to obtain sufficient evidence and determine whether an alien is deemed inadmissible under the Act.

Subtitle B—Deterring Cargo Theft

Sec. 7201. Punishment of cargo theft. Clarifies Federal statute governing thefts of vehicles normally used in interstate commerce to includes trailers, motortrucks, and air cargo containers; and freight warehouses and transfer stations. Makes such a theft a felony punishable by three (not one) years in prison. Provides for appropriate amendments to the Sentencing Guidelines.

Sec. 7202. Reports to Congress on cargo theft. Mandates annual reports by the Attorney General to evaluate and identify further means of combating cargo theft.

Sec. 7203. Establishment of advisory committee on cargo theft. Establishes a 6-member Advisory Committee on Cargo Theft with representatives of the Departments of Justice, Treasury and Transportation, and three experts from the private sector. Committee will hold hearings and submit a report within one year with detailed recommendations on cargo security.

Sec. 7204. Addition of attempted theft and counterfeiting offenses to eliminate gaps and inconsistencies in coverage. Amends 22 statutes to clarify that an attempt to embezzle funds or counterfeit is a crime, just as is actual embezzlement or counterfeiting.

Sec. 7205. Clarification of scienter requirement for receiving property stolen from an Indian tribal organization. Provides that it is a crime to receive, conceal or retain property stolen from a tribal organization if one knows that the property has been stolen, even if one did not know that it had been stolen from a tribal organization.

Sec. 7206. Larceny involving post office boxes and postal stamp vending machines. Clarifies that it is a crime to steal from a post office box or stamp vending machine irrespective of whether it is in a building used by the Postal Service.

Sec. 7207. Expansion of Federal theft offenses to cover theft of vessels. Expands Federal law covering the transportation of stolen vehicles to include watercraft.

Subtitle C—Additional Improvements and Corrections to the Federal Criminal Laws

Sec. 7301. Enhanced penalties for cultural heritage crimes. Increases penalties for violations of the Archaeological Resources Protection Act of 1979 and other cultural heritage crimes.

Sec. 7302. Enhanced enforcement of laws affecting racketeer-influenced and corrupt organizations. Enhances the ability of Federal and State regulators to enforce existing law by giving State Attorneys General and the Securities and Exchange Commission explicit authority to bring a civil RICO action under 18 U.S.C. §1964. Currently, only the U.S. Attorney General has such authority.

Sec. 7303. Increased maximum corporate penalty for antitrust violations. Increases the maximum statutory fine for corporations convicted of criminal antitrust violations from the current Sherman Act maximum of $10 million to a new maximum of $100 million.

Sec. 7304. Technical correction to ensure compliance of sentencing guidelines with provisions of all Federal statutes. Ensures that sentencing guidelines promulgated by the United States Sentencing Commission are consistent with the provisions of all Federal statutes.

Sec. 7305. Inclusion of assault crimes and unlicensed money transmitting businesses as racketeering activity. Makes assault with a dangerous weapon, assault resulting in serious bodily injury, and operating an unlicensed money transmitting business predicate crimes for a RICO prosecution.

Sec. 7306. Inclusion of unlicensed money transmitting businesses and structuring currency transactions to evade reporting requirement as wiretap predicates. Adds §18 U.S.C. §§1960 and 5324 to list of offenses for which the Government may seek a wiretap.

By Mr. ALLARD (for himself, Mrs. CLINTON, Mr. SHELBY, Mr. FEINGOLD, Mr. BURNS, Mr. SESSIONS, Mr. HARKIN, and Mr. CORZINE):

S. 98. A bill to amend the Bank Holding Company Act of 1956, and the Revised Statutes of the United States, to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. ALLARD. Mr. President, I would like to make a few brief comments about legislation I am introducing today. I also will talk briefly about some of the agenda items I have been looking at for this year. Obviously, having just been sworn into office today, we are putting together our agendas and beginning to think seriously about what kind of issues we would like to put forward.

The people of Colorado understand that, as we move into this session, my priority is the cleanup of a number of our Superfund sites in Colorado, staying on track with the cleanup of Rocky Flats by 2006, cleaning up the Shattuck waste site, as well as the cleanup of Pueblo Depot.

I will also be working on transportation issues which are important to States such as Colorado, Wyoming, the home State of the presiding officer, as well as throughout the country. Transportation will be a big issue as we move into this session.

Another issue I have spoken about is housing, which we will be dealing with in this session. I also plan to focus on missile defense and judiciary nominations.

The legislation I rise today to introduce is called the Community Choice In Real Estate Act of 2003. I am pleased to have Senators CLINTON, SHELBY, FEINGOLD, BURNS, SESSIONS, and HARKIN join me in introducing this bill. This is something I am doing as part of the effort to keep the housing markets competitive and strong.

The Community Choice in Real Estate Act of 2003 is the continuation of an effort that I began in the 107th Congress. This bill would clarify Congressional intent that real estate brokerage and management are not financial activities and would therefore retain the separation of commerce and banking that we intended during consideration of the Gramm-Leach-Bliley Act.

The Gramm-Leach-Bliley Act closed the unitary thrift loophole that allowed a single savings and loan to be owned by a commercial entity. This clearly established that banking and commerce were not to mix. Congress explicitly defined several functions to be financial in nature or incidental to finance to clarify the separation. Real estate management and brokerage services were not defined as financial activities.

Congress already established a clear position regarding banks' involvement in real estate management and brokerage activities, and the bill I'm introducing with my colleagues would reiterate that prohibition. I believe that we should not permit federal regulators to preempt the intent of Congress.

The real estate and banking industries have served America well, and I believe that the current system provides consumers with many important options. I know that the regulators received many letter during the comment period. I commend them for taking the time to allow all interested parties to comment and for their pledge to carefully review all comments. I intend to continue to work with them to ensure that Congressional intent is followed in this matter.

Realtors play a vital role in our economy, and housing has been one of the bright spots in our otherwise slow economy. Realtors are an integral part of the housing industry share in the credit for this positive economic news.

Additionally, Realtors help fuel the economy as small businesses. As a small businessman myself, I can appreciate the challenges of starting and running a small business. As a U.S. Senator I have worked hard to reduce rules and regulations hindering small businesses, as well as excessive taxes. The Community Choice in Real Estate Act of 2003 will ensure that small real estate businesses are able to continue to thrive.

Mr. President, I urge the Senate to promptly consider this matter, and I would ask unanimous consent that the text of the bill be printed in the Record.

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

S. 98

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 ''Community Choice in Real Estate Act of 2003''.

SEC. 2. CLARIFICATION THAT REAL ESTATE BROKERAGE AND MANAGEMENT ACTIVITIES ARE NOT BANKING OR FINANCIAL ACTIVITIES.

(a) BANK HOLDING COMPANY ACT OF 1956.—Section 4(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k)) is amended by adding at the end the following new paragraph:

''(8) REAL ESTATE BROKERAGE AND REAL ESTATE MANAGEMENT ACTIVITIES.—

''(A) IN GENERAL.—The Board may not determine that real estate brokerage activity or real estate management activity is an activity that is financial in nature, is incidental to any financial activity, or is complementary to a financial activity.

''(B) REAL ESTATE BROKERAGE ACTIVITY DEFINED.—For purposes of this paragraph, the term 'real estate brokerage activity' means any activity that involves offering or providing real estate brokerage services to the public, including—

''(i) acting as an agent for a buyer, seller, lessor, or lessee of real property;

''(ii) listing or advertising real property for sale, purchase, lease, rental, or exchange;

''(iii) providing advice in connection with sale, purchase, lease, rental, or exchange of real property;

''(iv) bringing together parties interested in the sale, purchase, lease, rental, or exchange of real property;

''(v) negotiating, on behalf of any party, any portion of a contract relating to the sale, purchase, lease, rental, or exchange of real property (other than in connection with providing financing with respect to any such transaction);

''(vi) engaging in any activity for which a person engaged in the activity is required to be registered or licensed as a real estate agent or broker under any applicable law; and

''(vii) offering to engage in any activity, or act in any capacity, described in clause (i), (ii), (iii), (iv), (v), or (vi).

''(C) REAL ESTATE MANAGEMENT ACTIVITY DEFINED.—For purposes of this paragraph, the term 'real estate management activity' means any activity that involves offering or providing real estate management services to the public, including—

''(i) procuring any tenant or lessee for any real property;

''(ii) negotiating leases of real property;

''(iii) maintaining security deposits on behalf of any tenant or lessor of real property (other than as a depository institution for any person providing real estate management services for any tenant or lessor of real property);

''(iv) billing and collecting rental payments with respect to real property or providing periodic accounting for such payments;

''(v) making principal, interest, insurance, tax, or utility payments with respect to real property (other than as a depository institution or other financial institution on behalf of, and at the direction of, an account holder at the institution);

''(vi) overseeing the inspection, maintenance, and upkeep of real property, generally; and

''(vii) offering to engage in any activity, or act in any capacity, described in clause (i), (ii), (iii), (iv), (v), or (vi).

''(D) EXCEPTION FOR COMPANY PROPERTY.—This paragraph does not apply to an activity of a bank holding company or any affiliate of such company that directly relates to managing any real property owned by such company or affiliate, or the purchase, sale, or lease of property owned, or to be used or occupied, by such company or affiliate.''.

(b) REVISED STATUTES OF THE UNITED STATES.—Section 5136A(b) of the Revised Statutes of the United States (12 U.S.C. 24a(b)) is amended by adding at the end the following new paragraph:

''(4) REAL ESTATE BROKERAGE AND REAL ESTATE MANAGEMENT ACTIVITIES.—

''(A) IN GENERAL.—The Secretary may not determine that real estate brokerage activity or real estate management activity is an activity that is financial in nature, is incidental to any financial activity, or is complementary to a financial activity.

''(B) DEFINITIONS.—For purposes of this paragraph, the terms 'real estate brokerage activity' and 'real estate management activity' have the same meanings as in section 4(k)(8) of the Bank Holding Company Act of 1956.

''(C) EXCEPTION FOR COMPANY PROPERTY.—This paragraph does not apply to an activity of a national bank, or a subsidiary of a national bank, that directly relates to managing any real property owned by such bank or subsidiary, or the purchase, sale, or lease of property owned, or to be owned, by such bank or subsidiary.''.

Mrs. CLINTON. Mr. President, I am so pleased to join my colleague, Senator ALLARD from Colorado, today to introduce the Community Choice in Real Estate Act of 2003.

This critically important piece of legislation would clarify Congressional intent, by preventing the Federal Reserve Board and the Treasury Department from issuing a regulation permitting banks and their affiliates from engaging in real estate management and brokerage activities, which are commercial—and not financial—in nature.

The legislation that Senator ALLARD and I are introducing today recognizes the possible unintended consequences that implementation of such regulation could have on consumers and on the real estate industry. The powers afforded banks under the Gramm-Leach-Bliley act would give banks a considerable competitive advantage over brokers and service providers who lack access to customer financial information. I am concerned that this could force independent real estate brokers out of the market, and in turn lower the quality of service to consumers.

Congress has armed regulators with the flexibility to adapt to changes in the marketplace. Indeed, in the coming years, I am confident the Federal Reserve Board and the Treasury Department will determine the effect that the Gramm-Leach-Bliley Act is having on the financial market place and on consumers. As the effects are analyzed and changes considered, I urge that safeguards be included that ensure the protection of consumers and existing businesses as well as compliance with the intent of Congress. Until then, allowing banks in real estate could create inherent conflicts of interest for the lenders and brokers, and could place inevitable pressure on consumers and limit their choices in products and services.

Last year, there was tremendous support for this legislation in the House and Senate, and I look forward to working with my colleagues again this year to ensure the Treasury Secretary hears loud and clear the intent of Congress to protect consumers, and to protect an industry from being put at a competitive disadvantage through executive action.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 107. A bill to prohibit the exportation of natural gas from the United States to Mexico for use in electric energy generation units near the United States border that do not comply with air quality control requirements that provide air quality protection that is at least equivalent to the protection provided by requirements applicable in the United States; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today to re-introduce legislation at the start of this new Congress to protect those living along the California-Mexican border from harmful power plant emissions.

This bill, which Congressman DUNCAN HUNTER is also re-introducing today in the House of Representatives, will prevent power plants built in Mexico from using natural gas from the United States, unless firms operating these plants agree to comply with California's air pollution standards.

Currently there are two new power plants planned for Mexicali, Mexico, a city right across the border from Imperial County, California. The Imperial Valley produces much of our Nation's wintertime vegetables. The Valley is the region in Southern California that will be impacted most by pollution from these power plants in Mexico. And since Imperial County has some of the worst air quality in the United States and one of the highest childhood asthma rates in the State, I believe these new plants must meet California emission standards.

One of the Mexicali plants, which is being built by Sempra Energy, will have pollution mitigation technology to minimize the impact of air pollution on the residents of the Imperial Valley. However, the other plant, to be built by InterGen, will not. InterGen officials have repeatedly stated that their Mexicali plant will meet ''domestic standards or World Bank standards.'' The problem is these are not U.S. standards and are far below California standards.

I am introducing this legislation today to make sure any plant that comes online along the California-Mexican border meets the same air quality standards as plants in California.

The residents of Imperial County and the entire Southern California region deserve nothing less.

I have heard from many constituents in Southern California concerned about the InterGen plant and local officials in Imperial County are adamantly opposed to the InterGen plant because the company has refused to install pollution control devices on all four operating units.

This legislation has the support of the Imperial County Board of Supervisors, the Imperial District, the Coachella Valley Association of Governments, and San Diego Mayor Dick Murphy.

This legislation will ensure energy plants along the border employ the best technology available to control pollution and protect the public health for residents of Southern California and other border regions in a similar situation.

The bill will prohibit energy companies from exporting natural gas from the United States for use in Mexico unless the natural gas fired generators south of the border meet the air standards prevalent in the United States. This will effectively cut power plants off from the natural gas supply if they do not meet higher emissions standards.

This legislation will not constrain power plants that were put online prior to January 1, 2003. It will apply to plants built after the new year and projects that come online in the future.

This bill will only apply to power plants within 50 miles of the U.S.-Mexican border.

And the legislation will only apply to power plants that generate more than 50 megawatts of power. We do not want to block any moves to replace dirty diesel back-up generators with cleaner natural-gas fired small power sources.

The bill calls for collaboration between the Secretary of Commerce and the Administrator of the Environmental Protection Agency to determine if a power plant is in compliance with relevant emission standards.

I support the development of new energy projects for California because I believe we need to bring more power online. However, I do not believe the fact that we need more power in California should allow companies to take advantage of this need and use it as an excuse to devote less attention to clear air and public health.

It is not unreasonable to ensure that companies making money in California energy market meet strict environmental standards. This legislation is meant to strike a balance between promoting new sources of energy south of the border and protecting the environment throughout the border region. It is not a final resolution of these cross-border issues, but I believe it is a good first step.

By Mr. EDWARDS (for himself and Mr. HOLLINGS):

S. 118. A bill to develop and coordinate a national emergency warning system; to the Committee on Commerce, Science, and Transportation.

Mr. EDWARDS. Mr. President, I rise to introduce, together with Senator HOLLINGS, the Emergency Warning Act of 2003.

In the event of a terrorist attack or natural disaster, Americans must know how to respond. In the first terrible hours on September 11, 2001, in Washington, in New York, and across the country, most of us didn't know what to do. We didn't know whether it was safer to pick our children up from school or safer to leave them there. We didn't know if we should stay at work or head for home.

For everything that's happened since September 11, the reality is that if an attack happened again, many of us still would not know what to do. That must change.

To prepare Americans to respond in time of attack, the first thing we need to do is to update our emergency warning system. Today, that system depends heavily on television and radio, and it has two big problems. First, the system doesn't reach millions of Americans who aren't near a TV and radio at a given moment. How many of us would hear a warning issued on TV at 3 a.m? Second, the system doesn't provide all the information we need. For many of us, the new color-coded terrorism warnings have proven more confusing than helpful. We need practical information about what we can do to respond to threats or attacks.

While the terrorist attacks have highlighted the need for effective public warnings, they're also essential during natural disasters. In fact, most public warnings deal with weather hazards like hurricanes and floods. After Hurricane Floyd hit North Carolina, the Air Force had to rescue more than 200 people stranded in cars, on roofs, and in trees, people who weren't told to evacuate their homes until it was too late. More than 50 people died during that hurricane. In our State's neighbor, Tennessee, six people died during a 1999 tornado because tornado sirens failed. With all the technology that we have at our disposal, we can do better.

In short, we have to make sure effective warnings get to every American in time of danger, and we have to make sure those warnings tell folks just

what they can do to protect themselves and their loved ones.

The Emergency Warning Act will help achieve that goal. This legislation will require the Department of Homeland Security and the Department of Commerce to make sure that comprehensive, easily understood emergency warnings get to every American at risk, Whether from flood, hurricane or terrorist attack. This bill instructs Commerce and DHS to work with the government agencies that currently issue warnings, with first responders, with private industry, and with the media to make sure that our emergency warning system actually warns Americans who are at risk.

There are a lot of things the system could do using existing technology. For example, it could alert Americans in their homes through a special phone ring. These warnings could reach people as they sleep in their homes. For people on the move, the system could use cell phones, which can already be programmed to broadcast emergency warnings to all users in a certain area—even if those folks are just passing through. Pagers and beepers can achieve the same result. Televisions can be programmed to come on automatically and provide alerts in the event of a disaster.

We also can make sure that warnings provide the specific information people need—what to watch for, where to go, how to travel, what to bring. We should not have empty warnings. Instead, we should respond to specific threats with specific information that people can use.

This legislation was developed with a lot of help from the Partnership for Public Warning. Their comprehensive study of the problem, ''Developing a Unified All-Hazard Public Warning System,'' pointed the way to what we are doing. I'm grateful for their help, as well as the indispensable help of Senator HOLLINGS.

Creating a better emergency warning system is only the first step we must take in order to empower Americans to respond to terrorist attack. As I've said in the past, I believe Americans want to contribute to our nation's defense, they are just looking for ways to do it. In the coming weeks, I will introduce additional legislation to support civilian defense efforts across America. But this bill makes an important contribution to our efforts.

By Mrs. HUTCHISON (for herself, Mr. BAYH, Mr. BROWNBACK, Mr. HAGEL, Mr. BURNS, Mr. FITZGERALD, Mr. CORNYN, and Mr. COCHRAN):

S. 120. A bill to eliminate the marriage tax penalty permanently in 2003; to the Committee on Finance.

Mrs. HUTCHISON. Mr. President, I am pleased to introduce a bill to provide permanent tax relief from one of the most egregious, anti-family aspects of the tax code, the marriage penalty. Relieving American taxpayers of this burden has been one of my highest priorities as a U.S. Senator.

Today, millions of couples across America are penalized by our tax code simply because they are married. The Treasury Department estimates that 48 percent of married couples pay this additional tax, and, according to a study by the Congressional Budget Office, the average penalty paid is $1,400 per couple.

Fortunately, the 107th Congress took a step in the right direction. The Economic Growth and Tax Relief Reconciliation Act of 2001 will provide marriage penalty relief to millions of couples by increasing the size of the standard deduction and the width of the 15 percent tax bracket, so those applied to a married couple will be twice the size of those for an individual. In addition, the phase-out levels for the earned income tax credit will be adjusted so as to reduce the penalty on married couples.

But once again, we face the infamous ''sunset provision'' that will wipe away these reforms in 2011. Another problem is that relief does not begin to be phased in until 2005, with the full impact not taking effect until 2009. President Bush has called for making marriage penalty relief effective immediately as part of his economic stimulus package.

I agree that this is an important step. Given the state of the economy and the difficulty many families are having in making ends meet, we cannot wait any longer to give young couples the break they deserve.

The bi-partisan bill I am offering with Senator BAYH and others would make the 2001 reforms effective immediately and permanently. People will no longer have to decide between love and money.

The benefits for couples are significant. A couple earning $30,000 could keep $800 they now pay in taxes, while a couple earning $80,000 could save more than $1,300. 35 million couples will benefit from enacting marriage penalty relief in 2003, including 2.4 million Texas families.

The tax code provides a significant disincentive for people to take marriage vows. Marriage is a fundamental institution in our society and should not be discouraged by the IRS. The benefits of marriage are well established. Children living in a married household are far less likely to live in poverty or to suffer from child abuse. Research indicates they are less likely to be depressed or have developmental problems. Scourges such as adolescent drug use are less common in married families, and married mothers are less likely to be victims of domestic violence.

At the very least, marriage should not be a taxable event.

I call on the Senate to finish the job we started and say ''I do'' to providing permanent marriage penalty relief today.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 120

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 ''Marriage Penalty Relief Act of 2003''.

SEC. 2. ACCELERATION OF MARRIAGE PENALTY RELIEF PROVISIONS.

(a) ELIMINATION OF MARRIAGE PENALTY IN STANDARD DEDUCTION.—

(1) IN GENERAL.—Paragraph (2) of section 63(c) of the Internal Revenue Code of 1986 (relating to standard deduction) is amended—

(A) by striking ''$5,000'' in subparagraph (A) and inserting ''200 percent of the dollar amount in effect under subparagraph (C) for the taxable year'';

(B) by adding ''or'' at the end of subparagraph (B);

(C) by striking ''in the case of'' and all that follows in subparagraph (C) and inserting ''in any other case.''; and

(D) by striking subparagraph (D).

(2) TECHNICAL AMENDMENTS.—

(A) Subparagraph (B) of section 1(f)(6) of such Code is amended by striking ''(other than with'' and all that follows through ''shall be applied'' and inserting ''(other than with respect to sections 63(c)(4) and 151(d)(4)(A)) shall be applied''.

(B) Paragraph (4) of section 63(c) of such Code is amended by adding at the end the following flush sentence:

''The preceding sentence shall not apply to the amount referred to in paragraph (2)(A).''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2002.

(b) ELIMINATION OF MARRIAGE PENALTY IN 15-PERCENT BRACKET.—

(1) IN GENERAL.—Section 1(f) of the Internal Revenue Code of 1986 (relating to adjustments in tax tables so that inflation will not result in tax increases) is amended by adding at the end the following new paragraph:

''(8) ELIMINATION OF MARRIAGE PENALTY IN 15-PERCENT BRACKET.—

''(A) IN GENERAL.—With respect to taxable years beginning after December 31, 2002, in prescribing the tables under paragraph (1)—

''(i) the maximum taxable income in the 15-percent rate bracket in the table contained in subsection (a) (and the minimum taxable income in the next higher taxable income bracket in such table) shall be 200 percent of the maximum taxable income in the 15-percent rate bracket in the table contained in subsection (c) (after any other adjustment under this subsection), and

''(ii) the comparable taxable income amounts in the table contained in subsection (d) shall be ½ of the amounts determined under clause (i).

''(B) ROUNDING.—If any amount determined under subparagraph (A)(i) is not a multiple of $50, such amount shall be rounded to the next lowest multiple of $50.''.

(2) TECHNICAL AMENDMENTS.—

(A) Subparagraph (A) of section 1(f)(2) of such Code is amended by inserting ''except as provided in paragraph (8),'' before ''by increasing''.

(B) The heading for subsection (f) of section 1 is amended by inserting ''ELIMINATION OF MARRIAGE PENALTY IN 15-PERCENT BRACKET;'' before ''ADJUSTMENTS''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2002.

(c) MARRIAGE PENALTY RELIEF FOR EARNED INCOME CREDIT.—

(1) INCREASED PHASEOUT AMOUNT.—

(A) IN GENERAL.—Section 32(b)(2)(B) of the Internal Revenue Code of 1986 (relating to amounts) is amended by striking '''increased by—'' and all that follows and inserting ''increased by $3,000.''.

(B) INFLATION ADJUSTMENT.—Paragraph (1)(B)(ii) of section 32(j) of such Code (relating to inflation adjustments) is amended to read as follows:

''(ii) in the case of the $3,000 amount in subsection (b)(2)(B), by substituting 'calendar year 2003' for 'calendar year 1992' in subparagraph (B) of such section 1.''.

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to taxable years beginning after December 31, 2002.

(2) EXPANSION OF MATHEMATICAL ERROR AUTHORITY.—

(A) IN GENERAL.—Paragraph (2) of section 6213(g) of such Code is amended by striking ''and'' at the end of subparagraph (K), by striking the period at the end of subparagraph (L) and inserting '', and'', and by inserting after subparagraph (L) the following new subparagraph:

''(M) the entry on the return claiming the credit under section 32 with respect to a child if, according to the Federal Case Registry of Child Support Orders established under section 453(h) of the Social Security Act, the taxpayer is a noncustodial parent of such child.''.

(B) EFFECTIVE DATE.—The amendment made by this paragraph shall take effect on January 1, 2003.

(d) CONFORMING AMENDMENTS.—

(1) REPEAL OF AMENDMENTS.—Sections 301, 302, and 303(g) of the Economic Growth and Tax Relief Reconciliation Act of 2001 are repealed.

(2) REPEAL OF SUNSET.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 303 (other than subsection (g) of such section) of such Act (relating to marriage penalty relief).

By Mrs. HUTCHISON (for herself, Mrs. FEINSTEIN, Mr. HATCH, Mr. LEAHY, Mrs. CLINTON, Mr. ENSIGN, Mr. MILLER, Mr. VOINOVICH, Mr. CRAPO, Mr. LUGAR, Mr. BINGAMAN, Ms. STABENOW, Mr. FITZGERALD, Mr. FEINGOLD, Mr. BIDEN, Mr. MCCONNELL, Mr. NELSON of Florida, Mr. BENNETT, Mr. DODD, Ms. LANDRIEU, Mr. SESSIONS, Ms. COLLINS, Mr. ALLARD, Mr. ROCKEFELLER, Mr. WYDEN, Mr. HARKIN, and Mr. DURBIN):

S. 121. A bill to enhance the operation of the AMBER Alsert communications network in order to facilitate the recovery of abducted children, to provide for enhanced notification on highways of alerts and information on such children, and for other purposes; to the Committee on the Judiciary.

Mrs. HUTCHISON. Mr. President, I am introducing today with my friend from California, Senator FEINSTEIN, and 26 other senators, the National AMBER Network Act. This legislation will establish a National Amber Network and improve the current system of AMBER Alert plans that exist in various states. Our legislation recognizes the tremendous work that those involved in AMBER alerts are doing and seeks to build on their efforts.

In 1996, 9-year-old Amber Hagerman of Arlington, Texas was abducted and brutally murdered. Her death had such an impact on the community that local law enforcement and area broadcasters developed what is now known as AMBER Alert, America's Missing: Broadcast Emergency Response. An AMBER Alert is activated by law enforcement to find a child, when a child has been abducted. An Alert triggers highway notification and broadcast messages throughout the area where the abduction occurred.

As we have seen, AMBER plans in different communities have worked to bring children home safely. To date, AMBER Alert has helped recover 42 children nationwide. Many communities and States have outstanding AMBER plans. However, the vast majority of States do not yet have comprehensive, statewide coverage and lack the ability to effectively communicate. This is a critical issue particularly when an abducted child is taken across State lines.

The bill I am introducing today establishes an AMBER Alert Coordinator within the Department of Justice to assist states with their AMBER plans. Last year, President Bush ordered the Attorney General to establish an AMBER Alert Coordinator, and this bill will codify that position for future Administrations. While we have witnessed successful stories of AMBER alerts helping to recover a child within a region, huge gaps exist among the AMBER plans around the country. The AMBER Alert Coordinator will facilitate appropriate regional coordination of AMBER alerts, particularly with interstate travel situations, and will assist states, broadcasters, and law enforcement in establishing additional AMBER plans.

The AMBER Alert Coordinator will set minimum, voluntary standards to help states work together, and will help to reconcile the different standards and criteria for issuing an AMBER Alert. In doing so, the Coordinator will work with the National Center for Missing and Exploited Children, local and State law enforcement and broadcasters to define minimum standards. Overall, the AMBER Alert Coordinator's efforts will set safeguards to make sure the AMBER alert system is used to meet it intended purpose.

In addition, the bill provides for matching grants to states with AMBER programs. The grant program will help localities and States build or further enhance their efforts to disseminate AMBER alerts. To this end, Federal matching grants will fund road signs and electronic message boards along highways, broadcasts of information on abducted children, education and training, and related equipment.

Our bill has the strong support of the National Center of Missing and Exploited Children and the National Association of Broadcasters, who play essential roles in the AMBER Alert system. I urge the Senate to act expeditiously on this legislation to protect America's children.

Mrs. FEINSTEIN. Mr. President, today I am pleased to join Senator HUTCHISON in re-introducing the National AMBER Alert Network Act. This legislation builds on the proven successes of the AMBER Alert program.

AMBER Alerts are official bulletins transmitted over the airwaves to enlist the public's help in tracking down child abductors fleeing a crime scene.

AMBER Alerts are such powerful tools because they can be issued within minutes of an abduction and reach a wide public audience.

Statistics show that children in the most dangerous abduction cases have precious little time until their safety is compromised.

According to a study by the U.S. Department of Justice, 74 percent of children who were abducted, and later found murdered, are killed in the first hours after being taken.

Simply put, we need more AMBER Alerts because they may be the best tool law enforcement has to save kidnapped children facing imminent danger.

Last Fall, Senator HUTCHISON and I first introduced the ''National AMBER Alert Network Act.'' The bill attracted tremendous support in the Senate. Just seven days after it was introduced, the bill passed the Senate.

While the legislation did not pass the House, President Bush issued an executive order putting some of the pieces of the National AMBER Alert Network Act into effect.

Specifically, on October 3, 2002, President Bush announced that the Administration would create a national AMBER Alert coordinator in the Department of Justice, would draft national standards for AMBER Alerts; and allocate $10 million in funding for the creation of new AMBER Alert programs.

While President Bush's actions were an important first step, we now need to ensure the long-term viability of the national AMBER Alert program by enacting authorizing legislation.

The bill we introduce today has three key components.

First, the legislation would authorize $20 million to the Department of Transportation and $5 million to the Department of Justice in FY 2004 to provide grants for the development of AMBER Alert systems, electronic message boards, and training and education programs in states that do not have AMBER Alerts.

To date, AMBER Alert systems exist in 33 States and a total of 83 local, regional and State jurisdictions. This bill would help the expansion of AMBER Alerts to new jurisdictions.

Second, the bill would build upon the President's Executive Order by authorizing a national coordinator for AMBER Alerts in the Department of

Justice to expand the network of AMBER Alert systems and to coordinate the issuance of region-wide AMBER Alerts.

Third, the bill provides a framework for the Department of Justice to establish minimum standards for the regional coordination of AMBER alerts.

The Department of Justice, working with the National Center for Missing and Exploited Children and other private organizations with expertise in this area, would build upon the best standards currently in place.

Today, an AMBER Alert is typically issued only when: a law enforcement agency confirms that a predatory child abduction has occurred, the child is in imminent danger, and there is information available that, if disseminated to the public, could assist in the safe recovery of the child.

The effectiveness of AMBER Alerts depends on the continued judicious use of the system so that the public does not grow to ignore the warnings.

Furthermore, it is the specific intent of this bill not to interfere with the operation of the 83 AMBER plans that are working today.

Participation in regional AMBER plans is voluntary, and any plan that wishes to go it alone may still do so.

I urge members to support this bill because AMBER Alerts have a proven track record.

Nationally, since 1996, the AMBER Alert has been credited with the safe return of 42 children to their families, including one case in which an abductor reportedly released the child after hearing the alert himself.

I would like to briefly describe two of these cases: the rescues of 10 year-old Nichole Timmons from Riverside and four-year old Jessica Cortez from Los Angeles.

Last fall, Nichole Timmons and her mother Sharon attended a hearing of the Senate Judiciary Subcommittee on Technology, Terrorism, and Government information on the AMBER Alert program.

In moving testimony, Sharon described how Nichole was abducted from their Riverside home on August 20, 2002 and how an AMBER Alert brought her daughter back to her within hours of the abduction.

In Nichole's case, an Alert was issued not just in California, but in Nevada as well.

After learning about the Alert, a tribal police officer in Nevada spotted the truck of Nichole's abductor and stopped him within 24 hours of the abduction.

He was found with duct tape and a metal pipe.

The AMBER Alert was the only reason that Nichole was able to return home to her mother, safe.

I can't think of any testimony in support of a bill more powerful than the sight of a mother sitting next to her daughter who she thought might be gone forever.

The second case I want to mention is that of Jessica Cortez. Jessica disappeared from Echo Park in Los Angeles on August 11, 2002.

But when Jessica's abductor took her to a clinic for medical care, receptionist Denise Leon recognized Jessica from AMBER Alert and notified law enforcement.

Without the publicity generated by the Alert, Jessica could have been lost to her parents forever.

Through this legislation, we will extend to every corner of the Nation a network of AMBER Alerts that will protect our children.

This program will increase the odds that an abducted child will return to his or her family safety.

But importantly, it will deter potential abductors from taking a child in the first place.

As Mark Klaas said at a hearing on the bill last Fall, this legislation will ''save kids lives.''

Once again, let me thank Senator KAY BAILEY HUTCHISON for her tremendous leadership on this issue.

It is my hope that this bill will continue to see the strong, bipartisan support that led to its swift passage in the Senate last year. Thank you.

By Mr. SHELBY (for himself, Mr. SARBANES, Mr. BOND, Ms. MIKULSKI, Mr. BUNNING, Mr. BENNETT, Mr. ALLARD, Mr. ENZI, Mr. HAGEL, Mr. CHAFEE, Mr. JOHNSON, Mr. REED, Mr. SCHUMER, Mr. BAYH, Mr. MILLER, Ms. STABENOW, and Mr. CORZINE):

S. 122. A bill to extend the national flood insurance program; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SHELBY. Mr. President, I rise today to introduce the ''National Flood Insurance Program Reauthorization Act of 2003.'' This bill, which is cosponsored by the Ranking Democrat on the Banking Committee, Senator SARBANES, as well as Senators BOND and MIKULSKI, the Chairman and Ranking Member, respectively, of the Subcommittee on VA, HUD and Independent Agencies Appropriations, will provide a one-year extension of the lapsed federal flood insurance program.

The National Flood Insurance Program, ''NFIP'', expired on December 31, 2002. The expiration of the program has prevented homeowners and home buyers from obtaining or renewing flood insurance policies in the intervening time. Since anyone buying or refinancing a home in a flood plan must have flood insurance, NFIP's expiration will block the path to home ownership for many Americans, and have a disruptive effect on residential real estate and mortgage markets.

I have a December 6, 2002 letter from Anthony S. Lowe, the Administrator of the Federal Insurance and Mitigation Administration, which goes into greater detail regarding the consequences of the expiration of the NFIP. As Director Low indicates in this letter the lapse of this authority could effect as many as 400,000 households in the month of January alone. I ask unanimous consent that this letter be printed in the RECORD.

The bill that I am introducing today simply extends the NFIP through the end of this calender year, retroactive to January 1, 2003. As such, it's purpose is the same as S. 13, which the Senate passed last November 20th.

The House passed companion legislation this week, and it is our hope to have a short term extension of the NFIP enacted into law as soon as possible. This will permit the two Houses of Congress to consider the larger issues confronting the NFIP in a deliberate manner, without creating hardship for homeowners and undue turmoil in our nation's real estate markets.

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

FEDERAL EMERGENCY MANAGEMENT AGENCY,
Washington, DC, December 6, 2002.

U.S. Senate,
Washington, DC.

DEAR SENATOR: On December 31, 2002, certain basic authorities for the Federal Emergency Management Agency's National Flood Insurance Program (NFIP) will expire. The continuing resolution (P.L. 107–294), which extends FY 02 baseline funding through January 11, 2003, does not extend NFIP authorization. This lapse in authority in January alone could affect as many as 400,000 households seeking to obtain or renew a flood insurance policy in nearly 20,000 communities in all 50 States and territories.

In particular, the lack of authorization for NFIP to issue and renew policies will cause significant disruption to policyholders, the lending and real estate industries, secondary mortgage market, many private insurance companies writing flood insurance under arrangements with the NFIP, and particularly those seeking home loans or mortgage refinancing that requires flood insurance as a precondition to settlement.

The lapse in authorization will also have a negative impact on public entities that provide or require flood insurance, including Fannie Mae and Freddie Mac, which together control about 85% of the secondary mortgage market in the country. In addition, since policy renewal billing is generally conducted 45–90 days prior to expiration of a policy, unless our authority to renew policies is reauthorized immediately, many more individuals will be impacted than the above initial estimate.

The four authorities requiring reauthorization are sections 1309(a)(2), 1391, 1336 and 1376(c) of the National Flood Insurance Act of 1968 (P.L. 90–448). Should they lapse, the resulting uninsured flood losses could impose significant hardship on citizens, and increase costs to the Federal government and the States. I would urge Congress to act as quickly as possible to reauthorize this important program effective January 1, 2003. Should you have any questions on this issue, please do not hesitate to contact our Congressional and Intergovernmental Affairs Division at (202) 646–4500. Thank you for your consideration.

Sincerely,

ANTHONY S. LOWE,
Administrator,
Federal Insurance and Mitigation Administration.

Mr. SARBANES. Mr. President, I am pleased to join with Senator SHELBY

and others of my colleagues in introducing the National Flood Insurance Program Reauthorization Act of 2003. This legislation is similar to legislation I introduced last year S. 13, which would have reauthorized the National Flood Insurance Program (NFIP), for one year, preventing a lapse in the Federal Emergency Management Agency's authority to administer this important program. The Senate passed this bill on November 20, 2002, but unfortunately, the House of Representatives did not consider it before adjourning for the year. FEMA's authority to manage the NFIP expired on December 31, 2002.

FEMA has estimated that even a brief lapse in its authority to run the NFIP could affect approximately 500,000 households seeking to obtain or maintain flood insurance, which in many cases is a precondition for settlement of a mortgage or home loan. The NFIP was created by Congress in 1968 in response to the lack of such insurance being offered by the private sector. This program made flood insurance available in communities that adopted flood plain management regulations designed to reduce future damages from flooding, and it is now available in almost 20,000 participating communities nationwide. As of September 30, 2002, the NFIP had almost 4.4 million policies in force, representing more than 90 percent of the flood insurance in the United States. The availability of flood insurance helps Americans prepare for floods, while reducing the need for federal disaster assistance after a flood.

The unfortunate lapse in FEMA's authority has caused confusion and uncertainty in the real estate industry for both lenders and borrowers. The Federal Insurance and Mitigation Administration within FEMA has made efforts to work with the banking regulators, the lending community, and other stakeholders to address their concerns about the lapse in FEMA's authority. While these efforts have been helpful, the only effective solution is a rapid reauthorization of this program by the Congress.

The legislation we are introducing today makes reauthorization of the NFIP retroactive to December 31, 2002, to minimize any disruption that would be caused by a lapse in FEMA's authority. We have worked closely with FEMA in developing this language, and it is supported by a coalition of industry representatives, including America's Community Bankers, the American Bankers Association, the American Insurance Association, the American Society of Appraisers, the Appraisal Institute, Fannie Mae. Farmers Insurance Group, Freddie Mac, Independent Insurance Agent & Brokers of America, the Mortgage Bankers Association, the National Association of Homebuilders, the National Association of Mortgage Brokers, the National Association of Professional Insurance Agents, and the National Association of Realtors.

Property owners and mortgage lenders throughout the country rely on the NFIP to insure their properties against flood damage. Unless the NFIP is reauthorized, that protection will disappear. I urge my colleagues to support swift passage of this urgently needed legislation.

By Mr. KYL:

S. 123. A bill to exclude United States persons from the definition of ''foreign power'' under the Foreign Intelligence Surveillance Act of 1978 relating to international terrorism; to the Committee on the Judiciary.

Mr. KYL. Mr. President, 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. 123

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCLUSION OF UNITED STATES PERSONS FROM DEFINITION OF FOREIGN POWER IN FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978 RELATING TO INTERNATIONAL TERRORISM.

Paragraph (4) of section 101(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(a)) is amended to read as follows:

''(4) a person, other than a United States person, or group that is engaged in international terrorism or activities in preparation therefor;''.

By Mrs. FEINSTEIN (for herself and Mr. CHAFEE):

S. 126. A bill to amend the Internal Revenue Code of 1986 to suspend future reductions of the highest income tax rate if there exists a Federal on-budget deficit; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise to introduce a bill, with Senator CHAFEE, to freeze the top income tax rate at its current level of 38.6 percent, until such time as the Federal budget returns to surpluses. We believe the ballooning deficit is bad for the economy, bad for interest rates, and bad for the health of the Nation.

Under current law, the top income tax rate is scheduled to drop from 38.6 percent to 37.6 percent in 2004 and then to 35 percent in 2006. This rate is applied to the adjusted gross income of those who earn over $312,000. This top rate freeze would save $88 billion between now and 2010, and $132 billion through 2012, every penny of which would go toward reducing the Federal deficit.

Everyone should understand that this top tax rate is paid by just 908,000 of the more than 128 million taxpayers nationwide, just 0.7 percent of American taxpayers. This is not a time for tax policies which benefit only a small portion of the population. It is a time for fiscally responsible policies that will ensure long-term growth and provide an immediate stimulus to our economy.

In June 2001, I voted for the President's tax plan. It was truly a different time: 9/11 had not taken place; war had not appeared on the horizon; revelations of corporate fraud had not surfaced; and a recession was not evident.

Those times are as different from today as day is from night. At the time, Senator CHAFEE and I, along with twelve other Senators from both parties, supported a ''trigger'' on the 2001 tax reduction. This would have frozen future tax reductions under the Bush Tax Cut if the budget returned to deficit. Unfortunately, we were able to attract only 49 votes on the amendment. I wish we had that trigger today.

Now, it is estimated that we face $1.4 trillion in cumulative budget deficits between now and 2012. And that is why we return to the idea of the trigger. I believe that we should not allow the rate reduction for the top rate to proceed, until we return to budget surpluses.

And that brings us to the Bush Administration's $674 billion tax cut and economic stimulus package. In my view, this is the wrong plan at the wrong time. It digs the Nation deeper into debt. It is not a stimulus. It is skewed to the wealthy. And it severely limits the government's ability to pay for needed programs, like education, transportation, and law enforcement.

First, the President's plan would be a major contributor to massive budget deficits. The proposal would result in a budget deficit of approximately $482 billion this year alone, if the social security trust fund surpluses were not used to fund the budget. Using the social security trust fund, the deficit would still be $312 billion. This does not include the costs of a possible war with Iraq, an extension of Federal unemployment benefits, and the FY 2003 and FY 2004 appropriations bills.

Furthermore, as the Federal debt increases, the government will spend billions more in tax dollars on servicing the debt, instead of priorities like homeland security, healthcare, education, transportation, or the environment. Interest on the debt over ten years is already projected to be $1.3 trillion higher than expected, even before this new package, and this package would add more than $100 billion in new interest payments over the next ten years. Unlike home mortgage payments, interest on the debt is rolled over and compounds, which makes a rising debt extremely dangerous over the long-term.

Second, the President's tax cut is skewed to the wealthiest 1 percent of Americans. Taxpayers with income over 1 million would receive an average of more than $88,000 in benefits, while the typical middle-income taxpayer would only benefit by $265. This is clearly unfair. In fact one-third of all benefits would go to the wealthiest 1 percent, while less than 10 percent of the benefits would go to the 60 percent of taxpayers making under $54,000.

Third, the proposal is not stimulative. The central feature of the Administration's plan, an elimination of

taxes on corporate dividends, would not begin to be felt until April 2004. And when those savings do kick in, they would largely benefit the wealthiest people—with more than half the benefits, $225 billion, going to the top five percent of taxpayers. So to say this is a stimulus is simply inaccurate and misleading.

So, today we are urging the Senate to consider freezing a single element of the 2001 tax package. I urge my colleagues to approve a fiscally responsible package of tax proposals that reduce the deficit and stimulate the economy, instead of a massive tax cut which will do neither.

Mr. President, I request that the attached table be included for the RECORD with my statement of support for the Feinstein-Chafee Fiscal Responsibility Act of 2003.

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

TABLE 2.—TOP FEDERAL TAX BRACKET TAXPAYERS, BY STATE 2001

State	All tax units		Total tax units	Units not in top bracket
	No. in top bracket	Percent in top bracket		
Alabama	10,805	0.5	2,057,000	2,046,195
Alaska	1,731	0.6	282,000	280,269
Arizona	13,843	0.7	2,112,000	2,098,157
Arkansas	4,607	0.4	1,217,000	1,212,393
California	133,060	0.9	14,398,000	14,264,940
Colorado	16,717	0.8	2,024,000	2,007,283
Connecticut	16,019	1.0	1,595,000	1,578,981
Delaware	2,917	0.8	371,000	368,083
District of Columbia	2,845	1.1	256,000	253,155
Florida	58,928	0.8	7,645,000	7,586,072
Georgia	23,853	0.6	3,756,000	3,732,147
Hawaii	2,409	0.4	567,000	564,591
Idaho	2,876	0.5	565,000	562,124
Illinois	52,255	0.9	5,730,000	5,677,745
Indiana	17,112	0.6	2,821,000	2,803,888
Iowa	7,244	0.5	1,389,000	1,381,756
Kansas	7,174	0.6	1,244,000	1,236,826
Kentucky	8,237	0.4	1,884,000	1,875,763
Louisiana	9,534	0.5	1,981,000	1,971,466
Maine	2,858	0.5	611,000	608,142
Maryland	16,578	0.7	2,494,000	2,477,422
Massachusetts	20,520	0.7	3,092,000	3,071,480
Michigan	29,601	0.6	4,600,000	4,570,399
Minnesota	20,447	0.9	2,307,000	2,286,553
Mississippi	5,989	0.5	1,296,000	1,290,011
Missouri	15,772	0.6	2,631,000	2,615,228
Montana	1,422	0.3	421,000	419,578
Nebraska	4,373	0.5	803,000	798,627
Nevada	8,494	0.9	934,000	925,506
New Hampshire	4,121	0.7	589,000	584,879
New Jersey	42,379	1.1	3,909,000	3,866,621
New Mexico	2,367	0.3	768,000	765,633
New York	68,372	0.8	8,700,000	8,631,628
North Carolina	21,201	0.6	3,778,000	3,756,799
North Dakota	1,241	0.4	293,000	291,759
Ohio	26,723	0.5	5,630,000	5,603,277
Oklahoma	7,007	0.5	1,483,000	1,475,993
Oregon	9,264	0.6	1,623,000	1,613,736
Pennsylvania	39,987	0.7	5,833,000	5,793,013
Rhode Island	3,100	0.6	486,000	482,900
South Carolina	8,710	0.5	1,858,000	1,849,290
South Dakota	1,693	0.5	340,000	338,307
Tennessee	15,216	0.6	2,686,000	2,670,784
Texas	54,705	0.6	8,922,000	8,867,295
Utah	5,646	0.6	896,000	890,354
Vermont	1,412	0.5	287,000	285,588
Virginia	21,366	0.6	3,318,000	3,296,634
Washington	23,391	0.8	2,799,000	2,775,609
West Virginia	2,213	0.3	842,000	839,787
Wisconsin	15,597	0.6	2,517,000	2,501,403
Wyoming	1,211	0.5	229,000	227,789
U.S. Totals	907,990	0.7	128,869,000	127,961,010

NOTE: US totals include returns filed from other areas.
SOURCE: ITEP Tax Model, Preliminary.
Citizens for Tax Justice, May 7, 2001.

By Mrs. BOXER (for herself and Ms. SNOWE):

S. 127. A bill to allow a custodial parent a bad debt deduction for unpaid child support payments, and to require a parent who is chronically delinquent in child support to include the amount of the unpaid obligation in gross income; to the Committee on Finance.

Mrs. BOXER. Mr. President, today I am reintroducing the child Support Enforcement Act. This bill will bring much-needed relief to the millions of families who are not receiving the child support they desperately need.

The importance of this bill is clear. Each year, nearly 60 percent of the 20 million children who are owed child support receive less than the amount they are due. And more than 30 percent receive no payment at all. California is no exception; preliminary findings from the 2000 Census Report found that of more than 2.3 million Californians who were owed child support, only 39 percent received those payments.

Clearly, millions of individuals, largely women and children, are in crisis when it comes to child support. It is time to treat delinquent child support the same way all other bad debt is treated in the tax law.

The Child Support Enforcement Act would allow custodial parents to deduct the amount of child support they are owed from their adjusted gross income on their income taxes. This is true for all taxpayers, regardless of whether they itemize.

This bill will also penalize the noncustodial parent who is not paying his or her legally obligated child support. It will force the deadbeat parent to add the owed amount to his adjusted gross income.

This is not creating new tax law. It is extending current tax law on bad debts to delinquent child support payments. It's that simple.

The relief provided in this bill is extremely important for single parents. Child support payments can literally mean the difference between paying rent or being homeless; the difference between putting food on the table or being forced to let children go hungry; the difference between making ends meet or going on welfare.

I am pleased to be joined in the effort by Senator SNOWE. And Representative COX has introduced the House version of the bill this week as well. As you can see, this is not a partisan issue. This is a family issue. It will help families and children nationwide. I urge my colleagues to cosponsor this bill.

By Mr. FEINGOLD:

S. 128. A bill to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise

in crane conservation, financial resources for the conservation programs of countries in activities of which directly or indirectly affect cranes; to the Committee on Environment and Public Works.

Mr. FEINGOLD. Mr. President, I rise today to introduce the Crane Conservation Act of 2003. I am very pleased that the Senator from Louisiana, Ms. LANDRIEU, has joined me as a cosponsor of this bill. I propose this legislation in the hope that Congress will do its part to protect the existence of these birds, whose cultural significance and popular appeal can be seen worldwide. This legislation is important to the people of Wisconsin, as our State provides habitat and refuge to several crane species. But this legislation, which authorizes the United States Fish and Wildlife Service to distribute funds and grants to crane conservation efforts both domestically and in developing countries, promises to have a larger environmental and cultural impact that will go far beyond the boundaries of my home State. This bill is similar to legislation that I introduced in the 107th Congress, which was reported by the Environment and Public Works Committee but unfortunately did not receive floor action before the Congress adjourned. I have incorporated many of the changes made to my bill by the Environment Committee last year, and I hope that, by doing so, this bill can be swiftly reported and passed.

In October of 1994, Congress passed and the President signed the Rhinoceros and Tiger Conservation Act. The passage of this act provided support for multinational rhino and tiger conservation through the creation of the Rhinoceros and Tiger Conservation Fund, or RTCF. Administered by the United States Fish and Wildlife Service, the RTCF distributes up to $10 million in grants every year to conservation groups to support projects in developing countries. Since its establishment in 1994, the RTCF has been expanded by Congress to cover other species, such as elephants and great apes.

Today, with the legislation I am introducing, I am asking Congress to add cranes to this list. Cranes are the most endangered family of birds in the world, with ten of the world's fifteen species at risk of extinction. Specifically, this legislation would authorize up to $3 million of funds per year to be distributed in the form of conservation project grants to protect cranes and their habitat. The financial resources authorized by this bill can be made available to qualifying conservation groups operating in Asia, Africa, and North America. The program is authorized from Fiscal Year 2004 through Fiscal Year 2008.

In keeping with my belief that we should balance the budget, this bill proposes that the $15 million in authorized spending over five years for the Crane Conservation Act established in this legislation should be offset by rescinding $18 million in unspent funds from funds carried over by the Department of Energy's Clean Coal Technology Program in the Fiscal Year 2002 Energy and Water Appropriations Bill. The Secretary of the Interior would be required to transfer any funds it does not expend under the Crane Conservation Act back to the Treasury at the end of Fiscal Year 2007. I do not intend my bill to make any particular judgments about the Clean Coal program or its effectiveness, but I do think, in general, that programs should expend resources that we appropriate in a timely fashion.

I am offering this legislation due to the serious and significant decline that can be expected in crane populations worldwide without conservation efforts. The decline of the North American whooping crane, the rarest crane on earth, perfectly illustrates the dangers faced by these birds. In 1941, only 21 whooping cranes existed in the entire world. This stands in contrast to the almost 400 birds in existence today. The North American whooping crane's resurgence is attributed to the birds' tenacity for survival and to the efforts of conservationists in the United States and Canada. Today, the only wild flock of North American whooping cranes breeds in northwest Canada, and spends its winters in coastal Texas. Two new flocks of cranes are currently being reintroduced to the wild, one of which is a migratory flock on the Wisconsin to Florida flyway.

This flock of birds illustrates that any effort by Congress to regulate crane conservation needs to cross both national and international lines. As this flock of birds makes its journey from Wisconsin to Florida, the birds rely on the ecosystems of a multitude of states in this country. In its journey from the Necedah National Wildlife Refuge in Wisconsin to the Chassahowitzka National Wildlife Refuge in Florida in the fall and eventual return to my home state in the spring, this flock also faces threats from pollution of traditional watering grounds, collision with utility lines, human disturbance, disease, predation, loss of genetic diversity within the population, and vulnerability to catastrophes, both natural and man-made. Despite the conservation efforts taken since 1941, this symbol of conservation is still very much in danger of extinction.

While over the course of the last half-century, North American whooping cranes have begun to make a slow recovery, many species of crane in Africa and Asia have declined, including the sarus crane of Asia and the wattled crane of Africa.

The sarus crane stands four feet tall and can be found in the wetlands of northern India and south Asia. These birds require large, open, well watered plains or marshes to breed and survive.

Due to agricultural expansion, industrial development, river basin development, pollution, warfare, and heavy use of pesticides prevalent in India and southeast Asia, the sarus crane population has been in decline. Furthermore, in many areas, a high human population concentration compounds these factors. On the Mekong River, which runs through Cambodia, Vietnam, Laos, Thailand, and China, human population growth and planned development projects threaten the sarus crane. Reports from India, Cambodia, and Thailand have also cited incidences of the trading of adult birds and chicks, as well as hunting and egg stealing in the drop-in population of the sarus crane.

Only three subspecies of the sarus crane exist today. One resides in northern India and Nepal, one resides in southeast Asia, and one resides in northern Australia. Their population is about 8,000 in the main Indian population, with recent numbers showing a rapid decline. In Southeast Asia, only 1,000 birds remain.

The situation of the sarus crane in Asia is mirrored by the situation of the wattled crane in Africa. In Africa, the wattled crane is found in the southern and eastern regions, with an isolated population in the mountains of Ethiopia. Current population estimates range between 6,000 to 8,000 and are declining rapidly, due to loss and degradation of wetland habitats, as well as intensified agriculture, dam construction, and industrialization. In other parts of the range, the creation of dams has changed the dynamics of the flood plains, thus further endangering these cranes and their habitats. Human disturbance at or near breeding sites also continues to be a major threat. Lack of oversight and education over the actions of people, industry, and agriculture is leading to reduced preservation for the lands on which cranes live, thereby threatening the ability of cranes to survive in these regions.

If we do not act now, not only will cranes face extinction, but the ecosystems that depend on their contributions will suffer. With the decline of the crane population, the wetlands and marshes they inhabit can potentially be thrown off balance. I urge my colleagues to join me in supporting legislation that can provide funding to the local farming, education and enforcement projects that can have the greatest positive effect on the preservation of both cranes and fragile habitats. This small investment can secure the future of these exemplary birds and the beautiful areas in which they live. Therefore, I ask my colleagues to support the Crane Conservation Act of 2003.

By Mrs. BOXER (for herself, Mr. BIDEN, Mr. HOLLINGS, Mr. KERRY, and Ms. CANTWELL):

S. 130. A bill to amend the labeling requirements of the Dolphin Protection Consumer Information Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. BOXER. Mr. President, today I am introducing the ''Truth in Tuna Labeling Act.'' This important legislation

will ensure that the fishing of tuna labeled ''dolphin safe'' does not kill, harm or attack dolphins, and that consumers are given accurate information on how the tuna they purchase is caught. My bill will guarantee that tuna products labeled ''dolphin safe'' will be truly safe for dolphins.

In 1990, the Dolphin Protection Consumer Information Act, introduced by myself in the House and Senator BIDEN in the Senate, created a ''dolphin safe'' label for consumers. This legislation was passed with overwhelming bipartisan support, and it allowed American consumers to buy tuna bearing the ''dolphin safe'' label with confidence, knowing that their purchase did not trade dolphin mortalities for tuna fishing profit.

Dolphin and yellowfin tuna tend to run together in some waters. Dolphin swim closer to the surface to breathe. Under the destructive ''chase and encirclement'' practice, helicopters spot the schools of dolphin. Speedboats deliberately encircle the dolphins and cast a mile-wide net, knowing that the tuna will be below. While the tunas are to be harvested, the hope is that the dolphins will escape the edges of the net and suffocation or capture. This practice is termed ''purse seine netting.''

According to the annual reports of the Marine Mammal Commission and the Inter-American Tropical Tuna Commission, dolphin mortality in the eastern tropical Pacific alone has decreased from more than 100,000 dolphin kills each year to fewer than 2,000 kills each year since the passage of the ''dolphin safe'' label in 1990.

Unfortunately, on New Year's Eve, the Commerce Department announced its plans to make the labeling standard largely meaningless by changing the definition of ''dolphin safe'' tuna to allow the label to be put on tuna harvested through deadly purse seine netting.

This flies in the face of all available scientific information.

According to the Marine Mammal Commission, ''. . . the results of the [National Marine Fisheries] Service's research program . . . provide evidence that the practice of chasing and encircling dolphins is having adverse effects on the recover of depleted dolphin stocks and that the magnitude of those effects, at both the individual and population levels, may be significant.''

The report prepared by the Commerce Department reached a similar conclusion. It said, ''. . . despite considerable effort by fishery scientists, there is little evidence of recovery, and concerns remain that the practice of chasing and circling dolphins somehow is adversely affecting the ability of those depleted stocks to recover.''

The new rule completely undermines the integrity of the ''dolphin safe'' label, allowing ''dolphin safe'' labels to be placed on dolphin deadly tuna, and misleading the public. These changes fly in the face of the bipartisan legislation that was enacted in response to public outcry and consumer demand.

As one who fought in the past to protect dolphins and inform consumers, I believe that the effectiveness of the label will be severely undermined by the change and will allow the continued deterioration of dolphin populations. This administration has once again continued its attack on the environment by weakening protections for marine mammals, ignoring science, and providing yet another favor to industry.

Therefore, I am introducing the ''Truth in Tuna Labeling Act'' to reinstate the original ''dolphin safe'' label.

By Mr. REID (for himself, Mrs. CLINTON, Mr. JEFFORDS, Mr. LIEBERMAN, Mr. HARKIN, and Mr. EDWARDS):

S. 131. A bill to amend the Atomic Energy Act of 1954 and the Energy Reorganization Act of 1974 to strengthen security at sensitive nuclear facilities; to the Committee on Environment and Public Works.

Mr. REID. Mr. President. Today I am joined by Senators CLINTON, JEFFORDS, LIEBERMAN, HARKIN and EDWARDS in introducing the Nuclear Security Act of 2003.

The tragedy of September 11 taught us many things. It taught us the vulnerability of our Nation's buildings and the strength of our nation's resolve. We also learned how important our first responders the brave men and women who arrive at the scene when there is an emergency. Finally, we are reminded that we must be prepared for today's threats because they could become tomorrow's attacks.

Last year, I introduced legislation to improve the safety of our Nation's nuclear power plants. Nearly one year has passed since the President warned us in his last State of the Union address how vulnerable these facilities are, but the Nuclear Regulatory Commission has still not taken any clear steps to improve the safety and security of our nation's nuclear power plants. That is not acceptable.

Recent reports by the Nuclear Regulatory Commission's Inspector General paint a bleak picture of the NRC's commitment to safety and security.

Just a few days ago, the Inspector General released a survey of NRC employees.

According to the Associated Press that survey found that a third of the Agency's employees question the agency's commitment to public safety and nearly half are not comfortable raising concerns about safety issues within the agency.

The survey also found that some NRC employees worry that safety training requirements for nuclear facilities are outdated and ''leave the security of the nuclear sites . . . vulnerable to sabotage.''

So today, we are reintroducing legislation to protect our nation's commercial nuclear facilities.

This legislation will fill the void that has been left by the NRC's unwillingness to challenge the industry when terrorists could.

In particular, it will: establish a task force—chaired by the Nuclear Regulatory Commission, NRC to take a comprehensive look at the security of our nuclear facilities.

Assign a new Federal security coordinator to each nuclear power plant. Each plant should have a dedicated NRC employee responsible for ensuring the appropriate coordination and communication between federal, state, and local emergency response and law enforcement agencies.

Establish a new antiterrorism team, which will provide additional support to the existing private security forces. This team will be a model for how to protect other potentially vulnerable elements of our energy infrastructure.

Require the NRC to update the threats nuclear power plants must protect against; Require the NRC to make a comprehensive review of emergency and security plans; Require the NRC to establish a new threat level system for nuclear power plants; Require the NRC to revise and update their hiring and training standards.

Establish a new, rigorous program to test nuclear facilities against realistic threats. This is the kind of training security guards are asking for.

In developing this bill, we listened to the concerns of guards and to the concerns of Americans who live and work near these facilities.

In opposing this bill, the Administration continues to listen instead to the nuclear power industry.

It is time the Administration lived up to its commitments to make our nation's nuclear power plants more secure.

It is time the Administration listens to the people who really matter, not the companies for whom only profit matters.

By Mr. FEINGOLD (for himself, Mr. LEVIN, Mr. CORZINE, and Mr. DURBIN):

S. 132. A bill to place a moratorium on executions by the Federal Government and urge the States to do the same, while a National Commission on the Death Penalty reviews the fairness of the imposition of the death penalty; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, this week, the University of Maryland released the findings of its landmark 2-year study on Maryland's death penalty system. The report reveals disturbing racial and geographic disparities in the administration of the death penalty in Maryland. It confirms the alarming conclusion that the administration of our criminal justice system's ultimate punishment is flawed and far from fair or just.

That is why I rise today to reintroduce the National Death Penalty Moratorium Act. This bill seeks to apply the wisdom of out-going Maryland Governor Parris Glendening and out-going

Illinois Governor George Ryan to the Federal Government and all States that authorize the use of capital punishment. The bill would place a moratorium on Federal executions and urge States to do the same. The bill would also create a National Commission on the Death Penalty to review the fairness of the administration of the death penalty at the State and Federal levels. This Commission would be an independent, blue ribbon panel of distinguished prosecutors, defense attorneys, jurists and others. I am pleased that my distinguished colleagues, Senators LEVIN, CORZINE, and DURBIN, have joined me in cosponsoring this bill.

The University of Maryland study was conducted by Professor Raymond Paternoster of the University's Institute of Criminal Justice and Criminology, and is the most exhaustive study of Maryland's application of the death penalty in history. Professor Paternoster and other researchers examined records of every homicide prosecution in which the death penalty could have been sought, dating back to 1978.

The study released this week found that blacks accused of killing whites are simply more likely to receive a death sentence than blacks who kill blacks, or than white killers. According to the report, black offenders who kill whites are four times as likely to be sentenced to death as blacks who kill blacks, and twice as likely to get a death sentence as whites who kill whites.

The study also confirms geographic disparity in Maryland's death penalty system. Those convicted of murder in Baltimore County, a jurisdiction with a high number of white murder victims, are 26 times as likely to be sentenced to death as those convicted in Baltimore City, and 14 times as likely as those convicted in Montgomery County.

Two years ago, when Governor Glendening learned of these suspected disparities, he did not look the other way. Then last year, faced with the rapid approach of a scheduled execution, he acknowledged that it was unacceptable to allow executions to take place while the study he had ordered was not yet complete. So, in May 2002, he placed a moratorium on executions. That was the right thing to do.

I urge Governor-elect Ehrlich to do the right thing by extending the moratorium. It would be contrary to our Nation's founding principles of fairness and justice to execute anyone in Maryland before the questions raised by the study are addressed.

The year 2002 was a landmark year for the examination of the death penalty. Last year the 102nd person was exonerated from death row in the modern death penalty era; 102 innocent people have been exonerated, in some cases just days from execution, after being found innocent of crimes for which they served sometimes years on death row. That is not a small number. In the modern death penalty era, our Nation has executed 820 people. That means that according to our best estimates, since the death penalty was reinstated in 1976, for every 8 people executed, one who had been convicted and sentenced to death has been found innocent.

That is an unacceptable high error rate in the administration of a punishment for which errors caught too late cannot be fixed. That's a rate of error with which none of us should be comfortable.

We should learn from the example set by Governor Glendening and by Governor Ryan. Their voices are two of the many that have chimed in over recent years to express doubt about the fairness of our Nation's system of capital punishment. As evidence of the flaws in our system mounts, it has created an awareness that has not escaped the attention of the American people. Layer after layer of confidence in the death penalty system has been gradually peeling away, and the voices of those questioning its fairness are growing louder and louder. Now they can be heard from college campuses and court rooms and podiums across the nation, to the Senate Judiciary Committee hearing room, to the Supreme Court. We must not ignore them.

In 2002, Governor Ryan's Commission on Capital Punishment issued its report, which concluded with 85 recommendations for reforming the death penalty system. In June 2002, I held a hearing in the Judiciary Subcommittee on the Constitution on the report of the Illinois Governor's Commission on Capital Punishment. We were fortunate to have Governor Ryan and other members of the Commission testify about the many flaws in the Illinois death penalty system and their recommendations for reform.

The Illinois study and report are invaluable to the study of fairness in our justice system. Governor Ryan's Commission provides a model for the nation for how we can respond to the indisputable proof of errors in our justice system. I am confident that as Governor Ryan leaves office next week, his greatest legacy to our nation will be the courage he showed three years ago when he suspended executions and acknowledged that the death penalty system in Illinois was broken.

If we are prepared to admit, as Illinois and Maryland have, that there are flaws in the death penalty system, then it is unconscionable to allow executions to continue without a thorough, nationwide review. The problems in the Illinois and Maryland systems are not unique to their states. Since reinstatement of the modern death penalty, 81 percent of capital cases have involved white victims, even though only 50 percent of murder victims are white. Nationwide, more than half of the death row inmates are African-Americans or Hispanic-Americans. There is evidence of racial disparities, inadequate counsel, prosecutorial misconduct, and false scientific evidence in death penalty systems across the country.

In 2002, we saw progress here in Congress in addressing problems plaguing the death penalty. The Innocence Protection Act, introduced by my distinguished colleague and ranking member on the Judiciary Committee, Senator LEAHY, was favorably reported from the Judiciary Committee in July. This legislation takes an important step by recognizing the need for access to modern DNA testing and certain minimum standards of competency for defense counsel in capital cases.

I commend Senator LEAHY and the bipartisan effort of my colleagues who helped move this important bill and I hope we will finish the job and enact it into law this year. But I also urge them and the rest of the Senate to recognize that if we are prepared to admit that we need these reforms, a time-out is also needed to ensure that we do not execute a single innocent person. The stakes are too high and the consequences are far too devastating to allow executions to proceed.

Also in 2002, in a significant turning point for our Nation, the Supreme Court reversed itself and ruled unconstitutional the execution of the mentally retarded in Atkins versus Virginia. The Court's decision further confirms that our Nation's standards of decency concerning the ultimate punishment are indeed evolving and maturing.

While last year's events are steps toward fairness and indications of progress, they also serve as shocking reminders that our system is seriously flawed. The statistics reflecting unfairness and stories of innocent people wrongly convicted are clear and disturbing to all Americans who believe in the founding principles of our Nation, liberty and justice for all.

When examined collectively, these facts paint a devastating picture that needs to be examined in much greater detail.

That is why I urge my colleagues to join me in cosponsoring the National Death Penalty Moratorium Act.

The courts in this country have already made, by our best, conservative estimates, 102 very grave mistakes. One hundred and two mistakes in the death penalty system qualifies as a crisis. And a crisis calls for immediate action. The time for a moratorium is now.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 132

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Death Penalty Moratorium Act of 2003''.

TITLE I—MORATORIUM ON THE DEATH PENALTY

SEC. 101. FINDINGS.

Congress makes the following findings:

(1) GENERAL FINDINGS.—

(A) The administration of the death penalty by the Federal government and the States should be consistent with our Nation's fundamental principles of fairness, justice, equality, and due process.

(B) Congress should consider that more than ever Americans are questioning the use of the death penalty and calling for assurances that it be fairly applied.

(C) Documented unfairness in the Federal system requires Congress to act and suspend Federal executions. Additionally, substantial evidence of unfairness throughout death penalty States justifies further investigation by Congress.

(2) ADMINISTRATION OF THE DEATH PENALTY BY THE FEDERAL GOVERNMENT.—

(A) The fairness of the administration of the Federal death penalty has recently come under serious scrutiny, specifically raising questions of racial and geographic disparities:

(i) Almost 75 percent of Federal death row inmates are members of minority groups.

(ii) A report released by the Department of Justice on September 12, 2000, found that 80 percent of defendants who were charged with death-eligible offenses under Federal law and whose cases were submitted by the United States attorneys under the Department's death penalty decision-making procedures were African American, Hispanic American, or members of other minority groups.

(iii) The Department of Justice report shows that United States attorneys in only 5 of 94 Federal districts—1 each in Virginia, Maryland, Puerto Rico, and 2 in New York—submit 40 percent of all cases in which the death penalty is considered.

(iv) The Department of Justice report shows that United States attorneys who have frequently recommended seeking the death penalty are often from States with a high number of executions under State law, including Texas, Virginia, and Missouri.

(v) The Department of Justice report shows that white defendants are more likely than black defendants to negotiate plea bargains saving them from the death penalty in Federal cases.

(vi) A study conducted by the House Judiciary Subcommittee on Civil and Constitutional Rights in 1994 concluded that 89 percent of defendants selected for capital prosecution under the Anti-Drug Abuse Act of 1988 were either African American or Hispanic American.

(vii) The National Institute of Justice has already set into motion a comprehensive study of these racial and geographic disparities.

(viii) Federal executions should not proceed until these disparities are fully studied, discussed, and the federal death penalty process is subjected to necessary remedial action.

(B) In addition to racial and geographic disparities in the administration of the federal death penalty, other serious questions exist about the fairness and reliability of federal death penalty prosecutions:

(i) Federal prosecutors rely heavily on bargained-for testimony from accomplices of the capital defendant, which is often obtained in exchange for not seeking the death penalty against the accomplices. This practice creates a serious risk of false testimony.

(ii) Federal prosecutors are not required to provide discovery sufficiently ahead of trial to permit the defense to be prepared to use this information effectively in defending their clients.

(iii) The Federal Bureau of Investigation (FBI), in increasing isolation from the rest of the nation's law enforcement agencies, refuses to make electronic recordings of interrogations that produce confessions, thus making subsequent scrutiny of the legality and reliability of such interrogations more difficult.

(iv) Federal prosecutors rely heavily on predictions of ''future dangerousness''—predictions deemed unreliable and misleading by the American Psychiatric Association and the American Psychological Association—to secure death sentences.

(3) ADMINISTRATION OF THE DEATH PENALTY BY THE STATES.—

(A) The punishment of death carries an especially heavy burden to be free from arbitrariness and discrimination. The Supreme Court has held that ''super due process'', a higher standard than that applied in regular criminal trials, is necessary to meet constitutional requirements. There is significant evidence that States are not providing this heightened level of due process. For example:

(i) In the most comprehensive review of modern death sentencing, Professor James Liebman and researchers at Columbia University found that, during the period 1973 to 1995, 68 percent of all death penalty cases reviewed were overturned due to serious constitutional errors. In the wake of the Liebman study, 6 States (Arizona, Maryland, North Carolina, Illinois, Indiana, and Nebraska) have conducted additional studies. These studies expose additional problems.

(ii) Forty percent of the cases overturned were reversed in Federal court after having been upheld by the States.

(B) The high rate of error throughout all death penalty jurisdictions suggests that there is a grave risk that innocent persons may have been, or will likely be, wrongfully executed. Although the Supreme Court has never conclusively addressed the issue of whether executing an innocent person would in and of itself violate the Constitution, in Herrara v. Collins, 506 U.S. 390 (1993), a majority of the court expressed the view that a persuasive demonstration of actual innocence would violate substantive due process rendering imposition of a death sentence unconstitutional. In any event, the wrongful conviction and sentencing of a person to death is a serious concern for many Americans. For example:

(i) After 13 innocent people were released from Illinois death row in the same period that the State had executed 12 people, on January 31, 2000, Governor George Ryan of Illinois imposed a moratorium on executions until he could be ''sure with moral certainty that no innocent man or woman is facing a lethal injection, no one will meet that fate''.

(ii) Since 1973, over 100 innocent persons sitting on death rows across the country have been exonerated, most after serving lengthy sentences.

(C) Wrongful convictions create a serious public safety problem because the true killer is still at large, while the innocent person languishes in prison.

(D) There are many systemic problems that result in innocent people being convicted such as mistaken identification, reliance on jailhouse informants, reliance on faulty forensic testing and no access to reliable DNA testing. For example:

(i) A study of cases of innocent people who were later exonerated, conducted by attorneys Barry Scheck and Peter Neufeld with ''The Innocence Project'' at Cardozo Law School, showed that mistaken identifications of eyewitnesses or victims contributed to 84 percent of the wrongful convictions.

(ii) Many persons on death row were convicted prior to 1994 and did not receive the benefit of modern DNA testing. At least 10 individuals sentenced to death have been exonerated through post-conviction DNA testing, some within days of execution. Yet in spite of the current widespread prevalence and availability of DNA testing, many States have procedural barriers blocking introduction of post-conviction DNA testing. More than 30 States have laws that require a motion for a new trial based on newly discovered evidence to be filed within 6 months or less.

(iii) The widespread use of jailhouse snitches who earn reduced charges or sentences by fabricating ''admissions'' by fellow inmates to unsolved crimes can lead to wrongful convictions.

(iv) The misuse of forensic evidence can lead to wrongful convictions. A report from the Texas Defender Service entitled ''A State of Denial: Texas and the Death Penalty'' found 160 cases of official forensic misconduct including 121 cases where expert psychiatrists testified ''with absolute certainty that the defendant would be a danger in the future'', often without even interviewing the defendant.

(E) The sixth amendment to the Constitution guarantees all accused persons access to competent counsel. The Supreme Court set out standards for determining competency in the case of Strickland v. Washington, 466 U.S. 668 (1984). Unfortunately, there is unequal access to competent counsel throughout death penalty States. For example:

(i) Ninety percent of capital defendants cannot afford to hire their own attorney.

(ii) Fewer than one-quarter of the 38 death penalty States have set any standards for competency of counsel and in those few States, these standards were set only recently. In most States, any person who passes a bar examination, even if that attorney has never represented a client in any type of case, may represent a client in a death penalty case.

(iii) Thirty-seven percent of capital cases were reversed because of ineffective assistance of counsel, according to the Columbia study.

(iv) The Texas report noted problems with Texas defense attorneys who slept through capital trials, ignored obvious exculpatory evidence, suffered discipline for ethical lapses or for being under the influence of drugs or alcohol while representing an indigent capital defendant at trial.

(v) Poor lawyering was also cited by Governor Ryan in Illinois as a basis for a moratorium. More than half of all capital defendants there were represented by lawyers who were later disciplined or disbarred for unethical conduct.

(F) The Supreme Court has held that it is a violation of the eighth amendment to impose the death penalty in a manner that is arbitrary, capricious, or discriminatory. McKlesky v. Kemp, 481 U.S. 279 (1987). Studies consistently indicate racial disparity in the application of the death penalty both for the defendants and the victims. The death penalty is disparately applied in various regions throughout the country, suggesting arbitrary administration of the death penalty based on where the prosecution takes place. For example:

(i) Since 1976, 45 percent of death row inmates were white, 43 percent were black, 9 percent were Hispanic, and 2 percent were of other racial groups. Of the victims in the underlying murder, 81 percent were white, 14 percent were black, and 4 percent were Hispanic. While over 80 percent of completed capital cases involve white victims, nationally only 50 percent of murder victims are white. These figures show a continuing trend since reinstatement of the modern death penalty of a predominance of white victims' cases and implies that white victims are considered more valuable in the criminal justice system.

(ii) Executions are conducted predominately in southern States. Ninety percent of

all executions in 2000 were conducted in the south. Only 3 States outside the south, Arizona, California, and Missouri, conducted an execution in 2000. Texas accounted for almost as many executions as all the remaining States combined.

(G) The Supreme Court recently reversed itself and has ruled the execution of the mentally retarded unconstitutional and in violation of the Eighth Amendment. (Atkins v. Virginia, 536 U.S. 304 (2002)).

SEC. 102. FEDERAL AND STATE DEATH PENALTY MORATORIUM.

(a) IN GENERAL.—The Federal Government shall not carry out any sentence of death imposed under Federal law until the Congress considers the final findings and recommendations of the National Commission on the Death Penalty in the report submitted under section 202(c)(2) and the Congress enacts legislation repealing this section and implements or rejects the guidelines and procedures recommended by the Commission.

(b) SENSE OF CONGRESS.—It is the sense of Congress that each State that authorizes the use of the death penalty should enact a moratorium on executions to allow time to review whether the administration of the death penalty by that State is consistent with constitutional requirements of fairness, justice, equality, and due process.

TITLE II—NATIONAL COMMISSION ON THE DEATH PENALTY

SEC. 201. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the National Commission on the Death Penalty (in this title referred to as the ''Commission'').

(b) MEMBERSHIP.—

(1) APPOINTMENT.—Members of the Commission shall be appointed by the President in consultation with the Attorney General and the Chairmen and Ranking Members of the Committees on the Judiciary of the House of Representatives and the Senate.

(2) COMPOSITION.—The Commission shall be composed of 15 members, of whom—

(A) 3 members shall be Federal or State prosecutors;

(B) 3 members shall be attorneys experienced in capital defense;

(C) 2 members shall be current or former Federal or State judges;

(D) 2 members shall be current or former Federal or State law enforcement officials; and

(E) 5 members shall be individuals from the public or private sector who have knowledge or expertise, whether by experience or training, in matters to be studied by the Commission, which may include—

(i) officers or employees of the Federal Government or State or local governments;

(ii) members of academia, nonprofit organizations, the religious community, or industry; and

(iii) other interested individuals.

(3) BALANCED VIEWPOINTS.—In appointing the members of the Commission, the President shall, to the maximum extent practicable, ensure that the membership of the Commission is fairly balanced with respect to the opinions of the members of the Commission regarding support for or opposition to the use of the death penalty.

(4) DATE.—The appointments of the initial members of the Commission shall be made not later than 30 days after the date of enactment of this Act.

(c) PERIOD OF APPOINTMENT.—Each member shall be appointed for the life of the Commission.

(d) VACANCIES.—A vacancy in the Commission shall not affect the powers of the Commission, but shall be filled in the same manner as the original appointment.

(e) INITIAL MEETING.—Not later than 30 days after all initial members of the Commission have been appointed, the Commission shall hold the first meeting.

(f) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(g) QUORUM.—A majority of the members of the Commission shall constitute a quorum for conducting business, but a lesser number of members may hold hearings.

(h) CHAIR.—The President shall designate 1 member appointed under subsection (a) to serve as the Chair of the Commission.

(i) RULES AND PROCEDURES.—The Commission shall adopt rules and procedures to govern the proceedings of the Commission.

SEC. 202. DUTIES OF THE COMMISSION.

(a) STUDY.—

(1) IN GENERAL.—The Commission shall conduct a thorough study of all matters relating to the administration of the death penalty to determine whether the administration of the death penalty comports with constitutional principles and requirements of fairness, justice, equality, and due process.

(2) MATTERS STUDIED.—The matters studied by the Commission shall include the following:

(A) Racial disparities in capital charging, prosecuting, and sentencing decisions.

(B) Disproportionality in capital charging, prosecuting, and sentencing decisions based on geographic location and income status of defendants or any other factor resulting in such disproportionality.

(C) Adequacy of representation of capital defendants, including consideration of the American Bar Association ''Guidelines for the Appointment and Performance of Counsel in Death Penalty Cases'' (adopted February 1989) and American Bar Association policies that are intended to encourage competency of counsel in capital cases (adopted February 1979, February 1988, February 1990, and August 1996).

(D) Whether innocent persons have been sentenced to death and the reasons these wrongful convictions have occurred.

(E) Whether the Federal Government should seek the death penalty in a State with no death penalty.

(F) Whether courts are adequately exercising independent judgment on the merits of constitutional claims in State post-conviction and Federal habeas corpus proceedings.

(G) Whether persons who were under the age of 18 at the time of their offenses should be sentenced to death after conviction of death-eligible offenses.

(H) Procedures to ensure that persons sentenced to death have access to forensic evidence and modern testing of forensic evidence, including DNA testing, when modern testing could result in new evidence of innocence.

(I) Any other law or procedure to ensure that death penalty cases are administered fairly and impartially, in accordance with the Constitution.

(b) GUIDELINES AND PROCEDURES.—

(1) IN GENERAL.—Based on the study conducted under subsection (a), the Commission shall establish guidelines and procedures for the administration of the death penalty consistent with paragraph (2).

(2) INTENT OF GUIDELINES AND PROCEDURES.—The guidelines and procedures required by this subsection shall—

(A) ensure that the death penalty cases are administered fairly and impartially, in accordance with due process;

(B) minimize the risk that innocent persons may be executed; and

(C) ensure that the death penalty is not administered in a racially discriminatory manner.

(c) REPORT.—

(1) PRELIMINARY REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit to the President, the Attorney General, and the Congress a preliminary report, which shall contain a preliminary statement of findings and conclusions.

(2) FINAL REPORT.—Not later than 2 years after the date of enactment of this Act, the Commission shall submit a report to the President, the Attorney General, and the Congress which shall contain a detailed statement of the findings and conclusions of the Commission, together with the recommendations of the Commission for legislation and administrative actions that implement the guidelines and procedures that the Commission considers appropriate.

SEC. 203. POWERS OF THE COMMISSION.

(a) INFORMATION FROM FEDERAL AND STATE AGENCIES.—

(1) IN GENERAL.—The Commission may secure directly from any Federal or State department or agency information that the Commission considers necessary to carry out the provisions of this title.

(2) FURNISHING OF INFORMATION.—Upon a request of the Chairperson of the Commission, the head of any Federal or State department or agency shall furnish the information requested by the Chairperson to the Commission.

(b) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(c) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) HEARINGS.—The Commission or, at the direction of the Commission, any subcommittee or member of the Commission, may, for the purpose of carrying out the provisions of this title—

(1) hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths that the Commission, subcommittee, or member considers advisable; and

(2) require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of books, records, correspondence, memoranda, papers, documents, tapes, and materials that the Commission, subcommittee, or member considers advisable.

(e) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(1) ISSUANCE.—Subpoenas issued pursuant to subsection (d)—

(A) shall bear the signature of the Chairperson of the Commission; and

(B) shall be served by any person or class of persons designated by the Chairperson for that purpose.

(2) ENFORCEMENT.—

(A) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under subsection (d), the district court of the United States for the judicial district in which the subpoenaed person resides, is served, or may be found, may issue an order requiring that person to appear at any designated place to testify or to produce documentary or other evidence.

(B) CONTEMPT.—Any failure to obey a court order issued under subparagraph (A) may be punished by the court as a contempt.

(3) TESTIMONY OF PERSONS IN CUSTODY.—A court of the United States within the jurisdiction in which testimony of a person held in custody is sought by the Commission or within the jurisdiction of which such person is held in custody, may, upon application by the Attorney General, issue a writ of habeas

corpus ad testificandum requiring the custodian to produce such person before the Commission, or before a member of the Commission or a member of the staff of the Commission designated by the Commission for such purpose.

(f) WITNESS ALLOWANCES AND FEES.—

(1) IN GENERAL.—The provisions of section 1821 of title 28, United States Code, shall apply to witnesses requested or subpoenaed to appear at any hearing of the Commission.

(2) TRAVEL EXPENSES.—The per diem and mileage allowances for witnesses shall be paid from funds available to pay the expenses of the Commission.

SEC. 204. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Members of the Commission shall serve without compensation for the services of the member to the Commission.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform the duties of the Commission.

(2) EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(3) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and the detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5.

SEC. 205. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date on which the Commission submits its report under section 202.

SEC. 206. FUNDING.

(a) IN GENERAL.—The Commission may expend an amount not to exceed $850,000, as provided by subsection (b), to carry out this title.

(b) AVAILABILITY.—Sums appropriated to the Department of Justice shall be made available to carry out this title.

By Mr. ROCKEFELLER (for himself, Ms. COLLINS, Mr. NELSON of Nebraska, Mr. SMITH, Mrs. CLINTON, Mrs. HUTCHISON, and Mr. GRAHAM of Florida):

S. 138. A bill to temporarily increase the Federal medical assistance percentage for the medicaid program; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, this budget cycle State legislators face the largest deficits in 50 years. To balance combined budget deficits of $60 to $85 billion, most States will be forced to raise taxes and cut spending. In July of last year, 75 Senators voted to provide meaningful fiscal relief to the states. That is why I return to the floor today to introduce ''The State Budget Relief Act of 2003,'' with my friends and colleagues Senators COLLINS, BEN NELSON, and GORDON SMITH. This bipartisan legislation will provide $20 billion in immediate assistance to states to help pay for increases in Medicaid enrollment due to rising unemployment and to stop cuts in health insurance coverage, child care, education and other social services due to state budget crises.

As one of the largest State programs, Medicaid has become increasingly vulnerable as a target for cuts. In 11 States, legislators have proposed and adopted cuts that when fully implemented will strip health insurance coverage from approximately one million low-income people. Further, when governors release their budgets this month, that number is expected to climb much higher than one million. Most of these people are parents and children in working families that will go uninsured without Medicaid coverage.

If States are forced to institute further Medicaid cuts, our most vulnerable Americans will be left out in the cold. In West Virginia, Medicaid provides coverage to 14 percent of the population. Just this week, a West Virginia health clinic, which provides the only care for Medicaid patients in town, was forced to lay off 18 employees. The clinic is at risk because the State Medicaid program does not have the money to pay it for services.

These problems are not unique to West Virginia. Stories from across the country show that many states will be forced to seek solutions to their budget crises at the expense of low-income people covered by Medicaid. On December 30th, the LA Times reported that California is considering proposals that would cut coverage for 500,000 people by the end of fiscal year 2004. This is more than one-third of the total number of people, nationally, who lost coverage in all of 2001.

Some Senators might ask why we should help the States. The answer to that question is that the current economic downturn and the continuing State fiscal crises are hurting people across this country and a great many more people will be hurt in the next 18 months. The budget deficits are too large for States to cover alone without threatening the health and welfare of millions of Americans.

The bipartisan ''State Budget Relief Act'' provides a temporary increase in Federal Medicaid matching rates, which will help reduce the pressure on states to cut health insurance coverage for low-income families and individuals. It grants states money that they can use for social services such as education and child care. Finally, the bill holds States harmless for reduced Federal match rates in fiscal year 2002. As a result of these provisions, West Virginia would receive $127 million to help balance its budget.

I want to stress that this proposal is a critical component of economic stimulus. In this time of economic downturn, we need to ensure that there will be a safety net for low-income people and that states are not placing a further drag on the economy in efforts to balance their budgets. Several States have completed Medicaid economic impact studies within the last year. These reports conclude that in addition to the personal toll that loss of coverage takes on people, Medicaid cuts create an economic ripple effect by contributing to job and income losses for individuals and reduced output for businesses. The President's proposed economic stimulus package ignores this storm brewing in the States. It provides no fiscal relief for states and, in fact, worsens the problem by reducing state revenues by more than $4 billion a year through the individual tax cut on dividends.

In contrast, our bipartisan proposal provides immediate, temporary relief to States that will complement other economic stimulus strategies while protecting the health of millions of Americans. It will be effective for 18 months from April 2003. I am extremely disappointed that the Administration failed to include any real relief for the states in its own massive stimulus package. I think that is a serious mistake, and I will fight to include the proposal introduced by Senators COLLINS, BEN NELSON, GORDON SMITH and myself in any stimulus package we deal with in the Senate Finance Committee or on the floor.

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. 138

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. TEMPORARY STATE FISCAL RELIEF.

(a) TEMPORARY INCREASE OF MEDICAID FMAP.—

(1) PERMITTING MAINTENANCE OF FISCAL YEAR 2002 FMAP FOR LAST 2 CALENDAR QUARTERS OF FISCAL YEAR 2003.—Notwithstanding any other provision of law, but subject to paragraph (5), if the FMAP determined without regard to this subsection for a State for fiscal year 2003 is less than the FMAP as so determined for fiscal year 2002, the FMAP for the State for fiscal year 2002 shall be substituted for the State's FMAP for the third and fourth calendar quarters of fiscal year 2003, before the application of this subsection.

(2) PERMITTING MAINTENANCE OF FISCAL YEAR 2003 FMAP FOR FISCAL YEAR 2004.—Notwithstanding any other provision of law, but

subject to paragraph (5), if the FMAP determined without regard to this subsection for a State for fiscal year 2004 is less than the FMAP as so determined for fiscal year 2003, the FMAP for the State for fiscal year 2003 shall be substituted for the State's FMAP for each calendar quarter of fiscal year 2004, before the application of this subsection.

(3) GENERAL 2.45 PERCENTAGE POINTS INCREASE FOR LAST 2 CALENDAR QUARTERS OF FISCAL YEAR 2003 AND FISCAL YEAR 2004.—Notwithstanding any other provision of law, but subject to paragraphs (5) and (6), for each State for the third and fourth calendar quarters of fiscal year 2003 and each calendar quarter of fiscal year 2004, the FMAP (taking into account the application of paragraphs (1) and (2)) shall be increased by 2.45 percentage points.

(4) INCREASE IN CAP ON MEDICAID PAYMENTS TO TERRITORIES.—Notwithstanding any other provision of law, but subject to paragraph (6), with respect to the third and fourth calendar quarters of fiscal year 2003 and each calendar quarter of fiscal year 2004, the amounts otherwise determined for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa under subsections (f) and (g) of section 1108 of the Social Security Act (42 U.S.C. 1308) shall each be increased by an amount equal to 4.90 percent of such amounts.

(5) SCOPE OF APPLICATION.—The increases in the FMAP for a State under this subsection shall apply only for purposes of title XIX of the Social Security Act and shall not apply with respect to—

(A) disproportionate share hospital payments described in section 1923 of such Act (42 U.S.C. 1396r–4); or

(B) payments under title IV or XXI of such Act (42 U.S.C. 601 et seq. and 1397aa et seq.).

(6) STATE ELIGIBILITY.—

(A) IN GENERAL.—Subject to subparagraph (B), a State is eligible for an increase in its FMAP under paragraph (3) or an increase in a cap amount under paragraph (4) only if the eligibility under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) is no more restrictive than the eligibility under such plan (or waiver) as in effect on September 2, 2003.

(B) STATE REINSTATEMENT OF ELIGIBILITY PERMITTED.—A State that has restricted eligibility under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) after September 2, 2003, but prior to the date of enactment of this Act is eligible for an increase in its FMAP under paragraph (3) or an increase in a cap amount under paragraph (4) in the first calendar quarter (and subsequent calendar quarters) in which the State has reinstated eligibility that is no more restrictive than the eligibility under such plan (or waiver) as in effect on September 2, 2003.

(C) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) or (B) shall be construed as affecting a State's flexibility with respect to benefits offered under the State medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)).

(7) DEFINITIONS.—In this subsection:

(A) FMAP.—The term ''FMAP'' means the Federal medical assistance percentage, as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)).

(B) STATE.—The term ''State'' has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(8) REPEAL.—Effective as of October 1, 2004, this subsection is repealed.

(b) ADDITIONAL TEMPORARY STATE FISCAL RELIEF.—

(1) IN GENERAL.—Title XX of the Social Security Act (42 U.S.C. 1397–1397f) is amended by adding at the end the following:

''SEC. 2008. ADDITIONAL TEMPORARY GRANTS FOR STATE FISCAL RELIEF.

''(a) IN GENERAL.—For the purpose of providing State fiscal relief allotments to States under this section, there are hereby appropriated, out of any funds in the Treasury not otherwise appropriated, $10,000,000,000. Such funds shall be available for obligation by the State through June 30, 2005, and for expenditure by the State through September 30, 2005. This section constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment to States of amounts provided under this section.

''(b) ALLOTMENT.—Funds appropriated under subsection (a) shall be allotted by the Secretary among the States in accordance with the following table:

''State	Allotment (in dollars)
Alabama	$113,960,092
Alaska	$28,050,916
Amer. Samoa	$276,005
Arizona	$174,176,300
Arkansas	$88,932,482
California	$1,055,900,700
Colorado	$95,353,555
Connecticut	$138,136,104
Delaware	$25,691,623
District of Columbia	$43,356,542
Florida	$416,437,302
Georgia	$245,721,379
Guam	$446,563
Hawaii	$30,891,959
Idaho	$32,439,936
Illinois	$362,420,855
Indiana	$181,086,404
Iowa	$86,873,236
Kansas	$62,913,352
Kentucky	$141,415,311
Louisiana	$159,884,723
Maine	$61,854,394
Maryland	$157,333,510
Massachusetts	$315,177,172
Michigan	$290,300,805
Minnesota	$201,619,700
Mississippi	$117,970,775
Missouri	$201,689,388
Montana	$24,291,445
Nebraska	$53,033,542
Nevada	$34,887,749
New Hampshire	$36,067,567
New Jersey	$274,636,614
New Mexico	$75,233,465
New York	$1,588,884,965
North Carolina	$293,161,659
North Dakota	$18,169,187
N. Mariana Islands	$155,920
Ohio	$410,965,675
Oklahoma	$97,493,874
Oregon	$111,334,973
Pennsylvania	$497,241,778
Puerto Rico	$12,610,820
Rhode Island	$53,399,083
South Carolina	$122,811,620
South Dakota	$20,201,430
Tennessee	$233,515,925
Texas	$543,148,021
Utah	$42,281,420
Vermont	$27,033,142
Virgin Islands	$416,332
Virginia	$143,436,753
Washington	$199,131,541
West Virginia	$63,879,139
Wisconsin	$180,600,752
Wyoming	$11,664,525
Total	**$10,000,000,000**

''(c) USE OF FUNDS.—Funds appropriated under this section may be used by a State for services directed at the goals set forth in section 2001, subject to the requirements of this title.

''(d) PAYMENT TO STATES.—Not later than 30 days after amounts are appropriated under subsection (a), in addition to any payment made under section 2002 or 2007, the Secretary shall make a lump sum payment to a State of the total amount of the allotment for the State as specified in subsection (b).

''(e) DEFINITION.—For purposes of this section, the term 'State' means the 50 States, the District of Columbia, and the territories contained in the list under subsection (b).''.

(2) REPEAL.—Effective as of October 1, 2005, section 2008 of the Social Security Act, as added by paragraph (1), is repealed.

(c) GAO STUDY AND REPORT.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study to determine the most appropriate data and methodology to use to determine the Federal medical assistance percentage for purposes of programs authorized under the Social Security Act.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to Congress on the study conducted under paragraph (1).

Mr. NELSON of Nebraska. Mr. President, today I am pleased to introduce legislation to assist State governments badly hurt by poor economic conditions and declining revenue. This legislation, that I am proud to be introducing with my good friends Senators COLLINS and ROCKEFELLER, will provide $20 billion in Federal assistance to States.

Last July, 75 of our colleagues agreed with us that we need to help the States and passed a similar plan that we authored. Unfortunately, the House failed to act on our bill. In that timeframe, the budget situation in the States has gotten worse, not better. New estimates show the States facing a $60 to $85 billion shortfall next year. This is why I come to the floor today to introduce ''The State Budget Relief Act of 2003.''

The Federal and State governments are a partnership. When State governments are in a budget crisis, the Federal Government must step in and fulfill the obligations to the programs people rely on. We have the same constituents and the same goals.

The bipartisan fiscal relief package will provide assistance through a temporary increase in the Federal Medical Assistance Percentage, FMAP, of Medicaid and $10 billion in social service block grants. This bill strikes a good balance by providing direct relief to Medicaid, which is one of the fastest growing programs in State budgets, while giving Governors needed flexibility through the block grants. This 18-month package will provide over $104 million in new funds to Nebraska.

As a former Governor, I know how hard it is for States to maintain a balanced budget. I urge my colleagues to support this legislation and take that step to avert, at least in part, potentially damaging cuts to Medicaid as well as to other social services programs. If we do not help the States, any other Federal economic stimulus will likely be lost in State and local tax hikes and spending cuts.

By Mr. LIEBERMAN (for himself and Mr. MCCAIN):

S. 139. A bill to provide for a program of scientific research on abrupt climate change, to accelerate the reduction of greenhouse gas emissions in the United States by establishing a market-driven system of greenhouse gas tradeable allowances that could be used interchangably with passenger vehicle fuel economy standard credits, to limit greenhouse gas emissions in the United States and reduce dependence upon foreign oil, and ensure benefits to consumers from the trading in such allowances; to the Committee on Environment and Public Works.

Mr. LIEBERMAN. Mr. President, I rise today to join my friend and colleague, Senator MCCAIN, to introduce the first ever comprehensive legislation to limit the emissions of greenhouse gases in the United States. Today we take the first step up a long mountain road, a road that will culminate with this country taking credible action to address the global problems of our warming planet. The rest of the world is now taking on the challenge this problem presents. The United States, as the world's largest emitter of the gases and the home of the world's strongest economy, must not have its head in the clouds.

Climate change is not a new problem. Recently, I had come across my desk a 1979 document produced by the National Academy of Sciences at the request of then-President Carter. The document says, ''When it is assumed that the CO2 content of the atmosphere has doubled, the more realistic of the modeling efforts predict a global surface warming of between 2 degrees and 3.5 degrees with greater increases at higher altitudes.'' That is remarkably similar to last year's national communication on climate change that predicted a warming of 2.5 degrees to 4 degrees over the next century. So in some sense, we have known about this problem for over two decades. That's two decades of neglect. We don't need to spin our wheels in the mud any longer. It is time to get traction. It is time to take action.

I do not believe there is any longer any credible dissent on the central question: namely, whether human-caused climate change is happening. The thermometer mercury is creeping up, glaciers are melting, and waters are rising. According to a NASA study released last month, the permanent, summer ice cap over the Arctic Ocean is disappearing far faster than previously thought and will at this rate be gone by the end of the century. And just last week, two major new research studies said global warming is already posing a dire threat to the world's plants and animals, a danger that is likely to rise dramatically, with the temperature, in the coming years.

The scientific evidence is potent and persuasive. But we've witnessed other changes across the globe that have anecdotally announced the arrival of global warming to human populations. I noticed two examples recently that resonated with me; both come from the Arctic north, and in my view are canaries in the climate change coalmine.

The first example comes from the Native American populations of Alaska and Northern Canada. In just the past few years, a robin appeared in an Inupiat village in Alaska. Unfortunately, the elders, despite an intimate awareness of their 10,000 year old language, did not know what to call the bird. You see, there is no word for robin in their language.

A second example comes from the town of Nenana, AK, which has an annual lottery to determine when a tripod placed on the frozen Tenana River would break through the ice. And over the past 50 years, that breakthrough has occurred earlier and earlier.

So, it's not only in the language of statistics that climate change is occurring. It's in the language of everyday life.

The nature of this problem is that it gets worse every year we fail to face it head on. It's not unlike the federal budget deficit. The weight of the interest payments bearing down on us grow over time and dig us deeper and deeper into a hole of our own making. So too with global warming. Today the problem is manageable. Tomorrow, quite literally, we could be up to our waists in it.

There are a few remaining skeptics who still doubt that human greenhouse gas emissions are contributing to climate change but even they should understand the wisdom of taking preventive action. Even they should realize that reducing greenhouse gas emissions now is the best insurance policy against the possibility of future catastrophe.

The question remains, then, what we should do about it. There is no easy fix. Carbon dioxide, once released, stays in our atmosphere for about a century, so any solution needs to be long-term. But I believe that the legislation we have drafted and will soon introduce will take us on the path to that ultimate solution, and do so in a way that can provide an economic boost, not an economic burden, to American businesses. Given our flagging economy, this is a critical point for us all to absorb.

Our approach works like this. The country's overall emissions will be capped, then individual companies will have the flexibility to find the most innovative and cost-effective ways to drive their emissions down. They will trade pollution credits, also called allowances, with each other rather than paying penalties to the government.

The result of that innovative model is that we will unleash and focuses the genius of American enterprise to take on a critical common challenge. And the innovation unleashed as companies compete will create a boomlet of new, high-paying jobs. It's no wonder the Wall Street Journal editorial page endorsed this approach saying that it would achieve the same amount of overall pollution reduction at a lower cost than traditional regulation, and urging the Bush Administration to sign on.

In making its endorsement, The Wall Street Journal looked, as we did, at the record. Many similar programs have helped solve pollution problems throughout the country and the world. The most well-known example is the Acid Rain Trading Program in the 1990 Clean Air Act, one of the most successful environmental programs in history and something I was proud to have a hand in creating. This program secured strict cuts in sulfur dioxide emissions from power plants at less than a quarter of the predicted costs to industry.

We have some initial reaction to our proposal from our country's leading economists, and the response has been positive. For instance, Steven DeCanio, a professor of economics at the University of California, Santa Barbara and the former staff economist on this issue in the Reagan White House, stated the following about our proposal:

The Climate Stewardship Act of 2003 is a good first step towards the ultimate goal of stabilizing levels of greenhouse gas emissions that will prevent dangerous anthropogenic interference with the climate. The Bill embodies market mechanisms that will enable emissions reductions to be accomplished efficiently, and has provisions for an equitable allocation of the emissions permits. Funds are set aside to assist workers and communities that may be adversely affected by the transition. The Bill permits flexibility in the manner by which the emissions reductions are achieved, including allowing credits for verifiable enhancement of carbon sinks and limited international emissions trading. The proposed legislation also encourages investment in energy-efficiency technologies, as well as the establishment of a national emissions database and funding for new research. All of these features of the Bill are components of a strategy that can enable the United States to begin to make meaningful reductions in greenhouse gas emissions in a way that is supportive of economic growth and beneficial to our standard of living. It is entirely appropriate that the risks of global climate change be addressed in specific legislation at this time.

But this bill is more than a broad policy proposal. It is a detailed legislative design for the system. Our staffs have been working ardently over the past 16 months to craft a detailed proposal that could find support both in the halls of industry and amongst the nation's leading environmental organizations. Hopefully that means that both sides of the aisle in Congress will find something to their liking. I hope all involved realized that this is no marker bill; it is a comprehensive proposal. Please indulge me as I run through a few of the key details.

Our bill covers the four main sectors of the U.S. economy that emit greenhouse gases: electric utilities, industrial plants, transportation, and large commercial facilities. For each of these sectors, we ease back on the greenhouse gas accelerator, spreading the burden equally amongst the companies. The progress required is real but

realistic. By the year 2010, we ask only that they return to 2000 levels. By 2016, we ask that they return to their 1990 levels, in keeping with our treaty commitment under the Rio Convention.

In doing so, we provide each participant with a generous amount of flexibility on how to comply with their obligations. There is no limit on the amount of allowances that they may obtain from other participants in the system. Moreover, companies in the system can avail themselves of ''alternative compliance'' options, including sequestration projects, international reductions, and verified reductions made by parties outside the system. Such ''alternative compliance'' options can be used to satisfy 300 percent of the average companies' obligation.

These alternative compliance options will have other benefits as well. As many members of this committee already know, sequestration projects can produce environmental benefits beyond the benefit to the climate, including reduced deforestation and more sustainable agricultural practices. Such projects also bring a needed infusion of money into the farm economy not through subsidies, but through the sale of a new ''crop,'' sequestered carbon dioxide. Even now, with a purely speculative market in greenhouse gases, Entergy Services and Pacific Northwest Direct Seed Association brokered a deal for 30,000 million metric tons of carbon over 10 years. The sale price was not divulged, but the point is that the deal was made even in the absence of a real market. Our program would greatly increase the opportunity for these types of sales by farmers.

Our businesses will benefit dramatically from the regulatory certainty that our bill will provide. Businesses now receive a confusing set of messages from the Federal Government. On the one hand, they know that, with climate change worsening every year, government will somehow and sometime have to require them to reduce their emissions. As the Conference Board recently noted in a June 2002 report, ''climate change is an issue business executives ignore at their peril.'' On the other hand, businesses are being left uncertain about Washington's ultimate global warming policy plans, and therefore have a perverse incentive to put off any real anti-pollution technology investments.

Indeed, our innovation economy more broadly is unwilling or unable to engage while the Federal Government continues to vacillate. As a result, we are losing countless dollars in new market and job opportunities. Europe and Japan already have an early head start in the pollution reduction industry. That lead will only grow if our government stands pat.

Finally, I want to mention one other, perhaps unlikely reason to support this legislation beyond our economic and environmental well being, and that's foreign policy. Many of our most important allies are much more worried about climate change than we in the United States have historically been. When the Bush administration plays down the risks of global warming and shows no interest in devising a serious solution, it frays our relationship with those allies. That's especially true since we as a nation are responsible for about a quarter of the world's total climate change problem.

We should never compromise critical American policy simply to satisfy the international community. But in this case, doing what's in our own best environmental and economic interests will also earn respect and support around the world. And lest we forget it also happens to be the right thing to do.

The Earth is not only ours to use; we are stewards of it, who must hold it in trust for future generations to live in, breathe in, and, yes, prosper in. Regrettably, this Nation's climate change policy to date has not respected our role as stewards. It is time we reverse that trend, and our bill will help do exactly that.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 139

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 ''Climate Stewardship Act of 2003''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definitions.
TITLE I—FEDERAL CLIMATE CHANGE RESEARCH AND RELATED ACTIVITIES
Sec. 101. National Science Foundation scholarships.
Sec. 102. Commerce Department study of technology transfer barriers.
Sec. 103. Report on United States impact of Kyoto protocol.
Sec. 104. Research grants.
Sec. 105. Abrupt climate change research.
Sec. 106. NIST greenhouse gas functions.
Sec. 107. Development of new measurement technologies.
Sec. 108. Enhanced environmental measurements and standards.
Sec. 109. Techonolgy development and diffusion.
TITLE II—NATIONAL GREENHOUSE GAS DATABASE
Sec. 201. National greenhouse gas database and registry established.
Sec. 202. Inventory of greenhouse gas emissions for covered entities.
Sec. 203. Greenhouse gas reduction reporting.
Sec. 204. Measurement and verification.
TITLE III—MARKET-DRIVEN GREENHOUSE GAS REDUCTIONS
Subtitle A—Emission Reduction Requirements; Use of Tradeable Allowances
Sec. 311. Covered entities must submit allowances for emissions.
Sec. 312. Compliance.
Sec. 313. Tradeable allowances and fuel economy standard credits.
Sec. 314. Borrowing against future reductions.
Sec. 315. Other uses of tradable allowances.
Sec. 316. Exemption of source categories.
Subitle B—Establishment and Allocation of Tradeable Allowances.
Sec. 331. Establishment of tradeable allowances.
Sec. 332. Determination of tradeable allowances allocations.
Sec. 333. Allocation of tradeable allowances.
Sec. 334. Initial allocations for early participation and accelerated participation.
Sec. 335. Bonus for accelerated participation.
Sec. 336. Ensuring target adequacy.
Subtitle C—Climate Change Credit Corporation
Sec. 351. Establishment.
Sec. 352. Purposes and functions.
Subtitle D—Sequestration Accounting; Penalties
Sec. 371. Sequestration accounting.
Sec. 372. Penalties.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) BASELINE.—The term ''baseline'' means the historic greenhouse gas emission levels of an entity, as adjusted upward by the Administrator to reflect actual reductions that are verified in accordance with—

(A) regulations promulgated under section 201(c)(1); and

(B) relevant standards and methods developed under this title.

(3) COVERED SECTORS.—The term ''covered sectors'' means the electricity, transportation, industry, and commercial sectors, as such terms are used in the Inventory.

(4) COVERED ENTITY.—The term ''covered entity'' means an entity (including a branch, department, agency, or instrumentality of Federal, State, or local government) that—

(A) owns or controls a source of greenhouse gas emissions in the electric power, industrial, or commercial sectors of the United States economy (as defined in the Inventory), refines or imports petroleum products for use in transportation, or produces or imports hydrofluorocarbons, perfluorocarbons, or sulfur hexaflouride; and

(B) emits over 10,000 metric tons of greenhouse gas per year, measured in units of carbon dioxide equivalance, or produces or imports—

(i) petroleum products that, when combusted, will emit,

(ii) hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride that, when used, will emit, or

(iii) other greenhouse gases that, when used, will emit,

over 10,000 metric tons of greenhouse gas per year, measured in units of carbon dioxide equivalence.

(5) DATABASE.—The term ''database'' means the National Greenhouse Gas Database established under section 201.

(6) DIRECT EMISSIONS.—The term ''direct emissions'' means greenhouse gas emissions by an entity from a facility that is owned or controlled by that entity.

(7) FACILITY.—The term ''facility'' means a building, structure, or installation located on any 1 or more contiguous or adjacent properties of an entity in the United States.

(8) GREENHOUSE GAS.—The term ''greenhouse gas'' means—

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide;

(D) hydrofluorocarbons;

(E) perfluorocarbons; and
(F) sulfur hexafluoride.
(9) INDIRECT EMISSIONS.—The term ''indirect emissions'' means greenhouse gas emissions that are—
(A) a result of the activities of an entity; but
(B) emitted from a facility owned or controlled by another entity; and
(C) not reported as direct emissions by the entity from which they were emitted.
(10) INVENTORY.—The term ''Inventory'' means the Inventory of U.S. Greenhouse Gas Emissions and Sinks, prepared in compliance with the United Nations Framework Convention on Climate Change Decision 3/CP.5.).
(11) PHASE I ALLOTMENT.—The term ''Phase I allotment'' means—
(A) the amount of emissions emitted by a covered sector, as identified in the Inventory for the calendar year preceding the calendar year in which this Act is enacted (reduced by the amount of allowances allocated by early and accelerated participants under section 334 of this Act); multiplied by—
(B) the result of—
(i) the total greenhouse emissions for all covered sectors for the year 2000, as identified in the 2000 Inventory; divided by
(ii) the total greenhouse emissions for all covered sectors for the calendar year preceding the date of enactment of this Act, as identified in the Inventory.
(12) PHASE II ALLOTMENT.—The term ''Phase II allotment'' means—
(A) the amount of emissions emitted by a covered sector, as identified in the Inventory for the calendar year preceding the calendar year in which this Act is enacted (reduced by the amount of allowances allocated to early and accelerated participants under section 334 of this Act); multiplied by—
(B) the result of—
(i) the total greenhouse emissions for all covered sectors for the year 1990, as identified in the 1990 Inventory; divided by
(ii) the total greenhouse emissions for all covered sectors for the calendar year preceding the date of enactment of this Act, as identified in the Inventory.
(13) REGISTRY.—The term ''registry'' means the registry of greenhouse gas emission reductions established under section 201(b)(2).
(14) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.
(15) SEQUESTRATION.—
(A) IN GENERAL.—The term ''sequestration'' means the capture, long-term separation, isolidation, or removal of greenhouse gases from the atmosphere.
(B) INCLUSIONS.—The term ''sequestration'' includes—
(i) agricultural and conservation practices;
(ii) reforestation;
(iii) forest preservation; and
(iv) any other appropriate method of capture, long-term separation, isolation, or removal of greenhouse gases from the atmosphere, as determined by the Administrator.
(C) EXCLUSIONS.—The term ''sequestration'' does not include—
(i) any conversion of, or negative impact on, a native ecosystem; or
(ii) any introduction of non-native species or genetically modified organisms.
(16) SOURCE CATEGORY.—The term ''source category'' means a process or activity that leads to direct emissions of greenhouse gases, as listed in the Inventory.

TITLE I—FEDERAL CLIMATE CHANGE RESEARCH AND RELATED ACTIVITIES.

SEC. 101. NATIONAL SCIENCE FOUNDATION SCHOLARSHIPS.

The Director of the National Science Foundation shall establish a scholarship program for post-secondary students studying global climate change, including capability in observation, analysis, modeling, paleoclimatology, consequences, and adaptation.

SEC. 102. COMMERCE DEPARTMENT STUDY OF TECHNOLOGY TRANSFER BARRIERS.

(a) STUDY.—The Assistant Secretary of Technology Policy at Department of Commerce shall conduct a study of technology transfer barriers, best practices, and outcomes of technology transfer activities at Federal laboratories related to the licensing and commercialization of energy efficient technologies. The study shall be submitted to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 6 months after the date of enactment of this Act. The Assistant Secretary shall work with the existing interagency working group to address identified barriers.
(b) AGENCY REPORT TO INCLUDE INFORMATION ON TECHNOLOGY TRANSFER INCOME AND ROYALTIES.—Paragraph (2)(B) of section 11(f) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(f) is amended—
(1) by striking ''and'' after the semicolon in clause (vi);
(2) by redesignating clause (vii) as clause (ix); and
(3) by inserting after clause (vi) the following:
''(vii) the number of fully-executed licenses which received royalty income in the preceding fiscal year for climate-change or energy-efficient technology;
''(viii) the total earned royalty income for climate-change or energy-efficient technology; and''.
(c) INCREASED INCENTIVES FOR DEVELOPMENT OF CLIMATE-CHANGE OR ENERGY-EFFICIENT TECHNOLOGY.—Section 14(a) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710c(a)) is amended—
(1) by striking ''15 percent,'' in paragraph (1)(A) and inserting ''15 percent (25 percent for climate change-related technologies),''; and
(2) by inserting ''($250,000 for climate change-related technologies)'' after ''$150,000'' each place it appears in paragraph (3).

SEC. 103. REPORT ON UNITED STATES IMPACT OF KYOTO PROTOCOL.

Within 6 months after the date of enactment of this Act, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science on the effects that the entry into force of the Kyoto Protocol will have on—
(1) United States industry and its ability to compete globally;
(2) international cooperation on scientific research and development; and
(3) United States participation in international environmental climate change mitigation efforts and technology deployment.

SEC. 104. RESEARCH GRANTS.

Section 105 of the Global Change Research Act of 1990 (15 U.S.C. 2935) is amended—
(1) by redesignating subsection (c) as subsection (d); and
(2) by inserting after subsection (b) the following:
(c) RESEARCH GRANTS.
''(1) COMMITTEE TO DEVELOP LIST OF PRIORITY RESEARCH AREAS.—The Committee shall develop a list of priority areas for research and development on climate change that are not being addressed by Federal agencies.
''(2) DIRECTOR OF OSTP TO TRANSMIT LIST TO NSF.—the Director of the Office of Science and Technology Policy shall transmit the list to the National Science Foundation.
''(3) FUNDING THROUGH NSF.
''(A) BUDGET REQUEST.—The National Science Foundation shall include, as part of the annual request for appropriations for the Science and Technology Policy Institute, a request for appropriations to fund research in the priority areas on the list developed under paragraph (1).
''(B) AUTHORIZATION.—For fiscal year 2004 and each fiscal year thereafter, there are authorized to be appropriated to the National Science Foundation not less than $17,000,000, to be made available through the Science and Technology Policy Institute, for research in those priority areas.''.

SEC. 105. ABRUPT CLIMATE CHANGE RESEARCH.

''(a) IN GENERAL.—The Secretary, through the National Oceanic and Atmospheric Administration, shall carry out a program of scientific research on potential abrupt climate change designed—
(1) to develop a global array of terrestrial and oceanographic indicators of paleoclimate in order sufficiently to identify and describe past instances of abrupt climate change;
(2) to improve understanding of thresholds and nonlinearities in geophysical systems related to the mechanisms of abrupt climate change;
(3) to incorporate these mechanisms into advanced geophysical models of climate change; and
(4) to test the output of these models against an improved global array of records of past abrupt climate changes.
(b) ABRUPT CLIMATE CHANGE DEFINED.—In this section, the term ''abrupt climate change'' means a change in climate that occurs so rapidly or unexpectedly that human or natural systems may have difficulty adapting to it.

SEC. 106. NIST GREENHOUSE GAS FUNCTIONS.

Section 2(c) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)) is amended—
(1) by striking ''and'' after the semicolon in paragraph (21);
(2) by redesignating paragraph (22) as paragraph (23); and
(3) by inserting after paragraph (21) the following;
''(22) perform research to develop enhanced measurements, calibrations, standards, and technologies which will enable the reduced production in the United States of greenhouse gases associated with global warming, including carbon dioxide, methane, nitrous oxide, ozone, perfluorocarbons, hydrofluorocarbons, and sulfur hexafluoride; and''.

SEC. 107. DEVELOPMENT OF NEW MEASUREMENT TECHNOLOGIES.

The Secretary shall initiate a program to develop, with technical assistance from appropriate Federal agencies, innovative standards and measurement technologies (including technologies to measure carbon changes due to changes in land use cover) to calculate—
(1) greenhouse gas emissions and reductions from agriculture, forestry, and other land use practices;
(2) noncarbon dioxide greenhouse gas emissions from transportation;
(3) greenhouse gas emissions from facilities or sources using remote sensing technology; and
(4) any other greenhouse gas emission or reductions for which no accurate or reliable measurement technology exists.

SEC. 108. ENHANCED ENVIRONMENTAL MEASUREMENTS AND STANDARDS.

The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended—
(1) by redesignating sections 17 through 32 as sections 18 through 33, respectively; and
(2) by inserting after section 16 the following:

"SEC. 17. CLIMATE CHANGE STANDARDS AND PROCESSES.

''(a) IN GENERAL.—The Director shall establish within the Institute a program to perform and support research on global climate change standards and processes, with the goal of providing scientific and technical knowledge applicable to the reduction of greenhouse gases (as defined in section 3(8) of the Climate Stewardship Act of 2003).

''(b) RESEARCH PROGRAM.

''(1) IN GENERAL.—The Director is authorized to conduct, directly or through contracts or grants, a global climate change standards and processes research program.

''(2) RESEARCH PROJECTS.—The specific contents and priorities of the research program shall be determined in consultation with appropriate Federal agencies, including the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and the National Aeronautics and Space Administration. The program generally shall include basic and applied research—

''(A) to develop and provide the enhanced measurements, calibrations, data, models, and reference material standards which will enable the monitoring of greenhouse gases;

''(B) to assist in establishing a baseline reference point for future trading in greenhouse gases and the measurement of progress in emissions reduction;

''(C) that will be exchanged internationally as scientific or technical information which has the stated purpose of developing mutually recognized measurements, standards, and procedures for reducing greenhouse gases; and

''(D) to assist in developing improved industrial processes designed to reduce or eliminate greenhouse gases.

''(c) NATIONAL MEASUREMENT LABORATORIES.—

''(1) IN GENERAL.—In carrying out this section, the Director shall utilize the collective skills of the National Measurement Laboratories of the National Institute of Standards and Technology to improve the accuracy of measurements that will permit better understanding and control of these industrial chemical processes and result in the reduction or elimination of greenhouse gases.

''(2) MATERIAL, PROCESS, AND BUILDING RESEARCH.—The National Measurement Laboratories shall conduct research under this subsection that includes—

''(A) developing material and manufacturing processes which are designed for energy efficiency and reduced greenhouse gas emissions into the environment;

''(B) developing environmentally-friendly, 'green' chemical processes to be used by industry; and

''(C) enhancing building performance with a focus in developing standards or tools which will help incorporate low- or no-emission technologies into building designs.

''(3) STANDARDS AND TOOLS.—The National Measurement Laboratories shall develop standards and tools under this subsection that include software to assist designers in selecting alternate building materials, performance data on materials, artificial intelligence-aided design procedures for building subsystems and 'smart buildings', and improved test methods and rating procedures for evaluating the energy performance of residential and commercial appliances and products.

''(d) NATIONAL VOLUNTARY LABORATORY ACCREDITATION PROGRAM.—The Director shall utilize the National Voluntary Laboratory Accreditation Program under this section to establish a program to include specific calibration or test standards and related methods and protocols assembled to satisfy the unique needs for accreditation in measuring the production of greenhouse gases. In carrying out this subsection the Director may cooperate with other departments and agencies of the Federal Government, State and local governments, and private organizations.''.

SEC. 109. TECHNOLOGY DEVELOPMENT AND DIFFUSION.

The Director of the National Institute of Standards and Technology, through the Manufacturing Extension Partnership Program, may develop a program to support the implementation of new ''green'' manufacturing technologies and techniques by the more than 380,000 small manufacturers.

TITLE II—NATIONAL GREENHOUSE GAS DATABASE

SEC. 201. NATIONAL GREENHOUSE GAS DATABASE AND REGISTRY ESTABLISHED.

(a) ESTABLISHMENT.—As soon as practicable after the date of enactment of this Act, the Administrator, in coordination with the Secretary, the Secretary of Energy, the Secretary of Agriculture, and private sector and non-governmental organizations, shall establish, operate, and maintain a database, to be known as the ''National Greenhouse Gas Database'', to collect, verify, and analyze information on greenhouse gas emissions by entities.

(b) NATIONAL GREENHOUSE GAS DATABASE COMPONENTS.—The database shall consist of—

(1) an inventory of greenhouse gas emissions; and

(2) a registry of greenhouse gas emission reductions and increases in greenhouse gas sequestrations.

(c) COMPREHENSIVE SYSTEM.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations to implement a comprehensive system for greenhouse gas emissions reporting, inventorying, and reductions registration.

(2) REQUIREMENTS.—The Administrator shall ensure, to the maximum extent practicable, that—

(A) the comprehensive system described in paragraph (1) is designed to—

(i) maximize completeness, transparency, and accuracy of information reported; and

(ii) minimize costs incurred by entities in measuring and reporting greenhouse gas emissions; and

(B) the regulations promulgated under paragraph (1) establish procedures and protocols necessary—

(i) to prevent the reporting of some or all of the same greenhouse gas emissions or emission reductions by more than 1 reporting entity;

(ii) to provide for corrections to errors in data submitted to the database;

(iii) to provide for adjustment to data by reporting entities that have had a significant organizational change (including mergers, acquisitions, and divestiture), in order to maintain comparability among data in the database over time;

(iv) to provide for adjustments to reflect new technologies or methods for measuring or calculating greenhouse gas emissions;

(v) to account for changes in registration of ownership of emission reductions resulting from a voluntary private transaction between reporting entities; and

(vi) to clarify the responsibility for reporting in the case of any facility owned or controlled by more than 1 entity.

(3) SERIAL NUMBERS.—Through regulations promulgated under paragraph (1), the Administrator shall develop and implement a system that provides—

(A) for the verification of submitted emissions reductions;

(B) for the provision of unique serial numbers to identify the verified emission reductions made by an entity relative to the baseline of the entity; and

(C) for the tracking of the reductions associated with the serial numbers.

SEC. 202. INVENTORY OF GREENHOUSE GAS EMISSIONS FOR COVERED ENTITIES.

(a) IN GENERAL.—Not later than July 1st of each calendar year after 2008, a covered entity shall submit to the Administrator a report that describes, for the preceding calendar year, the entity-wide greenhouse gas emissions (as reported at the facility level), including—

(1) the total quantity of direct greenhouse gas emissions from stationary sources, expressed in units of carbon dioxide equivalence;

(2) the amount of petroleum products sold or imported and the amount of greenhouse gases, expressed in carbon dioxide equivalents, that would be produced when these products are used for transportation; and

(3) such other categories of emissions as the Administrator determines in the regulations promulgated under section 201(c)(1) may be practicable and useful for the purposes of this Act, such as—

(A) indirect emissions from imported electricity, heat, and steam;

(B) process and fugitive emissions; and

(C) production or importation of greenhouse gases.

(b) COLLECTION AND ANALYSIS OF DATA.—The Administrator shall collect and analyze information reported under subsection (a) for use under title III.

SEC. 203. GREENHOUSE GAS REDUCTION REPORTING.

(a) IN GENERAL.—Subject to the requirements described in subsection (b)—

(1) a covered entity may register greenhouse gas emission reductions achieved after 1990 and before 2010 under this section; and

(2) an entity that is not a covered entity may register greenhouse gas emission reductions achieved at any time since 1990 under this section.

(b) REQUIREMENTS.—

(1) IN GENERAL.—The requirements referred to in subsection (a) are that an entity (other than an entity described in paragraph (2)) shall—

(A) establish a baseline; and

(B) submit the report described in subsection (c)(1).

(2) REQUIREMENTS APPLICABLE TO ENTITIES ENTERING INTO CERTAIN AGREEMENTS.—An entity that enters into an agreement with a participant in the registry for the purpose of a carbon sequestration project shall not be required to comply with the requirements specified in paragraph (1) unless that entity is required to comply with the requirements by reason of an activity other than the agreement.

(c) REPORTS.—

(1) REQUIRED REPORT.—Not later than July 1st of the calendar year beginning more than 2 years after the date of enactment of this Act, but subject to paragraph (3), an entity described in subsection (a) shall submit to the Administrator a report that describes, for the preceding calendar year, the entity-wide greenhouse gas emissions (as reported at the facility level), including—

(A) the total quantity of direct greenhouse gas emissions from stationary sources, expressed in units of carbon dioxide equivalence;

(B) the amount of petroleum products sold or imported and the amount of greenhouse gases, expressed in carbon dioxide equivalents, that would be produced when these products are used by vehicles; and

(C) such other categories of emissions as the Administrator determines in the regulations promulgated under section 201(c)(1)

may be practicable and useful for the purposes of this Act, such as—

(i) indirect emissions from imported electricity, heat, and steam;

(ii) process and fugitive emissions; and

(iii) production or importation of greenhouse gases.

(2) VOLUNTARY REPORTING.—An entity described in subsection (a) may (along with establishing a baseline and reporting emissions under this section)—

(A) submit a report described in paragraph (1) before the date specified in that paragraph for the purposes of achieving and commoditizing greenhouse gas reductions through use of the registry; and

(B) submit to the Administrator, for inclusion in the registry, information that has been verified in accordance with regulations promulgated under section 201(c)(1) and that relates to—

(i) any entity-wide greenhouse gas emission reductions activities of the entity that were carried out during or after 1990 and before the establishment of the National Greenhouse Gas Database, verified in accordance with regulations promulgated under section 201(c)(1), and submitted to the Administrator before the date that is 4 years after the date of enactment of this Act; and

(ii) with respect to the calendar year preceding the calendar year in which the information is submitted, any project or activity that results in an entity-wide reduction of greenhouse gas emissions or an increase in net sequestration of a greenhouse gas that is carried out by the entity.

(3) *Provision of verification information by reporting entities*.—Each entity that submits a report under this subsection shall provide information sufficient for the Administrator to verify, in accordance with measurement and verification methods and standards developed under section 203, that the greenhouse gas report of the reporting entity—

(A) has been accurately reported; and

(B) in the case of each voluntary report under paragraph (2), represents—

(i) actual reductions in direct greenhouse gas emissions—

(I) relative to historic emission levels of the entity; and

(II) after accounting for any increases in indirect emissions described in paragraph (1)(C)(i); or

(ii) actual increases in net sequestration.

(4) FAILURE TO SUBMIT REPORT.—An entity that participates or has participated in the registry and that fails to submit a report required under this subsection shall be prohibited from using, or allowing another entity to use, its registered emissions reductions or increases in sequestration to satisfy the requirements of section 311.

(5) INDEPENDENT THIRD-PARTY VERIFICATION.—To meet the requirements of this section and section 203, an entity that is required to submit a report under this section may—

(A) obtain independent third-party verification; and

(B) present the results of the third-party verification to the Administrator.

(6) AVAILABILITY OF DATA.—

(A) IN GENERAL.—The Administrator shall ensure that information in the database is—

(i) published; and

(ii) accessible to the public, including in electronic format on the Internet.

(B) Exception.—Subparagraph (A) shall not apply in any case in which the Administrator determines that publishing or otherwise making available information described in that subparagraph poses a risk to national security.

(7) DATA INFRASTRUCTURE.—The Administrator shall ensure, to the maximum extent practicable, that the database uses, and is integrated with, Federal, State, and regional greenhouse gas data collection and reporting systems in effect as of the date of enactment of this Act.

(8) ADDITIONAL ISSUES TO BE CONSIDERED.—In promulgating the regulations under section 201(c)(1) and implementing the database, the Administrator shall take into consideration a broad range of issues involved in establishing an effective database, including—

(A) the appropriate allowances for reporting each greenhouse gas;

(B) the data and information systems and measures necessary to identify, track, and verify greenhouse gas emissions in a manner that will encourage private sector trading and exchanges;

(C) the greenhouse gas reduction and sequestration methods and standards applied in other countries, as applicable or relevant;

(D) the extent to which available fossil fuels, greenhouse gas emissions, and greenhouse gas production and importation data are adequate to implement the database; and

(E) the differences in, and potential uniqueness of, the facilities, operations, and business and other relevant practices of persons and entities in the private and public sectors that may be expected to participate in the database.

(d) ANNUAL REPORT.—The Administrator shall publish an annual report that—

(1) describes the total greenhouse gas emissions and emission reductions reported to the database during the year covered by the report;

(2) provides entity-by-entity and sector-by-sector analyses of the emissions and emission reductions reported;

(3) describes the atmospheric concentrations of greenhouse gases; and

(4) provides a comparison of current and past atmospheric concentrations of greenhouse gases.

SEC. 204. MEASUREMENT AND VERIFICATION.

(a) STANDARDS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop comprehensive measurement and verification methods and standards to ensure a consistent and technically accurate record of greenhouse gas emissions, emission reductions, sequestration, and atmospheric concentrations for use in the registry.

(2) REQUIREMENTS.—The development of methods and standards under paragraph (1) shall include—

(A) a requirement that a covered entity use a continuous emissions monitoring system, or another system of measuring or estimating emissions that is determined by the Secretary to provide information with the same precision, reliability, accessibility, and timeliness as a continuous emissions monitoring system provides;

(B) establishment of standardized measurement and verification practices for reports made by all entities participating in the registry, taking into account—

(i) protocols and standards in use by entities desiring to participate in the registry as of the date of development of the methods and standards under paragraph (1);

(ii) boundary issues, such as leakage and shifted use;

(iii) avoidable of double counting of greenhouse gas emissions and emission reductions;

(iv) protocols to prevent a covered entity from avoiding the requirements of this Act by reorganization into multiple entities that are under common control; and

(v) such other factors as the Secretary, in consultation with the Administrator, determines to be appropriate;

(C) establishment of measurement and verification standards applicable to actions taken to reduce, avoid, or sequester greenhouse gas emissions;

(D) in coordination with the Secretary of Agriculture, standards to measure the results of the use of carbon sequestration and carbon recapture technologies, including—

(i) organic soil carbon sequestration practices; and

(ii) forest preservation and reforestation activities that adequately address the issues of permanence, leakage, and verification;

(E) establishment of such other measurement and verification standards as the Secretary, in consultation with the Secretary of Agriculture, the Administrator, and the Secretary of Energy, determines to be appropriate;

(F) establishment of standards for obtaining the Secretary's approval of the suitability of geological storage sites that include evaluation of both the geology of the site and the entity's capacity to manage the site; and

(G) establishment of other features that, as determined by the Secretary, will allow entities to adequately establish a fair and reliable measurement and reporting system.

(b) REVIEW AND REVISION.—The Secretary shall periodically review, and revise as necessary, the methods and standards developed under subsection (a).

(c) PUBLIC PARTICIPATION.—The Secretary shall—

(1) make available to the public for comment, in draft form and for a period of at least 90 days, the methods and standards developed under subsection (a); and

(2) after the 90-day period referred to in paragraph (1), in coordination with the Secretary of Energy, the Secretary of Agriculture, and the Administrator, adopt the methods and standards developed under subsection (a) for use in implementing the database.

(d) EXPERTS AND CONSULTANTS.—

(1) IN GENERAL.—The Secretary may obtain the services of experts and consultants in the private and nonprofit sectors in accordance with section 3109 of title 5, United States Code, in the areas of greenhouse gas measurement, certification, and emission trading.

(2) AVAILABLE ARRANGEMENTS.—In obtaining any service described in paragraph (1), the Secretary may use any available grant, contract, cooperative agreement, or other arrangement authorized by law.

TITLE III—MARKET-DRIVEN GREENHOUSE GAS REDUCTIONS

SUBTITLE A—EMISSION REDUCTION REQUIREMENTS; USE OF TRADEABLE ALLOWANCES

SEC. 311. COVERED ENTITIES MUST SUBMIT ALLOWANCES FOR EMISSIONS.

(a) IN GENERAL.—Beginning with calendar year 2010—

(1) each covered entity in the electric generation, industrial, and commercial sectors shall submit to the Administrator one tradeable allowance for every metric ton of greenhouse gases, measured in units of carbon dioxide equivalence, that it emits;

(2) producer or importer of hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride that is a covered entity shall submit to the Administrator one tradeable allowance for every metric ton of hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride it produces or imports, measured in units of carbon dioxide equivalence; and

(3) each petroleum refiner or importer that is a covered entity shall submit one tradeable allowance for every unit of petroleum product it sells that will produce one metric ton of greenhouse gases, measured in units of carbon dioxide equivalence, when used for transportation.

(b) DETERMINATION OF TRANSPORTATION SECTOR AMOUNT.—For the transportation

sector, the Administrator shall determine the amount of greenhouse gases, measured in units of carbon dioxide equivalence, that will be emitted when petroleum products are used for transportation.

(c) EXCEPTION FOR CERTAIN DEPOSITED EMISSIONS.—Notwithstanding subsection (a), a covered entity is not required to submit a tradeable allowance for any amount of greenhouse gas that would otherwise have been emitted from a source under the ownership or control of that entity if—

(1) the emission is deposited in a geological storage facility approved by the Administrator under section 204(a)(2)(F); and

(2) the entity agrees to submit tradeable allowances for any portion of the deposited emission that is subsequently emitted from that facility.

SEC. 312. COMPLIANCE.

(a) IN GENERAL.—

(1) SOURCE OF TRADEABLE ALLOWANCES USED.—A covered entity may use a tradeable allowance to meet the requirements of this section without regard to whether the tradeable allowance was allocated to it under subtitle B or acquired from another entity or the Climate Change Credit Corporation established under section 351.

(2) VERIFICATION OF ADMINISTRATOR.—At various times during each year, the Administrator shall determine whether each covered entity has met the requirements of this section. In making that determination, the Administrator shall—

(A) take into account tradeable allowances allocated to, or acquired by, that covered entity; and

(B) retire the serial number assigned to each such tradeable allowance so used.

(b) ALTERNATIVE MEANS OF COMPLIANCE FROM 2010 THROUGH 2015.—For the years 2010, 2011, 2012, 2013, 2014, and 2015, a covered entity may satisfy 15 percent of its total allowance submission requirement under this section by—

(1) submitting tradeable allowances from another nation's market in greenhouse gas emissions if—

(A) the Secretary certifies that the other nation's system for trading in greenhouse gas emissions is complete, accurate, and transparent and reviews that determination at least once every 5 years;

(B) the other nation has adopted enforceable limits on its greenhouse gas emissions which the tradeable allowances were issued to implement; and

(C) the covered entity certifies that the tradeable allowance has been retired unused in the other nation's market;

(2) submitting a registered net increase in sequestration, as registered in the National Greenhouse Gas Database established under section 201, adjusted, if necessary, to comply with the accounting standards and methods established under section 372;

(3) submitting a greenhouse gas emissions reduction (other than a registered net increase in sequestration) that was registered in the National Greenhouse Gas Database by a person that is not a covered entity; or

(4) submitting credits obtained from the Administrator under section 314

(c) ALTERNATIVE MEANS OF COMPLIANCE AFTER 2015.—For years beginning after 2015, a covered entity may meet the requirements of this section by any means described in subsection (b), except that for the purpose of applying subsection (d) after 2015, ''10 percent'' shall be substituted for ''15 percent''.

SEC. 313. TRADEABLE ALLOWANCES AND FUEL ECONOMY STANDARD CREDITS.

(a) IN GENERAL.—Section 32903 of title 49, United States Code, is amended by striking the second sentence of subsection (a) and inserting ''The credits may be—

''(1) applied to any of the 3 model years immediately following the model year for which the credits are earned; or

''(2) if the average fuel economy of a manufacturer exceeds the fuel efficiency standards by more than 20 percent, sold to the registry established under section 201 of the Climate Stewardship Act of 2003.''.

(b) CONVERSION RATIO.—The Secretary of Transportation, in consultation with the Administrator, shall determine the conversion factor to be used for purposes of credits purchased from, or sold to, the registry established under section 201 of this Act and fuel economy standard credits under section 32903 of title 49, United States Code.

(c) REDUCTION OF TRANSPORTATION SECTOR ALLOCATION.—If any manufacturer sells credits under section 32903(a)(2) of title 49, United States Code, to the registry established under section 201 of this Act in any calendar year, the amount of tradeable allowances allocated to the transportation sector under section 311(b) for the next calendar year, and the total allocation of tradeable allowance available for allocation in the next calendar years, shall be reduced by an amount equivalent to the sum of the credits, measured in units of carbon dioxide equivalents, sold to the registry by such manufacturers during the preceding calendar year.

SEC. 314. BORROWING AGAINST FUTURE REDUCTIONS.

(a) IN GENERAL.—The Administrator shall establish a program under which a covered entity may—

(1) receive a credit in the current calendar year for anticipated reductions in emissions in a future calendar year; and

(2) use the credit in lieu of a tradeable allowance to meet the requirements of this Act for the current calendar year, subject to the limitation imposed by section 312(b).

(b) DETERMINATION OF TRADEABLE ALLOWANCE CREDITS.—The Administrator may make credits available under subsection (a) only for anticipated reductions in emissions that—

(1) are attributable to the realization of capital investments in equipment, the construction, reconstruction, or acquisition of facilities, or the deployment of new technologies—

(A) for which the covered entity has executed a binding contract and secured, or applied for, all necessary permits and operating or implementation authority;

(B) that will not become operational within the current calendar year; and

(C) that will become operational and begin to reduce emissions from the covered source within 5 years after the year in which the credit is used; and

(2) will be realized within 5 years after the year in which the credit is used.

(c) CARRYING COST.—If a covered entity uses a credit under this section to meet the requirements of this Act for a calendar year (referred to as the use year), the tradeable allowance requirement for the year from which the credit was taken (referred to as the source year) shall be increased by an amount equal to—

(1) 10 percent for each credit borrowed from the source year; multiplied by

(2) the number of years beginning after the use year and before the source year.

(d) MAXIMUM BORROWING PERIOD.—A credit from a year beginning more than 5 years after the current year may not be used to meet the requirements of this Act for the current year.

(e) FAILURE TO ACHIEVE REDUCTIONS GENERATING CREDIT.—If a covered entity that uses a credit under this section fails to achieve the anticipated reduction for which the credit was granted for the year from which the credit was taken, then—

(1) the covered entity's requirements under this Act for that year shall be increased by the amount of the credit, plus the amount determined under subsection (c);

(2) any tradeable allowances submitted by the covered entity for that year shall be counted first against the increase in those requirements; and

(3) the covered entity may not use credits under this section to meet the increased requirements.

SEC. 315. OTHER USES OF TRADEABLE ALLOWANCES.

(a) IN GENERAL.—Tradeable allowances may be sold, exchanged, purchased, retired, or used as provided in this section.

(b) INTERSECTOR TRADING.—Covered entities may purchase or otherwise acquire tradeable allowances from other covered sectors to satisfy the requirements of section 311.

(c) CLIMATE CHANGE CREDIT ORGANIZATION.—The Climate Change Credit Corporation established under section 351 may sell tradeable allowances allocated to it under section 332(a)(2) to any covered entity or to any investor, broker, or dealer in such tradeable allowances. The Climate Change Credit Corporation shall use all proceeds from such sales in accordance with the provisions of section 352.

(d) BANKING OF TRADEABLE ALLOWANCES.—Not withstanding the requirements of section 311, a covered entity that has more than a sufficient amount of tradeable allowances to satisfy the requirements of section 311, may refrain from submitting a tradeable allowance to satisfy the requirements in order to sell, exchange, or use the tradeable allowance in the future.

SEC. 316. EXEMPTION OF SOURCE CATEGORIES.

(a) IN GENERAL.—The Administrator may grant an exemption from the requirements of this Act to a source category if the Administrator determines, after public notice and comment, that it is not feasible to measure or estimate emissions from that source category.

(b) REDUCTION OF LIMITATIONS.—If the Administrator exempts a source category under subsection (a), the Administrator shall also reduce the total tradeable allowances under section 321(a) as follows:

(1) 2010 LIMITATION.—For the tradeable allowances under section 311(a)(1), the Administrator shall reduce the total by the amount of greenhouse gas emissions that the exempted source category emitted in calendar year 2000, as identified in the 2000 Inventory.

(2) 2016 LIMITATION.—For the tradeable allowances under subsection 311(a)(2), the Administrator shall reduce the total by the amount of green-house gas emissions that the exempted source category emitted in calendar year 1990, as identified in the 1990 Inventory.

(c) LIMITATION ON EXEMPTION.—The Administrator may not grant an exemption under subsection (a) to carbon dioxide produced from fossil fuel.

Subtitle B—Establishment and Allocation of Tradeable Allowances

SEC. 331. ESTABLISHMENT OF TRADEABLE ALLOWANCES.

(a) IN GENERAL.—The Administrator shall promulgate regulations to establish tradeable allowances, denominated in units of carbon dioxide equivalence—

(1) for calendar years beginning after 2009 and before 2016, equal to—

(A) 5896 million metric tons, measured in units of carbon dioxide equivalence, reduced by

(B) the amount of emissions of greenhouse gases in calendar year 2000 from non-covered entities; and

(2) for calendar years beginning after 2015, equal to—

(A) 5123 million metric tons, measured in units of carbon dioxide equivalence, reduced by

(B) the amount of emissions of greenhouse gases in calendar year 1990 from non-covered entities.

(b) SERIAL NUMBERS.—The Administrator shall assign a unique serial number to each tradeable allowance established under subsection (a), and shall take such action as may be necessary to prevent counterfeiting of tradeable allowances.

(c) NATURE OF TRADEABLE ALLOWANCES.—A tradeable allowance is not a property right, and nothing in this title or any other provision of law limits the authority of the United States to terminate or limit a tradeable allowance.

(d) NON-COVERED ENTITY.—In this section:

(1) IN GENERAL.—The term ''non-covered entity'' means an entity that—

(A) owns or controls a source of greenhouse gas emissions in the electric power, industrial, or commercial sectors of the United States economy (as defined in the Inventory), refines or imports petroleum products for use in transportation, or produces or imports hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride; and

(B) is not a covered entity, determined by applying the definition in section 3(4) for the year 2000 (for the purpose of subsection (a)(1)(B)) or the year 1990 (for the purpose of subsection (a)(2)(B)).

(2) EXCEPTION.—Notwithstanding paragraph (1), an entity that is a covered entity for any calendar year beginning after 2009 shall not be considered to be a non-covered entity for the purpose of either subsection (a)(1)(B) or subsection (a)(2)(B) only because it emitted, or its products would have emitted, 10,000 metric tons or less of greenhouse gas, measured in units of carbon dioxide equivalence, in the year 2000 or 1990, respectively.

SEC. 332. DETERMINATION OF TRADEABLE ALLOWANCE ALLOCATIONS.

(a) IN GENERAL.—The Secretary shall determine—

(1) the amount of tradeable allowances to be allocated to each covered sector of that sector's Phase I and Phase II allotments; and

(2) the amount of tradeable allowances to be allocated to the Climate Change Credit Corporation established under section 351.

(b) ALLOCAITON FACTORS.—In making the determination required by subsection (a), the Secretary shall consider—

(1) the distributive effect of the allocations on household income and net worth of individuals

(2) the impact of the allocations on corporate income, taxes, and asset value;

(3) the impact of the allocations on income levels of consumers and on their energy consumption;

(4) the effects of the allocations in terms of economic efficiency;

(5) the ability of covered entities to pass through compliance costs to their customers; and

(6) the degree to which the amount of allocations to the covered sectors should decrease over time.

(c) ALLOCATION RECOMMENDATIONS AND IMPLEMENTATIONS.—Before allocating or providing tradeable allowances under subsection(a) and within 24 hours after the date of enactment of this Act, the Secretary shall submit the determinations under subsection (a) to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Environment and Public Works, the House of Representatives Committee on Science, and the House of Representatives Committee on Energy and Commerce. The Secretary's determinations under paragraph (1), including the allocations and provision of tradeable allowances pursuant to that determination, are deemed to be a major rule (as defined in section 804(2) of title 5, United States Code), and subject to the provisions of chapter 8 of that title.

SEC. 333. ALLOCATION OF TRADEABLE ALLOWANCES.

(a) IN GENERAL.—Beginning with calendar year 2010 and after taking into account any initial allocations under section 334, the Administrator shall—

(1) allocate to each covered sector that sector's Phase I and Phase II allotments determined by the Administrator under section 332 (adjusted for any such initial allocations and the allocation to the Climate Change Credit Corporation established under section 351); and

(2) allocate to the Climate Change Credit Corporation established under section 351 the tradeable allowances allocable to that Corporation.

(b) INTRASECTORIAL ALLOTMENTS.—The Administrator shall, by regulation, establish a process for the allocation of tradeable allowances under this section, without cost to facilities within each sector, that will—

(1) encourage investments that increase the efficiency of the processes that produce greenhouse gas emissions;

(2) minimize the costs to the government of allocating the tradeable allowances;

(3) not penalize a covered entity for registered emissions reductions made before 2010; and

(4) provide sufficient allocation for new entrants into the sector.

(c) POINT SOURCE ALLOCATION.—The Administrator shall allocate the tradeable allowances for the electricity generation, industrial, and commercial sectors to the entities owning or controlling the point sources of greeenhouse gas emissions within that sector.

(d) HYDROFLUOROCARBONS, PERFLUOROCARBONS, AND SULFUR HEXAFLUORIDE.—The Administrator shall allocate the tradeable allowances for producers or importers of hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride one tradeable allowance for every metric ton of hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride produced or imported, measured in units of carbon dioxide equivalence.

(e) SPECIAL RULE FOR ALLOCATION WITHIN THE TRANSPORTATION SECTOR.—The Administrator shall allocate the tradeable allowances for the transportation sector to petroleum refiners or importers that produce or import petroleum products that will be used as fuel for transportation.

SEC. 334. INITIAL ALLOCATIONS FOR EARLY PARTICIPATION AND ACCELERATED PARTICIPATION.

Before making allocations under section 333, the Administrator shall allocate—

(1) to any covered entity an amount of tradeable allowances equivalent to the amount of greenhouse gas emissions reductions registered by that covered entity in the national greenhouse gas database if—

(A) the covered entity has requested to use the registered reduction in the year of allocation;

(B) the reduction was registered prior to 2010; and

(C) the Administrator retires the unique serial number assigned to the reduction under section 201(c)(3); and

(2) to any covered entity that has entered into an accelerated participation agreement under section 335, such tradeable allowances as the Administrator has determined to be appropriate under that section.

SEC. 335. BONUS FOR ACCELERATED PARTICIPATION.

(A) IN GENERAL.—If a covered entity executes an agreement with the Administrator under which it agrees to reduce its level of greenhouse gas emissions to a level no greater than the level of its greenhouse gas emissions for calendar year 1990 by the year 2010, then, for the 6-year period beginning with calendar year 2010, the Administrator shall—

(1) provide additional tradeable allowances to that entity when allocating allowances under section 334 in order to recognize the additional emissions reductions that will be required of the covered entity;

(2) allow that entry to satisfy 20 percent of its requirements under section 311 by—

(A) submitting tradeable allowances from another nation's market in greenhouse gas emission under the conditions described in section 312(b)(1);

(B) submitting a registered net increase in sequestration, as registered in the National Greenhouse Gas Database established under section 201, and as adjusted by the appropriate sequestration discount rate established under section 372; or

(C) submitting a greenhouse gas emission reduction (other than a registered net increase in sequestration) that was registered in the National Greenhouse Gas Database by a person that is not a covered entity.

(b) TERMINATION.—An entity that executes an agreement described in subsection (a) may terminate the agreement at any time.

(c) FAILURE TO MEET COMMITMENT.—If an entity that executes an agreement described in subsection (a) fails to achieve the level of emissions to which it committed by calendar year 2010—

(1) its requirements under section 311 shall be increased by the amount of any tradeable allowances provided to it under subsection (a)(1); and

(2) any tradeable allowances submitted thereafter shall be counted first against the increase in those requirements.

SEC. 336. ENSURING TARGET ADEQUACY.

(a) IN GENERAL.—Beginning 2 years after the date of enactment of this Act, the Under Secretary of Commerce for Oceans and Atmosphere shall review the allowances established by subsection (a) no less frequently than biennially—

(1) to re-evaluate the levels established by that subsection, after taking into account the best available science and the most currently available data, and

(2) to re-evaluate the environmental and public health impacts of specific concentration levels of greenhouse gases,

to determine whether the allowances established by subsection (a) continue to be consistent with the objective of the United Nations' Framework Convention on Climate Change of stabilizing levels of greenhouse gas emissions at a level that will prevent dangerous anthropogenic interference with the climate system.

(b) REVIEW OF 2010 AND 2016 LEVELS.—The Under Secretary shall specifically review in 2008 the level established under section 311(a)(1) and, in 2012, the level established under section 311(a)(2), and transmit a report on his reviews, together with any recommendations, including legislative recommendations, for modification of the levels, to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Environment and Public Works, the House of Representatives Committee on Science, and the House of Representatives Committee on Energy and Commerce.

Subtitle C—Climate Change Credit Corporation

SEC. 351. ESTABLISHMENT.

(a) IN GENERAL.—The Climate Change Credit Corporation is established as a nonprofit corporation without stock. The Corporation shall not be considered to be an

agency or establishment of the United States Government.

(b) APPLICABLE LAWS.—The Corporation shall be subject to the provisions of this title and, to the extent consistent with this title, to the District of Columbia Business Corporation Act.

(c) BOARD OF DIRECTORS.—The Corporation shall have a board of directors of 5 individuals who are citizens of the United States, of whom 1 shall be elected annually by the board to serve as chairman. No more than 3 members of the board serving at any time may be affiliated with the same political party. The members of the board shall be appointed by the President of the United States, by and with the advice and consent of the Senate and shall serve for terms of 5 years.

SEC. 352. PURPOSES AND FUNCTIONS.

(a) TRADING.—The Corporation—

(1) shall receive and manage tradeable allowances allocated to it under section 333(a)(2); and

(2) shall buy and sell tradeable allowances, whether allocated to it under that section or obtained by purchase, trade, or donation from other entities; but

(3) may not retire tradeable allowances unused.

(b) USE OF TRADEABLE ALLOWANCES AND PROCEEDS.—

(1) IN GENERAL.—The Corporation shall use the tradeable allowances, and proceeds derived from its trading activities in tradeable allowances, to reduce costs borne by consumers as a result of the greenhouse gas reduction requirements of this Act. The reductions—

(A) may be obtained by buy-down, subsidy, negotiation of discounts, consumer rebates, or otherwise;

(B) shall be, as nearly as possible, equitably distributed across all regions of the United States; and

(C) may include arrangements for preferential treatment to consumers who can least afford any such increased costs.

(2) TRANSITION ASSISTANCE TO DISLOCATED WORKERS AND COMMUNITIES.—The Corporation shall allocate a percentage of the proceeds derived from its trading activities in tradeable allowances to provide transition assistance to dislocated workers and communities. Transition assistance may take the form of—

(A) grants to employers, employer associations, and representatives of employees—

(i) to provide training, adjustment assistance, and employment services to dislocated workers; and

(ii) to make income-maintenance and needs-related payments to dislocated workers; and

(B) grants to State and local governments to assist communities in attracting new employers or providing essential local government services.

(3) PHASE-OUT OF TRANSITION ASSISTANCE.—The percentage allocated by the Corporation under paragraph (2)—

(A) shall be 20 percent for 2010;

(B) shall be reduced by 2 percentage points each year thereafter; and

(C) may not be reduced below zero.

(c) ANNUAL REPORT.—The Corporation shall issue an annual report setting forth the results of its operations for the year.

SUBTITLE D—SEQUESTRATION ACCOUNTING; PENALTIES

SEC. 371. SEQUESTRATION ACCOUNTING.

(a) SEQUESTRATION ACCOUNTING.—If a covered entity uses a registered net increase in sequestration to satisfy the requirements of section 311 for any year, that covered entity shall submit information to the Administrator every 5 years thereafter sufficient to allow the Administrator to determine, using the methods and standards created under section 204, whether that net increase in sequestration still exists. Unless the Administrator determines that the net increase in sequestration continues to exist, the covered entity shall offset any loss of sequestration by submitting additional tradeable allowances of equivalent amount in the calendar year following that determination.

(b) REGULATIONS REQUIRED.—The Secretary, acting through the Under Secretary of Commerce for Science and Technology, in coordination with the Secretary of Agriculture, the Secretary of Energy, and the Administrator, shall issue regulations establishing the sequestration accounting rules for all classes of sequestration projects.

(c) CRITERIA FOR REGULATIONS.—In issuing regulations under this section, the Secretary shall use the following criteria:

(1) If the range of possible amounts of net increase in sequestration for a particular class of sequestration project is not more than 10 percent of the median of that range, the amount of sequestration awarded shall be equal to the median value of that range.

(2) If the range of possible amounts of net increase in sequestration for a particular class of sequestration project is more than 10 percent of the median of that range, the amount of sequestration awarded shall be equal to the fifth percentile of that range.

(3) The regulations shall include procedures for accounting for potential leakage from sequestration projects and for ensuring that any registered increase in sequestration is in addition that which would have occurred if this Act had not been enacted.

(d) UPDATES.—The Secretary shall update the sequestration accounting rules for every class of sequestration project at least once every 5 years.

SEC. 372. PENALTIES.

Any covered entity that fails to meet the requirements of section 311 for a year shall be liable for a civil penalty, payable to the Administrator, equal to thrice the market value (determined as of the last day of the year at issue) of the tradeable allowances that would be necessary for that covered entity to meet those requirements on the date of the emission that resulted in the violation.

Mr. MCCAIN. Mr. President, the National Academy of Science has said, ''Greenhouse gases are accumulating in the Earth's atmosphere as a result of human activities, causing surface air temperatures and subsurface ocean temperatures to rise. Temperatures are, in fact, rising. The changes observed over the last several decades are likely mostly due to human activities, but we cannot rule out that some significant part of these changes is also a reflection of natural variability.''

Over the past five years, the Commerce Committee has held eight hearings on climate change. Two the last five years, 1998 and 2002, have been the warmest, in terms of average global temperatures, ever recorded. According to a recent report from the National Oceanic and Atmospheric Administration NOAA, nine of the warmest years have occurred since 1990. As reported in the New York Times on December 31, 2002, many experts think it is more likely than not 2003 will either match or exceed the 1998 average temperature record of 58 degrees Fahrenheit.

Researchers at the University of Texas, Wesleyan University, and Stanford University recently reported in the journal Nature that global warming is forcing species around the world, from California starfish to Alpine herbs, to move into new ranges or alter habits that could disrupt ecosystems. The report states there is ''very high confidence,'' defined as having more than 95 percent of observed changes which were principally caused by climate change, that climate change is already affecting living systems. The end result off these changes could be substantial ecological disruption, local losses in wildlife, and extinction of certain species.

This and many other reports over the years have highlighted time and again the consequences of a warming climate system. We have seen the destruction of over 70 percent of the heat-sensitive corals reefs, the melting of glaciers at unprecedented levels, the increase of wildfires, and the spreading of diseases. A large German insurance company has estimated that global warming could cost $300 billion annually by 2050 in weather damage, pollution, industrial and agricultural losses, and other expenses.

Our international partners, the States, and private industry are reacting to this challenge. For example, California has enacted legislation that will regulate tailpipe emissions of greenhouse gases. The European Union just recently approved an emissions trading system. The World Bank has estimated that greenhouse gas trading will be a $10 billion market by 2005. Financial ratification of the Kyoto Protocol rests with Russia.

Industry is also paying attention to what's happening. Laws firms and insurance companies are setting up business units to deal with climate-related risks.

Thus far, however, little has actually been accomplished to reduce greenhouse gas emissions. The United States must do something, but it must also do the right thing. Many have focused on what we do not know or the uncertainties are climate change. I prefer a more sound and scientific approach of starting with what is known or given and then proceeding to solve the problem at hand.

While we cannot say with 100 percent confidence what will happen in the future, we do know the mission of greenhouse gases is not healthy for the environment. As many of the top scientists through the world have stated, the sooner we start to reduce these emissions, the better off we will be in the future.

In 2001, Senator LIEBERMAN and I announced our intention to develop legislation to require mandatory reductions in greenhouse gases emissions and provide for the trading of emission allowances. We have been working with industry and the environmental community to develop legislation to move the country in the right direction and demonstrate leadership on this important issue. It will be the first comprehensive

piece of legislation in this area. Not only will it not place the burden on any one sector, it would allow for the partnering across sectors through the trading system to most effectively meet the required reductions.

The bill we are introducing will propose a ''cap and trade'' approach to reducing greenhouse gases emissions. It would require the promulgation of regulations to limit greenhouse gases emissions from the electricity generation, transportation, industrial and commercial economic sectors. The affected sectors request approximately 85 percent of the overall U.S. emissions for the year 2000. The bill also would provide for the trading of emissions allowances and reductions through the government provided greenhouse gas database, which would contain an inventory of emissions and a registry of reduction.

I thank Senator LIEBERMAN for his commitment and leadership in bringing this piece of legislative initiative. We hope that our colleagues in the Senate and the Administration will work with us to improve upon and ultimately adopt this much needed legislation.

The U.S. is responsible for 25 percent of the worldwide greenhouse gases emissions. It is time for the U.S. government to do its part to address this global problem, and legislation on mandatory reductions is the form of leadership that is required to address this global problem.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 15—COMMENDING DAN L. CRIPPEN FOR HIS SERVICE TO CONGRESS AND THE NATION

Mr. DOMENICI (for himself, Mr. CONRAD, Mr. GRASSLEY, Mr. HOLLINGS, Mr. NICKLES, Mr. SARBANES, Mr. BOND, Mrs. MURRAY, Mr. GREGG, Mr. WYDEN, Ms. SNOWE, Mr. FEINGOLD, Mr. FRIST, Mr. JOHNSON, Mr. SMITH, Mr. BYRD, Mr. ALLARD, Mr. NELSON of Florida, Mr. HAGEL, Ms. STABENOW, Mrs. CLINTON, and Mr. CORZINE) submitted the following resolution; which was considered and agreed to:

S. RES. 15

Whereas Dr. Dan L. Crippen has served as the fifth Director of the Congressional Budget Office since February 3, 1999 and now has ended his service on January 3, 2003;

Whereas during his tenure as Director, he has continued to encourage the highest standards of analytical excellence within the staff of the Congressional Budget Office while maintaining the independent and nonpartisan character of the organization;

Whereas he has provided expert testimony to all committees of the United States Senate;

Whereas during his tenure as Director, he has expanded and improved the accessibility of the Congressional Budget Office's work products to the Congress and the public;

Whereas he has led the agency's development of an independent long-term economic modeling capability that examines demographic changes and their critical impact on economic and budget estimates;

Whereas he has performed his duties as Director at a time of extreme personal loss with courage, dignity, and intelligence; and

Whereas he has earned the respect and esteem of the United States Senate: Now, therefore, be it

Resolved, That the Senate of the United States commends Dr. Dan L. Crippen for his dedicated, faithful, and outstanding service to his country and to the Senate.

SENATE RESOLUTION 16—HONORING THE HILLTOPPERS OF WESTERN KENTUCKY UNIVERSITY FROM BOWLING GREEN, KENTUCKY, FOR WINNING THE 2002 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I–AA FOOTBALL CHAMPIONSHIP

Mr. BUNNING (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 16

Whereas on December 20, 2002, the Western Kentucky University Hilltoppers from Bowling Green, Kentucky, won the 2002 NCAA Division I–AA Collegiate Football Championship;

Whereas this championship is Western Kentucky University's first NCAA Football Championship since its football program began in 1913;

Whereas the Hilltoppers had an impressive and overall record of 12 wins and 3 losses, including 10 consecutive wins and winning the championship game;

Whereas the Hilltoppers showed tremendous dedication to each other, appreciation to their fans, sportsmanship to their opponents, and respect for the game of football throughout their 2002 season;

Whereas Western Kentucky University was represented with integrity and principled leadership under the direction of its head coach Jack Harbaugh, athletic director Dr. Wood Selig, and president Dr. Gary A. Ransdell; and

Whereas on December 20, 2002, the 15th ranked Western Kentucky University Hilltoppers faced the number 1 ranked McNeese State University Cowboys for the 2002 NCAA Division I–AA Football Championship in Chattanooga, Tennessee, and came away victorious by a score of 34 to 14: Now, therefore, be it

Resolved, That the Senate honors the Western Kentucky University football team from Bowling Green, Kentucky, for winning the 2002 NCAA Division I–AA Football Championship.

SENATE CONCURRENT RESOLUTION 1—EXPRESSING THE SENSE OF CONGRESS THAT THERE SHOULD CONTINUE TO BE PARITY BETWEEN THE ADJUSTMENTS IN THE COMPENSATION OF MEMBERS OF THE UNIFORMED SERVICES AND THE ADJUSTMENTS IN THE COMPENSATION OF CIVILIAN EMPLOYEES OF THE UNITED STATES

Mr. SARBANES (for himself, Mr. BINGAMAN, Mr. DURBIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. LEVIN, Mr. WARNER, Ms. CANTWELL, Mr. NELSON of Nebraska, Mrs. CLINTON, Mr. AKAKA, Mr. KENNEDY, and Mr. LIEBERMAN) submitted the following concurrent resolution; which was referred to the Committee on Governmental Affairs:

S. CON. RES. 1

Whereas members of the uniformed services of the United States and civilian employees of the United States make significant contributions to the general welfare of the United States and are on the front lines in the fight against terrorism;

Whereas civilian employees of the United States play a crucial role in the fight against terrorism, as exemplified by the civilian employees of the new Department of Homeland Security who are working to ensure the security of the United States, the civilian employees of the Central Intelligence Agency and the Federal Bureau of Investigation who are investigating the September 11, 2001, terrorist attacks and working to prevent further terrorist attacks, the numerous civilian employees of the Federal Government who participated in disaster response teams after such attacks, and the civilian employees of the Transportation Security Agency who are working to make our skies safer;

Whereas civilian employees of the United States will continue to support and defend the United States during this difficult time;

Whereas for fiscal year 2003 the Administration granted a 4.1 percent pay raise for members of the uniformed services but only a 3.1 percent pay raise for the dedicated civilian employees of the United States, a disparity in adjustments that violates the traditional principle of parity of pay adjustments; and

Whereas this disparity in pay adjustments goes against the longstanding policy of parity for all those who have chosen to serve the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States.

Mr. SARBANES. Mr. President, I am called to join with Senators AKAKA, BINGAMAN, CANTWELL, CLINTON, DURBIN, KENNEDY, LEVIN, LIEBERMAN, MIKULSKI, MURRAY, NELSON, E. BENJAMIN, and WARNER in introducing a resolution that would express the sense of the Congress that parity in the pay increases granted to Federal civilian and military employees should be maintained. A comparison of military and civilian pay increases by the Congressional Research Service finds that in 14 of the last 17 years military and civilian pay increases have been identical. Disparate treatment of civilian and military pay goes against the longstanding policy of parity for all those who have chosen to serve our Nation, whether that service be in the civilian workforce or in the armed services.

During this unpredented time in our Nation's history, both members of the armed services and civilian Federal employees are fighting the war on terrorism and making remarkable contributions to the safety of this country and our citizens. Both the armed forces and civilian employees are on the front lines in the fight against terrorism, and civilian employees are playing a significant role in that fight.

For example, civilian employees of the new Department of Homeland Security are working to ensure the safety of our Nation. Air marshals and members of the Transportation Security Agency are making America's skies safer. Civilian employees of the Central Intelligence Agency and the Federal Bureau of Investigation are investigating the events of September 11th and working to prevent further terrorist attacks. And Federal employees at the State Department are working with other countries in an international coalition against terrorism.

In addition, there are numerous Federal employees who participated in disaster response teams on September 11th and during the anthrax attacks. And every day, thousands of civilian Federal employees continue to go to work and carry out their responsibilities in this unpredictable time.

This Senate Concurrent Resolution expresses the sense of the Congress that parity between the adjustments in Federal civilian pay and military pay should be maintained. For Fiscal Year 2003, President Bush gave a 4.1 percent pay raise to members of the armed services, but only a 3.1 percent pay raise to our dedicated public servants. This discrepancy violates the traditional principle of pay parity, and does not recognize the crucial work of the civilian Federal workforce. Furthermore, this discrepancy ignores the express wish of Congress that the principle of pay parity be followed. Past budget resolutions and Treasury-Postal appropriations bills approved by the Senate and the House of Representatives have included language expressing the ''sense of Congress that rates of compensation for civilian employees of the United States should be adjusted at the same time, and in the same proportion, as are rates of compensation for member of the uniformed services.''

In this difficult time, the dedication and commitment of both the armed services and our civilian employees demonstrate the greatness of our Nation. The contribution of both should be recognized.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on January 9, 2003, at 9:30 am on the future of the airline industry in SR–253.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on January 9, 2003, at 2:30 pm on phase-out of single hull tankers in SR–253.

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

PRIVILEGE OF THE FLOOR

Mr. GREGG. Mr. President, I ask unanimous consent that Bill Lucia of my HELP Committee staff be granted floor privileges.

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

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

COMMENDING DR. DAN L. CRIPPEN

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 15.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 15) commending Dr. Dan L. Crippen for his service to Congress and the Nation.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOMENICI. Mr. President, today, I would like to recognize the exemplary and faithful service that Dan L. Crippen has provided to his country and to the U.S. Congress. January 3, 2003, was Dr. Crippen's last day as the Director of the Congressional Budget Office.

In the four years that he has held that position, he has led CBO with dedication and integrity. As a respected and thoughtful steward of the agency, he has provided the Members of Congress with impartial analyses of a wide array of budgetary and economic issues and thereby provided a sound basis for Congressional decisions, and he has aided the American public's understanding of these issues through his clear and forthright statements.

Some of his particular accomplishments as Director include fostering the development of long-term modeling and a long-range perspective in the agency's analyses, bolstering research support, building a stronger and more diverse workforce, securing access to previously unavailable data, and modernizing many support processes and much of the work space.

Dan Crippen received a bachelor of arts degree from South Dakota in 1974, a master of arts from Ohio State in 1976, and a doctor of philosophy degree in public finance from Ohio State in 1981. He then set out on a remarkable career that has included positions of great responsibility in both the public and private sectors. From 1981 to 1985, he served in the United States Senate as Chief Counsel and Economic Policy Adviser to the Senate majority leader, working on major tax and budget bills as well as other legislation. From 1985 to 1987, he was Executive Director of Merrill Lynch International Advisory Council.

He then returned to public service, this time at the White House, as Deputy Assistant to the President from 1987 to 1988 and Assistant to the President for Domestic Affairs from 1988 to 1989, in which capacity he served as the President's adviser on domestic policy issues, including the preparation and presentation of the federal budget.

In 1989, he became Senior Vice President of the consulting firm Duberstein Group, and in 1996, he became Principal in the consulting firm Washington Counsel.

From there, he was tapped again for Congressional service and became the fifth director of the Congressional Budget Office, where he advanced its already strong reputation for objective and insightful analysis. For that reason and many others, he has earned the respect, admiration, and affection of his colleagues at CBO and, once again, the gratitude of the U.S. Congress.

So on the occasion of Dan Crippen's departure from CBO, I want to salute his accomplishments and contributions thus far in his career and to say that I look forward to his continued success as he takes on new responsibilities in the next phase of his career.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements related to this matter be printed in the RECORD.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. Does the majority whip yield the floor?

Mr. MCCONNELL. I yield the floor.

Mr. REID. I withdraw my objection.

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

The resolution (S. Res. 15) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 15

Whereas Dr. Dan L. Crippen has served as the fifth Director of the Congressional Budget Office since February 3, 1999 and now has ended his service on January 3, 2003;

Whereas during his tenure as Director, he has continued to encourage the highest standards of analytical excellence within the staff of the Congressional Budget Office while maintaining the independent and nonpartisan character of the organization;

Whereas he has provided expert testimony to all committees of the United States Senate;

Whereas during his tenure as Director, he has expanded and improved the accessibility of the Congressional Budget Office's work products to the Congress and the public;

Whereas he had led the agency's development of an independent long-term economic modeling capability that examines demographic changes and their critical impact on economic and budget estimates;

Whereas he has performed his duties as Director at a time of extreme personal loss with courage, dignity, and intelligence; and

Whereas he has earned the respect and esteem of the United States Senate: Now, therefore, be it

Resolved, That the Senate of the United States commends Dr. Dan L. Crippen for his

dedicated, faithful, and outstanding service to his country and to the Senate.

HONORING THE HILLTOPPERS OF WESTERN KENTUCKY UNIVERSITY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 16 submitted earlier by Senator BUNNING and myself.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 16) honoring the Hilltoppers of Western Kentucky University from Bowling Green, Kentucky, for winning the 2002 National Collegiate Athletic Association Division I–AA Football Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BUNNING. Mr. President, I rise today to honor and congratulate the players and coaches of the Western Kentucky University Hilltopper football team on winning the 2002 NCAA Division I–AA National Championship.

When people take a look back at Western's championship season, they will certainly wonder how in the world a team which lost three of its first five games wound up winning the national title? The answer lies in the hearts and minds of every single member of Western Kentucky's team, from the coaches to freshmen walk-ons. Not only did this team refuse to give up, they made it their mission to work harder on and off the field to achieve their dreams and goals. Head Coach Jack Harbaugh deserves special recognition for his ability to right Western's ship before it veered too far off course.

Having to go on a six game win streak simply to reach the post-season, Western entered the Division I–AA playoffs as a longshot. To even reach the championship game, Western had to beat the number two and three rated teams in the nation. Once in the title game, Western was simply too strong to be stopped. They beat the number one rated McNeese State Cowboys by a score of 34–14, exacting revenge on the team which had beat them early in the season. Quarterback Jason Michael threw for a career-high 185 yards and running back Jon Frazier added 159 yards on the ground in the national title match. This was Western Kentucky University's first NCAA football championship.

Mr. President, I ask that my fellow colleagues join me in congratulating the Hilltopper football players, Head Coach Jack Harbaugh, Athletic Director Dr. Wood Selig and Dr. Gary Ransdell on winning the 2002 Division I–AA National Championship. This win reflects very highly on Western Kentucky University and the entire Commonwealth of Kentucky. Who said Kentucky wasn't a football State?

Mr. MCCONNELL. Mr. President, I would like to thank my colleague, Mr. Bunning, for introducing this resolution congratulating the Western Kentucky University Hilltoppers on capturing the National Collegiate Athletics Association's NCAA Division I–AA championship, and I would urge the Senate to adopt it.

Mr. President, the story of Western Kentucky University's 2002 football season is one of perseverance and determination in the face of long odds. After a disappointing start, in which Western Kentucky dropped three of its first five games, Coach Jack Harbaugh rallied the Hilltoppers to victories in their last six regular season games. This late-season charge helped Western Kentucky secure one of the final spots in the Division I–AA playoffs. Once in the NCAA tournament, Western was faced with a daunting path to the championship which required them to defeat each of the top three ranked teams on consecutive weekends. However, Western Kentucky rose to the challenge and even exacted a measure of revenge by defeating Western Illinois and McNeese State, two of the teams that had previously defeated the Hilltoppers during the regular season. With its 34 to 14 victory over McNeese State on December 20, 2002, Western Kentucky University captured the first NCAA football championship in the program's proud eighty-nine year history.

I want to congratulate the Hilltopper football team, head Coach Jack Harbaugh, Athletic Director Dr. Wood Selig, and President Gary Ransdell on capturing the 2002 Division I–AA national championship and thank them for the outstanding manner in which they represented Western Kentucky University and the Commonwealth of Kentucky.

Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements related thereto be printed in the RECORD.

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

The resolution (S. Res. 16) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 16

Whereas on December 20, 2002, the Western Kentucky University Hilltoppers from Bowling Green, Kentucky, won the 2002 NCAA Division I–AA Collegiate Football Championship;

Whereas this championship is Western Kentucky University's first NCAA Football Championship since its football program began in 1913;

Whereas the Hilltoppers had an impressive and overall record of 12 wins and 3 losses, including 10 consecutive wins and winning the championship game;

Whereas the Hilltoppers showed tremendous dedication to each other, appreciation to their fans, sportsmanship to their opponents, and respect for the game of football throughout their 2002 season;

Whereas Western Kentucky University was represented with integrity and principled leadership under the direction of its head coach Jack Harbaugh, athletic director Dr. Wood Selig, and president Dr. Gary A. Ransdell; and

Whereas on December 20, 2002, the 15th ranked Western Kentucky University Hilltoppers faced the number 1 ranked McNeese State University Cowboys for the 2002 NCAA Division I–AA Football Championship in Chattanooga, Tennessee, and came away victorious by a score of 34 to 14: Now, therefore, be it

Resolved, That the Senate honors the Western Kentucky University football team from Bowling Green, Kentucky, for winning the 2002 NCAA Division I–AA Football Championship.

EXTENDING THE NATIONAL FLOOD INSURANCE PROGRAM

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 11, which is being held at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 11) to extend the national flood insurance program.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be read a third time, passed, and the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 11) was read a third time and passed.

MEASURE READ THE FIRST TIME—H.J. RES. 2

Mr. MCCONNELL. Mr. President, I understand that H.J. Res. 2 is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 2) making further continuing appropriations for the fiscal year 2003, and for other purposes.

Mr. MCCONNELL. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

MEASURE READ THE FIRST TIME—H.R. 16

Mr. MCCONNELL. Mr. President, I understand that H.R. 16 is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 16) to authorize salary adjustments for Justices and judges of the United States for fiscal year 2003.

Mr. MCCONNELL. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

PROVIDING FOR ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 8 which is at the desk; further, that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The concurrent resolution (H. Con. Res. 8) was agreed to.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 108–1

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 January 9, 2003 by the President of the United States: Agreement Amending Treaty with Canada Concerning Pacific Coast Albacore Tuna Vessels and Port Privileges (Treaty Document No. 108–1).

I further ask unanimous consent that the treaty be considered as having been read the first time, that it be referred with accompanying papers to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Agreement Amending the Treaty Between the Government of the United States of America and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges done at Washington May 26, 1981 (the ''Treaty''), effected by an exchange of diplomatic notes at Washington on July 17, 2002, and August 13, 2002 (the ''Agreement''). I am also enclosing, for the information of the Senate, the report of the Secretary of State on the Agreement and a related agreement, effected by an exchange of notes at Washington on August 21, 2002, and September 10, 2002, amending the Annexes to the Treaty; this related agreement was concluded pursuant to Article VII of the Treaty.

The Treaty currently permits unlimited fishing for albacore tuna by vessels of each Party in waters under the jurisdiction of the other Party. The Agreement amends the Treaty to allow for a limitation on such fishing necessitated by changing circumstances.

The U.S. fishing and processing industries strongly support the amendment to the Treaty. The amendment not only allows the Parties to redress the imbalance of benefits received by U.S. fishers that has developed in the operation of the Treaty, but also preserves U.S. interests under the Treaty, including the interest of U.S. fishers to fish in Canadian waters at times when the albacore stock moves northward, the interest of U.S. processors to continue to receive Canadian catches for processing, and the U.S. interest in being able to conserve and manage the stock.

The recommended legislation necessary to implement the Agreement will be submitted separately to the Congress.

I recommend that the Senate give favorable consideration to this Agreement and give its advice and consent to ratification at an early date.

GEORGE W. BUSH.

THE WHITE HOUSE, *January 9, 2003.*

ORDERS FOR FRIDAY, JANUARY 10, 2003

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Friday, January 10; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and that there then be a period of morning business until noon with the time equally divided, and that Senators be permitted to speak for up to 10 minutes each.

Mr. REID. Mr. President, reserving the right to object, I would like to spread on the record the fact that I want to congratulate the majority whip, Senator MCCONNELL, for his elevation to this job. I look forward to working with him. We have worked together on a number of issues over the years, and I have found him to be a gentleman and a good legislator. There is so much we have to do this year in this Congress. A lot that happens will depend on how he and I manage the floor. I am very happy he is going to be spending a lot of time on the floor. I look forward to working with him. With his advocacy and the work that I hope I will be able to do, we should be able to move the legislation along, maybe better than it has in the past. So I look forward to working with Senator MCCONNELL. He was in a meeting that I attended yesterday with the President, and it was clear that we have so much to do for the good of the country. I hope we can set aside partisan differences most of the time and look forward to accomplishing what the people in this country—those from Kentucky, Nevada, and Georgia—really need.

Senator DASCHLE and I pledge our support to do that and I hope we can do that in the months to come.

The PRESIDING OFFICER. The majority whip is recognized.

Mr. MCCONNELL. Mr. President, I, too, look forward to working with Senator REID. I have known him for many years and have admired his great work. I am confident that we will get along well and advance the business of the people to the maximum extent possible, and whatever partisan differences develop along the way, I know neither of us will take that personally. As we know, the most important vote is always the next one. So I look forward to continuing our good relationship. We will be spending a lot of time together in this Chamber.

PROGRAM

Mr. MCCONNELL. Mr. President, the Senate will be in session tomorrow. It is the leader's hope that we will be able to pass the respective party committee resolutions. As he mentioned previously, it is important that we get that done so that the committees can begin their work. Therefore, rollcall votes are possible during Friday's session. Normally, these routine committee resolutions are agreed to by consent. I hope that will be the case in this instance. Having said that, until this is resolved, Members should expect votes.

ADJOURNMENT UNTIL 9:30 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 7:30 p.m., adjourned until Friday, January 10, 2003, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate January 9, 2003:

DEPARTMENT OF EDUCATION

GERALD REYNOLDS, OF MISSOURI, TO BE ASSISTANT SECRETARY FOR CIVIL RIGHTS, DEPARTMENT OF EDUCTION, VICE NORMA V. CANTU, RESIGNED.

NATIONAL SCIENCE FOUNDATION

STEVEN C. BEERING, OF INDIANA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR THE REMAINDER OF THE TERM EXPIRING MAY 10, 2004, VICE CHANG-LIN TIEN, RESIGNED.

BARRY C. BARISH, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2008, VICE EAMON M. KELLY, TERM EXPIRED.

RAY M. BOWEN, OF TEXAS, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2008, VICE VERA C. RUBIN, TERM EXPIRED.

DELORES M. ETTER, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2008, VICE JOHN A. ARMSTRONG, TERM EXPIRED.

KENNETH M. FORD, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2008, VICE M.R.C. GREENWOOD, TERM EXPIRED.

DANIEL E. HASTINGS, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2008, VICE BOB H. SUZUKI, TERM EXPIRED.

ELIZABETH HOFFMAN, OF COLORADO, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL

SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2008, VICE STANLEY VINCENT JASKOLSKI, TERM EXPIRED.

DOUGLAS D. RANDALL, OF MISSOURI, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2008, VICE RICHARD A. TAPIA, TERM EXPIRED.

JO ANNE VASQUEZ, OF ARIZONA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2008, VICE MARY K. GAILLARD, TERM EXPIRED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

JEWEL SPEARS BROOKER, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2008, VICE PEGGY WHITMAN PRENSHAW, TERM EXPIRED.

CELESTE COLGAN, OF TEXAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2008, VICE JON N. MOLINE, TERM EXPIRED.

DARIO FERNANDEZ-MORERA, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2008, VICE SUSAN E. TREES, TERM EXPIRED.

ELIZABETH FOX-GENOVESE, OF GEORGIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2008, VICE LORRAINE WEISS FRANK, TERM EXPIRED.

DAVID HERTZ, OF INDIANA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006, VICE HENRY GLASSIE.

STEPHEN MC KNIGHT, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006, VICE ISABEL CARTER STEWART.

SIDNEY MC PHEE, OF TENNESSEE, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2008, VICE MARGARET P. DUCKETT, TERM EXPIRED.

LAWRENCE OKAMURA, OF MISSOURI, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2008, VICE DORIS B. HOLLEB, TERM EXPIRED.

STEPHAN THERNSTROM, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2008, VICE ARTHUR I. BLAUSTEIN, TERM EXPIRED.

MARGUERITE SULLIVAN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2008, VICE SUSAN FORD WILTSHIRE, TERM EXPIRED.

HARRY ROBINSON, JR., OF TEXAS, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2003, VICE ALBERTA SEBOLT GEORGE, TERM EXPIRED.

ELIZABETH J. PRUET, OF ARKANSAS, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2004, VICE DAVID A. UCKO, TERM EXPIRED.

TERRY L. MAPLE, OF GEORGIA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2005, VICE TOWNSEND WOLFE, TERM EXPIRED.

EDWIN JOSEPH RIGAUD, OF OHIO, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2007, VICE ARTHUR ROSENBLATT, TERM EXPIRED.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

JUANITA ALICIA VASQUEZ-GARDNER, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2003, VICE STEVEN L. ZINTER, TERM EXPIRED.

WILLIAM PRESTON GRAVES, OF KANSAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 10, 2005, VICE MEL CARNAHAN.

PATRICK LLOYD MC CRORY, OF NORTH CAROLINA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2005, VICE RICHARD C. HACKETT, TERM EXPIRED.

NATIONAL INSTITUTE FOR LITERACY

PHYLLIS C. HUNTER, OF TEXAS, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM OF TWO YEARS. (NEW POSITION)

DOUGLAS CARNINE, OF OREGON, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM OF THREE YEARS. (NEW POSITION)

BLANCA E. ENRIQUEZ, OF TEXAS, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM OF THREE YEARS. (NEW POSITION)

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

WILLIAM A. SCHAMBRA, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING SEPTEMBER 14, 2006, VICE CAROL W. KINSLEY, TERM EXPIRED.

DONNA N. WILLIAMS, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2006, VICE ROBERT B. ROGERS, TERM EXPIRED.

LEGAL SERVICES CORPORATION

FLORENTINO SUBIA, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2004, VICE EDNA FAIRBANKS-WILLIAMS, TERM EXPIRED.

FRANK B. STRICKLAND, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2004, VICE JOHN N. ERLENBORN, TERM EXPIRED.

MICHAEL MCKAY, OF WASHINGTON, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2004, VICE NANCY HARDIN ROGERS, TERM EXPIRED.

LILLIAN R. BEVIER, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2004, VICE HULETT HALL ASKEW, TERM EXPIRED.

ROBERT J. DIETER, OF COLORADO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2005, VICE F. WILLIAM MCCALPIN, TERM EXPIRED.

THOMAS A. FUENTES, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2005, VICE THOMAS F. SMEGAL, JR., TERM EXPIRED.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

STANLEY C. SUBOLESKI, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM OF SIX YEARS EXPIRING AUGUST 30, 2006, VICE MARC LINCOLN MARKS, TERM EXPIRED.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

W. SCOTT RAILTON, OF VIRGINIA, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 2007, VICE GARY L. VISSCHER, TERM EXPIRED.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NAOMI CHURCHILL EARP, OF VIRGINIA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2005, VICE REGINALD EARL JONES, TERM EXPIRED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

DANA GIOIA, OF CALIFORNIA, TO BE CHAIRPERSON OF THE NATIONAL ENDOWMENT FOR THE ARTS FOR A TERM OF FOUR YEARS, VICE MICHAEL HAMMOND.

DEPARTMENT OF STATE

MICHAEL B. ENZI, OF WYOMING, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-SEVENTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

PAUL SARBANES, OF MARYLAND, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-SEVENTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

JAMES SHINN, OF NEW JERSEY, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-SEVENTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

CYNTHIA COSTA, OF SOUTH CAROLINA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-SEVENTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

RALPH MARTINEZ, OF FLORIDA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-SEVENTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

GRANT S. GREEN, JR., OF VIRGINIA, TO BE DEPUTY SECRETARY OF STATE FOR MANAGEMENT AND RESOURCES. (NEW POSITION)

AFRICAN DEVELOPMENT FOUNDATION

WALTER H. KANSTEINER, ASSISTANT SECRETARY OF STATE (AFRICAN AFFAIRS), TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 27, 2003, VICE GEORGE EDWARD MOOSE, TERM EXPIRED.

CLAUDE A. ALLEN, DEPUTY SECRETARY OF HEALTH AND HUMAN SERVICES, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 22, 2003, VICE JOHN F. HICKS, TERM EXPIRED.

INTER-AMERICAN FOUNDATION

JOSE A. FOURQUET, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2004, VICE MARK L. SCHNEIDER, TERM EXPIRED.

ROGER FRANCISCO NORIEGA, OF KANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2006, VICE HARRIET C. BABBIT, TERM EXPIRED.

ADOLFO A. FRANCO, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2008, VICE JEFFREY DAVIDOW, RESIGNED.

INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA

DENNIS L. SCHORNACK, OF MICHIGAN, TO BE COMMISSIONER ON THE PART OF THE UNITED STATES ON THE INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA, VICE THOMAS L. BALDINI.

EXECUTIVE OFFICE OF THE PRESIDENT

FELICIANO FOYO, OF FLORIDA, TO BE A MEMBER OF THE ADVISORY BOARD FOR CUBA BROADCASTING FOR A TERM EXPIRING AUGUST 12, 2004, VICE JORGE L. MAS.

UNITED STATES POSTAL SERVICE

ALBERT CASEY, OF TEXAS, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2009, VICE TIRSO DEL JUNCO, TERM EXPIRED.

JAMES C. MILLER III, OF VIRGINIA, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2010, VICE EINAR V. DYHRKOPP, TERM EXPIRED.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

TERRENCE A. DUFFY, OF ILLINOIS, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING OCTOBER 11, 2003, VICE SCOTT B. LUKINS, TERM EXPIRED.

TERRENCE A. DUFFY, OF ILLINOIS, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING OCTOBER 11, 2007. (REAPPOINTMENT)

MERIT SYSTEMS PROTECTION BOARD

SUSANNE T. MARSHALL, OF VIRGINIA, TO BE CHAIRMAN OF THE MERIT SYSTEMS PROTECTION BOARD, VICE BETH SUSAN SLAVET.

NEIL MCPHIE, OF VIRGINIA, TO BE A MEMBER OF THE MERIT SYSTEMS PROTECTION BOARD FOR THE TERM OF SEVEN YEARS EXPIRING MARCH 1, 2009, VICE BETH SUSAN SLAVET, TERM EXPIRED.

FEDERAL LABOR RELATIONS AUTHORITY

PETER EIDE, OF MARYLAND, TO BE GENERAL COUNSEL OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS, VICE JOSEPH SWERDZENWSKI, RESIGNED.

DALE CABANISS, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS EXPIRING JULY 29, 2007. (REAPPOINTMENT)

EXECUTIVE OFFICE OF THE PRESIDENT

LINDA M. SPRINGER, OF PENNSYLVANIA, TO BE CONTROLLER, OFFICE OF FEDERAL FINANCIAL MANAGEMENT, OFFICE OF MANAGER AND BUDGET, VICE MARK W. EVERSON.

SECURITIES INVESTOR PROTECTION CORPORATION

NOE HINOJOSA, JR., OF TEXAS, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2003, VICE MARIANNE C. SPRAGGINS, TERM EXPIRED.

THOMAS WATERS GRANT, OF NEW YORK, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2005, VICE CHARLES L. MARINACCIO, TERM EXPIRED.

NOE HINOJOSA, JR., OF TEXAS, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2006. (REAPPOINTMENT)

WILLIAM ROBERT TIMKEN, JR., OF OHIO, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2003, VICE JAMES CLIFFORD HUDSON, TERM EXPIRED.

WILLIAM ROBERT TIMKEN, JR., OF OHIO, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2006. (REAPPOINTMENT)

NATIONAL CONSUMER COOPERATIVE BANK

ALFRED PLAMANN, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL CONSUMER COOPERATIVE BANK FOR A TERM OF THREE YEARS, VICE HARRY J. BOWIE, TERM EXPIRED.

UNITED STATES INTERNATIONAL TRADE COMMISSION

CHARLOTTE A. LANE, OF WEST VIRGINIA, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR A TERM EXPIRING DECEMBER 16, 2009, VICE DENNIS M. DEVANEY.

DANIEL PEARSON, OF MINNESOTA, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR THE TERM EXPIRING DECEMBER 16, 2011, VICE LYNN M. BRAGG, TERM EXPIRED.

DEPARTMENT OF THE TREASURY

RAYMOND T. WAGNER, JR., OF MISSOURI, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 14, 2004, VICE GEORGE L. FARR.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

HERBERT GUENTHER, OF ARIZONA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM TWO YEARS. (NEW POSITION)

BRADLEY UDALL, OF COLORADO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2006, VICE MATT JAMES, TERM EXPIRED.

MALCOLM B. BOWEKATY, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2006, VICE BILL ANOATUBBY, TERM EXPIRED.

RICHARD NARCIA, OF ARIZONA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING AUGUST 25, 2006, VICE NORMA GILBERT UDALL, TERM EXPIRED.

ROBERT BOLDREY, OF MICHIGAN, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING MAY 26, 2007, VICE JUDITH M. ESPINOSA, TERM EXPIRED.

MISSISSIPPI RIVER COMMISSION

RICKY DALE JAMES, OF MISSOURI, TO BE A MEMBER OF THE MISSISSIPPI RIVER COMMISSION FOR A TERM OF NINE YEARS. (REAPPOINTMENT)

DEPARTMENT OF JUSTICE

HARLON EUGENE COSTNER, OF NORTH CAROLINA, TO BE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS, VICE BECKY JANE WALLACE.

MARK MOKI HANOHANO, OF HAWAII, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF HAWAII FOR THE TERM OF FOUR YEARS, VICE HOWARD HIKARU TAGOMORI.

THOMAS DYSON HURLBURT, JR., OF FLORIDA, TO BE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF FLORIDA FOR THE TERM OF FOUR YEARS, VICE DON R. MORELAND, TERM EXPIRED.

CHRISTINA PHARO, OF FLORIDA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF FLORIDA FOR THE TERM OF FOUR YEARS, VICE JAMES A. TASSONE.

DENNIS ARTHUR WILLIAMSON, OF FLORIDA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF FLORIDA FOR THE TERM OF FOUR YEARS, VICE JAMES W. LOCKLEY, TERM EXPIRED.

RICHARD ZENOS WINGET, OF NEVADA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF NEVADA FOR THE TERM OF FOUR YEARS, VICE JOSE GERARDO TRONCOSO.

HUMBERTO S. GARCIA, OF PUERTO RICO, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF PUERTO RICO FOR THE TERM OF FOUR YEARS, VICE DANIEL F. LOPEZ ROMO, RESIGNED.

EDWARD F. REILLY, OF KANSAS, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS. (REAPPOINTMENT)

CRANSTON J. MITCHELL, OF MISSOURI, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS, VICE TIMOTHY EARL JONES, SR.

DAVID B. RIVKIN, JR., OF VIRGINIA, TO BE A MEMBER OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES FOR THE TERM EXPIRING SEPTEMBER 30, 2004, VICE LARAMIE FAITH MCNAMARA.

JEREMY H. G. IBRAHIM, OF PENNSYLVANIA, TO BE A MEMBER OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES FOR THE TERM EXPIRING SEPTEMBER 30, 2005, VICE RICHARD THOMAS WHITE, TERM EXPIRED.

DEPARTMENT OF TRANSPORTATION

EMIL H. FRANKEL, OF CONNECTICUT, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION, VICE EUGENE A. CONTI, JR., RESIGNED.

JEFFREY SHANE, OF THE DISTRICT OF COLUMBIA, TO BE ASSOCIATE DEPUTY SECRETARY OF TRANSPORTATION, VICE STEPHEN D. VAN BEEK, RESIGNED.

MARK V. ROSENKER, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 31, 2005, VICE MARION BLAKEY, RESIGNED.

RICHARD F. HEALING, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2006, VICE GEORGE W. BLACK, JR., TERM EXPIRED.

DEPARTMENT OF COMMERCE

CLAUDIA PUIG, OF FLORIDA, TO BE A MEMBER OF OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR THE REMAINDER OF THE TERM EXPIRING JANUARY 31, 2006, VICE KENNETH Y. TOMLINSON.

CHERYL FELDMAN HALPERN, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2008, VICE HEIDI H. SCHULMAN, TERM EXPIRED.

REAR ADMIRAL NICHOLAS AUGUSTUS PRAHL, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, TO BE A MEMBER OF THE MISSISSIPPI RIVER COMMISSION, UNDER THE PROVISIONS OF SECTION 2 OF AN ACT OF CONGRESS, APPROVED 28 JUNE 1879 (21 STAT. 37) (22 USC 642).

DEPARTMENT OF AGRICULTURE

THOMAS C. DORR, OF IOWA, TO BE UNDER SECRETARY OF AGRICULTURE FOR RURAL DEVELOPMENT, VICE JILL L. LONG, RESIGNED.

THOMAS C. DORR, OF IOWA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION,VICE JILL L. LONG, RESIGNED.

DEPARTMENT OF DEFENSE

PAUL MCHALE, OF PENNSYLVANIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE. (NEW POSITION)

CHRISTOPHER RYAN HENRY, OF VIRGINIA, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR POLICY, VICE STEPHEN A. CAMBONE, RESIGNED.

R. BRUCE MATTHEWS, OF NEW MEXICO, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 2005, VICE JOSEPH DINUNNO, RESIGNED.

FEDERAL ELECTION COMMISSION

ELLEN L. WEINTRAUB, OF MARYLAND, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISION FOR TERM A EXPIRING APRIL 30, 2007, VICE KARL J. SANDSTROM, TERM EXPIRED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

MICHAEL E. TONER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2007, VICE DARRYL R. WOLD, TERM EXPIRED.

VETERANS AFFAIR

JOHN W. NICHOLSON, OF VIRGINIA, TO BE UNDER SECRETARY OF VETERANS AFFAIRS FOR MEMORIAL AFFAIRS, VICE ROBIN L. HIGGINS, RESIGNED.

DEPARTMENT OF ENERGY

JOSEPH TIMOTHY KELLIHER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2007, VICE LINDA KEY BREATHITT, TERM EXPIRED.

SMALL BUSINESS ADMINISTRATION

HAROLD DAMELIN, OF VIRGINIA, TO BE INSPECTOR GENERAL, SMALL BUSINESS ADMINISTRATION, VICE PHYLLIS K. FONG.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. JARISSE J. SANBORN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. WILLIAM J. GERMANN, 0000

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. WILLIAM J. LUTZ, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL PAUL F. CAPASSO, 0000
COLONEL FLOYD L. CARPENTER, 0000
COLONEL WILLIAM A. CHAMBERS, 0000
COLONEL PAUL A. DETTMER, 0000
COLONEL DAVID K. EDMONDS, 0000
COLONEL JACK B. EGGINTON, 0000
COLONEL DAVID J. EICHHORN, 0000
COLONEL DAVID W. EIDSAUNE, 0000
COLONEL BURTON M. FIELD, 0000
COLONEL ALFRED K. FLOWERS, 0000
COLONEL RANDAL D. FULLHART, 0000
COLONEL MARKE F. GIBSON, 0000
COLONEL ROBERT H. HOLMES, 0000
COLONEL STEPHEN L. HOOG, 0000
COLONEL LARRY D. JAMES, 0000
COLONEL RALPH J. JODICE II, 0000
COLONEL JAN MARC JOUAS, 0000
COLONEL JAY H. LINDELL, 0000
COLONEL KAY C. MCCLAIN, 0000
COLONEL ROBERT H. MCMAHON, 0000
COLONEL STEPHEN P. MUELLER, 0000
COLONEL WILLIAM J. REW, 0000
COLONEL KATHERINE E. ROBERTS, 0000
COLONEL KIP L. SELF, 0000
COLONEL MICHAEL A. SNODGRASS, 0000
COLONEL DAVID M. SNYDER, 0000
COLONEL LARRY O. SPENCER, 0000
COLONEL ROBERT P. STEEL, 0000
COLONEL THOMAS J. VERBECK, 0000
COLONEL JAMES A. WHITMORE, 0000
COLONEL BOBBY J. WILKES, 0000
COLONEL ROBERT M. WORLEY II, 0000

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG.
GEN. DENNIS M. KENNEALLY, 0000

To be brigadier general

COL. OSCAR B. HILMAN, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. TONY L. CORWIN, 0000
BRIG. GEN. JON A. GALLINETTI, 0000
BRIG. GEN. THOMAS L. MOORE JR., 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. JOHN R. ALLEN, 0000
COL. JOHN R. CONANT, 0000
COL. JOSEPH V. MEDINA, 0000
COL. ROBERT E. SCHMIDLE JR., 0000
COL. THOMAS D. WALDHAUSER, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ANTHONY E. MUSELLA JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

STEVEN B. WALLIS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

SARA M. DEVINE, 0000
DENNIS J. FASBINDER, 0000
RODNEY D. PHOENIX, 0000
MICHAEL H. QUINN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JAMES F. BARBER, 0000
THOMAS A. SCHENK, 0000
JACK K. SEWELL JR., 0000
DONALD G. SMITH, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JOSEPH M. KOROLUK, 0000
RICKY J. THOMPSON, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

PATRICK W. BEHAN, 0000
BLAIR M. BERKLAND, 0000
NORMA H. BRESSI, 0000
IVAN L. CRAFT, 0000
JAMES M. GERMAIN, 0000
SCOTT A. OSTROW, 0000
ROLAND E. RONDEAU JR., 0000
JAMIE L. SAIVES, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

HOSSAM E. AHMED, 0000
JOHN E. BREWER, 0000
NELSON W. COUCH, 0000
CHRIS S. CRNICH, 0000
KARLA A. MOORE, 0000
BRETT W. PERKINS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ROBERT A. BAZYLAK, 0000
JOHN T. DEJONG, 0000
JAMES L. FISHBACK, 0000
TIM W. GRENNAN, 0000
SCOTT J. HADAWAY, 0000
JOHN S. HUNT, 0000
STEPHEN G. HURST, 0000
JAY A. JOHANNIGMAN, 0000
WILLIAM B. KLEIN, 0000
GREGG S. MEYER, 0000
WILLIAM A. POLLAN, 0000
RICHARD M. SCHWEND, 0000
MARK S. SMYCZYNSKI, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DEBORAH L. ASPLING, 0000
DEBRA S. BLIESNER, 0000
ROBIN S. DIAMOND, 0000
TERRI L. DOCKERY, 0000
MARGARET C. GRAM, 0000
ELFREDA L. HARRIS, 0000
WILLIAM R. HYATT, 0000
ROSEMARY L. JANOFSKY, 0000
PATRICIA A. JARMUZ, 0000
NINA G. PEREZ, 0000
DARRELL R. RASK, 0000
EDITH A. SCHAFER, 0000
PATRICIA L. SIEVERDING, 0000
MARTHA R. SLEUTEL, 0000
PAULA F. SPRINGER, 0000

JOHN M. STARZYK, 0000
ELLEN N. THOMAS, 0000
KAREN S. THOMPSON-SNIPES, 0000
JANICE L. TULAK, 0000
DEBRA L. WADDELL, 0000
DENISE L. WALKER, 0000
MARY L. WALKER, 0000
CANDACE W. WOODHAM, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ANDREW A. AKELMAN, 0000
DANIEL W. ALLEN, 0000
WILLIAM F. AMES, 0000
WILLIAM B. ANHOLT, 0000
JAMES E. ASLIN, 0000
DEBORAH J. ASSELANIS, 0000
WILLIAM A. AUGER, 0000
HERMAN L. BAKER, JR., 0000
RICHARD J. BARTELL, 0000
GARY M. BATINICH, 0000
ROBERT W. BELKNAP, 0000
MARK A. BENSON, 0000
MICHAEL D. BERGMAN, 0000
PATRICK E. BIELBY, 0000
GARY C. BLASZKIEWICZ, 0000
CONNIE J. BOETTLER, 0000
PAUL H. BONNIER, 0000
TERRY N. BOONE, 0000
CARL E. BRAZELTON, 0000
RODNEY E. BRYAN, 0000
MARY E. BURRELL, 0000
WILLIAM T. CAHOON, 0000
DONALD R. CAVIN, 0000
STEVEN J. CHAPMAN, 0000
TERRY LEE CHASE, 0000
ROBERT R. COLYER, 0000
WILLIE W. COOPER II, 0000
STEVEN D. CORNELL, 0000
JIM H. CRUMPACKER, 0000
DONALD N. CULLEN, 0000
KENNETH E. CURELL, 0000
SCOTT A. CUSIMANO, 0000
DENNIS L. DALEY, 0000
CELESTINO DAMIANO, 0000
MARJORIE J. R. S. DAVIS, 0000
RICHARD D. DAVIS, 0000
SETH M. DAVIS, 0000
DAVID A. DIPIETRO, 0000
LISA S. DISBROW, 0000
BRIAN E. DUBIE, 0000
WILLIAM V. EDMONDS, 0000
LARRY L. ETZEL, 0000
JEFFREY W. FIEBIG, 0000
SAMUEL L. FINKLEA III, 0000
MICHAEL FLORES, 0000
DONNA L. FORE, 0000
ROBERT C. GAYLORD, 0000
RICHARD W. GLITZ, 0000
WALTER O. GORDON, 0000
CRAIG N. GOURLEY, 0000
DENNIS W. GREENE, 0000
KATHRYN L. GRIBBEN, 0000
ROSCOE L. GRIFFIN, 0000
EDWARD J. HAGERTY, 0000
TERESA A. HAMS, 0000
MERLE D. HART, 0000
ARTHUR C. HAUBOLD, 0000
THOMAS L. HENDRICKS, 0000
STEPHEN M. HERLT, 0000
MARY K. HIGGINS, 0000
DALE R. HITE, 0000
RICHARD G. HONNEYWELL, 0000
JOHN W. HUFFMAN, 0000
ELEANOR A. HUNTER, 0000
GARY M. JENSEN, 0000
LYNN W. JOBES, 0000
WILSON JOHNSON III, 0000
DARYL L. JONES, 0000
KERRY E. KEITHCART, 0000
RICHARD D. KELLEY, JR., 0000
KAREN KINDLER, 0000
DAVID J. KING, 0000
DARKO D. KREINER, 0000
DELLA R. KRIMSKY, 0000
CHRISTINA L. LAFFERTY, 0000
ELIZABETH A. LANGSTON, 0000
SON M. LE, 0000
LARRY C. LEE, 0000
JEROME A. LEMIEUX, 0000
THOMAS J. LEVERETTE, 0000
REBECCA L. LEWIS, 0000
GABRIEL LIFSCHITZ, 0000
THOMAS A. LINSTER, 0000
ERIC G. LUND, 0000
MICHAEL W. MAHAN, 0000
JOHN J. MANDICO, 0000
LINDA S. MARCHIONE, 0000
JAMES V. MASKOWITZ, 0000
JACKIE W. MATHIS, 0000
MURIEL R. MCCARTHY, 0000
JOHN C. MCKEEMAN, 0000
ANDREW T. MCMAHON, 0000
BETH L. B. MCNULTY, 0000
RICHARD E. MCQUISTON, JR., 0000
LARRY L. MERINGTON, 0000
ROSS A. MILES, 0000
PAMELA K. MILLIGAN, 0000
IVAN A. MOORE, JR., 0000
SUSAN D. MORGAN, 0000
VINCENT J. NAPOLEON, 0000
JOHN R. NELSON, 0000
TODD R. NORDAHL, 0000
DAVID J. PARKER, 0000
JERRY N. PEERY, 0000
MARK E. PESTANA, 0000
JANE D. PETITTO, 0000
PATRICK R. PHELPS, 0000
GEORGE J. PIERCE, 0000
MELISSA A. PLANERT, 0000
DENNIS P. PLOYER, 0000
MICHAEL B. POWELL, 0000
ROBERT F. RAVELO, 0000
JOE T. REAMS, 0000
JACK W. REED, 0000
ROBERT D. REGO, 0000
JAMES R. RHETTA, JR., 0000
SUSAN M. RHODES, 0000
DONALD R. ROTAR, JR., 0000
ROBERT H. RUPP, 0000
MARILYN I. SABICER, 0000
CHARLES W. SACHS, 0000
MARK A. SANCHEZ, 0000
VINCENT M. SARONI, 0000
STEPHEN T. SCOTT, 0000
GLENN D. SEITCHEK, 0000
EROTOKRITOS SHIAKALLIS, 0000
ANN C. SHIPPY, 0000
ERIC M. SITRIN, 0000
NEIL K. SNYDER, 0000
MICHAEL J. SORTINO, 0000
WILLIAM D. STEPHENS, 0000
CARL D. STROHL, 0000
GERALD E. SUTTON, 0000
ABBOTT L. TAYLOR JR., 0000
JEFFREY J. THEULEN, 0000
JOSEPH D. TIMM, 0000
THOMAS V. TORNILLO, 0000
JOSEPH C. TRIPPY, 0000
LANCE D. UNDHJEM, 0000
STEPHEN P. VANCIL, 0000
GREGORY L. VITALIS, 0000
EDMUND D. WALKER, 0000
MARCIA M. WALKER, 0000
JOE H. WALLACE JR., 0000
JAMES D. WEST, 0000
ROBERT L. WHITE, 0000
VINCENT S. WILCOX, 0000
CURTIS L. WILLIAMS, 0000
GEORGE F. WILLIAMS, 0000
ROBERT C. WILSON, 0000
DALE R. WISE, 0000
CARL S. WOLF, 0000
KEVIN M. WOLFE, 0000
FOUAD W. YACOUB, 0000
NICHOLAS M. ZALLAS, 0000
STEVEN ZEBICH, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MICHAEL L. BELL, 0000
JAMES R. DIKEMAN, 0000
BRENT A. EVANS, 0000
STEPHEN P. FEAGA, 0000
KIRK R. GRANIER, 0000
DAVID W. HICKMAN, 0000
ROBERT G. KENNY, 0000
JAMES A. MARLOW, 0000
MICHAEL R. SHUTTER, 0000
GLENN L. SPITZER, 0000

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 colonel

ROOSEVELT ALLEN JR., 0000
CHRISTOPHER F. BATES, 0000
THOMAS W. BECKMAN, 0000
DIANE M. BEECHER, 0000
THOMAS J. BEESON, 0000
MARK J. BENTELE, 0000
RONALD L. * BERRY, 0000
MICHAEL P. CUNNINGHAM, 0000
JEFFERY R. DENTON, 0000
WAYNE H. DUDLEY, 0000
DANIEL G. DUPONT, 0000
EARL B. ELLIS, 0000
CRAIG A. FLICKINGER, 0000
SALVADOR FLORES JR., 0000
TIMOTHY J. HALLIGAN, 0000
THOMAS D. HAWLEY, 0000
PETER J. HEATH, 0000
JOSE E. IBANEZPABON, 0000
KEVIN D. KIELY, 0000
BARBARA B. KING, 0000
JOEL C. * KNUTSON, 0000
JOHN C. KRESIN, 0000
JOHN C. LEIST III, 0000
JACK H. LINCKS, 0000
SCOTT A. MACKEY, 0000
PAGE W. MCNALL, 0000
MICHAEL A. MOSUR, 0000
BRENT E. NIKOLAUS, 0000
ROBERT H. POINDEXTER, 0000
HOWARD W. ROBERTS, 0000
ALAN J. SUTTON, 0000
JEFFREY M. SWARTZ, 0000
LARRY TABATCHNICK, 0000
VINCENT J. TAKACS, 0000
ARJEN L. VANDEVOORDE, 0000

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 colonel

PETER A. BAUER, 0000
CHRISTIAN R. BENJAMIN, 0000
EVA T. BERRO, 0000
JAMES H. BERRO, 0000
DEBORAH J. BOSTOCK, 0000
JOSEPH A. BRENNAN, 0000
WILBERT * CAIN, 0000
WILLIAM M. CAMPBELL, 0000
KENNETH L. COX, 0000
GARY D. CROUCH, 0000
RICHARD J. * DELORENZO JR., 0000
MATTHEW J. * DOLAN, 0000
ARAM M. DONIGIAN, 0000
THOMAS H. * DOUGHERTY, 0000
ROBERT W. ELLIS, 0000
ALAAELDEEN M. ELSAYED, 0000
WILLIAM J. FLYNN, 0000
LES R. FOLIO, 0000
DAVID A. GOODWIN, 0000
JOYCE R. GRISSOM, 0000
THOMAS E. GRISSOM, 0000
DAVID C. HALL, 0000
THOMAS C. * HANKINS, 0000
DIANNE Y. * HARRIS, 0000
LORI J. HEIM, 0000
TODD D. * HESS, 0000
JOHN V. * INGARI, 0000
MARTIN L. * JOHNSON, 0000
JAMES A. * KING, 0000
STEPHEN A. KNYCH, 0000
GAEL J. LONERGAN, 0000
STEPHEN F. LOVICH, 0000
STEVEN C. * LYNCH, 0000
ERIC A. * MAIR, 0000
ANDREW C. MARCHIANDO, 0000
GEORGE TEO MARTIN, 0000
BRIAN J. MASTERSON, 0000
KIMBERLY P. MAY, 0000
THOMAS L. * MCKNIGHT, 0000
ROBERT J. MEDELL, 0000
DONALD M. MEDUNA, 0000
VINCENT J. MICHAUD, 0000
ROBERT I. MILLER, 0000
JAMES S. MOELLER, 0000
THOMAS A. NEAL II, 0000
WILLIAM E. NELSON, 0000
STEPHEN J. NILES, 0000
MICHAEL S. PANOSIAN, 0000
THEODORE W. PARSONS III, 0000
MARY M. PELSZYNSKI, 0000
JOSE L. * PEREZBECERRA, 0000
MARCUS L. PETERSON, 0000
BRIAN D. PEYTON, 0000
MOIRA C. PFEIFER, 0000
ELISHA T. POWELL IV, 0000
DANIEL J. QUENNEVILLE, 0000
BRIAN V. REAMY, 0000
DAVID B. * RHODES, 0000
DAVID A. * RIGGS, 0000
DIANE C. RITTER, 0000
JAMES L. RUSHFORD, 0000
BRADLEY S. RUST, 0000
ANDREW J. SATIN, 0000
GERALD R. SCHWARTZ, 0000
FRANK J. SHELTON, 0000
ERIC J. SIMKO, 0000
CARL G. SIMPSON, 0000
THOMAS M. * SLYTER, 0000
ROBERT E. SMITH II, 0000
WILLIAM H. SNEEDER JR., 0000
MARK J. * SNELL, 0000
LAWRENCE W. STEINKRAUS JR., 0000
JILL L. STERLING, 0000
JAMES R. STEWART, 0000
CYNTHIA N. TAYLOR, 0000
DONALD F. THOMPSON, 0000
DAVID F. VANDERBURGH, 0000
JOSEPH M. WEMPE, 0000
GREGORY M. WICKERN, 0000
KELLY H. * WOODWARD, 0000
GROVER K. YAMANE, 0000
PAUL A. YOUNG, 0000
CHRISTOPHER M. ZAHN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

RONALD D. HARRIS, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

WILLIAM T. BARTO, 0000
STEPHEN E. CASTLEN, 0000
ANNE E. EHRSAMHOLLAND, 0000
RAFE R. FOSTER, 0000
AMY M. FRISK, 0000
JILL M. GRANT, 0000
SARAH S. GREEN, 0000
STEPHEN R. HENLEY, 0000
KEVAN F. JACOBSON, 0000
KAREN L. JUDKINS, 0000
JOHN C. KENT, 0000
RAFAEL LARA JR., 0000
LAUREN B. LEEKER, 0000
JON L. LIGHTNER, 0000
JAMES K. LOVEJOY, 0000
RICHARD B. OKEEFFE JR., 0000
ALLISON A. POLCHEK, 0000
MARK A. RIVEST, 0000
KATHRYN R. SOMMERKAMP, 0000
BRADLEY P. STAI, 0000

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S89–S180

Measures Introduced: Thirty-four bills and three resolutions were introduced, as follows: S. 106–139, S. Res. 15–16, and S. Con. Res. 1. **Pages S132–33**

Measures Reported:

Special Report entitled "Summary of Legislative and Oversight Activities During the 107th Congress.". (S. Rept. No. 108–1) **Page S132**

Measures Passed:

Continuing Appropriations: Senate passed H.J. Res. 1, making further continuing appropriations for the fiscal year 2003, clearing the measure for the President. **Pages S104–06**

Commending Dan L. Crippen: Senate agreed to S. Res. 15, commending Dan L. Crippen for his service to Congress and the Nation. **Pages S175–76**

Honoring Western Kentucky University Football Team: Senate agreed to S. Res. 16, honoring the Hilltoppers of Western Kentucky University from Bowling Green, Kentucky, for winning the 2002 National Collegiate Athletic Association Division I–AA Football Championship. **Page S176**

Flood Insurance Extension: Senate passed H.R. 11, to extend the national flood insurance program, clearing the measure for the President. **Page S176**

Adjournment Resolution: Senate agreed to H. Con. Res. 8, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate. **Page S177**

Removal of Injunction of Secrecy: The injunction of secrecy was removed from the following treaty:

Agreement Amending Treaty with Canada Concerning Pacific Coast Albacore Tuna Vessels and Port Privileges (Treaty Doc. No. 108–1).

The treaty was transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed. **Page S177**

Nominations Received: Senate received the following nominations:

Gerald Reynolds, of Missouri, to be Assistant Secretary for Civil Rights, Department of Education.

Steven C. Beering, of Indiana, to be a Member of the National Science Board, National Science Foundation, for the remainder of the term expiring May 10, 2004.

Barry C. Barish, of California, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2008.

Ray M. Bowen, of Texas, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2008.

Delores M. Etter, of Maryland, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2008.

Kenneth M. Ford, of Florida, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2008.

Daniel E. Hastings, of Massachusetts, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2008.

Elizabeth Hoffman, of Colorado, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2008.

Douglas D. Randall, of Missouri, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2008.

Jo Anne Vasquez, of Arizona, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2008.

Jewel Spears Brooker, of Florida, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

Celeste Colgan, of Texas, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

Dario Fernandez-Morera, of Illinois, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

Elizabeth Fox-Genovese, of Georgia, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

David Hertz, of Indiana, to be a Member of the National Council on the Humanities for a term expiring January 26, 2006.

Stephen McKnight, of Florida, to be a Member of the National Council on the Humanities for a term expiring January 26, 2006.

Sidney McPhee, of Tennessee, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

Lawrence Okamura, of Missouri, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

Stephan Thernstrom, of Massachusetts, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

Marguerite Sullivan, of the District of Columbia, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

Harry Robinson, Jr., of Texas, to be a Member of the National Museum Services Board for a term expiring December 6, 2003.

Elizabeth J. Pruet, of Arkansas, to be a Member of the National Museum Services Board for a term expiring December 6, 2004.

Terry L. Maple, of Georgia, to be a Member of the National Museum Services Board for a term expiring December 6, 2005.

Edwin Joseph Rigaud, of Ohio, to be a Member of the National Museum Services Board for a term expiring December 6, 2007.

Juanita Alicia Vasquez-Gardner, of Texas, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2003.

William Preston Graves, of Kansas, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for the remainder of the term expiring December 10, 2005.

Patrick Lloyd McCrory, of North Carolina, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2005.

Phyllis C. Hunter, of Texas, to be a Member of the National Institute for Literacy Advisory Board for a term of two years. (New Position)

Douglas Carnine, of Oregon, to be a Member of the National Institute for Literacy Advisory Board for a term of three years. (New Position)

Blanca E. Enriquez, of Texas, to be a Member of the National Institute for Literacy Advisory Board for a term of three years. (New Position)

William A. Schambra, of Virginia, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring September 14, 2006.

Donna N. Williams, of Texas, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2006.

Florentino Subia, of Texas, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2004.

Frank B. Strickland, of Georgia, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2004.

Michael McKay, of Washington, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2004.

Lillian R. BeVier, of Virginia, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2004.

Robert J. Dieter, of Colorado, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2005.

Thomas A. Fuentes, of California, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2005.

Stanley C. Suboleski, of Virginia, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2006.

W. Scott Railton, of Virginia, to be a Member of the Occupational Safety and Health Review Commission for a term expiring April 27, 2007.

Naomi Churchill Earp, of Virginia, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2005.

Dana Gioia, of California, to be Chairperson of the National Endowment for the Arts for a term of four years.

Michael B. Enzi, of Wyoming, to be a Representative of the United States of America to the Fifty-seventh Session of the General Assembly of the United Nations.

Paul Sarbanes, of Maryland, to be a Representative of the United States of America to the Fifty-seventh Session of the General Assembly of the United Nations.

James Shinn, of New Jersey, to be a Representative of the United States of America to the Fifty-seventh Session of the General Assembly of the United Nations.

Cynthia Costa, of South Carolina, to be an Alternate Representative of the United States of America to the Fifty-seventh Session of the General Assembly of the United Nations.

Ralph Martinez, of Florida, to be an Alternate Representative of the United States of America to the Fifty-seventh Session of the General Assembly of the United Nations.

Grant S. Green, Jr., of Virginia, to be Deputy Secretary of State for Management and Resources. (New Position)

Walter H. Kansteiner, Assistant Secretary of State (African Affairs), to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 27, 2003.

Claude A. Allen, Deputy Secretary of Health and Human Services, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2003.

Jose A. Fourquet, of New Jersey, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2004.

Roger Francisco Noriega, of Kansas, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2006.

Adolfo A. Franco, of Virginia, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2008.

Dennis L. Schornack, of Michigan, to be Commissioner on the part of the United States on the International Joint Commission, United States and Canada.

Feliciano Foyo, of Florida, to be a Member of the Advisory Board for Cuba Broadcasting for a term expiring August 12, 2004.

Albert Casey, of Texas, to be a Governor of the United States Postal Service for a term expiring December 8, 2009.

James C. Miller III, of Virginia, to be a Governor of the United States Postal Service for a term expiring December 8, 2010.

Terrence A. Duffy, of Illinois, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring October 11, 2003.

Terrence A. Duffy, of Illinois, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring October 11, 2007. (Reappointment)

Susanne T. Marshall, of Virginia, to be Chairman of the Merit Systems Protection Board.

Neil McPhie, of Virginia, to be a Member of the Merit Systems Protection Board for the term of seven years expiring March 1, 2009.

Peter Eide, of Maryland, to be General Counsel of the Federal Labor Relations Authority for a term of five years.

Dale Cabaniss, of Virginia, to be a Member of the Federal Labor Relations Authority for a term of five years expiring July 29, 2007. (Reappointment)

Linda M. Springer, of Pennsylvania, to be Controller, Office of Federal Financial Management, Office of Manager and Budget.

Noe Hinojosa, Jr., of Texas, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2003.

Thomas Waters Grant, of New York, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2005.

Noe Hinojosa, Jr., of Texas, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2006. (Reappointment)

William Robert Timken, Jr., of Ohio, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2003.

William Robert Timken, Jr., of Ohio, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2006. (Reappointment)

Alfred Plamann, of California, to be a Member of the Board of Directors of the National Consumer Cooperative Bank for a term of three years.

Charlotte A. Lane, of West Virginia, to be a Member of the United States International Trade Commission for a term expiring December 16, 2009.

Daniel Pearson, of Minnesota, to be a Member of the United States International Trade Commission for the term expiring December 16, 2011.

Raymond T. Wagner, Jr., of Missouri, to be a Member of the Internal Revenue Service Oversight Board for the remainder of the term expiring September 14, 2004.

Herbert Guenther, of Arizona, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term two years. (New Position)

Bradley Udall, of Colorado, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring October 6, 2006.

Malcolm B. Bowekaty, of New Mexico, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring October 6, 2006.

Richard Narcia, of Arizona, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring August 25, 2006.

Robert Boldrey, of Michigan, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring May 26, 2007.

Ricky Dale James, of Missouri, to be a Member of the Mississippi River Commission for a term of nine years. (Reappointment)

Harlon Eugene Costner, of North Carolina, to be United States Marshal for the Middle District of North Carolina for the term of four years.

Mark Moki Hanohano, of Hawaii, to be United States Marshal for the District of Hawaii for the term of four years.

Thomas Dyson Hurlburt, Jr., of Florida, to be United States Marshal for the Middle District of Florida for the term of four years.

Christina Pharo, of Florida, to be United States Marshal for the Southern District of Florida for the term of four years.

Dennis Arthur Williamson, of Florida, to be United States Marshal for the Northern District of Florida for the term of four years.

Richard Zenos Winget, of Nevada, to be United States Marshal for the District of Nevada for the term of four years.

Humberto S. Garcia, of Puerto Rico, to be United States Attorney for the District of Puerto Rico for the term of four years.

Edward F. Reilly, of Kansas, to be a Commissioner of the United States Parole Commission for a term of six years. (Reappointment)

Cranston J. Mitchell, of Missouri, to be a Commissioner of the United States Parole Commission for a term of six years.

David B. Rivkin, Jr., of Virginia, to be a Member of the Foreign Claims Settlement Commission of the United States for the term expiring September 30, 2004.

Jeremy H. G. Ibrahim, of Pennsylvania, to be a Member of the Foreign Claims Settlement Commission of the United States for the term expiring September 30, 2005.

Emil H. Frankel, of Connecticut, to be an Assistant Secretary of Transportation.

Jeffrey Shane, of the District of Columbia, to be Associate Deputy Secretary of Transportation.

Mark V. Rosenker, of Maryland, to be a Member of the National Transportation Safety Board for the remainder of the term expiring December 31, 2005.

Richard F. Healing, of Virginia, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2006.

Claudia Puig, of Florida, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for the remainder of the term expiring January 31, 2006.

Cheryl Feldman Halpern, of New Jersey, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2008.

Rear Admiral Nicholas Augustus Prahl, National Oceanic and Atmospheric Administration, to be a Member of the Mississippi River Commission, under the provisions of Section 2 of an Act of Congress, approved 28 June 1879 (21 Stat. 37) (22 USC 642).

Thomas C. Dorr, of Iowa, to be Under Secretary of Agriculture for Rural Development.

Thomas C. Dorr, of Iowa, to be a Member of the Board of Directors of the Commodity Credit Corporation,vice Jill L. Long, resigned.

Paul McHale, of Pennsylvania, to be an Assistant Secretary of Defense. (New Position)

Christopher Ryan Henry, of Virginia, to be Deputy Under Secretary of Defense for Policy.

R. Bruce Matthews, of New Mexico, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2005.

Ellen L. Weintraub, of Maryland, to be a Member of the Federal Election Commission for term a expiring April 30, 2007.

Michael E. Toner, of the District of Columbia, to be a Member of the Federal Election Commission for a term expiring April 30, 2007.

John W. Nicholson, of Virginia, to be Under Secretary of Veterans Affairs for Memorial Affairs.

Joseph Timothy Kelliher, of the District of Columbia, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2007.

Harold Damelin, of Virginia, to be Inspector General, Small Business Administration.

35 Air Force nominations in the rank of general.

2 Army nominations in the rank of general.

8 Marine Corps nominations in the rank of general.

Routine lists in the Air Force, Army.

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Adjournment: Senate met at 9:30 a.m., and adjourned at 7:30 p.m., until 9:30 a.m., on Friday, January 10, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S177.)

Committee Meetings

(Committees not listed did not meet)

CLIMATE CHANGE

Committee on Commerce, Science, and Transportation: On Wednesday, January 8, committee concluded hearings to examine climate change and greenhouse gas reductions and the trading systems, after receiving testimony from Senator Lieberman; Representative Inslee; James R. Mahoney, Assistant Secretary of Commerce for Oceans and Atmosphere, and Director, U.S. Climate Change Science Program; Eileen Claussen, Pew Center on Global Climate Change, Arlington, Virginia; Jack Cogen, Natsource LLC, and Fred Krupp, Environmental Defense, both of New York, New York; and Randy Overbey, ALCOA Power Generating, Inc., Knoxville, Tennessee.

AIRLINE INDUSTRY

Committee on Commerce, Science, and Transportation: Committee held hearings on the future of the airline industry, including the state of aviation security, receiving testimony from Jeffrey N. Shane, Associate Deputy Secretary of Transportation; Donald J. Carty, American Airlines, Dallas, Texas; Richard H. Anderson, Northwest Airlines, Egan, Minnesota; Duane E. Woerth, Air Line Pilots Association, International, Washington, D.C.; Kevin Mitchell, Business Travel Coalition, Radnor, Pennsylvania; and Alfred Kahn, Cornell University, Ithaca, New York.

Hearings recessed subject to call.

OIL TANKERS

Committee on Commerce, Science, and Transportation: Committee concluded hearings to examine the phase out of single hull oil tankers and the impact of such action on commerce, including marine oil spill prevention, preparedness, response and restoration, after receiving testimony from R. Adm. Paul J. Pluta, Assistant Commandant for Marine Safety, Security and Environmental Protection, U.S. Coast Guard, Department of Transportation; Timothy R. E. Keeney, Deputy Assistant Secretary of Commerce for Oceans and Atmosphere; Elaine F. Davies, Deputy Director of the Office of Emergency and Remedial Response, Environmental Protection Agency; Thomas A. Allegretti, American Waterways Operators, and Dragos Rauta, International Association of Independent Tanker Owners, both of Arlington, Virginia; Joseph J. Cox, Chamber of Shipping of America, David Sandalow, World Wildlife Fund, and G. William Frick, American Petroleum Institute, all of Washington, D.C.; Tom Godfrey, Colonna's Shipyard, Norfolk, Virginia, on behalf of the Shipbuilders Council of America; and Robert N. Cowen, Overseas Shipholding Group, Inc., New York, New York.

House of Representatives

Chamber Action

The House was not in session today. Pursuant to the order of the House of January 8, the House stands adjourned until 2 p.m. on Friday, January 10, 2003, unless it sooner has received a message from the Senate transmitting its concurrence in H. Con. Res. 8, in which case, the House shall stand adjourned until 2 p.m. on Monday, January 27, 2003.

Committee Meetings

No Committee meetings were held.

COMMITTEE MEETINGS FOR FRIDAY, JANUARY 10, 2003

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No Committee meetings are scheduled.

Next Meeting of the **SENATE**

9:30 a.m., Friday, January 10

Senate Chamber

Program for Friday: Senate will be in a period of morning business until 12 noon. Senate may consider any cleared legislative and executive business.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

2 p.m., Monday, January 27

House Chamber

Program for Monday: To be announced.

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