United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, THURSDAY, JANUARY 16, 2003 No. 8

House of Representatives

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

RECALL DESIGNEE

WASHINGTON, DC,
January 14, 2003.

Hon. JEFF TRANDAHL,
Clerk of the House of Representatives,
Washington, DC.

DEAR MR. CLERK: Pursuant to section 2 of House Concurrent Resolution 8, I hereby designate Representative Tom DeLay of Texas to act jointly with the Majority Leader of the Senate or his designee, in the event of my death or inability, to notify the Members of the House and Senate, respectively, of any reassembly under that concurrent resolution. This letter is provided for insertion in the Congressional Record. In the event of the death or inability of my designee, the alternate Members of the House listed in the separate letter bearing this date that I have placed with you are designated, in turn, for the same purpose.

Sincerely,

J. DENNIS HASTERT,
Speaker of the House of Representatives.

CORRECTION TO THE CONGRESSIONAL RECORD OF TUESDAY, JANUARY 7, 2003, AT PAGE H49

105. A communication from the President of the United States, transmitting a reorganization plan for the Department of Homeland Security; (H. Doc. No. 108—16); to the Committee on Homeland Security (Select) and ordered to be printed.

106. A communication from the President of the United States, transmitting notification of the functions, personnel, assets, and liabilities of the life sciences activities related to microbial pathogens of the Biological and Environmental Research Program of the Department of Energy, including the fuctions of the Secretary of Energy relating thereto, shall be transferred to the Secretary of Homeland Security; (H. Doc. No. 108—17); to the Committee on Homeland Security (Select) and ordered to be printed.

CORRECTION TO THE CONGRESSIONAL RECORD OF WEDNESDAY, JANUARY 8, 2003, AT PAGE H136

By Mr. GOODE (for himself, Mr. JONES of North Carolina, and Mr. TANCREDO):

H.R. 277. A bill to amend title 10, United States Code, to authorize the Secretary of Defense to assign members of the Army, Navy, Air Force, and Marine Corps, under certain circumstances and subject to certain conditions, to assist the Department of Homeland Security in the performance of border protection functions; to the Committee on Armed Services, and in addition to the Committee on Homeland Security (Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

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Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. The prayer will be offered by guest Chaplain Dr. John A. Huffman of St. Andrew's Presbyterian Church, Newport Beach, CA.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray:

Almighty God, You created us and You know us intimately. You know even better than do we why we entered the public arena. Our aspirations of service for others were and still are so high. Yet You know how hammered we are in our personal and professional lives by the realities of relational tensions, the complexity of issues, the ambiguity of solutions, our partisan agendas, and the pressures, political and financial, to remain professionally vital. These and more cause us to lose our focus on why we are doing what we are doing. Renew our vision when we temporarily lose it.

Dear Lord, may the zeal and enthusiasm of ones new to this Chamber be melded with the experience of the veterans into a synergism of governance for the common good that is both faithful to deeply held convictions while sensitive to doing together, across party lines, that which will strengthen this Nation in the challenges we face. Help us to uphold righteousness, justice, mercy and peacemaking in all affairs, domestic and international.

May our individual and corporate prayer be that of the Psalmist who vulnerably cried out: ''Search me, O God, and know my heart; test me and know my anxious thoughts. See if there is any offensive way in me and lead me in the way everlasting.''

Finally, thank You, Lord, for our brother Lloyd Ogilvie who, as Chaplain, has given 8 sterling years of service marked by dignity, sensitivity, eloquence, spirituality, and the modeling of the right priorities, as he soon leaves this office to stand caringly by his beloved Mary Jane. Bless him as You, through him, have blessed us.

In the name of Jesus I pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable WILLIAM H. FRIST, a Senator from the State of Tennessee, 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 Chair recognizes the majority leader.

SCHEDULE

Mr. FRIST. Mr. President, pending is the Byrd amendment. There will be 2 hours of debate on the amendment. Members should be advised that a vote will occur sometime between noon and 12:30 p.m. today.

Following the disposition of the Byrd amendment, other amendments and votes are likely. A late night is unavoidable. A number of our colleagues have asked about scheduling for today and tomorrow. My response has been that in 18 days the President of the United States will be delivering a budget to this body for consideration and for the next fiscal year. We are already about a quarter of the way through this fiscal year, yet the Senate has not yet addressed the 11 appropriations spending bills. That process is now under way.

We will be having our first vote in 2½ hours. I look forward to a very productive day. Depending on how productive the Senate is today and tonight, and we may go well into the evening because we are working against, hopefully, a coming recess, it is going to be incumbent upon us to be disciplined, to be focused. All of our colleagues will want to talk on every single issue. Clearly they have that opportunity. I do ask, in the consideration of the number of amendments on either side, that we be disciplined on both sides of the aisle so we can finish this bill before we leave.

We will be here through tomorrow; it could well be tomorrow night. It is my goal—my goal—as we are in the early stages on this bill, to finish this bill before we leave. People have asked, Could that possibly mean Saturday morning? The answer to that is yes. I think it is that important that we move forward.

If we are unable to finish tonight or tomorrow or tomorrow night or Saturday or decide that going into Saturday is not the appropriate way to address it, we absolutely will be back here Tuesday morning to finish these appropriations bills. Whether we finish it then Tuesday or later in the week, it remains on how disciplined we are.

I encourage my colleagues to consider the importance of getting this unfinished business done as soon as possible so we can move ahead with the Nation's business.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ENSIGN). Under the previous order, the leadership time is reserved.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2003

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.J. Res. 2, which the clerk will report.

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.

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

Printed on recycled paper.

Pending:

Byrd Amendment No. 2, to provide additional funds for certain homeland security measures.

The PRESIDING OFFICER. Under the previous order, there will now be 2 hours of debate on the Byrd amendment No. 2, with the time to be equally divided in the usual form.

Mr. STEVENS. Mr. President, I yield myself such time as I may consume. I do intend to yield to my distinguished friend from West Virginia anytime he wishes to start discussing his amendment.

The amendment pending before us to the amendment I have offered, which contains the 11 bills that were not enacted that the majority leader mentioned, the Byrd amendment, deals with additions to the homeland security package that is contained in these 11 bills. As I stated last evening, I find myself sort of in a position of a husband who has ordered a new car for his wife and tells her, when the bill comes, he is not going to pay the bill.

I sat through the hearings Senator BYRD held as chairman on homeland security. I know the amounts that are in his amendment are amounts of money that various persons from throughout our society and from community after community all over the country have asked for. It is money they want. There is no question they want this money. We had a plan to make it available. Actually, it should have been made available sometime early last year, but we never got do that because we didn't have a budget last year. And we were unable to move the appropriations bills last year because of the lack of a budget.

What I am seeking to do today, and started yesterday, is to ask the Senate to exercise a rare type of discipline and allow us to take these bills to conference. My amendment to this pending continuing resolution bill that is before us will allow us to take these bills to conference with the House. There are 11 bills that should have been passed before October 1 of last year. As I said yesterday, it does not do any good to try to point fingers to say why we didn't do that. The simple fact is, we did not pass them.

Now in this new Congress we have to pass bills that actually expired at the end of the last Congress. All of the work that was done on those bills in the House and the Senate was eliminated by the end of that last Congress.

We have initiated a process to catch up with those bills. There are bills that deal with the moneys to be expended by the agencies in the Federal Government between the time the President signs the bill and September 30. That is a very short period of time. It does not exceed 7½ months. It is probably 7 months. The money that is in my amendment will provide ample money for those departments for that period of time. It is less than they would have gotten on October 1 of last year, because since October 1 of last year they have been following the provisions of the continuing resolution Congress enacted, and they are using no more than the amount of money that was available to them in the fiscal year 2002 budget. The 2002 budget was contrived by the President really in the fall of 2001. We enacted it sometime in 2001.

We are dealing, in other words, with a process of funding our Government based upon decisions made in 2001, continuing down to the end of this fiscal year.

I note the distinguished Senator from West Virginia is here. I am pleased to yield to him whenever he wishes to speak.

Mr. BYRD. I thank the Senator. Go ahead.

Mr. STEVENS. Mr. President, there is money in this amendment I have offered, in one bill or another, dealing with each subject Senator BYRD wishes to cover by his amendment. I can say that the money in the Byrd amendment is going to be spent sometime by the Federal Government in dealing with these issues. The question is, when should we make it available?

The President of the United States has said, because of all the other pressures on our Federal Government, he wanted to limit spending under these bills to $750.5 billion. He has given us a new amendment—there will be a second one, too—and that adds $825 million to deal with the enormous fires that occurred in our country last year. As a consequence, we agreed before the end of last year to try to live within the President's limitations. We were unable to do so in the period after the election. Now that we have come back, of course, it is a new Congress and that agreement we made last year to limit it to the President's level was not still binding. But it is binding on me, because I went to see the President and he asked if I would try to do this and get these bills done so we can turn to the budget request, which he will submit to the Congress after the State of the Union Message. I told him I would.

I am in the position of asking the Senate to hold to the amount the President asked, the amount of these 11 bills. I didn't really decide every number in these bills. These bills came from 11 subcommittees of the Appropriations Committee, with staff members working from both the Republican and Democratic sides at my request to reduce the amount so the total did not exceed the President's request. That has been done. We have a letter now, Mr. President, which I will put into the RECORD. I will read some of it to the Senate:

Dear Mr. Chairman:

I would like to take this opportunity to thank you for your leadership—

I won't read the whole first paragraph. The second paragraph says this:

I am writing today to strongly oppose amendments to your bill that would add extraneous spending above the levels requested by the President. In particular, the "Byrd amendment" purports to add $5 billion in additional "homeland security" spending that is unnecessary.

This letter goes on to say:

We are now more than a quarter of the way through fiscal year 2003 and much of the funding contained in the "Byrd amendment" could not even be obligated in the remaining months of this year. For these reasons, I urge you to oppose the Byrd amendment.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD at the end of my comments.

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

(See exhibit 1.)

Mr. STEVENS. Mr. President, I am prepared to try to explain any provision that is in the 11 bills that are contained in the amendment I have offered, or I will call upon the chairmen of all those subcommittees whenever anything is questioned.

My hope is the Senate will understand the problem. The problem is, do we take care of these 11 bills in a very expeditious way, get them to conference between the House and Senate, working with the President and his people, and really fashion this into a satisfactory piece of legislation which the President will sign now. If we don't, we must wait for the House to pass these bills individually. That will take a considerable time for them to pass. We are putting this amendment on a resolution that has already been passed by the House and we will send it back to the House. If we have to wait for 11 bills to come back from the House and send them to conference one by one, it will be late March or late April before we get through this process. We will not be able to deal with the pressing needs of this economy, with the problems of taxation, the problems of homeland security itself, and all of the problems that really perplex us in terms of medical problems of our Nation, the health care delivery system. We have the chance now to really try to eliminate the problems caused by a failure to act last year, and act decisively and take these 11 bills, in one bill, to a conference and work it out with the House and the President, and come back with a final bill in a conference report and send it to the President and, hopefully, obtain his signature and have this put behind us.

I intend to oppose any amendment to this bill which adds money. I intend to try to get the concept to move expeditiously, if possible. We now have the majority leader's agreement that we will stay in session until we pass this bill. We can do it sooner or we can do it later. When we get to conference, we will have representation from both sides of this aisle. We will be dealing with the Appropriations Committee from the House and from the Senate and, by definition, that committee is made up of the most experienced people on both sides of the aisle. Every point of view is represented in that conference, and every amendment that could be offered here could be offered through one of the members on that

conference. We ought to be able to come back to the Senate very quickly with a final solution to this problem, and that is the problem of how do we eliminate this sword of Damocles that hangs over this new Congress—that is, the 11 bills that were not enacted.

I ask unanimous consent that a chart that my staff and the staffs of the individual subcommittees have prepared, which shows the major elements of Senator BYRD's amendment, item by item, the amount in Senator BYRD's amendment, and the amendment in my amendment for each of those items, be printed in the RECORD at the end of my remarks.

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

(See exhibit 2.)

Mr. STEVENS. Mr. President, I confess that if we didn't have the limitations we face, the deficit we face, I would once again support Senator BYRD's funding in each of these items. Under the circumstances, we cannot. We must get a bill the President will sign as quickly as possible and get these bills behind us so we can come before the Senate with the individual 13 appropriations bills that represent the bills for fiscal year 2004.

I yield the floor.

EXHIBIT 1

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF HOMELAND SECURITY,

Washington, DC, January 16, 2003.

Hon. TED STEVENS,
U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: I would like to take this opportunity to thank you for your leadership in bringing the FY 2003 Omnibus Appropriations Bill to the Senate floor and for supporting critical funding for out Nation's homeland security.

I am writing today to strongly oppose amendments to your bill that would add extraneous spending above the levels requested by the President. In particular, the ''Byrd amendment'' purports to provide $5 billion in additional ''homeland security'' spending that is unnecessary.

The base omnibus bill contains, as the Administration requested, an unprecedented 30% increase over 2002 (including supplemental funding) in the fiscal commitment to defending the homeland. The funds requested and provided are sufficient to address homeland requirements and, in many cases, are the most that can be absorbed responsibly in the remaining months of this fiscal year.

In total, the budget for FY 2003 will provide $37.7 billion in homeland security funding, nearly doubling the pre-9/11 levels. Investments made in previous supplemental appropriations and the FY 2003 Budget will build capacity in areas that will help protect our Nation against terrorist attacks. Since 9/11, the Administration and Congress have committed to providing: $9.6 billion to defend against biological terrorism, more than doubling the level that the Government spent prior; $3.3 billion to secure our borders and ports and over $10 billion for aviation security activities. The omnibus bill as proposed by Senator Stevens supports all of these homeland security initiatives and further funding is unnecessary.

We are now more than a quarter of the way through fiscal year 2003 and much of the funding contained in the ''Byrd Amendment'' could not even be obligated in the remaining months of this year. For these reasons, I urge you to oppose the Byrd amendment.

Thank you again for your support and we look forward to working with you to ensure that our homeland is protected.

Sincerely,

STEVE ABBOT,
Admiral (ret.), USN,
Deputy Homeland Security Advisor.

EXHIBIT 2

MAJOR ELEMENTS OF $5 BILLION HOMELAND SECURITY PACKAGE

	Byrd amendment	FY 2003 level/ Stevens amendment
State and Local Assistance to Combat Terrorism.	$1.4 billion	$3.7 billion
Border Security	1.0 billion	4.3 billion
Airport Security	720 million	374 million
Port Security	585 million	120 million
Nuclear Security/Energy Security	296 million	1.1 billion
Mass Transit Security	300 million	15 million
Federal Law Enforcement	212 million	1.2 billion
Water Security	178 million	65 million
Cyber Security	128 million	48 million
Other (Food Safety, Securing Biohazardous Materials at USDA Facilities, Embassy Security, Research to Combat Chemical Attacks, Security at Washington and Jefferson Memorials, and DC Emergency Response Plan).	167 million	1.9 billion
Total	5 billion	12.8 billion

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I begin my speaking with reference to my colleague, TED STEVENS. He is a beacon of reasoning. I was saying to my staff last night—or this morning, I forget; I am almost oblivious to time—here is a man who is standing up for the institution.

It is not the administration's desire that we have a time agreement that allows the minority, the Democrats, to offer amendments with up-or-down votes, with an understanding there will be no stacking of the tree. This is something new in the Senate, in a way, under this administration. Yet this man, Senator STEVENS of Alaska, has taken the position the minority is going to have its opportunity—when I say the minority, I am talking about the Democrats—to offer amendments. We will have up-or-down votes. We are not going to stack any tree. This is a breath of fresh air, and I think we ought to recognize this in Senator TED STEVENS' chairmanship. He is fighting for fairness and equality between the two parties when it comes to deliberations on the Senate floor and the offering of amendments. I want to pay this tribute to him. This is really the kind of chairman of the Appropriations Committee a Senator ought to be. We have not always seen this insofar as the other side of the aisle is concerned, when the other side has been in power. We have seen a willingness to run roughshod over the rights of the minority to offer amendments and to debate.

I do not say this to gain any favors from this chairman. He has been around a long time. I have been around a long time. We know we have to give and take, but I point this out at the beginning of this debate. If it were not for TED STEVENS, we would not be debating my amendment today. I would probably not have any amendment up. This is the way the Senate ought to work, a forum for free debate and for amendments to be offered.

So to begin with, I salute him. I admire him. I respect him. It does not matter how this finally turns out. As far as this Senator from the State of West Virginia is concerned, Senator STEVENS is my friend, I am his friend, and that is the way it is going to be.

I also recognize that Senator STEVENS would probably do things different if it were not for the circumstances that he is in. The administration kept the House from acting on appropriations bills after July of last year. This administration put their foot down, put the brakes on. The House Appropriations Committee chairman, Mr. YOUNG, wanted to go forward with additional appropriations bills. He is another man who is entitled to great credit. Of course, my counterpart in the House, Mr. OBEY, is a very knowledgeable and forceful advocate of programs, a very experienced man.

So what I say has nothing to do with Mr. OBEY or Mr. YOUNG, but Mr. STEVENS is, in a way, swimming upstream. He has the opposition, I am sure, of the administration and, being as fair as he is being, he has the opposition, I would imagine, of the House leadership. The House leadership has not wanted the appropriations process to go forward since July of last year. Of course, I can only assume that the House leadership was carrying the water for and taking its orders from the administration, which I do not exactly agree with when it comes to taking orders and giving orders, if I may use those crude forms of expression.

I pay tribute to this chairman. He is swimming upstream. I expect even on his own side he has a lot of opposition to the fairness he is displaying. I do not know that, but I have a feeling that is true. I have a feeling that is true with respect to the Republican-controlled House and the administration.

I fully understand Senator STEVENS' situation. In many ways, I expect his heart is not in the coffin with Caesar. I have a feeling he has great empathy for what he is doing, but he is also trying to get a massive bill through. We failed last year because of the administration's bullheadedness, its stubbornness, its pigheadedness in refusing to go forward with these bills and holding them back so that we would operate on automatic pilot with continuing resolutions, so spending would not be one dollar above last year's levels—if we might speak in general terms.

So I pay him tribute and I pay tribute to the Republican members of the Appropriations Committee who time after time voted to report out these appropriations bills. We had unanimity, complete bipartisanship. What a model for committee bipartisanship that committee was.

Now we come to the situation where in order to get a bill that is made up of

the 11 appropriations bills that were not passed last year, the Senator from Alaska has to come in with some cuts. I do not believe his heart is in those cuts, but he has to make this presentation. He does it forcefully, and I respect him for that.

Having said that, I have to vigorously oppose the amendment offered by my distinguished colleague, Mr. STEVENS.

Before I make any further remarks, I yield 5 minutes to the distinguished Senator from Michigan, Ms. STABENOW. If she needs more time, let us know.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 5 minutes.

Ms. STABENOW. Mr. President, I thank the distinguished Senator from West Virginia for yielding 5 minutes to me. I also share his great respect and admiration for the Senator and the processes in which he is involved and the bipartisan way the Appropriations Committee has moved forward in working together with our two leaders.

I thank Senator BYRD for his leadership on the issue of homeland—many of us are saying ''hometown''—security, because that is really what it is. I come with thanks and gratitude from law enforcement, firefighters, EMS workers, hospital emergency room workers, all across the great State of Michigan.

I have held six different community meetings around Michigan in the last month asking our local first responders how they are doing, what do they need, do they feel prepared, what can we do to be of assistance. I have scheduled three more meetings in Michigan to listen, and I am hearing the same thing over and over again, and that is our first responders, our firefighters and police officers on the front line, emergency personnel, health departments, local emergency rooms, desperately need us to partner with them to give them the resources they need to take the necessary steps to be prepared in the case of terrorism in their communities.

I heard concern about training, not only the need to have a trainer but the costs that it takes to remove that police officer. In a small police department, when an officer goes to training for a week, there is the additional cost to replace that person, with overtime involved, and all kinds of concerns about training relating to the cost. They very much want this training. They need the training. But they need our help to be able to continue to provide law enforcement safety services, fire services, and other services in the community while their personnel are being training.

I heard great concern about the lack of resources for equipment and communications, one county not being able to speak to the next county, large departments in one city not being able to speak to a township, very small fire departments that are not yet on e-mail. We have information coming out from the Federal level, many of them saying they appreciate the information coming from the FBI or the Department of Justice, but small departments are not receiving that in a timely manner. There are great concerns about lack of coordination and communication, all of those things involving resources.

We have also heard great concerns about additional personnel who are needed in this time when the States are cutting back. In my own State of Michigan, because of tremendous budget crises, we have seen cuts in revenue sharing to our local governments. Police officers are being laid off. Firefighters and other front responders are coming to us and asking us to partner with them. We have a new Homeland Security Department. We have new responsibilities that have been given to our local hometown security leaders. We need to provide them the resources to be able to get the job done.

Michigan is a border State. In Senator BYRD's amendment, the resources for border security are absolutely critical. We have three of the top five busiest borders, the busiest being in Detroit.

I rise today to support Senator BYRD's amendment and to urge that we pass it as he has provided. We are in a situation that I believe is absolutely critical. We are hearing this from Republican sheriffs and Democratic sheriffs, from Republican police chiefs and Democratic police chiefs. This is not a partisan issue. This is about the local law enforcement and emergency management personnel desperately needing our help to be able to get the job done to keep families safe and secure in their homes and in their neighborhoods.

I urge colleagues to support this effort. Once last year we came together to pass emergency dollars in the supplemental. The dollars that are being proposed are absolutely critical. It is a small amount to pay in order to give the assurance to our families that they will in fact have the resources given to first responders in their community so they know they can respond in a crisis. I cannot think of anything more important today than making sure we are funding hometown security efforts. Senator BYRD's amendment is critical to that effort. I hope we will join and have 100-percent support to send a message to our police, firefighters, emergency health personnel, and medical personnel that we stand with them in partnership, the Federal Government with our local communities, and we will be there and make them a priority for the resources they need in order to keep us safe.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I yield myself such time as I may consume.

I appreciate the concerns of the Senator from West Virginia. We all admire his commitment to the issue as we all try to make sure we as a nation have prepared effectively to address the issue and the threat of terrorism in our homeland. This has been a priority. This has been the No. 1 priority of the President of the United States. I don't think anyone can argue that this President has not committed himself and his administration in an almost messianic effort to get our Nation ready to defend itself in the face of this terrorism threat.

Thus, we have to give great credibility to do what the President wants and believes he needs in order to accomplish the protection of the homeland. What he has said he wants and needs is in the bill as brought forward by Senator STEVENS, the chairman of the Appropriations Committee. In fact, the add-ons which are requested by the Senator from West Virginia, in large part, although well intentioned, may in fact undermine the effort to try to get efficiently into place a response to the threat of terrorism.

Why is that? Because sometimes when these agencies receive much more money than they can handle, they handle all their money poorly. If they receive the money they need to do the job right, they focus on doing the job right rather than simply spending the money.

The administration has written us and said they believe the additional funds requested by the Senator pro tempore emeritus are inappropriate. I have a letter signed by Admiral Abbott, the Deputy Home Security Adviser:

> I would like to take this opportunity to thank you for your leadership in bringing the fiscal year 2003 omnibus budget bill to the floor of the Senate. I am writing today to strongly oppose amendments to your bill that would add extraneous spending above the levels requested by the President. In particular, the Byrd amendment purports to provide $5 billion additional homeland spending that is unnecessary.

That is one paragraph from this letter. He is very clear. The President of the United States, through his Deputy Secretary for Homeland Security—Deputy Secretary-designee anyway—Admiral Abbott, has said this money is not needed and it is not appropriate for the effort they are trying to undertake to protect the homeland.

I don't think anyone can question but that this President understands the importance of protecting the homeland.

I will go through a few specifics relating to issues over which I have had jurisdiction with my subcommittee I have been honored to chair on the Appropriations Committee, the Commerce, Justice, State, and the Judiciary Subcommittee.

Mr. BYRD. Will the Senator yield?

Mr. GREGG. Of course, I yield——

Mr. BYRD. I will refer to something——

Mr. GREGG. For a question.

Mr. BYRD. He is citing a statement of a Deputy Director of Homeland Security; is that it?

Mr. GREGG. Designated Deputy Director.

Mr. BYRD. Citing that individual as saying that they do not need any additional moneys as we find in the amendment I have offered; is that what he is saying?

Mr. GREGG. That is correct.

Mr. BYRD. I was off the floor, and I want to make sure I heard. I make this comment in that regard. We heard that same tune last year from Mr. Ridge who was at that time the Director of Homeland Security. His comment was with respect to moneys that were in legislation I was offering. His comment was: We don't need any more. We don't need any more money. The same old tune: We don't need any more money. We heard that from Mr. Ridge last year.

I don't speak with criticism of the distinguished Senator who is on the floor, but I am simply pointing out, that is the same old saw, the same old tune we heard last year from the then-designated Director of Homeland Security, Gov. Tom Ridge. He even wrote me a letter.

Mr. GREGG. Will the Senator yield for a second? I have to reclaim my time.

Mr. BYRD. I had the floor.

Mr. GREGG. I yielded for a question.

Mr. BYRD. I am talking on my time.

The PRESIDING OFFICER. The Senator from New Hampshire has the floor.

Mr. BYRD. He has the floor, but I point out that I had the floor. I had to leave the floor, and I yielded to the distinguished lady from Michigan.

The PRESIDING OFFICER. Now the Senator from New Hampshire has the floor.

Mr. BYRD. I understand that. I very well know the rules of the Senate. I am not itching for a fight with the Chair. I respect the Chair. I respect the Senator from New Hampshire. But the Senator from New Hampshire, let him understand that I am yielding—I have asked for him to yield on my time, my time.

Mr. GREGG. Fine. I am yielding for a question. I am not yielding the floor, but the time is being charged to the Senator from West Virginia; is that correct?

The PRESIDING OFFICER. That is correct. The time is so charged.

Mr. BYRD. I only want to point out that we heard that same old tune last year from then-Director Tom Ridge of the Department of Homeland Security. He wrote me a letter—probably wrote the same letter to Senator STEVENS at that time—that they didn't need the money we were trying to put in the bill. So we have heard that before.

I thank the distinguished Senator for yielding. That is the only point I wanted to make. I wanted to recall for the record that we have heard that same argument before from this administration, at that time through Director Tom Ridge, whom the President of the United States refused to let come before the Appropriations Committee and testify on budget matters.

I thank the Senator.

Mr. GREGG. I thank the Senator for his comments.

I simply add, today we have a letter from Admiral Abbott, in which it is stated that they think this money is unnecessary, and I believe their point is it is unnecessary at this time because these agencies can't handle it.

Let me go through why that is the case with the agencies with which I have some familiarity. I have been fortunate enough to serve as either ranking member or chairman of the Commerce-State-Justice Subcommittee for about 8 years, and during that time I have come to know with some familiarity of the activities of the agencies under that jurisdiction, many of which impact homeland security. Let me specifically talk about the FBI, INS, first responders, and the issue of the Marshals Service.

This amendment includes in it $137 million for the Triology Program. The Trilogy Program was an attempt to get coherence into the computer systems of the FBI and basically be able to get every agent at the FBI the capability to go online and instantaneously access the database of the FBI, so you would have the capacity of a field agent actually having the information necessary to find out, if they ran into a suspect, what that suspect's threat situation was and also to feed into the system information they may have developed that was important to protecting the country, especially in the area of terrorism.

Unfortunately, Trilogy has become a large disaster. A big part of the disaster of the Trilogy Program is that we, last year, threw $237 million at the program that they didn't need in order to develop it. That was part of our efforts last year to try to show that we were concerned about terrorism. This money, essentially, buried the program. As a result, in large part, the program has fallen apart. The situation is that the FBI software and hardware contracts for Trilogy have essentially become gold plated. The cost is soaring. The schedule is out of control. Right now we still do not have contracts on Trilogy hardware or Trilogy software. We are completely at the mercy of the contractors.

The practical effect of that is that we now have a program which has what is estimated to be an approximately $213 million increase in 1 year—that is a 57-percent increase—and we are not getting what we expected out of the program. The simple fact is that putting another $137 million on top of a program which already is awash with money, so much awash in money that it basically has caused the FBI to lose its focus on how to best get contracts for software and hardware, is not going to help the program at all. In fact, to put another $137 million into the program is not going to contribute anything to making Trilogy work better.

Regarding the additional funds in this amendment, there is a point made that, in the prior bill from which this bill was brought up, there is at least $100 million of unobligated funds at the FBI. We happen to think it is probably much higher than that. It may approach $150 million. It makes much more sense to say to the FBI: You spend the unobligated funds first before we put more funds on top of the funds you already have, because we already know you are having trouble managing the additional resources that you have received.

The FBI is, regrettably, a very troubled agency today. I don't think there is anybody who has been following the news who doesn't recognize that. If you happen to follow the actual substance of the situation, you can appreciate that. For example, the National Infrastructure Protection Center, NIPC, which presented a spending plan that was so at variance with what the committee guidance was—and this was committee guidance when the committee was under the chairmanship of Senator HOLLINGS, who did an extraordinary job as chairman of this subcommittee, by the way—it was so at variance with that we had to redirect $30 million and basically NIPC was transferred out of the FBI because they simply couldn't handle the program any longer.

The Foreign Terrorism Tracking Task Force—this was created on a whim. It was a press release creation. We still don't know what it does. We still can't figure out what it does. As a practical matter, it doesn't know what it does.

The efforts to implement the Webster Commission mandates on security have ended up creating unnecessary tasks because of the initial Bureau reluctance to allow us to have full oversight. That has made it impossible for us to determine whether the Webster Commission mandates are being met.

Director Mueller is trying very hard, and I have immense respect for him. I honestly believe—unfortunately, with time—he is going to get the FBI up and running, to be the type of force it needs to be in order to protect us from terrorist attacks.

But right now the FBI has serious managerial problems. It does not have serious cash problems. We have funded the FBI at very high levels in this bill, very high levels. They have significant unobligated funds. Programs such as Trilogy do not need more money. What they need is more management.

We can move on to the INS. The amendment would add $267 million more for INS construction. The fiscal year 2003 bill before us already provides $267 million for INS construction. We doubled INS construction, compared to historic levels at which INS construction was getting funded. If you take the money now being proposed in this amendment, you will be doubling it again. This is one area in the INS Department where they actually do things well—construction. They know what they are doing. They do it well.

But, as any other agency, if you overwhelm it with funds, many more funds than it can handle—and I respectfully present that a quadrupling of funds in one agency's construction account is an overwhelming event—you are going to find that agency starts to erode its internal control mechanisms and you are probably going to find that money will be spent recklessly, inappropriately, and, unfortunately, wasted.

The doubling of the money in this account is a reasonable number. I don't see how anybody can say it is not a reasonable number, which is in this legislation as it comes from Senator STEVENS. It does not need to be quadrupled.

The amendment also calls for $262 million in the exit/entry program. The exit/entry system is, unfortunately, another computer disaster. It is a proposed system. Unfortunately, it is a promise; it doesn't exist. We can't even begin to develop the system until the INS has a central computer control network. The INS has so mismanaged its information technology programs over the years that we now have several core systems that cannot communicate with one another. That is one of the reasons the 9/11 disaster is so frustrating. It was the fact that the INS systems couldn't communicate with each other that didn't allow us to find out that we had folks training in flight school 9 months before the event.

The situation is so bad that the proposed fiscal year 2003 mark provides $83 million for the Justice Department to come in and develop a new central computer system for the INS, because we have decided—and this wasn't my unilateral decision; this was a decision made under Chairman HOLLINGS' leadership, and I applaud him for it because he went into this and they understand the problem—we came to the conclusion the INS couldn't straighten this out; it is such a disaster, their computer systems. The amendment would have us spend $362 million on a system that, if developed, would be standing in isolation because there is no central computer system that is working now at the INS.

What we need to do first is develop a central computer system at the INS that can communicate within the INS, and then with the exit/entry system in place. So we are putting the cart before the horse, to say the least, and it is going to cost us $360 million to do it and it makes very little sense, although it is well intentioned. But it is not good fiscal management for that agency.

Finally, the amendment adds some $80 million for salaries and expenses. The fiscal year 2003 mark already funds 500 new Border Patrol agents and 460 new inspectors. We know from the historical experience over the last few years that we have been trying to hire up the Border Patrol and that we simply can't fill these positions as fast as we would like. We can say they want 1,000 new Border Patrol agents. We know they will not get them. Why? Because we have language requirements. We require significant training experience for these individuals. And up until last year or the year before, we didn't pay them enough to get the people who had those qualities. We are losing them at a high rate, especially since TSA came into existence and the rate of pay there was better than the Border Patrol. We saw people migrating from the Border Patrol over to there. We need to fill the slots that are already there. We need to hire up those slots and not be putting another $80 million on top of that. That is $80 million that can't be used. It really isn't necessary in order to accomplish what we want in the area of hiring up the Border Patrol.

We know—once again, like the FBI—that the INS has huge amounts of money that are sitting there that are unobligated and basically becoming slush funds. That is what this $80 million would be added to.

Just last month, like a rabbit out of a hat, when a hole in the security bill was announced, they came up with $30 million at the INS, bang, just like that. We don't know where it came from, but we know they found it in that agency.

Unfortunately, this $80 million, as well intentioned as it is, is simply not going to be able to be used because we have already put in place as many new positions as they possibly can hire up in the next 8 months which this bill covers.

In the area of the U.S. Marshals, the U.S. Marshals is a small agency that is trying hard. They are sort of like the little-engine-that-could agency. This amendment is suggesting $537 million for 200 new deputy U.S. marshals—the revival of an idea that I think was initially put on the floor here by Senator GRAHAM of Florida last year. Again, it is well intentioned. But this is especially an agency that we do not want to overload with money they can't use and with which they would potentially end up producing inefficiencies and waste.

Rather than throwing a whole lot of money and saying hire up a whole lot of new people at the U.S. Marshals Service, this bill suggests that we shift 106 presently underused senior U.S. marshalls away from their desks and back onto the front lines. What is the advantage of doing this versus hiring up? The advantage is you don't end up with fresh, new faces out there; you end up with people who have line experience, knowledge, and ability, and who will from day 1 know how to handle a difficult situation should they confront it in a courthouse. This is a prudent course.

The amendment of the Senator from West Virginia, unfortunately, in my opinion, would simply swamp the marshals. It is better to bring 106 senior deputies back to the fold than to chase and try to capture 200 rookies who may or may not be able to be added in time, and may or may not be able to be constructive, compared to moving the 106 onto the front line.

By moving those senior marshals to those positions, we will address the problem most effectively. That is why the bill takes this approach rather than additional funding.

The bill has also added a huge new increase on top of the very dramatic increase that is in the bill for first responders. This is an area where I have spent a huge amount of time, as has Senator HOLLINGS. Our committee basically first began the first responder effort 3 years before the 9/11 event. We set up five major schools across the country. We started with training. Actually, we had them in 167 cities before 9/11. We wish we had been able to do more. We weren't. But as a practical matter, this is an area where we have focused a lot of energy and a lot of time to get this program to work right. It is working right. This is one of the real things in our efforts to address terrorism that is working right.

This bill has put $2 billion into what used to be DPO, the Domestic Preparedness Office, which will go out to the police and the emergency responders. Then it has another $1 billion-plus going over to FEMA, which will help with fire first responders.

We don't want to put more money on top of that—and I will be willing to place odds on this one—than these agencies are going to be able to handle in the next 8 months, and at the end of the next 8 months we are going to pour another dramatic amount of money into this account.

We understand that these are the people who need the support. They need the technical support and the training. They need the equipment. But we also understand, once again, that putting these types of dollars into these agencies this fast—into the local fire departments, local police departments, local public health departments—if you do it at a rate that you can't keep track of it and you can't manage it effectively, you are going to end up with a lot of bells and whistles rather than substantive equipment. That is what we don't want. We don't want people buying blue lights; we want people taking care of the equipment they should be buying—respirators or machines—and we want the training to be directed at the training needed by a first responder in a terrorism event—especially weapons of mass destruction. We don't want this money simply ending up by placing dollars that are flowing into these agencies.

The $2 billion that is coming out of our subcommittee and the $1 billion-plus coming out of the FEMA subcommittee is a dramatic increase and a very significant commitment to the first responder program. Putting more money on top of that, as the Homeland Security Assistant Secretary, Admiral Abbott, pointed out, simply isn't going to add to solving the problem.

As well intentioned as this amendment is—it is well intentioned, and I respect immensely the author, but certainly the author's commitment to

this issue which as been acted on for the last few years in a very aggressive way—I think at this time that the administration has it right and knows what it is doing as well as anyone can in this type of a climate and that this bill properly funded was brought to the floor by Senator STEVENS.

I yield the floor.

Mr. BYRD. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 52 minutes 43 seconds.

Mr. BYRD. I yield myself 2 minutes.

Mr. STEVENS. Mr. President, will the Senator yield for 1 minute?

Mr. BYRD. I yield on the Senator's time.

Mr. STEVENS. Yes.

Mr. President, I ask unanimous consent that the time for the rollcall on Senator BYRD's amendment be changed to commence at 12:30, with the time added to be equally divided.

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

Mr. BYRD. Mr. President, let me compliment the distinguished Senator from New Hampshire. He is a very knowledgeable Senator. He is a reasonable Senator, and he is a courageous Senator. He doesn't always fall in line and do the party thing. But let me say this. He raises a straw man when he talks about computers. We are knowledgeable. He is right on the computers. So we didn't ask to put any money in this amendment for computers.

Let me also say this. Is there anybody in this Chamber who would maintain that we know who is coming into this country and who is going out of this country from day to day? The borders are wide open. We know that. So let it not be said that the FBI and the other agencies, the Border Patrol people, and all of those are awash with money. Don't listen to that. Our country is not secure. This amendment is attempting to make our Nation secure.

With regard to the FBI, we have $46 million. We say we are awash with money, that we don't need any more money. That was a mainstay of the distinguished Senator's argument. I will defer to Senator HOLLINGS because he can best speak to this subject matter with respect to the FBI, and so forth.

But the Senator from New Hampshire says we are awash with money; we don't need any more money. Well, in this amendment, there is $46 million for aviation support, including funding for additional pilots and mechanics, for two Blackhawk helicopters and surveillance aircraft, funding for maintenance and equipment, and other items needed by the aviation program.

This money has been requested by the President of the United States. Does the right hand know what the left hand is doing here? This amendment is attempting to, in this instance, with respect to the $46 million—nothing was said about that by the distinguished Senator from New Hampshire. Now they are sending in their top artillery people over here on this amendment. I hope our top artillery people will come and address these comments.

But let it not be said that we are spending more money on computers. We are not doing it in this amendment. The Senator from New Hampshire is exactly correct. We know that, so we did not add money for that.

But there is other money here requested by the President. So let it not be said we do not need that money. Who is right? If a President requests the money, is the Senator from New Hampshire, or any other Senator on that side of the aisle, or any Senator who is opposed to this amendment, willing to stand on the floor and say the President is mistaken, the President does not know what he is talking about, the President does not speak for us?

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

Mr. BYRD. Yes, I yield.

Mr. REID. I have listened to this debate, and it appears, with the remarks from the distinguished Senator from New Hampshire, that these amounts in this amendment which the Senator from West Virginia has filed were just brought out of the sky someplace. The fact is, agencies of the executive department requested these matters initially; is that true?

Mr. BYRD. That is true. And not only the agencies in the executive department, but the distinguished Senator from Utah, for example, talked about cybercrime, cyberterrorism, the distinguished Senator from Utah, Mr. BENNETT. He is a very knowledgeable Senator on this subject. So in this amendment we have $70,600,000 to combat cybercrime and cyberterrorism. We have taken this from testimony at last spring's homeland security hearings. These are funds that were blocked—blocked—by the President in the $2.5 billion supplemental.

Hear me now. Who asked for this money? Senators on that side of the aisle have maintained that this is a very, very worthy cause; we need to combat cybercrime and cyberterrorism. This amendment is trying to respond to that need that was evidenced by Senator BENNETT at the hearings.

Everybody knows we have a language translation problem in the services. We have heard that from all sources in the hearings that were held by the Appropriations Committee last spring. We heard it from the people at the local level. They could not talk with one another. And there are problems in language translation. So this was a Hart-Rudman report recommendation, and this amendment is trying to respond to that.

Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 49 minutes 45 seconds.

Mr. BYRD. I thank the Chair.

How much time does the Senator from New York want?

Mr. SCHUMER. If it is all right with the Senator, 6 minutes.

Mr. BYRD. I yield 6 minutes to the Senator.

Mr. SCHUMER. I thank my colleague.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I stand here to back up our leader, the Senator from West Virginia, who has waged a long fight.

First, I wish to say that the Senator from New Hampshire is very erudite, and I am glad he chairs his subcommittee, but what he is saying, that we do not need money, does not square with the facts. The bottom line, if you have followed the fight of our good friend, our leader, the Senator from West Virginia, is that this administration has constantly cut back on homeland security, on requests they have made, and on things that we need.

We are in a strange situation; that is, when we fight a war on terrorism overseas, every penny is available, as it should be. We back up our men and women who are overseas. But when it comes to fighting here at the homeland, we have no money. The analogy would be telling the generals to fight the war in Iraq—the upcoming war we pray to God will not happen; but if it does, fight the war in Iraq—with no new money. It makes no sense.

I want to point out three areas because I heard my colleague from New Hampshire.

First, in my State—all of which I know from my State; and I will take one end of my State and the other—at one end we have a northern border; at the other end we have a port. The northern border is totally unguarded. Every 2 weeks we hear on television the fact that some unknown group may have come over the northern border.

In the PATRIOT Act, a bipartisan act which the Justice Department pushed, we called for tripling the Border Patrol, Customs, and INS on the northern border. In Buffalo we have the second largest port of entry between Canada and the United States. I have been there. I have talked to the head of the Border Patrol in New York on the northern border. I have talked to the head of Customs. I have talked to INS. They are desperately short of people.

If my friend from New Hampshire thinks we don't need money to increase personnel for Customs, INS, and the Border Patrol, I would invite him to come to my State.

For the southern border, we have some guards and strictures, and, unfortunately, the terrorists have realized that and they use the northern border.

Again, the President called for tripling—tripling—in the PATRIOT Act, the personnel of those three Departments on the northern border. The underlying amendment does virtually nothing. Even the amendment offered by my good friend from West Virginia does not triple the amount we need on the northern border, but at least it takes a step in that direction.

I have asked the people in Buffalo and in Plattsburgh and in Ogdensburg

why they can't hire people. Because they don't have the money. Not that the personnel aren't there, not that there are bureaucratic bottlenecks, but they don't have the money.

Let's go to the southern end of my State, New York City, the port. Right now, unfortunately—and this is well known—we are wide open in terms of what can be smuggled into our ports on the Pacific, on the Atlantic, and on the gulf coast. God forbid if a nuclear weapon was smuggled in.

My good friend from Virginia and I, Senator WARNER and I, put in an amendment in the homeland security bill, and then in Senator HOLLINGS's port security bill, to create detection devices to prevent these nuclear weapons from coming in. Do you know what we were told? There is no money. The President asked that it be taken out.

How can we say we need to go into Iraq to find nuclear weapons—I supported the President in his move to go into Iraq—and at the same time leave our ports wide open to someone else—al-Qaida, a Chechen—smuggling in a weapon?

Again, the amendment of our leader, the distinguished Senator from West Virginia, does not come close to putting the money in we need, but he puts in some. At the same time we are raising the budget for the war overseas by tens of billions of dollars, we refuse to even begin to do what we need on homeland security.

Let me say to my friend from New Hampshire, the only bottleneck that prevents us from developing a detection device and implementing it on every container, on every toll booth at the northern and southern borders, to prevent nuclear weapons from coming in, is money. Again, if we are going to fight this war on terrorism abroad, we need the dollars to do it. Everyone agrees. But, somehow, there is a disconnect, and when we fight the war on terrorism at home, we say there are no dollars.

God forbid that something happens and we rue the day.

One final point. My friend, again, from New Hampshire was saying that our first responders in our localities do not need any more money, that the $3.4 billion they put in is enough. I beg to differ.

Let me talk about New York City.

If you drive over the Brooklyn Bridge, there is a police officer at each end of the bridge now. There never used to be. Now that has to be 24 hours, 7 days a week, to prevent someone from placing a bomb there. That is six police officers—three shifts, 24 hours a day—for each end of that bridge and for each end of every one of our bridges.

We, in New York City alone—Commissioner Kelly, Mayor Bloomberg—have requested $265 million of this committee, not for anything new, and not for the new equipment that my good friend from New Hampshire talks about, but simply to pay for some of the costs.

Let's face it, ladies and gentlemen, the city of New York has been—up until now; I hope it does not happen again—their No. 1 target.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SCHUMER. Mr. President, I ask the Senator for 2 more minutes to complete my point.

Mr. BYRD. Two more minutes.

Mr. SCHUMER. I thank the Senator very much.

The PRESIDING OFFICER. The Senator is recognized for 2 more minutes.

Mr. SCHUMER. We, in New York City, are stretched. I know what is going to happen. They are going to say: New York City, $265 million out of $3.4 billion? That is unfair. Everyone else needs the money.

Well, we are the No. 1 target. We don't have enough money for the first responders. And this is true throughout every part of our community—our hospitals, our firefighters. Everyone is stretched. Our States and local governments have no money to do all this. So, of course, we need more. The amendment of the Senator from West Virginia doesn't do enough, but at least it is a step on the road.

I could go on and on. I have talked about the northern border, which involves Customs, INS, and Border Patrol. I have talked about the port of New York and all the ports of the country which involve both TSA and some of the scientific research. I have talked about first responders. I could go on and on, but I know there is not enough time. We desperately need this money. Let us hope and pray that our stinginess in this vital area, where there is no ideological dispute, doesn't hurt our people this year or next year or the year after.

The Senator from West Virginia is making a lonely and difficult fight. He has done it for 6 months. But once again, we will look back on history and say he was right. We cannot fight a war on terror at home if we don't appropriate the dollars.

My good friend from New Hampshire can say we may not need this or we may not need that. In my State, the focal point of terrorism, we are not doing what we should on homeland security because we don't have the dollars—plain and simple.

I will enthusiastically support the amendment by the Senator from West Virginia, my leader. I hope the rest of the Senate will, too. God forbid we regret the day we do not.

Mr. BYRD. Mr. President, I thank the distinguished Senator from New York. I yield myself 2 minutes.

The PRESIDING OFFICER (Mr. BURNS). The Senator from West Virginia.

Mr. BYRD. Recently, former Senators Rudman and Hart released a report that concluded that American transportation, water, food, power, communications, and banking systems remain easy targets for terrorist attacks.

The report highlighted the vulnerabilities created by the miniscule fraction of trains, ships, trucks and containers that are searched for weapons of mass destruction; poor radio communications and equipment and training for police, fire, and emergency medical personnel; inadequate coordination and focus on threats to food safety; lack of lab capacity to test for biological or chemical contaminants; and insufficient sharing of intelligence information with State and local governments on potential terrorist threats.

Not only has President Bush failed—failed, failed—to lead the Nation in addressing these vulnerabilities, he has in fact actively opposed efforts to provide the resources necessary to address these significant weaknesses. The record will show that. When it comes to homeland defense, the President is strong on rhetoric and weak on resources. The record will substantiate that statement of mine.

Under pressure from the White House since September 11, 2001, $8.9 billion of critical funding to address the specific concerns identified in the Rudman-Hart report and in our bipartisan Senate Appropriations Committee hearings have been squeezed out of spending bills considered by the Congress. In November of 2001, just 2 months after the attacks of September 11, the President said: Wait.

The PRESIDING OFFICER. The Senator has used 2 minutes.

Mr. BYRD. I yield myself an additional 2 minutes.

The President said: Wait, we can wait until 2003 to begin spending more on homeland security.

Now it is 2003. What is the President saying? He is saying: Let's wait until 2004.

Now the administration is saying we don't need more money for fiscal year 2003 because the administration has not spent some of the money that was appropriated for fiscal year 2002. The administration is leaving itself wide open to justified criticism when it maintains that. So it is saying we don't need more money because the administration has not spent some of the money that was appropriated for fiscal year 2002. What poppycock.

If the administration has not spent essential funds approved by the Congress over 1 year ago for homeland security, then the Senate Appropriations Committee should be holding hearings to find out why. Where does the fault lie? Who is right here? Who is wrong? What are we doing?

Very little is being said on the part of the administration these days about protecting the homeland. Everything is go, go, go, go, go. They are sending off our National Guardsmen. We see the tears streaming down the cheeks of the wives and the children and of the guardsmen and reservists themselves. We see this on television every day or so. These people are part-time soldiers, but they are full-time community

workers. They are lawyers. They are doctors. They are firemen. They are policemen. They are State policemen. These people are being sent overseas to fight a war in Iraq, an undeclared war on the part of the Congress.

The PRESIDING OFFICER. The Senator has used 2 minutes.

Mr. BYRD. I yield myself whatever time I need from my time.

It is time somebody says something about what is going on in this country.

Mr. DURBIN. Will the Senator yield?

Mr. BYRD. Not for the moment. I will shortly.

Mr. President, I don't hear a whimper from the Congress which only a short time ago attempted to give up its constitutional power to declare war to one man. He will determine when, how, and where our military forces will be used in an unprovoked war against a sovereign state that has not attacked us in this new doctrine of preemption. It is a new doctrine.

This Senator is just not going to take this lying down. I don't care how popular Mr. Bush may be. I answer to my constituents, I answer to my Constitution, and I answer to my conscience.

Here we are penny pinching when it comes to protecting the homeland. This administration is not paying enough attention to the protection of the homeland—our country, our people, our institutions, our installations.

I think it is time we called the hand of this administration. If the administration says: We don't need any more money, we are awash with money, well, then, if the administration has not spent essential funds approved by the Congress over 1 year ago for homeland security, the Senate Appropriations Committee ought to be holding hearings to find out why. Let's find out why.

We need these homeland security resources now to meet real needs that have been authorized by the Congress for port security, airport security, border security, nuclear security.

I understand the Senator would like for me to yield. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 34 minutes.

Mr. BYRD. I thank the distinguished chair. I yield time to the Senator from Illinois.

Mr. DURBIN. I thank the Senator from West Virginia.

One of my favorite historians, William Manchester, in writing his volumes concerning the life of a great man named Winston Churchill, entitled the second volume ''Alone,'' telling of that period in Winston Churchill's career in the 1930s when he stood in the House of Commons in England as a lonely voice warning his countrymen of the impending peril of what was to occur in World War II. He was ignored. He was derided. He was ridiculed. Eventually, history vindicated him.

The same will be true of the Senator from West Virginia. I want to let him know, he does not stand alone in this battle. There are many of us who believe we need to step up at this moment in time and speak up for not just the defense of America from foes who attack us overseas but the defense of hometown America, the defense of our homeland. It is not enough to create a new bureaucracy and a multi-agency unit with a high-sounding name, the Department of Homeland Security, and not provide the resources that are essential to protect hometown America.

My colleague from New York recounted the challenges in New York City. The same can be said for the city of Chicago and for small towns and villages all across Illinois. Something as basic as establishing a communications network for police and fire first responders and the medical community is essential to respond to a crisis. The money is not there. My State is deep in debt, as are many States across the Nation. The question is whether this administration will come forward and support Senator BYRD's amendment to put in a small proportional increase, a small incremental increase in terms of homeland security, and to think this would be resisted is an open invitation for critics to say this administration supports a hollow homeland security—one that will not be there when we need it. I hope this great Nation and our people never face an act of terrorism again. But it is foolhardy for us to ignore the threat of September 11, 2001, and its repetition. We live on Capitol Hill most of our working lives and we know that two letters mailed to an office in Capitol Hill containing anthrax cost us $20 million to clean up, cost us American lives, and closed down office buildings for months—two envelopes. That is our vulnerability. That is the vulnerability of America.

Senator BYRD, you do not stand alone. I hope there are Members across the aisle who will join us in this effort to make certain our commitment to homeland security goes beyond rhetoric.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Illinois. He stood with me when we opposed the Iraq resolution, and we stand together today.

Let me say this, Mr. President: This is not the last word with respect to sending our men and women across the seas to fight a war that has been unprovoked. We have not been attacked. We will have more to say about that later.

We do need to protect this homeland. This amendment will do that. The Senate is at a crossroads. We face a choice: Will we allow partisan politics to rule the day or will we step up to the responsibility to respond to the growing security crisis facing our country? Of course, this administration is not going to support me in this amendment. The administration has opposed every effort I have made in the past to add moneys for homeland security. The administration, the White House, would not let their key point man on homeland security come before the Appropriations Committee in the Senate last year. They said: He is a staff person. Yes, he was, but he was the administration's point man on homeland security. They kept him from coming. Then when we tried to appropriate more money—unanimously—in the committee, what did we get? We got veto threats from this administration.

Now, what does that tell you about this administration? They don't want to work with the Congress. They want to have it their way all the way. They don't want to admit there are weaknesses, admit Congress can be right, and is right on many occasions. No, we don't expect them to support this amendment. They have not supported our amendments in the past.

Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 29 minutes.

Mr. BYRD. I see my distinguished chairman and I will be glad to yield the floor for now.

Mr. STEVENS. Mr. President, I thank the Senator from West Virginia. Again, I have to come back to where we are. We are trying to send to the House, in order that we might convene a conference between the House and Senate, the 11 bills we did not pass last year, governing 11 different appropriations bills. The President has to be taken into consideration because we are asking him to sign 11 bills with one signature. Rather than have 11 bills individually come over here from the House, handle them individually in committee, bring them to the floor and handle them individually, take them to conference and handle them individually, pass them by the Senate again individually, and send them one by one to the President, we are asking to play catchup, send them to conference, work it out with the President, within his limits, and he will sign the bills and we will put this problem behind us.

The Senator from West Virginia raises a series of issues about homeland security. This Senator does not dispute the fact that additional funds will be needed for homeland security. For instance, if we go back to the State, Justice, Commerce bill, the section of the amendment I have put before the Senate contains $11.3 billion for homeland security for State, Justice, Commerce functions only—Department of Commerce, Department of Justice, Department of State. There is $8 billion for the Department of Justice, $222.7 million for the judiciary, $262.8 million for the Department of Commerce, and $280 million for the Department of State.

Adding another $1.2 billion, as the Senator from West Virginia directs under his amendment, would not be something that can be used by these departments in the 7-plus months that are left—plus maybe a week or two—to spend that money.

My position is, let's get this behind us. In every instance, there is money in

the bill that would deal with the issues at the President's level; but Senator BYRD wants to increase that money. For instance, for the DC emergency response plan, Senator BYRD wants to add $12 million for the District's unified communication center. We have $10 million for that purpose in this amendment. The President didn't request any money, so we have already added $10 million. Senator BYRD wants to add $12 million to that.

In the District of Columbia, Senator BYRD wants to add $13 million for the bioterrorism hospital preparedness account. We already included $10 million in this amendment, and there is $8 million already available from the supplemental passed late last year for the fiscal year 2003. So the District of Columbia has already $18 million for that function to which the Senator wants to add $13 million.

In the civil defense area—this is under the Energy and Water Subcommittee—the Senator from West Virginia wants an additional $100 million for security upgrades for the Army Corps of Engineers. That is for reviewing facilities such as dams, water treatment plants, et cetera. We already have $65 billion to be spent in less than 8 months. My friend wishes another $211 million for security upgrades for the Department of Energy's nuclear facilities. In this omnibus amendment before us, we have $1.2 billion for that purpose. Even that money will not be spent in the balance of fiscal 2003.

It doesn't do us any good to pass bills that contain surplus money that cannot be spent in this fiscal year. This omnibus bill is for funding the balance of fiscal year 2003.

For the Department of Homeland Security's national infrastructure simulation and analysis center in New Mexico, the Senator from West Virginia wants to add $25 million. The President asked for $20 million. We have increased that to $30 million—more money than requested for that function. We increased it 50 percent already. This agreement is not with the function, it is with the pace of spending. The money the Senator wants just cannot be spent in this period of time. I say that respectfully because we have already passed 4 months. At the end of this month, it is 4 months of the fiscal year that is gone. It takes about a month to allocate money, get it out to where people can use it, and it takes time to contract it and hire new people to spend it. It is not physically possible, administratively possible, to spend this additional money. The main thing is, if it is needed, we have a supplemental that is coming along. We will be looking at additions to these bills.

We will have money in the 2004 bill which will be available in the last 3 months of this calendar year, this coming October 1. I urge the Senate to look at each issue.

Again, I sat with my good friend when we had those hearings. There was not a person there who did not want more money. I do not remember one single person who did not want more money. As a matter of fact, as a father of six, I have had people around me who wanted money all my life. The question is: How much should be allocated, and how fast should they spend it?

Now, on this concept of taking the bill and saying, we want to add $5 billion to this omnibus amendment I have, we will take it back into the same fight we had last year, the same thing that delayed us last year, and it will delay us so we cannot even get to the battle for the 2004 appropriations bills.

Not to be disrespectful to my friend from West Virginia, but I urge the Senate to not approve this amendment that really does not solve the problem. The problem is, how do we catch up with the appropriations process? How do we face up to the fact that the last Congress did not pass 11 of the 13 bills?

I admit I have suggested a rather abrupt and arbitrary procedure, putting them all together in one package, but I did not do it alone. Each of the subcommittees reviewed every single line in these bills.

I put into the RECORD last night the summary of the reports that would have been prepared had we brought out 11 separate bills so that everybody can see where this money is intended to go.

Very clearly, it is designed to go to conference with the House. As we go to the conference with the House, I hope we can have a wide-open conference that deals with the issues, and it may be that some of the items that Senator BYRD wants will be brought to us by the House. I do not know, but I know every issue the Senator wants to cover goes into conference. We have rule 28, and those things will be in conference. They can be increased if the conference wishes to do so.

I know of no instance where anyone has come to this Senator and said the amount of money that is in this omnibus bill is not enough to finish their functions for fiscal year 2003. There are a lot of them who want more money, but there is not one of them who said, we cannot survive with that amount of money.

We have ample money for every function of homeland security that I know of in this bill, and we should not confuse the issue. The Senator's amendment does not address how much money is required for homeland security but whether we should go beyond the President's total request for homeland security.

As I mentioned in several instances, we have recommended more than the President requested, but we offset it with cuts from other areas. Unfortunately, the amendment of the Senator from West Virginia does not offset at all. It adds to the bill. There are no offsets. So we do not have a budget resolution. We ought to have agreed to that level right after the election, and had we had the chance to move before then, Senator BYRD would have had the job I have of coming down to that level.

Now the gavel has shifted, but the problem has not changed, and I am asking the Senate to do what I think Senator BYRD would have asked last November/December had we gotten to the point where we are now, actually considering the bills on the floor.

Again, I do not want to put all of this in the RECORD, but, again, I will put the summary in the RECORD in terms of the charts I have prepared. We have covered these functions. We have funded the functions for the amount that the subcommittees, working with the staff of both Republicans and Democrats, believe is sufficient to carry this through until October 1 of this year, fulfilling the obligation to fund the fiscal year 2003 functions of Government.

If we do not do this now, there is not one agency that is going to get any money until at least the end of March. It would be a miracle for any one of these bills to pass before the end of March.

My suggestion is, let's take it to conference now, and if anyone wants to come in and convince the conference that something is underfunded, do it. These are the collective recommendations of the staff, the chairmen, and ranking members of these subcommittees as to how they would live under this lid of $750.5 billion, as I agreed to do, staying within the President's level, get it to him, and let him sign the bills.

Don't misunderstand me. The President is not too happy with this omnibus package either because there are lots of items that are increased and others decreased in terms of his requests. It is not over until the pen moves, until the President signs the bill.

I think the only place we can get to the point where he will sign the bill is in conference, and I urge the Senate not to approve this amendment and not to approve the other amendments. Let's take this omnibus package to the conference and work with our counterparts in the House on a bipartisan basis and fashion a bill that the President will sign.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I realize my leader is in the Chamber and wishes to speak on leader time, and we have other Senators who wish to speak. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 28 minutes remaining.

Mr. BYRD. I thank the Chair.

Mr. President, I yield myself 3 minutes.

Mr. President, I have listened to my distinguished friend, and he is my friend, but remember that my friend from Alaska said in December a year ago: Now, 4 months have already passed. We have 8 months. Let's wait until 2003. We have already gone through 4 months. Let's wait until 2003.

Now we are hearing the same argument, may I say, from my dear friend: Let's wait until 2004.

We cannot wait.

The distinguished chairman refers to the fact that the President will not like this either. Well, I accord this President the same respect I accord any other President. This President is not infallible, nor is any other President we have ever had.

The problem with what I see in this administration is they want to have it their way with every comma, semicolon, colon, and hyphen. They do not want the Congress to come forward with anything. They are against anything we propose. They have been against everything we have proposed thus far.

Let's take their own argument and turn it on its head. Congress has approved $365 billion for Defense. That is a lot of money. We have never squeezed a penny. We have never denied Defense anything. We do not deny the Defense Department anything they want. When they come up and want more money, we give them more money, almost without questions asked.

On top of the $365 billion for Defense that we have provided, this bill adds $3.9 billion. That is $3.90 for every minute since Jesus Christ was born.

Can the Defense Department spend that money? My distinguished chairman asks, can this Government responsibly spend this additional money that Senator BYRD is asking for in this amendment? Well, I ask the same question: Can the Department of Defense spend the money? Can it spend $3.9 billion more? Yes.

We are adding $5 billion for homeland defense on homeland security—the security of your people, Mr. President, my people, my children, our installations, our institutions, our borders, our country. Can we spend that money, $5 billion for homeland defense and homeland security? Yes, they can spend it, and spend it well.

Let something happen, and then we will see what the polls show. If something happens, let the American people then take a look backward and see how this Congress sought to add monies for border security, for airport security, for homeland security, for port security. Those are monies the administration threatened to veto. It turned its back on them. It turned its back on the $2.5 billion last year. The President refused to sign a bill that provided $2.5 billion for emergency planning. He turned the back of his hand. He turned his back on his own country when he turned down that opportunity to give $2.5 billion for homeland security, to put it in the hands at the local level, the law enforcement people, the health personnel, the people at the local level. He flatly rejected it. Let something happen, and then see what the polls show. Then see where the questions are asked. Then hear what the answers will be. I say a stitch in time saves nine.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I will use leader time that I have under the order of the day.

Let me begin by congratulating the distinguished Senator from West Virginia for his eloquence and for his leadership on this critical issue. As we consider all of the priorities we ought to be concerned about in this bill, there is no priority of greater import than the homeland defense of this Nation. I have immense respect for the chairman of the Appropriations Committee, and I admire the way he works and his dedication to his work and the leadership he provides. I can only surmise this would not be his package, either, had he had the opportunity to do this on his own. He is forced to work with an administration and people in the House that have different priorities. I understand that.

We have differences and disagreements with regard to priorities, but there should not be any disagreement under the Constitution as to what the most important priority is. It is to protect and defend this country against enemies, both foreign and domestic. That is what the Constitution says. They leave no doubt, our Founding Fathers, about what our priorities ought to be as we consider budgets, as we consider each year what should be our priorities under fiscal management. Over the course of the last couple of years we have turned to experts to ask, How are we doing with that constitutional responsibility in light of 9/11?

The Conference of Mayors, under the leadership of President Tom Morino, said about a year ago: It has been 16 months since 9/11, and the Congress has still failed to deliver public safety money for first responders. They vote for tax cuts for special interests but deny cities and States money for critical programs. Washington, he said, is out of step with the rest of the country.

We asked two of the most respected experts in the Senate, former colleagues, to give their evaluation of how it is we are doing as we attempt to protect this country against enemies both foreign and domestic. Their response: America remains dangerously unprepared to prevent and respond to a catastrophic terrorist attack on U.S. soil.

We hear from the experts. We hear from those people who are charged with the responsibility of ensuring that first responders have the ability to do what our constitutional obligations require. Today what Senator BYRD is proposing is we put our money where our mouth is, that we make the commitment required to live up to those constitutional obligations.

I find the current circumstances in the Senate absolutely bizarre because, on one hand, we are told by our colleagues on the other side of the aisle that we can afford a tax cut of the magnitude almost equal to what we passed 2 years ago. Take the President's recently proposed tax package, add to it the cost of interest, and add to that his proposal that we make those tax cuts permanent, and you come to about $1.3 trillion. Now they tell us we can afford that. We can pass this ''leave no millionaires behind'' bill. We can do that. We can somehow find the resources to give more tax breaks to 226,000 millionaires, but we do not have $5 billion to live up to our constitutional obligations. That is bizarre. That is, in my view, one of the most preposterous positions anyone could come to the Senate floor and take.

Yet that is exactly what I hear our Republican colleagues saying. I have a handout I was given this morning from the Republican caucus. It says: Homeland security funding, and it lays out the reasons why Senator BYRD's amendment ought not be supported by Senators on their side. It says the Byrd amendment is well-intentioned but unaffordable.

Unaffordable? Five billion dollars is unaffordable? Unaffordable, when we know we have to provide smallpox vaccine? Unaffordable, when we know we have to ensure that we synchronize the police and fire communication systems and have the emergency planning? Unaffordable, when we see cuts in Coast Guard programs and our efforts to try to protect our ports and bridges and infrastructure? Unaffordable, when we cannot find the money to ensure that we can even deal with the security questions we are facing right now in protecting our nuclear facilities and our water and other unique needs to every community in the nation? Unaffordable? That is preposterous. This debate is bizarre. For the life of me, I cannot understand how anyone can say in light of their advocacy of a $1.3 trillion tax cut that defending this country, as the Constitution requires, is unaffordable.

I hope our colleagues think very long and hard about how unaffordable this is. God forbid anything happens in the coming months. God forbid we once again experience what we did on 9/11. I would think we would do exactly what Senator BYRD is proposing, and even more. I think $5 billion is just the beginning for what we are going to be required to do to make this country safer and stronger and to live up to those constitutional obligations.

If we do not start now, in this fiscal year, when do we start? Tell the mayors they cannot spend the money. Tell our firefighters and our police officers, they cannot spend the money. Tell all of those who are concerned about responding to whatever eventuality there may be, they can't spend the money. I have not found one yet who has given me that answer. When I ask them, Do you need more resources, they say yes, I needed them yesterday. Yes, if we are going to defend our water system, and if we are going to defend all of our facilities and our infrastructure in this country; I needed that money a year ago. Yes, I need the money.

But for Heavens' sake, if anyone can say with a straight face that we ought to spend $1.3 trillion more on tax cuts, they ought to be able to say yes, we have $5 billion to protect our homeland, as well.

I yield the floor.

Mr. BYRD. Will the Senator yield? Does the Senator still have time?

Mr. DASCHLE. I am sure I do.

Mr. BYRD. Mr. President, I say to the leader, how long ago was it we heard the President of the United States saying, no price is too great a price to pay for freedom? Right? When they talk about war in Afghanistan, they talk about war in Iraq, no price is too great a price to pay.

Where are those voices now from the administration? Where are the voices that say no amount of money is too much to pay? What about this? What amount of money is too much to pay for homeland security? Who knows but when the first shot ricochets in the war against Iraq—which Congress is not declaring—when that first shot is fired, is it possible we may hear some shots fired in our own country; that we may see the terrorists come out of hiding; we may see them come from the veil; we may see them come forward? What will happen then? What will happen then to this Capitol?

What saved this Capitol from being demolished on September 11? A few brave men and women on that plane that went down in Pennsylvania saved this Capitol. Who is to say that these terrorists—we don't have them among us now? Who can say there are not terrorists out here now, waiting, just waiting, waiting for the moment?

And here the people downtown, when it comes to homeland security, when it comes to the protection of our homeland, when it comes to the protection of our families, when it comes to the protection of our churches, our schools, our stores, our jobs—aha, $5 billion is too much to pay, too much to pay; we don't need it.

If you don't need it, don't spend it, and let's have some hearings as to why it isn't spent.

No price is too much to pay. No price is too much to pay for the security of this great land of ours.

I thank the distinguished leader.

Mr. DASCHLE. I would just say to the distinguished Senator from West Virginia that he is absolutely right. This city has heard a lot of great speeches since 9/11, but I keep thinking of Teddy Roosevelt who said: ''Speak softly but carry a big stick.''

What I find this administration doing is speaking loudly and carrying a small stick. It is a small stick when you consider what they are doing with homeland defense. What you want to do is give them a bigger stick. What you want to do is send as clear a message as we can that we are willing to commit the resources of this country to carry out the rhetoric that we have heard so often on the floor of the Senate and in every one of these State of the Union Messages. We have to match our commitment in resources to the rhetoric we hear from our leaders.

Mr. BYRD. Right.

Mr. DASCHLE. That is what you are doing.

Mr. BYRD. Right.

Mr. DASCHLE. I yield the floor.

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

Mr. DASCHLE. I would be happy to yield.

Mr. REID. Mr. President, I have heard various accounts of how much the war in Iraq will cost. The accounts range from $60 billion to $250 billion, a quarter of a trillion dollars. That is the wide range of the cost of a war in Iraq. A resolution passed here saying the President could go to Iraq when he believed it appropriate.

It seems to me that if we can spend up to a quarter of a trillion dollars to go into the Middle East, we can spend a paltry $5 billion to make sure that my people in Nevada have some semblance of protection.

Would the leader agree that if we can spend hundreds of billions of dollars going to Iraq, we can afford, we should spend, $5 billion to take care of the people in South Dakota, West Virginia, Montana, Nevada, Alaska, Kentucky—the States of the Senators I see on the floor here now?

Mr. DASCHLE. I think the Senator from Nevada makes a very important point. I have about 1,000 people from South Dakota who are now in the Persian Gulf, who are awaiting further orders from the President of the United States and from the Pentagon with regard to what may occur in the Middle East and in Iraq in the next couple of weeks.

Of course, I want to provide whatever resources are necessary to see that they are protected and that they have the ability to do their job. But I ask, if we are willing to make that commitment to those fighting the war in the gulf, why aren't we willing to make the same commitment to those fighting the war here at home? Why aren't we willing to provide the resources to the police and the first responders and to all of those who are fighting just as critical an effort to defeat terrorism here at home?

Why do we say we have the money for the people in the gulf but we don't have the money for the people here at home? Are they less vulnerable? Is their role less important? Do they have some degree of disadvantage because they are here at home? I think the Senator from Nevada makes a very critical point in the argument here. If we have the resources and if we have the commitment to fight terrorism, regardless of whether it is abroad or here at home, we ought to have the resources commensurate with that commitment.

What the President is saying is we don't have that kind of commitment here at home. That is inexcusable. And it is especially inexcusable when he says we have the resources for a tax cut of the magnitude they are considering today.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, I yield myself 3 minutes, and then I want to yield to the distinguished Senator from Washington.

I thank the distinguished Democratic leader for his contribution today. I thank both the leader and the assistant leader for what they have contributed to this debate.

Mr. President, we talk about sending our troops, men and women, fathers, brothers, husbands, wives, overseas to fight a war in Iraq. We talk as though it is just a video game. Nobody raised a question. We don't hear a whimper—not a whimper.

We see the pictures on television every day. These people are going away. We see them kissing. We see them waving goodbye. We see them shedding tears. We know that those tears are shed at night on those pillows. There seems to be no thought to the sacrifices that may be in the offing for this country. They talk as though it is a video game, just a matter of pushing a few buttons and we will win.

Well, now, we may be lucky. If we go to war, we may be lucky. I hope we will be lucky. But what if we are not lucky? Where will those who are silent now be? Why don't they raise their voice now? Why don't we ask questions?

I am not one to be driven in a hole. We hear a lot about driving them in the holes and we will go in and get them. Our men—our men—will go in and get them. We talk about driving the enemy into holes in Afghanistan and in Iraq—we will drive them into holes.

I yield myself as much time as I may consume.

We will drive them in the holes; we will go get them. Who is ''we''? It is not I. I don't think I will be going in those holes, driving anybody out. It is going to be those poor men and women who are giving up their salaries as lawyers, as doctors, as teachers, as security people, as law enforcement people, as firemen—they are the people who are going in those holes in Afghanistan. They are the people who are going to go into those holes and bringing out the enemy.

We talk as though it is a video game. I hope and I pray to God that if we do go to war with Iraq, we will be lucky. I hope Saddam will catch the first plane out to Libya or to some other country. I hope he will. But what if he doesn't? We have to contemplate that.

So I think it is our responsibility here in the Congress to do two things at least: Raise questions, and provide the money for the security of this homeland. We don't know what will happen to this homeland once we open fire in the hot sands of the deserts in the Middle East. We don't know what may break out in this country. Are our water resources fully protected? Are

our energy resources fully protected? Are our nuclear facilities fully protected? Are our borders secure? Are our ports secure? Are our airports secure? Are our people secure? No. And here we strain at a gnat and swallow a camel when it comes to fighting and protecting ourselves on the homeland.

How many here, right here in this Chamber today, will feel secure in this very Chamber in the future? I say we had better stop, look, and listen while there is time to stop, look, and listen. I will have plenty more to say on that subject.

But on the subject of homeland security, let it not be said that we are not doing our very best to give this administration all the tools it needs, all that it can possibly usefully use, all that it can possibly efficiently use, to protect this homeland of ours. And who will say that this land is fully protected? Who feels secure in this homeland of ours today? Ask your wives. Ask your mothers if they feel secure. And here we are, quibbling over $5 billion.

Nobody is going to put you in jail if you don't spend it. But if you need to spend it and don't—don't have it, and if you haven't spent it already, why haven't you? Surely we are not perfect. Surely we are not absolutely secure.

Mr. President, how much time does the Senator wish?

How much time does the Senator from Washington want?

Mrs. MURRAY. I simply ask for 1 minute, or 2, I say to the distinguished Senator.

Mr. BYRD. I yield 2 minutes to the Senator from Washington.

Mr. REID. Will the Chair indicate at what time the vote will occur as a result of Senator DASCHLE having spoken?

The PRESIDING OFFICER. It is estimated right now by the Parliamentarian that 12:44 will be the time for the vote.

Mr. REID. I thank the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I came to the floor last night to give extensive remarks about the tremendous importance of the amendment that has been offered by Senator BYRD in the area of transportation for port security, airport security, and transit security. I have been listening to the debate this morning.

I wanted to come to the floor to refute a critical misstatement that has been made about the amendment that has been offered by Senator BYRD. It was argued by my friends on the other side of the aisle that the funds in this bill are all over and above the funding requested by President Bush. I need to tell my colleagues that in the area of transportation that is just simply not true. In the underlying bill, the funding level for the Transportation Security Administration is some $460 million short of what is needed to fully fund all of the congressionally directed initiatives, as well as fully fund the security requests of the Bush administration. It is a simple mathematical fact. This amendment that has been offered by Senator BYRD provides $460 million for the TSA needs to fully fund what President Bush has requested for the Transportation Security Administration. Without the amendment offered by Senator BYRD—if we enact this without that—the TSA will have to cut $460 million to make way for the congressional mandates that all of us have worked on, supported, passed, and told our constituents are coming. The only way to fully fund what President Bush has requested for screening passengers at our airports and purchasing the explosive-detecting machines is by providing the funding for the Byrd amendment.

I thank the Senator from West Virginia for yielding me a minute to clarify this critical point—that we need to have this amendment to fully fund President Bush's request, particularly in the area of transportation security.

I thank the President. I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Washington for clarifying a very critical point. I thank her, and I apologize to her for keeping her waiting. She has been on the floor waiting to make this correction. I am glad she made the correction. I hope that Senators will carefully study what she has said. She has pointed to a yawning flaw in the argument of the other side. I thank her for her contributions to her country.

Mr. KOHL. Mr. President, once again Senator BYRD has taken up the fight to fund adequately our homeland security needs. I supported his efforts last year, I voted with him today, and I will continue to back his efforts to sufficiently fund out security needs in the future.

Last year the Senate included supplemental funding for homeland security needs but the President refused to spend those funds. The Senate Appropriations Committee wanted to spend an additional $8.3 billion, but the administration only agreed to spend $4.2 billion. The President effectively vetoed $2.5 billion in emergency funding for homeland security last August. We hear reports that our country is no more secure today than we were on September 10, 2001, but the administration refuses to spend the funds required. This administration seems to believe that wisdom can only come from one end of Pennsylvania Avenue.

The $5 billion in this package goes for hiring and salaries for FBI and Customs Agents. It purchases more patrol boats for the Coast Guard and improves port security. This money will help transform the Immigration and Naturalization Service and improve security at our embassies around the world. Almost $150 million will go out to our first responders through the COPS program, one of the more effective community policing programs. There are important funds in this package to protect and secure important Army Corps of Engineers infrastructure. We need to protect our dams and water projects from potential attacks or tampering.

There is also significant funding to improve our transportation infrastructure. There is $300 million for improving security at airports and hardening cockpit doors. These two issues are critical to improving safety in the air. We know these changes have to happen, and should have happened a long time ago. We can't afford to waste any more time. Two years have passed and we cannot say that our aviation network is safe from a terrorist attack.

This money meets real, documented, legitimate demands. These needs have been testified to in hearings, they were exposed in the Hart-Rudman report, and the agencies themselves have asked for these funds but have been denied by the Office of Management and Budget. I understand that some on the other side of this issue are concerned that the money will not be spent correctly, that we are forcing these agencies to grow too quickly. I believe we have a duty to give the agencies an opportunity to do their job. We have a duty to give the agencies all the tools they need to protect the American people. I would rather be accused of trying to do too much, than not enough.

Ms. MIKULSKI. Mr. President, there is nothing more important than America's homeland security. I support Senator BYRD's amendment because it provides essential funds for hometown security.

It will improve our ability to prevent terrorism, through stronger port security, border security, and transportation security. And it will improve our ability to respond to acts of terrorism by giving first-responders the tools they need.

Local communities are on the front lines in our war against terrorism. They must not bear the full cost of this war. This means Congress must do its share by providing funds for: local law enforcement, first responders and public health professionals; extra security for critical infrastructure like public water supplies; and improved communications systems.

This amendment accomplishes six important things. First, it improves port security, airplane cockpit security, and airport security by giving the Transportation Security Administration $1.64 billion. It permits INS to better monitor who is coming into our country by giving them $363 million to develop an entry/exit system. It enables community law enforcement agencies to upgrade communications equipment by providing $100 million through the COPS program. It ensures that the Children's National Medical Center here in DC can expand their quarantine and decontamination facilities for children and families by giving the Center $8 million. Senator BYRD's amendment allows states to enhance

their chemical response capabilities by giving them $9.5 million. Finally, the amendment assures that 10 million doctors, nurses, and first-responders will receive the smallpox vaccination this year by giving $850 million to state and local health departments.

Without this additional funding, States will be forced to cut back on other critical public services, such as putting more police officers on the streets to fight ''everyday'' crime, or tracking West Nile virus cases. I have received dozens of letters pleading for promised Federal assistance for first-responders. For example, Laurel, MD continues its efforts to organize and prepare their regional emergency services to respond not only to terrorism but to all local emergencies. Since September 11, Laurel has had to use their limited resources to respond to several critical events, a tornado on September 24, 2001, and the sniper shootings that required them to be on extended heightened alert. Despite this, Laurel continues to prepare its emergency service providers to respond to the various alerts and incidents that continue to occur. Baltimore, MD also has the additional task of securing large public arenas such as Camden Yards and Ravens Stadium against terrorist attacks.

This is why it is so important that we pass this amendment. Cities are on the front lines in preparing for, and responding to, acts of terror. Who are the people on the front lines? They're police, firefighters, EMS and public health responders. Firefighters in Maryland alone need $40 million for equipment, training and personnel protective gear. Our law enforcement officers play a critical role in detection and prevention, and must also have equipment, training, and better information from federal agencies to do their jobs. By investing this money today, we get double value, more money to prepare for terrorism means more money to fight crime and fires.

My own State of Maryland has made great strides in preparing our Nation against a terrorist attack, but communities need this additional funding to make sure they are combat ready and fit-for-duty. Let's protect the protectors and keep our promises to the warriors on the front lines of this new war against terrorism.

That is why I support homeland, and hometown, security, and I encourage my colleagues to vote for this amendment.

Mr. LEAHY. Mr. President, I am pleased today to strongly support the amendment by the Senior Senator from West Virginia to restore funds approved by the Senate Appropriations Committee last year to enhance our homeland security.

The Byrd amendment would be giving law enforcement the tools they need to do their job, focusing on both immediate and long-term threats we face at home and abroad. It aims to bolster our security against terrorists, and to improve the administration of justice throughout the country.

This Federal support is desperately needed by our States, counties, cities and towns, which are now facing fiscal crisis.

Since September 11, 2001, States, counties, cities and towns have become overwhelmed by increasing homeland security costs. The National Governors' Association estimated that States incurred about $7 billion in security costs in the past year alone. The National Association of Counties believes at least $5.2 billion is needed to better equip public health systems to cope with attacks and fight terrorism.

The President's ill-conceived tax cut in 2001, along with the new cuts he proposes now, are likely to exacerbate these economic woes.

The Byrd amendment would provide the Federal support that our States need by restoring $1 billion in homeland security cuts, restoring $2.5 billion of emergency homeland security funds, and funding the Airport Security Act, all critical needs.

The Byrd amendment would also provide needed funding to protect our borders. Through the USA Patriot Act and the Enhanced Border Security and Visa Reform Act, a Democratic Senate led the fight to dramatically increase authorizations for personnel and technology to guard our northern border. Unfortunately, the appropriations package before us would shortchange that pressing need.

Senator BYRD's amendment includes an additional and much-needed $83 million to enforce our immigration laws and safeguard our borders, including funding to provide pay upgrades for Border Patrol agents and Immigration inspectors. We are asking more and more of our border personnel, and we must reward them for their hard work or risk losing them altogether.

In addition, the Byrd amendment expands the COPS program by providing $150 million for grants to law enforcement and first responder agencies for improved communications systems. I know that Senator GREGG and Senator HOLLINGS, the new chairman and ranking member of the Commerce, Justice, State Appropriations Subcommittee, understand that communication is key to coordinated and effective law enforcement efforts. I thank them for their past bipartisan support in my home state for upgraded communications systems for better law enforcement.

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 President Clinton and Attorney General Reno 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, the first year-to-year increase since 1991.

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 and Byrne grants to State and local law enforcement. I believe that we must fight to maintain and extend the COPS program and Byrne grants, which has proven its value in increasing the security of our cities, towns, and neighborhoods.

I am a strong supporter of Senator BIDEN and Senator SPECTER's bipartisan bill to reauthorize the COPS program, which the Senate Judiciary Committee approved unanimously last year only to have an anonymous Republican hold put on it to prevent final passage. I hope we can finally reauthorize the COPS program this year since it has proven to be such a crime-fighting success.

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.

In addition, the ''Comprehensive Homeland Security Act of 2003'', S. 6, and the ''Justice Enhancement and Domestic Security Act,'' S. 22, which Senator DASCHLE introduced on behalf of the Democratic Caucus and which I am proud to cosponsor, establish the First Responders Partnership Grant program, which will provide $4 billion in annual grants for each of the next 3 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 Byrd Amendment is an essential down payment and with the First Responders Partnership Grant Program, which I hope the Senate will turn to and enact without delay, we can 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.

Mr. KENNEDY. Mr. President, I commend my colleague from West Virginia for his leadership in providing the resources needed to enhance our national security.

One of the most important aspects of the Byrd amendment is the additional resources it will provide to protect America from the threat of bioterrorism. The anthrax attack of a year ago has made all Americans aware of the grave threat posed by biological weapons. We know, for example, that terrorists bent on savage destruction may well have access to the smallpox virus, one of the deadliest plagues ever to threaten humanity.

Faced with this obvious danger, it is essential for Congress to provide adequate funds to our hospitals, medical professionals, and communities. They need to act now to prepare for this threat.

In a few days, thousands of health and emergency workers will be asked to roll up their sleeves and be vaccinated against smallpox. There is a cleave need to inoculate health care workers, so that they can quickly vaccinate millions of Americans in the event of an outbreak, as a CDC advisory committee has recommended to the White House.

We need to protect the safety of those who receive the vaccine. We need to provide financial assistance to the communities that will bear the expense of giving the vaccine to thousands of workers. We need to provide compensation to those who are injured by the vaccine and guarantee their medical care.

Smallpox vaccination must be coupled with effective education and safety programs to minimize the risks to those receiving the vaccine and to their communities. The health of those receiving the vaccine must be closely monitored. Recipients of the vaccine must be educated about its risks and potential benefits. All of these essential elements cost money.

The Nation's health departments and hospitals should not have to implement the smallpox plan by taking from other vital health priorities or risking their financial viability.

Just this month we've seen new figures that the current death toll from the flu has surpassed that from HIV/AIDS. Senior citizens around the Nation may have to go without flu vaccinations if local health departments are spending their immunization budgets on smallpox. Women may not receive needed screenings for breast cancer because scarce funds are being siphoned away. Certainly, we must enhance our homeland's security, but we must not purchase security at unacceptable price of missed immunizations or reduced care for those most vulnerable.

The cost of implementing the smallpox plan should not be reducing efforts to enhance our preparedness for other forms of biological attack. Public health organizations report that many communities are thinking of following the example of Seattle and Arlington, VA, where almost all other bioterrorism preparedness activities have been suspended in order to free up funds for smallpox vaccinations. The Massachusetts State Laboratory Institute has had to divert $110,000 from preparedness planning, $165,000 from epidemiology, $125,000 from expanding disease tracking networks, and $261,000 from health education and information, all to fund the new smallpox plan.

These diversions of funding may be just the tip of the iceberg. Although the direct costs of the smallpox plan are large, the indirect costs may be even larger. Even with the best safety measures, some individuals will be injured by the vaccine. Military personnel receiving smallpox shots can rest assured that anyone injured by the vaccine will get the best of medical care. We should do no less for the civilian heroes who put their lives on the line to safeguard our security. It would be shameful for the Federal Government to encourage any American to receive the vaccine, and then deny proper care for the consequences.

Yet this is just what the current plan would allow. Instead of assuring medical care to vaccine recipients, the plan relies on the uncertain coverage of the private insurance market or workers' compensation programs to provide care. If a health care worker who volunteers for vaccination has no coverage or has inadequate coverage, they are out of luck, and that is wrong.

Nor does the plan provide an assured system of compensation for those who are injured by the vaccine or for health workers who must take days away from work to protect their patients from the risk of accidental transmission of the live virus in the vaccine. Instead, the plan forces claimants to sue the U.S. Government in Federal courts, where they face the arduous task of proving that their injuries were due to negligence.

The Byrd amendment takes the steps that are necessary to deal with these problems. The distinguished Senator from West Virginia provides almost $1 billion to help communities around the Nation implement the administration's smallpox plan. I urge my colleagues to approve the Byrd amendment and devote adequate resources to protecting not only safety of the Nation, but the health and safety of those who defend it.

Mr. SARBANES. Mr. President, I rise today in strong support of the amendment proposed by Senator BYRD, which would restore a portion of the devastating cuts to this year's Senate-passed appropriations measures that are contained in the pending Republican omnibus appropriations package.

In my own State of Maryland and across the Nation, State, local, and regional authorities are struggling to make even the most basic of homeland security improvements. In many cases, these communities have taken exhaustive measures to identify their areas of greatest vulnerability, and have made commendable advances in enhancing their own preparedness and response capabilities.

Last year, this body made a series of nearly unanimous legislative commitments to assist these local security efforts in several important areas. Moreover, while the House of Representatives passed only a portion of its spending measures, the Senate completed action on all 13 of its own appropriations bills. After months of hard work on behalf of both my Democratic and Republican colleagues on the Appropriations Committee, difficult decisions were made, and spending levels were agreed to. Contained in these bipartisan commitments was critical Federal support in several key homeland security areas.

The Republican omnibus appropriations proposal slashes an astonishing $9.8 billion in Federal support—funding that was overwhelmingly agreed to in the Senate during the 107th Congress. A disturbingly large portion of these cuts—approximately $1 billion—were made in the area of homeland security. Senator BYRD'S amendment would restore this important funding.

Maintaining these funding levels becomes even more critical in light of the regrettable decision made by President Bush this past summer to short-change many of our vital security needs by not spending $2.5 billion in emergency supplemental funding passed by the Congress. Senator BYRD'S amendment would also restore much of this important support.

Since the terrorist attacks of September 11, 2001, we have become increasingly aware of the woefully inadequate safeguards to our Nation's 361 seaports. Last November we took a significant first step in improving this aspect of our homeland security by passing the Maritime Transportation Security Act. I joined 94 of my Senate colleagues in supporting the passage of this measure, and the bill was signed into law by President Bush soon thereafter.

A critical section of this legislation reaffirms the importance of providing funding to the Nation's seaports for security upgrades. The omnibus appropriations package introduced yesterday by my Republican colleagues would cut this program significantly. Senator BYRD'S amendment would restore these dangerous cuts, providing $585 million for port security grants to implement the Maritime Transportation Security

Act—which, I again remind my colleagues, we overwhelmingly approved a mere 2 months ago.

In my own state of Maryland, the Port of Baltimore is an important and vulnerable point of entry for the country. Indeed, handling over 30 million tons of cargo each year, it is one of the busiest seaports on the East Coast. Clearly, the volume and traffic associated with this distinction present considerable security challenges for the port. While the port has made important progress in this area, the grants provided are vital for making some of the most basic of security upgrades.

Unfortunatley, the cuts made in the Republican spending package are not confined to our Nation's seaports. As the outgoing chairman of the Congressional Fire Services Caucus, I have heard many of the concerns of first responders in Maryland and around the country.

First responders were devastated last summer when they learned last that the President would be withholding $100 million in grant funding. Another $155 million was withheld from State and local law enforcement. Now we learn that the administration and my Republican colleagues are proposing further cuts to the Senate-approved funding for first responders. This time, first responders would lose an additional $132 million. This amendment would merely provide some of the basic promises the Congress has already made to those Americans who we call on to provide our most vital emergency preparedness and response needs.

Mr. President, I urge my colleagues to support Senator BYRD'S amendment. If the Congress and the administration are to enact legislation signaling our commitment to securing the homeland, we must provide the resources to provide even the most basic levels of protection. We must demonstrate steely resolve in our efforts to protect our citizens and critical infrastructure, and this will not be achieved if the resources committed to the task are inadequate.

Mrs. BOXER. Mr. President, I strongly support Senator BYRD's amendment to increase funding for homeland security.

A little over a year ago, we experienced the worst terrorist attack in U.S. history. As a result, we began to examine where our country had security weaknesses and work to prevent another attack. Unfortunately, the appropriations bill brought forward by the Republicans does not fund homeland security to the level that is needed, which is I why I support Senator BYRD's amendment.

Since the September 11 attacks, the State of California and its cities and counties have spent almost $600 million on homeland security, on emergency operations and response, on protecting powerplants and water supplies, on fire and emergency medical services.

Our States and cities and counties need our help. The Federal Government cannot abdicate its responsibility. Yet last year, after Congress passed $5 billion in funding to improve homeland security at the national, State, and local levels, President Bush refused to spend that money. It is still needed.

Let me mention just a few things the Byrd amendment does.

It increases funds for port security by $585 million. Last year, I was a member of the Port Security Conference Committee. We ended up with a good bill to improve security at our Nation's ports. But, there was no way to pay for it, despite my efforts and the efforts of Chairman Hollings. To get the money to our ports, we need to rely on the appropriations bill, so the additional funding in the Byrd amendment is crucial.

For over a year now, I have been calling for the Federal Government to protect first responders—police, firefighters, emergency personnel, nurses, and doctors—by immunizing them against smallpox. If terrorists were able to unleash smallpox in the United States, these people would risk their lives to save us and protect us. We need to protect them now. The Byrd amendment provides $850 million to immunize first responders against the smallpox virus.

The amendment would also increase funding for the Coast Guard for patrol boats by $40 million. The Coast Guard has many important missions including homeland security, drug security, and environmental work. After September 11, Coast Guard resources needed to be shifted. We now need to provide the Coast Guard with the necessary patrol boats to protect our coastline and ports as well as undertake its other missions.

The amendment includes $200 million for airports for the installation of the baggage screening machines. Screening of all baggage was required as part of the Aviation and Transportation Security Act, which became law in November 2001. Estimates for the cost of installing these machines are, at a minimum, $2 billion. Los Angeles International Airport estimates that it will spend $135 million, San Francisco $65 million, and Oakland $16 million. So I support the $200 million that Senator BYRD proposes. This is only a downpayment.

Congress has also required that cockpit doors be reinforced. But the airlines, for a variety of reasons, are in a difficult financial situation. Senator BYRD's amendment would provide $100 million to strengthen the cockpit doors. Let's not let another terrorist gain control of an airplane.

Every day millions of people across the Nation take public transit to work. We need to ensure that these people are protected from a terrorist attack. Senator BYRD's amendment does just that by providing $300,000 in grants to public transit agencies.

One of the problems in the aftermath of the September 11 attack was that first responders often could not communicate with each other. This amendment provides $150 million to first responders in our local communities in order to improve communications. That way, if there is another attack, and we all hope there will not be, we can rescue and save as many people as possible.

The Byrd amendment also increases funding for border security, for food safety, and for the FBI.

The Byrd amendment is vital for our nation's security for our homeland security, for the security of our cities and towns. I urge all Senators to vote for it to ensure that we can prevent more terrorist attacks.

Mr. LIEBERMAN. Mr. President, I am deeply troubled that the Bush administration has not done more since September 11, 2001, to close major gaps that remain in our domestic security. Senators Gary Hart and Warren Rudman, who presciently predicted a major terrorist attack within our borders before it actually happened, produced a new report last September in which they observed that ''America remains dangerously unprepared to prevent and respond to a catastrophic terrorist attack on U.S. soil. In all likelihood, the next attack will result in even greater casualties and widespread disruption to American lives and the economy.''

This is a sobering prediction. And it has convinced me to make it a personal priority and mission to ensure that the Department of Homeland Security has the resources it needs and deserves.

The fact is homeland security costs money, to train people in the skills they need, to buy the right equipment, and to pay the men and women in every community across America, on police forces, in fire departments, and emergency medical services, who are our front line troops in the war against terrorism here at home.

The U.S. Conference of Mayors reported last year that cities will have already spent more than $2.6 billion on additional security costs between September 11, 2001, and the end of 2002, with precious little help from the Federal Government.

Seventeen months after the September 11 attack, thousands of communities across the country have been unable to press ahead to meet this awesome security challenge. Our firefighters are left holding the ladder. Our police departments are put in fiscal handcuffs. Washington is demanding expensive new programs without offering States the financial support to implement them. And the States, according to the National Governor's Association, are already experiencing their worst budget crises since World War II.

Governors will have a harder time developing and implementing emergency preparedness plans. And local communities may not even be able to pay for critical security projects and programs that are already underway. Federal agencies, too, are being underfunded, with the Customs Service, the Coast Guard, and others coming up hundreds

of millions of dollars short of what they need to protect us.

Indeed, it may surprise some people, though not the first responders, to know that all the money appropriated by Congress in the days immediately following the terrorist attacks in 2001 has not reached its destination, and the administration has exercised no leadership that I can see to speed up the process. For example, according to a December 2 report from the Office of Management and Budget, FEMA had obligated only $33 million out of some $214 million in budget authority for States for emergency management planning and assistance. That is truly shameful.

A year ago, in his fiscal year 2003 budget, President Bush proposed spending $3.5 billion on first responders for training, equipment, and planning to respond, if necessary, to a major terrorist attack. Of course, none of that money has been appropriated, and now, as we try to resolve outstanding fiscal year 2003 appropriations, I am distressed to learn that our Republican colleagues are seeking to cut $1 billion from the homeland security funding levels Senate appropriators agreed to last year.

Homeland security cannot be had on the cheap. Therefore, I am proud to cosponsor Senator BYRD's amendment. This amendment would make good on our promises to put in place critical new programs to boost homeland security and, most important, to help State and local governments and first responders bear the costs of their frontline responsibilities in the war on terrorism.

First, it would provide the full $2.5 billion in homeland security funding in last summer's emergency supplemental appropriations bills. This is money, for first responders among others, that was approved by Congress but which the President blocked from actually being spent.

The amendment also restores about $1 billion in cuts to the fiscal year 2003 spending bills below what Senate appropriations agreed to last summer and fall.

Finally, the Byrd amendment provides money for critical new programs. It includes $850 million to help States and localities implement the President's smallpox vaccination plan. Another $585 million would go to implement the new port security law, legislation that passed overwhelmingly in November but which to date has not been funded. We will not be any more secure if we just pass these security blueprints, then walk away.

Taken together, the amendment will provide $1.4 billion to State and local governments, including grants to make first responder radio equipment compatible, a priority ever since we learned of the communications problems that hampered September 11 rescue workers.

The amendment will provide an additional $1 billion for border security, including funding new initiatives to identify suspicious container traffic and to keep track of who enters and exits our borders.

I truly hope the Bush administration hasn't settled on a strategy to talk tough on homeland security, while withholding the money necessary to make that security possible. So far, their approach has been all talk and little action, but we can't defend the country on words alone.

It is time to make our commitment to our domestic defenses ever bit as strong and bipartisan as our commitment to our Armed Forces. If we won't do that now, with September 11 still fresh in our minds and hearts and our communities still struggling to protect themselves, when will we?

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

• Mr. KERRY. Mr. President, I support Senator BYRD's amendment to add $5 billion in homeland security funding to the omnibus appropriations bill for fiscal year 2003. I cannot be here for the vote, but if I were, I would vote in favor of the amendment. The Byrd amendment provides funding for several critical initiatives aimed at strengthening our efforts to protect America and its interests. It is unbelievable to me that the President can propose a $674 billion tax cut, but can't make a sufficient investment in homeland security. When I look at the important programs that this amendment would support, I can't fathom that the Senate won't pass it. It is imperative that we provide the resources necessary to protect this Nation. Vulnerabilities exist in our homeland security infrastructure and we should not squander a single day addressing them. An independent task force, chaired by former Senators Gary Hart and Warren Rudman, recently advised that ''America remains dangerously unprepared to prevent and respond to a catastrophic attack on U.S. soil.'' We must act to ensure that the functions needed to better protect our borders, coasts, cities, and towns have sufficient resources to do so.

The Byrd amendment would provide more money to states and localities to implement President Bush's smallpox vaccination plan, to make the radio equipment of first responders interoperable, and provide emergency planning and training for terrorist attacks. It would make critical investments in our preparedness for biological attack. It would also fortify our borders by funding such things as additional Coast Guard patrol boats and improvements to the INS entry and exit system. The Byrd amendment also fully funds the newly created Transportation Security Administration so that our airports are made as secure as possible. Mr. President, last year I was very involved in the development of the new port security law, and I am pleased that the Byrd amendment includes funding to help implement these new rigorous security requirements for our ports. Finally the Byrd amendment provides resources to secure nuclear weapons and materials and conduct vulnerability assessments for energy supply and distribution systems.

The funding that the Byrd amendment provides for the Transportation Security Administration is critical to our national security. Given the vulnerabilities that we know exist in our port and airport security, I cannot imagine that this body would opt to provide insufficient funding to address these problems. The need to fully fund the TSA cannot be overstated; installing baggage screening equipment in the top forty U.S. airports alone is expected to cost billions, and to date only one major airport has installed the necessary equipment mandated by the Aviation Security Act. Mr. President, we cannot hope to maintain the confidence of the American people in our ability to secure the nation's transportation system if we fail to adequately fund the legislation we've passed to achieve that goal. These investments are essential if we are to be fully protected from those who threaten our freedom.

Our task is to make America more secure. We cannot allow the Republican omnibus appropriations bill to undermine the war on terrorism and we must pass the Byrd amendment.•

Mr. VOINOVICH. Mr. President, I rise today to correct some inaccuracies that were stated by my colleague from Nevada during last night's session regarding nuclear security and Senator BYRD's amendment to increase funding for homeland security. My friend from Nevada came to the floor and argued that this body should support Senator BYRD's amendment because our Nation's nuclear facilities are ''inadequately protected.'' After hearing this statement, I felt it was my duty as the chairman of the Clean Air, Climate Change, and Nuclear Safety Subcommittee to set the record straight on the security of our Nation's nuclear facilities. This is an area that I have worked hard to investigate and fully understand. I urge my colleagues to also spend time carefully reviewing the existing security controls at our Nation's nuclear facilities before they rush to any judgments. The best way to do this is to go and visit the facilities in order to see the security measures in practice.

Last August, I visited the Davis Bessie Nuclear facility in Oak Harbor, OH, for the purpose of reviewing the operations of the plant. I was extremely impressed with security measures in place to gain entrance and access to the facility. Also this last April, I had the opportunity to spend a half day at the Perry Nuclear Power Plant in Perry, OH to specifically review their security systems. I received a classified security briefing at the facility, which I highly recommend to all of my colleagues. In addition, I participated in personnel and vehicle searches, and I

reviewed the external security systems, including meeting with the Coast Guard which patrols Lake Erie off the coast of the Perry facility.

My tour of the security operations confirmed for me that every security measure is being taken to protect our energy supply from terrorist attack and the members of the surrounding community should be very comfortable with the level of security that protects them and the facility. In fact, if I were a terrorist the last place I would try and take over or attack would be a nuclear powerplant with the security measures at Perry and Davis Bessie. This past fall, I visited the EU Headquarters at The Hague in Brussels. I was impressed with the security required to gain entrance to the facility, but it didn't compare to the security at Perry and Davis Bessie nuclear plants.

In addition to these visits, I have participated in several committee hearings on nuclear plant security and Nuclear Regulatory Commission, including a classified security briefing. While I have found the security measures to be impressive, this does not decrease my resolve to remain at the forefront of this issue and ensure the safety of these facilities. Last Congress, I supported the Nuclear Security Act of 2002 in the EPW Committee. In the 108th Congress, I will continue to look for ways to improve our excellent security at our Nation's nuclear powerplants.

Nuclear energy is important to our Nation's economy and environment. America's nuclear energy industry currently provides approximately 20 percent of our energy. It is a safe, reliable, and zero-emission source of energy that is an important part of our energy future.

I agree with my colleague that we have an obligation to the American people to ensure the safety of these facilities. I have and will continue to scrutinize the security at our Nation's nuclear plants. However, I disagree that this is an appropriate argument for this debate on homeland security funding. I urge my colleagues to look at the facts and go and see for yourself the efforts of these plants.

Mr. BYRD. Mr. President, I yield my remaining time to myself.

In this new world, we face a new kind of war—a war on our shores, a war that is different in scope and intensity from any that we have ever faced before. The enemy is no organized army. There is no organized army of infantry, or artillery. The enemy is not an organized army with maps and bayonets. The enemy follows no rules of engagement. The enemy heeds no Geneva Convention. Their weapon is fear. Their application is destruction.

We cannot stand idly by and put our total faith in some new bureaucracy. We ought not be lulled into complacency that the hope of a new government department may eventually make us safer.

This Congress has the responsibility to protect the American people. That responsibility lies here as well as downtown in the executive branch. This Congress has the responsibility to protect the American people. This Congress has the responsibility to invest the dollars where they are most needed and to focus on the Nation's many serious vulnerabilities. But by blindly supporting the arbitrary figures that are undermining the package before this Senate, we take a dangerous gamble with the lives of the American people. And we do not have that right. We do not have the right to take that danger and gamble with the American people. The White House does not have that right. The President of the United States does not have that right. Let him come before the cameras of the electronic eye. Let him say to the American people that you are secure and you don't need more money; that we don't need to spend another dollar; and that we don't need to spend any more than we have.

I can be mistaken, and I am often mistaken. I don't maintain that I am always right. But I maintain that we have a duty to protect our people. I maintain that in the Appropriations Committee we conducted hearings—lengthy hearings. We heard from administration witnesses. We heard from the people at the local level. We heard from mayors. We heard from Governors. This Appropriations Committee, when I was in charge, unanimously voted out these bills appropriating moneys. Time and time again, this administration turned the back of its hand to the Congress and in so doing to the American people because the people in the Congress are the elected representatives of the American people. The people in the Congress are the elected representatives of those taxpayers out there who send us here. We don't come here at the bidding of any President. No President can say when I have to go home or when I can come to this place. The people of West Virginia determined that, and they are my bosses.

No President is infallible. But this administration, more than any administration that I have seen in my 50 years in Congress, maintains that it is right; that it is always right; that Congress is wrong, always wrong.

We are coming to some very difficult showdowns in this country. Who knows what may happen in the days ahead?

This legislation would cut investments in homeland security. I appreciate the work and the effort Senator STEVENS and his staff have put into this package given the arbitrary constraints placed on them by the White House. But the Senate should not allow itself to be handcuffed by the political advisers inside the White House. Who are they? To whom do they answer? They answer to the President of the United States, I guess. They do not answer to the American people.

We should not accept the hundreds of miles of our northern and southern borders remaining unguarded. We should not accept the alarming deficiencies in our seaport security, an area that many experts have identified as perhaps the Nation's single greatest vulnerability. We should not accept the fact that first responders and local doctors and nurses do not have sufficient training and equipment to handle wide-ranging threats involving madmen who may have gotten their hands on weapons of mass destruction.

This Senator from West Virginia is not now nor will he ever be prepared to accept those dangers. This Senator is prepared to do whatever it takes to close the gaps and to protect the American people. I urge my colleagues to join me.

Since September 11, 2001, the threat of a terrorist attack has only increased. It has not decreased. Administration officials have said time and time again that another terrorist attack will happen. It is inevitable, they say, and it could involve weapons of mass destruction.

Last September, the administration raised its terrorist alert system to its second highest level and closed nine embassies for security reasons.

Last October, the FBI warned of terrorist attacks against railroads.

Last November, the FBI warned hospitals in Houston, Chicago, San Francisco, and Washington of an imminent terrorist attack. The CIA director warned of terrorist dangers, and testified that once war begins in Iraq—hear me now, hear me—the CIA director warned of terrorist dangers and testified that once war begins in Iraq, Islamic extremists will likely increase their effort to attack us here at home.

It is not to be a video game. Oh, praise God that we will be lucky. We could be. I hope we will be.

Last December, the administration reported that Islamic extremists associated with al-Qaida may have taken possession of chemical weapons. Canadian intelligence told us that al-Qaida was plotting attacks from Canada.

An increasing number of terrorist warnings threats to the use of weapons of mass destruction against us, a war with Iraq that could escalate the threat level, yet this Congress and this President process all of that information and conclude that the best place to find savings is in the funding for homeland security funds. That is simply astonishing.

Our borders remain dangerously unguarded. They leak like a sieve. We don't know if terrorists have crossed into the country, as we saw over the New Year's holiday, when the FBI was frantically looking for suspected terrorists. Do you remember that? They were frantically—frantically—looking for suspected terrorists who they later concluded had not entered the country after all. Yet this administration wants to cut border security funding by $705 million.

The Customs Service is able to inspect only 2 percent—at most, 5 percent—of cargo entering this country.

We know terrorists could smuggle weapons of mass destruction into our ports, either to blow them up and cause massive economic and physical destruction or to explode those weapons within the interior of the country near a major city. Yet this Bush administration wants to cut port security funding by tens of millions of dollars. Astonishing? Yes, astonishing.

The FBI lacks the law enforcement personnel to track potential terrorists and disrupt potential terrorist cells already based inside this country. Yet this White House—this White House—the Bush administration wants to cut money for Federal law enforcement personnel by more than $250 million. Irresponsible? Yes, irresponsible.

The President has suggested that a smallpox attack is a big enough risk to the American public that a smallpox vaccine should be made available to the public by the beginning of 2004. Yet this President knows that State and local governments lack the necessary funding to administer the smallpox vaccination plan, let alone provide for the homeland security protections for which the State and local governments are responsible. Never mind. This administration wants to cut aid to the States by more than $500 million.

Our nuclear facilities remain dangerously exposed. Yet this White House, this administration, seeks to cut funding to protect our nuclear facilities by more than $230 million.

Airport security, mass transit security, cybersecurity, water security, embassy security, food safety—these are all critical vulnerabilities and yet the administration wants to whack those moneys by a total of $1.5 billion.

Then, on top of all of those reductions, this bill has an across-the-board cut of 1.6 percent for each and every Federal law enforcement and homeland security initiative across this country. It is a shameful way—a shameful way—to fund the protection of this Nation.

Sound policy decisions cannot possibly be driving these spending cuts. Clearly, these programs need more money, not less. The administration cannot blame these decisions on growing budget deficits because that same administration now argues that deficits don't matter.

It is politics. The administration chose an arbitrary number last year, and it is twisting the arms of the Congress to stick to it. The result is a disaster for homeland security programs.

While our troops overseas are equipped with high-tech gadgets to fight our enemies, our troops left at home will have to defend us with meager resources. Our troops in the desert are bouncing their communications off satellites, while our homeland defenders may have to communicate with twine and coffee cans. This may sound ridiculous, but it is much closer to the truth than many of us would like to believe. When it comes to fighting overseas, this administration's attitude is: Spare no expense. There is no pricetag on freedom. But when it comes to fighting the war here at home, this White House, this administration, prefers to shop in bargain basements.

Delays of this funding for a few months, until the next fiscal year's appropriations bills, translates into more than a calendar year. By waiting for the next fiscal year, we would force first responders to wait for help until the calendar year 2004. By waiting for the next fiscal year, we force our airports and our seaports to struggle with security until the calendar year 2004. These delays do not serve any constructive purpose, and they certainly do not help to protect American lives. If we provide these moneys, the oversight committees should do their job to ensure that the agencies invest these dollars quickly and effectively.

The amendment I have proposed would invest funds where they are most needed. First, it would restore the $1 billion in reductions in homeland security initiatives made from the original committee-passed appropriations bills and for which every member of the Appropriations Committee voted. Second, it would restore much of the $2.5 billion in emergency homeland security funds that passed this Congress overwhelmingly in the summer but was vetoed by this White House.

Finally, this amendment would fund the priorities that Congress has found so necessary and that President Bush has already signed into law. This amendment would fund the border security authorization bill that passed the Senate 97 to 0 and that the President signed last May. This amendment would fund the port security authorization bill that passed the Senate 95 to 0 and that the President signed into law last November. This amendment would provide funds—hear me now—this amendment would provide funds for the 10 million smallpox vaccinations that this administration has mandated from State and local health professionals.

These dollars address our most critical needs, Mr. President. These funds would help to shore up our defenses and could save lives here at home.

We are in new and dangerous times. No attack should be deemed so unlikely that it can be ignored. The men and women who send us here demand that we protect them, that we protect our country first. The fathers and mothers who send their children to school each morning expect us to invest the dollars to keep their little precious ones safe. That is a solemn duty that lies on the conscience of every man and woman Member of this body. It is a basic and sacred duty. And may God forgive us if we so cavalierly fail in our duty to protect our people, the American people.

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

Mr. BYRD. Yes, I yield.

How much time do I have, Mr. President?

The PRESIDING OFFICER. One minute twenty seconds.

Mr. BYRD. How much time?

The PRESIDING OFFICER. One minute twenty seconds.

Mr. BYRD. I thank the Chair.

Mr. SARBANES. First, I commend the very able Senator from West Virginia for this amendment. This is an extraordinarily important amendment. If we are going to provide for homeland security, we must provide the resources for homeland security; otherwise, it is all a charade.

I wish to focus on just one thing. I represent a great port, one of the world's great ports. In fact, the distinguished Senator from West Virginia worked in the Port of Baltimore in World War II.

Mr. BYRD. That is right.

Mr. SARBANES. Contributing to the war effort in the construction of Liberty ships.

We passed the Maritime Transportation Security Act last year; 95 to 0 I believe was the vote in this body. But what good does that bill do us if we do not have the resources with which to carry out the promises and the concepts that are contained in the legislation?

Mr. BYRD. Right. Right.

Mr. SARBANES. What good does it do us if we pass this legislation on homeland security, we beat our chests about it, and then we don't provide the resources? The Senator's amendment will provide the resources to carry out this legislation.

Mr. BYRD. It will. It will.

Mr. SARBANES. Is that correct?

Mr. BYRD. Absolutely.

Mr. SARBANES. I very strongly support the amendment.

The PRESIDING OFFICER. The time of the Senator from West Virginia has expired.

Who yields time?

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

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

Mr. REID. Mr. President, I understand the time of the Senator from West Virginia has expired.

The PRESIDING OFFICER. That is correct.

Mr. REID. I have spoken to the majority whip, and he has allowed me to read a letter Senator BYRD has asked me to read into the RECORD.

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

Mr. REID. This letter is from the American Public Health Association, addressed to the Honorable ROBERT BYRD.

DEAR SENATOR BYRD: On behalf of the American Public Health Association (APHA), the largest and oldest organization of public health professionals in the nation, representing more than 50,000 members from

over 50 public health occupations, I write in strong support of your amendment that would provide an additional $850 million to assist state and local governments with implementing the Administration's smallpox vaccination plan.

States and localities are preparing to vaccinate more than 500,000 public health and hospital response teams. Should the risk be elevated to merit the need for a broader smallpox vaccination program, significant new resources will be required. Beyond vaccinating workers, funding will be needed to educate volunteers, monitor adverse events, treat complications and train personnel.

APHA believes this additional funding is essential to provide local health departments with the resources they will need to implement the Administration's plan without having to divert scarce funds and staff away from other important bioterrorism preparedness and public health programs. At a time when many states are facing large budget deficits, it is essential that the federal government assist state and local governments in undertaking this expensive and labor intensive task.

APHA also believes that those who volunteer to receive and administer the vaccine must be protected from liability and compensated for vaccine-related injuries that result in medical costs, lost wages and pain and suffering. We hope that Congress will address these issues as soon as possible.

Thank you for your efforts to address this important issue facing our nation's public health system.

The letter is signed by George C. Benjamin, Medical Doctor, Fellow of the American College of Physicians, who is executive director of the American Public Health Association.

I thank my friend from Kentucky.

Mr. MCCONNELL. Mr. President, I announce for the information of all Senators it would be our intent to yield back the balance of the time at 12:30 so the vote can commence at that time.

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

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

Mr. MCCONNELL. Mr. President, I yield back the remainder of the time on this side.

The PRESIDING OFFICER. All time is yielded back. All time has expired.

Under the previous order, the question is on agreeing to amendment No. 2 offered by the Senator from West Virginia.

Mr. STEVENS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL, I announce that the Senator from Nebraska (Mr. HAGEL) is necessarily absent.

Mr. REID, I announce that the Senator from North Dakota (Mr. CONRAD), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota (Mr. CONRAD), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) would each vote ''aye''.

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

The result was announced—yeas 45, nays 51, as follows:

[Rollcall Vote No. 2 Leg.]

YEAS—45

Akaka	Dorgan	Levin
Baucus	Durbin	Lieberman
Bayh	Feingold	Lincoln
Biden	Feinstein	Mikulski
Bingaman	Graham (FL)	Murray
Boxer	Harkin	Nelson (FL)
Breaux	Hollings	Nelson (NE)
Byrd	Inouye	Pryor
Cantwell	Jeffords	Reed
Carper	Johnson	Reid
Clinton	Kennedy	Rockefeller
Corzine	Kohl	Sarbanes
Daschle	Landrieu	Schumer
Dayton	Lautenberg	Stabenow
Dodd	Leahy	Wyden

NAYS—51

Alexander	DeWine	McConnell
Allard	Dole	Miller
Allen	Domenici	Murkowski
Bennett	Ensign	Nickles
Bond	Enzi	Roberts
Brownback	Fitzgerald	Santorum
Bunning	Frist	Sessions
Burns	Graham (SC)	Shelby
Campbell	Grassley	Smith
Chafee	Gregg	Snowe
Chambliss	Hatch	Specter
Cochran	Hutchison	Stevens
Coleman	Inhofe	Sununu
Collins	Kyl	Talent
Cornyn	Lott	Thomas
Craig	Lugar	Voinovich
Crapo	McCain	Warner

NOT VOTING—4

Conrad	Hagel
Edwards	Kerry

The amendment (No. 2) was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, in order to give Senator BYRD a chance to review the amendment, 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. SUNUNU). Without objection, it is so ordered.

Mr. STEVENS. I ask unanimous consent that Senator MIKULSKI be allowed to speak as in morning business for 10 minutes and that I retain the floor thereafter.

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

The Senator from Maryland.

(The remarks of Ms. MIKULSKI are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, we have an understanding with Senator BYRD. He will have the floor to offer the second amendment, if he desires to do so. We await that decision.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. 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. STEVENS. Mr. President, I ask unanimous consent that the amendment Senator BYRD will offer now be subject to a time agreement under which Senator BYRD has an hour and a half for his amendment and I have one half hour in rebuttal.

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

Mr. STEVENS. I add to that request that this amendment not be subject to second-degree amendment.

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

Mr. BYRD. How much time do I have?

The PRESIDING OFFICER. The Senator has 90 minutes.

Mr. BYRD. On the last amendment, what was the vote?

The PRESIDING OFFICER. On the last amendment, the vote was 51 to 45; 45 ayes and 51 nays.

Mr. BYRD. How many absentees were there on my side?

The PRESIDING OFFICER. There were three on the minority side not voting, one on the majority side not voting.

Mr. BYRD. One Democrat voted against my amendment?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 8

Mr. BYRD. Mr. President, I make another plea to my colleagues, and I speak on behalf of the American people in doing so because it is their security I am talking about. By all let this be heard, by Democrats as well as Republicans. I make this last plea to my colleagues with respect to homeland security. If they will not allow the Government to invest $5 billion to protect the lives of the American people from terrorist attacks, at least let us invest in the most obviously vulnerable segments of our infrastructure.

Now listen to me, colleagues. You are going to have to answer to the American people for your vote. Democrats are going to have to answer for their votes. Republicans are going to have to answer for their votes. You may say, well, I am ready. That is all right. You be ready. You be ready. And the record will follow you. The record will follow you.

You cannot nonchalantly say: Well, we had a caucus and we decided we would have a party-line vote; we would

stand against Senator BYRD's amendment and we would oppose all amendments, et cetera, et cetera—if that is the case. That may be OK here, but wait until the American people look at the record. It was their safety that you are compromising when you voted against this past amendment. I am surprised that we had any votes at all, at least from this side of the aisle, against that amendment. But every Senator has to answer to his own conscience and to his own people. I respect that on any Senator's part.

I will send up an amendment in due time, and I understand the time is limited on this amendment whether I send it up or not, so that is understood to start with.

In the past year and a half, this Senate, and indeed the entire Congress, have voted overwhelmingly for authorization bills that commit funds for the protection of the American people. This Senate and the entire Congress have voted overwhelmingly for authorization bills that commit funds for the protection of the American people.

In November 2001, this Senate, by a 100-to-0 vote, approved the Federal Aviation Security Act: a vote of 100 to 0. The President signed this legislation amid great fanfare—how sweet it is. Oh, it was great to pass the legislation. But despite the high-toned rhetoric, the resources to implement this act have been denied.

Last May the Senate passed the U.S. Border Security Act under an array of great speeches, noteworthy speeches. Oh, the speeches, I can hear them yet. I can hear the reverberation of those stentorian tones—the reverberations around this great Chamber and outside the Chamber as well, and other places.

The border security bill passed the Senate 97 to nothing, and the President very accommodatingly and happily signed that legislation into law. So with a flourish of the pen it became law, a flourish of the pen in the mighty hand of the chief magistrate of this country, a great flourish of the pen. Headlines in the newspaper, excellent paragraphs as to the comments that were made, worthy of keeping in our scrapbooks, may I say.

And then this past November, by a vote of 95 to 0 again—95 to zero? Where was the opposition then? A vote of 95 to zero the Senate passed the Port and Maritime Security Act, giving approval for massive investments at the Nation's seaports. And, again, the Commander in Chief—if I may use that term, if I may pluck that term out of the Constitution—the Commander in Chief signed the bill into law.

Despite these overwhelming bipartisan votes, despite the stentorian rhetoric that came from many voices that spoke as though they had lungs of brass, despite that great rhetoric that accompanied the signing of these bills, the resources have been slow in coming, to say the least. As a result, our Nation's defenses against terrorist attack have remained vulnerable—vulnerable. You better ponder that word.

I have seen more than 85 summers. More than 85 years have passed; 50 of those 85 years have been spent in the Congress of the United States. Never have I seen a Congress that has been more recreant in its duty to stand up against an executive branch that looks with utter contempt on the elected Representatives of the people in this, the legislative branch.

People downtown, many of them it seems, feel that the legislative branch is beneath the dignity of the executive branch. They have nothing but contempt for this branch.

So when this branch comes forward with recommendations as to what is needed to ensure the people's security, the executive branch turns the back of its hand to the recommendations of the legislative branch. And it has done that repeatedly, time after time, over the past year.

The fact of the matter is that the Senate Appropriations Committee in the 107th Congress did its work. It passed all 13 appropriations bills. It did so responsibly. It did so in a bipartisan fashion, in a fashion that was remarkably bipartisan. What we have before us is not merely the last year's committee-passed bills for fiscal 2003 with a nip here and a tuck there to address new budgetary circumstances. The bills that are now before us are shaped around policy completely divorced from reality.

Mr. President, the Chamber is empty. I, too, would like to be sitting somewhere. It is not easy. It is not easy to make this fight. But who cares whether it is easy or not. That is not important. I will give the last vestige of my strength to stand and speak on behalf of the security of the American people. I am putting this amendment before the Senate today, and I am asking Senators to carefully weigh the amendment on behalf of the American people. It is not easy. But never was I more willing to expend my limited energies and my frail voice on behalf of the safety of the American people than I am here today.

I know that what I am saying will fall upon deaf ears in some quarters. But the bill before us now, let me say again, was shaped around sound policy that is completely divorced from reality. If we are to be treated to speeches touting what this administration can do when it controls the Congress, perhaps we should take a close look. The most telling example of what we are in for is demonstrated in how these appropriations bills treat domestic security.

Just yesterday, two distinguished Members of this body, the senior Senator from California, Mrs. FEINSTEIN, and the senior Senator from Texas, Mrs. HUTCHISON, released a report from the General Accounting Office that examined the vulnerabilities in the Nation's air cargo system.

Let me say that again. Two distinguished Members of this body on yesterday, the senior Senator from California, Mrs. FEINSTEIN, and the senior Senator from Texas, Mrs. HUTCHISON, released a report from the General Accounting Office that examined the vulnerabilities in the Nation's air cargo system.

The GAO found that while 22 percent of the Nation's air cargo is sent on passenger aircraft, very little of that cargo is ever inspected.

Listen to that. How many Senators have ridden on cargo planes? I have. Does it make one pause to reflect upon the fact that so little of that air cargo is ever inspected?

Your life and the lives of others who ride those cargo planes are in the hands of God. He isn't getting much help from this administration, and He isn't getting much help from the Congress of the United States as reflected by this last vote, for example.

The GAO found that while 22 percent of the Nation's air cargo is sent on passenger aircraft, very little of that cargo is ever inspected.

The GAO reported that:

First, there are simply not enough safeguards in place to ensure that someone shipping air cargo under the existing protocols has taken the proper steps to protect against the use of that shipment by terrorists.

Second, cargo tampering is possible at various points where shipments transfer from company to company.

Third, air cargo handlers are not required to have criminal background checks and do not always have their identities verified.

Fourth, most cargo shipped by air is never screened.

How many more attacks, how many more warnings, how many more reports will it take before this Congress awakens, before it believes that this Nation is seriously at risk?

Instead of simply paying lipservice to the many vulnerabilities in this Nation, it is time to invest real resources to protect the American people from terrorist attack. We cannot nickel and dime the protections of American lives. Think of your own. National security requires national investments. We hear that freedom has no price. The same can be said of safety—the safety of the American people. The safety of the American people should have no pricetag.

The lessons from September 11, 2001, are clear—as clear as the noonday Sun on a cloudless sky. Terrorists live among us, and they traverse our open borders with relative ease.

We know that the enemy prefers weapons fashioned from the ordinary infrastructure of modern life—trucks, trains, planes, mail delivery, envelopes in the mail, ports, energy sources, cyberspace, spent nuclear materials, and one can go on and on. All of these, we are told, can be easily adapted to cause death, sudden death and destruction, fear and panic.

At home, our technology is deficient, with outdated computers in key government agencies unable to easily

transmit vital information back and forth.

Last April and May, in 5 days of hearings, the Senate Appropriations Committee heard testimony that indicated our adversaries could cripple the U.S. economy without great difficulty and without enormous cost. It can be done on the cheap.

The warnings have been prolific. The warnings that have come down from the various agencies of this administration have made it clear time and again that we are at great risk. This country is at great risk. With these warnings in mind and with the realization of the many gaps in our homeland security network, the men and the women of this Congress are playing Russian roulette with the safety of our people unless we take immediate steps to protect American lives and to avoid future tragedies.

I could go on and on. But Senators already know where we are vulnerable—border security, airport security, port security. We are well aware of the gaps in our protections. If we know where those gaps are—if we know where those gaps are—you can be sure that the terrorists know where those gaps are.

Further delay is unconscionable. Further delay on the part of the elected representatives of the American people is unconscionable. This is not a time for politics. We may think we can play politics. But this is not something with which we can play politics. Further delay is unconscionable.

That is why I offer an amendment that is smaller in scope and more narrowly defined than the one that was just considered by the Senate and defeated by the Senate. This amendment, which I shall shortly send to the desk, would fund the core mandates of the authorization bills which the Congress last approved and the President of the United States has signed into law. What are they? The Airport Security Act, the Border Security Act, the Seaport Security Act. Let us match the rhetoric with resources. Let us fulfill the promises that we made to provide the necessary funds when we voted for and last passed those authorization bills and when they were signed.

I urge Senators to expedite this much needed assistance for our Nation. We must not turn our backs on the efforts to bolster our weaknesses, on the effort to address our vulnerabilities, on the effort to protect American lives, the lives we say may be our own.

Now, the amendment which I am going to send to the desk shortly, I shall explain. This is the summary of the amendment.

This amendment provides $500 million for aviation security—get that, $500 million for aviation security—to implement the law signed by President Bush in November of 2001.

The amendment directs $750 million for border security to implement the law signed by President Bush in May 2002.

The amendment invests $500 million for seaport security to implement the law signed by President Bush in November 2002.

The amendment provides $850 million to State and local health professionals to implement the President's announced plan from December 2002 to vaccinate 10 million first responders and health care workers against smallpox.

Are you going to vote against that? This is your President. This is my President. This is our President. Are you going to vote against that?

Let me say it again, lest you did not hear. This amendment provides $850 million to State and local health professionals to implement the President's announced plan to vaccinate 10 million first responders and health care workers against smallpox. The President mandated that the States—including West Virginia, including New York, including California, including Alaska, including Washington, including Texas, including Florida—and local governments carry out this vaccination plan but provided no financial support to implement it.

Let me say that again. The President mandated that the States and local governments carry out this vaccination plan—we are talking about a plan to vaccinate responders, local responders, and health care workers against smallpox—the President mandated that the States and local governments carry out this vaccination plan but provided no financial support to implement it.

This amendment directs $200 million for law enforcement agencies and other first responders to address the communications conflicts that exist in their current radio systems.

How many times have we heard that the local responders—the fire department people, the law enforcement personnel—could not talk with one another? Law enforcement could not talk with firefighters. Firefighters could not talk with emergency health personnel. How many times have we heard that? How many times did we hear it during the course of those hearings last year in which both parties worked together, in a bipartisan fashion, to have the hearings, to shape the hearings, to determine who would be called, and to pass the legislation implementing the requests of the people from the local levels—the mayors, the Governors, the first responders?

So I say again, the amendment directs $200 million for law enforcement agencies and other first responders to address the communications conflicts that exist in their current radio systems.

The amendment invests $200 million for nuclear security to protect against theft of nuclear materials and to provide increased security at nuclear facilities.

Did we hear Sam Nunn? Did we hear former Senator Sam Nunn when he appeared before the Appropriations Committee in last year's hearings? Did we listen to former Senator Rudman when he appeared there before the Senate Appropriations Committee in those hearings? Senator Nunn, working with Senator LUGAR, addressed these problems. And they continue to be very concerned about the problems involved in nuclear security.

This amendment invests $200 million for nuclear security to protect against theft of nuclear material and to provide security at nuclear facilities.

Now, Mr. President, that is all I shall have to say.

I send the amendment to the desk, and I ask that it be read in its entirety so that all Senators will hear it today, not wait until tomorrow to read it in the CONGRESSIONAL RECORD.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from West Virginia (Mr. BYRD) proposes an amendment numbered 8.

At the appropriate place in the joint resolution insert the following:

DIVISION —HOMELAND SECURITY SUPPLEMENTAL APPROPRIATIONS

That, in addition to the funds provided elsewhere in this joint resolution, the following sums are appropriated, out of any money in Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, and for other purposes, namely:

CHAPTER 1

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $363,000,000, to remain available until expended, only for the Entry Exit System, to be managed by the Justice Management Division: *Provided*, That none of the funds appropriated in this Act, or in Public Law 107–117, for the Immigration and Naturalization Service's Entry Exit System may be obligated until the INS submits a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A–11; part 3; (2) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (3) is reviewed by the General Accounting Office; and (4) has been approved by the Committees on Appropriations: *Provided further*, That funds provided under this heading shall only be available for obligation and expenditure in accordance with the procedures applicable to reprogramming notifications set forth in section 605 of Public Law 107–77.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

ENFORCEMENT AND BORDER AFFAIRS

For an additional amount for ''Salaries and Expenses, Enforcement and Border Affairs'', $77,000,000, to remain available until expended, of which $25,000,000 shall be only for apprehending absconders, of which $25,000,000 shall be only for fleet management, and of which $6,250,000 shall be only for pay upgrades for Border Patrol agents and Immigration Inspectors.

CONSTRUCTION

For an additional amount for ''Construction'', $100,000,000, to remain available until expended.

OFFICE OF JUSTICE PROGRAMS

COMMUNITY ORIENTED POLICING SERVICES

For an additional amount for the Community Oriented Policing Services' Interoperable Communications Technology Program in consultation with the Office of Science and Technology within the National Institute of Justice, and the Bureau of Justice Assistance, for emergency expenses for activities related to combating terrorism by providing grants to States and localities to improve communications within, and among, law enforcement and other first responder agencies, $100,000,000, to remain available until expended.

CHAPTER 2

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For an additional amount for ''Weapons Activities'' for emergency expenses, $150,000,000: *Provided*, That $25,000,000 of the funds provided shall be available for secure transportation asset activities: *Provided further*, That $35,000,000 shall be available for construction and renovation activities at the National Center for Combating Terrorism: *Provided further*, That $90,000,000 of the funds provided shall be available to meet increased safeguard and security needs throughout the nuclear weapons complex, including at least $25,000,000 for cyber security.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

OTHER DEFENSE ACTIVITIES

For an additional amount for ''Other Defense Activities'' for emergency expenses needed to conduct critical infrastructure assessments at critical energy supply facilities nationwide, $50,000,000, to remain available until expended: *Provided*, That $25,000,000 of the funds made available shall be provided to the National Infrastructure Simulation and Analysis Center: *Provided further*, That $25,000,000 of the funds made available shall be provided to the National Energy Technology Laboratory.

CHAPTER 3

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For additional amounts for grants to state and local health departments to support activities related to immunizing first responders against smallpox, $850,000,000: *Provided*, that this amount is transferred to the Centers for Disease Control and Prevention.

CHAPTER 4

DEPARTMENT OF TRANSPORTATION

TRANSPORTATION SECURITY ADMINISTRATION

SALARIES AND EXPENSES

For additional amounts for necessary expenses of the Transportation Security Administration related to transportation security services pursuant to Public Law 107–71, $1,120,000,000, to remain available until September 30, 2004, of which not less than $500,000,000 shall be available for port security grants for the purpose of implementing the provisions of the Maritime Transportation Security Act, not less than $200,000,000 shall be available for the costs associated with the modification of airports to comply with the provisions of the Aviation and Transportation Security Act, and not less than $120,000,000 shall be available for Operation Safe Commerce.

CHAPTER 5

DEPARTMENT OF THE TREASURY

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $89,600,000, to remain available until expended; of the total, not to exceed $47,000,000 shall be available for the Container Security Initiative; not to exceed $15,000,000 shall be available for pay parity; and not to exceed $27,600,000 shall be available for northern and southern border port-of-entry infrastructure.

CHAPTER 6

INDEPENDENT AGENCIES

FEDERAL EMERGENCY MANAGEMENT AGENCY

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount for ''Emergency management planning and assistance'' for emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, $100,000,000.

This division may be cited as the ''Homeland Security Supplemental Appropriations Division'', of this joint resolution.

The PRESIDING OFFICER. Who yields time?

The Senator from Alaska.

Mr. STEVENS. Mr. President, I have not yet seen a copy of the amendment. I need to have a copy in order that I may address it.

I have a summary of the major elements of this. This is a $3 billion package as opposed to the one we just voted upon that was $5.1 billion. I am compelled to make the same statement I made before, that unless this is offset, we would not be within the guidelines of the commitment I made; that is, to take a bill to conference which does not exceed the President's total request to the Congress for the fiscal year 2003 appropriations bills.

I can hear and see that a great many of the items in this amendment are items for which we will appropriate these moneys sometime, but the Homeland Security department itself is not yet organized. The funds already contained in the Omnibus and prior year funding is sufficient to begin the first phase of the smallpox vaccination program. The border security systems, the security systems, are still in the process of being evaluated. We do have sufficient money in the bill, a substantial amount of money, as a matter of fact, in the bill to deal with those issues.

It is with a great deal of sadness that I must tell the Senator, I continue to oppose his efforts to increase the amount of money that would be available to be spent during the fiscal year 2003. I do so with great respect but with total confidence that each of these agencies has enough money to go forward. If they run into problems that are really serious, we can act expeditiously to meet them.

The goal we want to achieve now is to get the bill to conference and to get it to conference in a way that we can work out differences with the House over the total amount of money that is to be made available to the administration for these various items.

For instance, there is already $24.7 billion in this bill, the amendment I have offered, for homeland security efforts; $4.3 billion of that is for INS, $1.26 billion is for the FBI. We have $5.3 billion for the Transportation Security Administration, including an increase of $1.84 billion for that agency. There are funds for the airport security concepts. We have money for the port security concepts. Each of these items has been covered by the bill that is before us in my amendment.

I say to my friend, I cannot in good conscience support this, having opposed the same amounts of money in the larger amendment upon which we just voted.

I would hope the Senator would understand, again, what I am trying to do. I am trying to get the 11 bills to conference as a whole and to work with the House and try to come back with a bill the President will sign, if possible, this month. If it can get to the President this month, we will have this money working by February. If we don't do that and the House has to start moving single bills, the 11 bills that affect 2003, when they should be starting to move the 2004 bills, we will be more than a full year behind by the end of this year. That will be a collapse of the appropriations process. I hope we don't have to face that.

I urge the Senate to defeat amendments to add money to this Omnibus bill unless it is offset. If the offsets are valid, we will be pleased to consider such amendments.

I reserve the balance of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from West Virginia has 61 minutes remaining.

Mr. BYRD. I thank the Chair.

Mr. President, the distinguished Senator from Alaska need have no second thoughts as to where I stand. I understand the problem he has to deal with and the efforts he is making, trying to do what he sees as the right thing under the circumstances. I can understand that. I sympathize with what he says regarding offsets. But I don't believe all this defense money is offset either. I haven't heard anything about offsetting defense moneys in this amendment. Perhaps I missed something. I haven't heard anything said about offsetting defense moneys.

The $24.7 billion in the bill compares to $24.2 billion for fiscal year 2002. That is hardly a significant increase in our commitment to homeland defense.

For 50 years, I have been supporting funds for the defense of this country. For 50 years, I have been supporting the appropriations for our military men and women. So when it comes to supporting funds for the defense of this Nation, I have been at that job 50 years. I think I am doing that now. I support the moneys for defense. I consider homeland security, homeland defense as much a part of defense, the overall rubric, as anything else or more.

The defense of our homeland is No. 1, as far as I am concerned. We have a war on terrorism going on right here at home. I don't hear much about it anymore. I hear more about fighting a war in foreign lands, across the seas. I hear more about sending our men and our women away from their homes, away from the fatherland, sending them abroad to deal with an enemy that has not attacked our country.

We are sending those men and women at great cost. Are they fully prepared? I don't know. I hear that they are not fully prepared to meet and contend with biological weapons, which might be lodged against them. I understand that there is equipment—by way of protecting our troops from biological warfare—that is unaccounted for, and there is equipment that is untested.

I am not for pinching pennies when it comes to our troops. I will support those troops as they are sent across the seas by air and by water, perhaps against their own personal will, certainly at great cost to themselves personally. They give up salaries; they give up the wages of sweat and labor and work and thought; they give up those wages to go abroad, to answer to the call of a war overseas; they give up home and fireside, warm quarters at home, where they can be with their families, where they can be with their wives, children, parents; they sacrifice their own businesses—small businesses perhaps—and their own professions. I am for every penny; I am not for pinching pennies when it comes to our men and women who are sent overseas. For 50 years I have never been for pinching pennies.

I am not for wasting money. I often think of myself as the last warrior in Vietnam, the last man to come out of Vietnam. I stood at the elbows of the then-Commander in Chief, Richard Nixon. I supported him in his efforts to protect our men who were sent overseas, sent to Cambodia, sent to fight the Vietcong across the borders in Vietnam, to deal with people in the Vietcong located in Cambodia and striking our own men. I stood by the Commander in Chief in those days, and we were under a Republican administration at that time. I stood with that President, at times against my own then-majority leader. I don't know how many other Senators in this body would do that. But my credentials are pretty good when it comes to supporting and standing up for defense.

But today I am pleading on behalf of the unprotected men and women, boys and girls, in this country who may be subject to terrorist attack at any moment. I am pleading with my colleagues here on both sides of the aisle to forget politics and to vote for what is right and to vote for the security of the American people.

I am trying to support funds here for the legislation that we passed—with great fanfare—to protect the airports, to protect the ports, to protect the borders. I am fighting for funds to provide vaccinations for those first responders, the people at the local level who will possibly have to deal with biological and chemical warfare. So when you say stand up for the defense of the country, count me No. 1. I am up there first in the ranks.

Mr. President, this is not a political matter. I note that, again, the Deputy Homeland Security Adviser, Mr. Steve Abbott, wrote Senator STEVENS to strongly oppose amendments to Senator STEVENS' bill that would ''add extraneous spending.''

Well, can you imagine extraneous spending to protect our homeland? This amendment is not about politics; it is about a vulnerable nation. Any Member who has told his or her constituents that he or she will work for homeland security should vote for this amendment. Our President has signed an authorizing bill to improve port security, border security, airport security, and he has called on State and local governments to implement his smallpox vaccination plan. All right. Step up, belly up to the bar here. Let's put the money where our mouth is. This amendment funds those important programs.

Mr. President, I hope other Senators will come to the floor and speak on behalf of this amendment. I will be glad to yield to the distinguished Senator from Alaska at any time he wishes.

Mr. STEVENS. Mr. President, I inform my friend that none of the persons who spoke on the previous, similar amendment by my colleague from West Virginia wish to speak on this amendment. They have called my attention to the fact that this amendment deals with the first five items in the last amendment.

What was in the first amendment for State and local assistance to combat terrorism, the $1.406 billion has been reduced to $1.05 billion; for border security, the $1.008 billion is reduced to $750 million; for airport security, the $720 million has been reduced to $500 million; for port security, the $585 million has been reduced to $500 million; for nuclear security and energy security, the $296 million is reduced to $200 million.

In other words, the Senator's amendment takes the first five items he had in the last amendment and reduces them by a reasonable amount in an attempt to reduce its impact in terms of the budget. He has reduced it, by quick calculation, by $1.015 billion in those five areas. He also has deleted another $985 million in other categories.

I commend the Senator for being willing to come down in his request. It still amounts to a concept of offering a portion of the last amendment. Instead of the amount that would have been requested—$5 billion—the Senator now says $3 billion.

Under the circumstances, I am constrained to again say I oppose the amendment. I would like to have a vote on it. I have no requests for time on this side. I am prepared to yield back the remainder of my time.

I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). Who yields time?

Mr. BYRD. Mr. President, I yield myself whatever time I may consume. I will not be long. I think Senators ought to be aware that a vote can take place on this amendment momentarily, virtually.

Let me simply say, in closing my remarks on this amendment, I think the record is clear, and I thank my colleague, Senator STEVENS, for his having accommodated me, and those Members who may wish to speak on the previous amendment that I offered and on this amendment. He has done everything he possibly could do to accommodate us. We have not been cramped for time on these amendments. I again want to thank him for his fairness, absolute fairness.

I also want to thank the two leaders for their fairness. I thank our new Republican leader for his fairness. He has been willing to debate this matter at considerable length. I am not aware if he has pressured my colleague, Mr. STEVENS, to cut the debate short, not have the debate, to try to thwart the efforts on the part of Members on this side to call up amendments. I am not aware of any effort toward that end. I am only aware of the fact that we have been allowed ample time to debate. I have been allowed ample time to offer amendments, other Members on my side allowed to offer additional amendments dealing with education, dealing with Amtrak, and other matters involved in homeland security.

I thank Senator STEVENS again. I thank Senator FRIST. I think this is a good indication on his part that we are going to debate matters in this forum and that we are going to be allowed to call up amendments. That is what the Senate is all about. That is why we are here. That was the beauty of the Great Compromise of July 16, 1787, when it was decided there would be two bodies and that the size of one body would be determined on the basis of population, while in the other body States would speak with equality. A small State would be equal with a large State and with the largest States in our numbers here. That is what the Senate is all about.

I am glad to see that in this instance we are being allowed to work our will. The Senate is being allowed to work its will on this important matter. We have offered the amendment. We have had our say. We have not been shut off at the pass. There has not been an effort here to gag the Members. We have had our say. I do not ask for anything else. That is the Senate.

I say that to the distinguished Senator from Tennessee who now presides over this Senate with a degree of dignity and aplomb and poise that is so rare as a day in June. When I see our former colleague, our quondam colleague, Howard Baker, I want to pass along to Howard Baker a good word concerning the new Senator from Tennessee who sits in the Chair today, as

he listens. He is sitting at the desk. He is not reading newspapers. He is not reading letters. He listens to what is said. That is the appropriate role of a Presiding Officer.

Mr. President, we do not have any complaints. I am ready to have a vote. I do not think I have anything else to say at this point, so I yield the floor. I am ready for a vote.

Mr. STEVENS. Mr. President, I am prepared to yield back the remainder of my time.

Mr. BYRD. I yield back the remainder of my time.

Mr. REID. I suggest the absence of a quorum.

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

The senior assistant bill 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. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask for the yeas and nays on Senator BYRD's amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 8. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Nebraska (Mr. HAGEL) is necessarily absent.

Mr. REID. I announce that the Senator from North Dakota (Mr. CONRAD), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota (Mr. CONRAD), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) would each vote ''Aye''.

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

The result was announced—yeas 45, nays 51, as follows:

[Rollcall Vote No. 3 Leg.]

YEAS—45

Akaka	Dorgan	Levin
Baucus	Durbin	Lieberman
Bayh	Feingold	Lincoln
Biden	Feinstein	Mikulski
Bingaman	Graham (FL)	Murray
Boxer	Harkin	Nelson (FL)
Breaux	Hollings	Nelson (NE)
Byrd	Inouye	Pryor
Cantwell	Jeffords	Reed
Carper	Johnson	Reid
Clinton	Kennedy	Rockefeller
Corzine	Kohl	Sarbanes
Daschle	Landrieu	Schumer
Dayton	Lautenberg	Stabenow
Dodd	Leahy	Wyden

NAYS—51

Alexander	Bond	Campbell
Allard	Brownback	Chafee
Allen	Bunning	Chambliss
Bennett	Burns	Cochran
Coleman	Grassley	Roberts
Collins	Gregg	Santorum
Cornyn	Hatch	Sessions
Craig	Hutchison	Shelby
Crapo	Inhofe	Smith
DeWine	Kyl	Snowe
Dole	Lott	Specter
Domenici	Lugar	Stevens
Ensign	McCain	Sununu
Enzi	McConnell	Talent
Fitzgerald	Miller	Thomas
Frist	Murkowski	Voinovich
Graham (SC)	Nickles	Warner

NOT VOTING—4

Conrad	Hagel
Edwards	Kerry

The amendment (No. 8) was rejected.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I ask unanimous consent that Senator KENNEDY be recognized in order to offer an amendment relating to education; provided further that when Senator GREGG is recognized, Senator KENNEDY's amendment be temporarily set aside in order for Senator GREGG to offer a first-degree amendment relating to education; further, that no second-degree amendments be in order to the amendments prior to votes in relation to the amendments.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Reserving the right to object, is it the understanding then that the first vote will be on my amendment and the second vote will be on Senator KENNEDY's amendment?

Mr. KENNEDY. That is my understanding.

Mr. FRIST. That is the understanding.

Mr. GREGG. I do not object.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 13

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts (Mr. KENNEDY), for himself and Mr. DASCHLE, Mr. DODD, Mr. REED, Mr. BINGAMAN, Mrs. MURRAY, Mrs. CLINTON, Ms. MIKULSKI, Mr. JEFFORDS, Mr. HARKIN, and Mr. LIEBERMAN, proposes an amendment numbered 13.

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

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

The amendment is as follows:

(Purpose: To provide additional funding for education)

At the appropriate place in division G, insert the following:

TITLE ____—EDUCATION TO SECURE TOMORROW

SEC. ____. SHORT TITLE.

This title may be cited as the ''Trust in Education to Secure Tomorrow (TEST) for America's Future''.

SEC. ____. DECLARATION OF PURPOSE AND POLICY; FINDINGS.

(a) DECLARATION OF PURPOSE AND POLICY.—Congress declares the following:

(1) The security of the Nation requires the fullest development of the mental resources and technical skills of its young men and women. The present national security emergency demands that additional and more adequate educational opportunities be made available. The defense of this Nation depends upon the mastery of modern techniques developed from complex scientific principles. It depends as well upon the discovery and development of new principles, new techniques, and new knowledge.

(2) We must increase our efforts to identify and educate more of the talent of our Nation. This requires programs that will correct as rapidly as possible the existing imbalances in our educational system and will give assurance that no student of ability will be denied an opportunity for higher education because of financial need.

(3) Congress reaffirms the principle and declares that the States and local communities have and must retain control over and primary responsibility for public education. The national interest requires, however, that the Federal Government give assistance to education for programs which are important to our defense.

(4) To meet the present emergency requires additional effort at all levels of government. It is therefore the purpose of this division to provide substantial assistance in various forms to individuals, and to States and their subdivisions, in order to insure trained manpower of sufficient quality and quantity to meet the national defense needs of the United States.

(b) FINDINGS.—Congress finds the following:

(1) In fiscal year 2002, the No Child Left Behind Act of 2001 (Public Law 107–110) was funded at $22,195,000,000. The Budget of the United States Government for Fiscal Year 2003, as submitted to Congress, proposes to fund the No Child Left Behind Act of 2001 (Public Law 107–110) at $22,105,000,000.

(2) The size of the maximum Federal Pell Grant is authorized to be $5,800, but because of insufficient funding, in fiscal year 2002, the maximum Federal Pell Grant was only $4,000.

(3) State budget deficits are having a pronounced effect on State education funding and public college and university tuition.

(4) In fiscal year 1946, the share of the Federal budget dedicated to education was 10.4 percent. In fiscal year 2002, the share of the Federal budget dedicated to education was 2.5 percent. On March 23, 1994, the United States Senate unanimously resolved to increase to 10 percent by 2004 the share of the Federal budget dedicated to education.

SEC. ____. MEET THE PROMISE OF THE NO CHILD LEFT BEHIND ACT.

In addition to any amounts otherwise appropriated under this Act for part A of title I of the Elementary and Secondary Education Act of 1965, the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2003, $4,650,000,000 for carrying out such part, to remain available through September 30, 2004: *Provided*, That $2,325,000,000 of the amount of funding appropriated under this section for part A of title I of the Elementary and Secondary Education Act of 1965 shall be distributed according to section 1125 of such Act: *Provided further*, That $2,325,000,000 of the amount of funding appropriated under this section for part A of title I of the Elementary and Secondary Education Act of 1965 shall be distributed according to section 1125A of such Act.

SEC. ___. HELP FOR FAMILIES PAYING FOR COLLEGE.

(a) ADDITIONAL APPROPRIATIONS.—The following sums are appropriated, out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2003, for an additional amount for ''Student Financial Assistance'' for carrying out subpart 1 of part A of title IV of the Higher Education Act of 1965, $1,350,000,000 to remain available through September 30, 2004.

(b) MAXIMUM PELL GRANT.—Notwithstanding any other provision of this Act, the maximum Pell Grant for which a student shall be eligible during award year 2003-2004 shall be $4,500.

SEC. ___. RESTORATION OF FUNDING FOR EDUCATION.

Section 601 of Division N shall not apply with respect to programs funded under title III of Division G.

Mr. KENNEDY. Mr. President, as all of us in this Chamber understand, and perhaps those American citizens who are watching this debate do not understand, this matter that we are considering is also the instrument by which we are going to fund the support for educational programs. The amendment which we offer is directed primarily at the title I parts of the educational programs. It also has an important addition in terms of the Pell provisions which make such a difference to children who have considerable ability but lack financial support.

I wish to review very briefly where we have been in terms of the funding of education. The Federal role in the area of education has been limited but very important. It goes back to the early mid-1960s when the Congress and the President at that time made a decision that it was in the national interest to try to provide some help and assistance to the neediest and poorest children of this country, recognizing that education was a local and State responsibility. And they continue to remain the responsibilities for the localities and the States. But, nonetheless, the issue of very poor children in our society was a matter of national interest and national concern, and so we tried to fashion an educational program to provide assistance so those children would not be left out and left behind.

That was, basically, the reason for the development of the title I program in the mid-1960s.

In the 1960s, as that went through the Senate and eventually went to the House of Representatives, the formula for the implementation of that program spread those resources far and wide. Rather than being really targeted on the neediest children, it was spread among a broader area. The actual resources that went to aid the neediest children was very little, sometimes $100 or $200, but essentially small, generally speaking.

In the review of the effectiveness of title I, we have seen over a long period of time that hasn't produced the kinds of results that many of us had hoped would be achieved. We have seen a number of different steps that were taken during the Clinton administration where we had a variety of different pieces of legislation, for instance, the Goals 2000, which provides help and assistance to localities through the States. That was the legislation that helped develop the concept of standards which has been so important and embraced in the No Child Left Behind bill, with the idea that States would develop the kinds of standards they thought necessary for each grade in that particular State.

What No Child Left Behind tried to do was say these are the standards established by the States, this is the curriculum for teaching those standards, and these are the tests to try to make sure those children are learning what was intended they should learn, and then these are the supplementary services to try to help those children who are falling further behind.

That was the concept in the No Child Left Behind bill. Nonetheless, the good work of the Goals 2000 made an important downpayment.

There was also the efforts of the School-to-Work Program to assist some of the children who might have been dropping out. We have close to 500,000 children a year who drop out of school, who think they can not make it academically. This program provided help and assistance when they went from school to work. We have had strong success in a number of different areas, and continue to, even though the legislation has expired.

We had additional educational funds in the AmeriCorps and in the direct loan program to try to provide help and assistance to children in higher education—a whole range of HOPE scholarships, and lifelong learning scholarships for educational efforts during that period of time.

Nonetheless, if we look back over the focus and attention of where this institution has been in funding educational programs, it is not a strong record.

I wish to review very quickly as we put into perspective the needs of this amendment, which adds some $6 billion to the overall omnibus bill, meaning we would have $16 billion in the title I program and which effectively is what our conference committee agreed to when we reported out and accepted the No Child Left Behind bill that the President signed.

In my opening comments, looking at the figures, I mention to the body the amendment that was offered by my friends and colleagues from Connecticut and Maine. During authorization of the No Child Left Behind bill, we took the time to consider the Dodd-Collins amendment which would have provided $18 billion. That was agreed to by 79 Members of this body. It had 29 Republican votes supporting that increase of $18 billion as the total amount in title I. This is $16 billion. We are going to find out this afternoon whether there is that kind of commitment so clear from the debate and discussion and vote that we had on May 3 which provided 79 votes in favor of that, with virtually no Democrats voting in opposition to it.

Now we have a chance for real money. This is real money. That is the authorization. Now we have the chance to implement what we voted for some time ago in terms of the No Child Left Behind bill.

As we look over the last years in terms of where we are and what the record is in this body on various educational funding, the reason this is so important is that we find there has been a strong element in this body that believes there is no role whatsoever for the Federal Government in the field of education. I understand that. I respect that. I differ with it. I think most parents want to see their children learn. They want to see smaller class sizes as we have seen in recognizing the distinguished Presiding Officer's State of Tennessee which has moved to get smaller class sizes. They want well-qualified teachers. They want after-school programs to help and assist the students who are falling further behind. They want that certainly. They need that kind of a program. They want some help and assistance for limited-English-speaking students to help and assist those individuals. They want to make sure when these children, who may come from limited resources, also have an opportunity to continue their education in terms of help and assistance with either Pell grants and loan programs. They work hard during the course of the summer and they may want to take out some loans to continue their education. I think that is what the American people expect.

There should be no mistake about it. In this body, we have had a long, hard battle in getting adequate funding in education.

In considering the No Child Left Behind bill, we have a great sense of expectation for the children in this country. No Child Left Behind said to the young people in this country: We will do our best to give you a well-qualified teacher, smaller classrooms, and help and assistance when you need it. And we are going to be committed to trying to assist you to continue your education.

We put strong responsibility on the children. We put strong responsibility on the schools that if they are failing, they have to reorganize or restructure themselves or there will be action by the States. We put responsibility on the parents with the report card to inform parents how their children are performing. We have even involved the parents in a variety of educational alternatives, all of which have been recommendations and experiences which we have found to have benefited the children left behind.

We have to ask ourselves today, who is failing in meeting their responsibilities? It is right here in the Congress of the United States that we are failing the children of America. This omnibus bill is failing the children of America. With this amendment we have an opportunity to provide the kind of assistance to the children all across this

country that the No Child Left Behind bill was intended to provide.

This has been a long and continuing struggle. Many of us can remember, going back to 1995, when we had already appropriated funding in the area of education, and there was actually a rescission offered by the new Republican leadership for moneys going to education of $1.7 billion. And we were able to get $1.1 billion restored with the Democratic support.

The next year, there was a $3.9 billion reduction in the cut in the Republican House of Representatives. We, the Democrats, were able to restore $3.5 billion. It was repeated again in 1997. It was repeated again in 1998. In 1999, the Republicans authorized and appropriated $2 billion below what the President requested. And then, after tough negotiations, President Clinton was able to get the $3.6 billion. And the list goes on.

I want to bring to the attention of the Senate, and our friends who are watching this debate, these figures. This is what was actually offered by the President of the United States. In the year 2000, he asked for a $2.5 billion increase, and we stood for, with the reform, $7.7 billion.

We are going to hear a lot about increases over 2002. Let's remember theirs was $2.5 billion and this was $7.7 billion. Then, this year, they asked for $1.4 billion, which is 2.8 percent above what was asked for in the previous years.

I want to say, right at the outset of this debate, money isn't everything, but it is a pretty clear indication of a nation's priorities. That is what this debate is about: a nation's priorities. That is what the omnibus bill is about: reflecting the Nation's priorities in the amount of moneys that are going to be appropriated by the Congress and Senate of the United States. That is what this debate is all about.

When we talk about these figures, we are not just talking about dollars—hundreds of millions or billions of dollars—we are talking about making sure qualified teachers get in those classrooms. That is what money represents. It is not just spending; it is providing qualified teachers. It means smaller classrooms and afterschool programs and assistance to students with limited English.

We do not have the construction money in here that we had in the previous administration. So we effectively made a contract with the American people. We said: Look, we will pass No Child Left Behind. We had made a contract with the parents, with the students, with the States, with the local communities, and we were signatories. The President was a signatory. Every Member of this Congress, at that time, was a signatory with their vote. There were a handful of Members who voted in opposition, but those who voted in favor were signatories to that particular proposal.

So we are looking, effectively, with the report that we have before us, at an increase of $1.7 billion instead of the amount that was requested, $1.4 billion. We will hear a good deal on the floor of the Senate about what kind of increase this is, what kind of increase it isn't, that it is a large increase or that it is really just a small increase, as I have described it.

I have here the Department of Education Fiscal 2003 Budget Summary. It says on page 2: The President is requesting $50 billion in discretionary appropriations for the Department of Education, an increase of $1.4 billion or 2.8 percent over the 2002-enacted level. So 2.8 percent over the 2002 level.

That does not even take care of inflation. That is effectively a cut.

Let me show you what has happened over the previous years in education. Let me just show you what has happened over the last several years in the areas of education funding. This chart includes total education. Going back to 1997, a 16-percent increase; 1998, 12 percent; 1999, 12 percent; 2000, 6 percent; 2002, 19 percent; 2002, 16 percent.

Now, the administration's budget is at 2.8 percent—the lowest we have had over this whole period of time. This is when we have the most important education legislation before the children of America. That is wrong. That is wrong. And that is what we are attempting to address.

This is, as I mentioned, under the Department of Education, 2.8 percent. I mention this because we will hear others talk about: Oh, we have the largest increase we have seen in recent times.

Listen to this. I have here a page, which I will print in the RECORD, entitled ''Labor, Health and Human Services, Education and Related Agencies Appropriations.'' It says: ''Republican House Appropriations Staff Document Accompanying [their bill] H.R. 246.]''

If you look down at ''Total: Elementary and Secondary Education Act programs,'' there is a cut of $89.655 million. So a $90 million cut right here in the effect of their program, a $90 million cut, because their funding does not even meet the education inflationary needs.

Mr. President, I ask unanimous consent that the item to which I just referred be printed in the RECORD.

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

Labor, Health and Human Services, Education and Related Agencies Appropriations

[$ in 000s]

		FY 2002 comparable	President's budget request	House bill	Difference President's request/2002 comp.	Difference House bill/ 2002 comp.	Difference House bill President's request
Research and Statistics:							
Research	D	121,817	175,000	140,000	+53,183	+18,183	−35,000
Regional Research Laboratories	D	67,500	67,500	67,500	0	0	0
Statistics	D	85,000	95,000	95,000	+10,000	0	
Assessment:							
National Assessment	D	107,500	90,825	90,825	−16,675	−16,675	0
National Assessment Governing Board	D	4,053	4,682	4,562	+509	+509	0
Subtotal: Assessment	.....	111,553	95,387	95,387	−16,166	−16,166	0
Total: Research and Statistics	.....	385,870	432,887	397,887	+47,017	+12,017	−35,000
Multi-year Grants and Contracts	D	58,000	0	0	−58,000	−58,000	0
Total: ERSI	.....	443,870	432,887	387,887	−10,983	−45,983	−35,000
Departmental Management:							
Program Administration	D	418,798	411,795	411,754	−7,003	−7,003	0
Office for Civil Rights	D	79,666	86,276	86,276	+6,610	+6,610	0
Office of the Inspector General	D	38,588	41,000	41,000	+2,412	+2,412	0
Total: Departmental Management	.....	537,052	539,071	539,071	+2,019	+2,019	0
Student Aid Administration:							
Administrative Costs	D	0	932,000	105,388	+932,000	+105,388	−826,612
Federal Direct Student Loan Reclassification (Legislative proposal)	D	0	−795,000	0	−795,000	0	+795,000
Total: Elementary and Secondary Education Act programs	.....	22,222,794	22,133,139	22,292,239	−89,655	+69,445	+159,100
Total: Departmental of Education	.....	52,416,982	52,843,371	52,843,371	+426,389	+426,389	0
Current Year	.....	37,405,681	37,832,070	37,832,070	+426,389	+426,389	0
FY04	.....	15,011,301	15,011,301	15,011,301	0	0	0
Related Agencies:							
Armed Forces Retirement Home:.							

Labor, Health and Human Services, Education and Related Agencies Appropriations—Continued

[$ in 000s]

		FY 2002 comparable	President's budget request	House bill	Difference President's request/2002 comp.	Difference House bill/ 2002 comp.	Difference House bill President's request
Operations and Maintenance	D	61,628	61,628	61,628	0	0	
Capital Program	D	9,812	5,712	5,712	−4,100	−4,100	0

Note.—This document is an unofficial staff description of Appropriations Committee activities.

Mr. KENNEDY. Mr. President, this is all against a background of what is happening out there in the States. Six months ago, we thought the States had about a $45 billion shortfall; now the best estimates are $90 billion. A conservative estimate is that a third of those budgets are education budgets, divided between higher education and elementary and secondary education. But that is $30 billion that is going to be withdrawn from the States in terms of education.

We have an administration program which is effectively cutting back on the title I at the same time that we are considering the largest tax reduction in the history of the country—$670 billion now over the next 10 years. When you add on the costs of carrying that out, another $300 billion. So it is close to $1 trillion. And the administration cannot find $16 billion out of that $640 billion tax cut, much of it going to the wealthiest individuals in this country, to say: Let's invest in what America was proud of when the President of the United States signed the No Child Left Behind bill.

How do you explain that? How do you explain that to parents in this country? How do you explain that? This is an institution of choices. We have choices. We have choices here this afternoon. And we have the recognition, when all is said and done, that this proposal before the Senate of the United States is $10 billion less than what was generally agreed to in the last Congress by Republicans and Democrats, reflected in a vote of 59 Senators but agreed to as being the target figure for the appropriators.

This bill is $10 billion less. Republicans voted for that higher number. I am not asking to exceed it. I am just saying, instead of $10 billion, let's fund education including title I programs and the Pell grants and use up $6 of that $10 billion, which would move us a little closer to what we voted for.

Is that so irresponsible? Is that so outrageous, when we have the kind of need and opportunity taking place all across the country? This is a matter of enormous importance to the children.

I see my colleagues on the floor who want to speak. Let me wind up this phase quickly.

We know that the earlier the intervention in terms of children, the better the opportunity that they will have a successful education. We are not talking here about early education, which I hope later in the session we will be able to address in a bipartisan way. Hopefully we will. But all of the Academy of Science's studies show that early education is absolutely crucial in terms of children. And that is effectively what the title I program is all about, trying to intervene in the early years.

We have tried to coordinate the Head Start Program with the first year of education training and with the title I. We have made efforts and we will make more of an effort this year on reauthorization. We tried in the last Congress, with the last reauthorization, increasing and enhancing the quality of the Head Start Program, and we are going to try and bring this into greater conformity in the course of this year. But all of our efforts are going to be weakened dramatically if we are going to fail to meet even our minimum responsibilities to the children by investing and restoring this kind of commitment.

The amendment which we offer today will invest $16 million in the title I program. It was passed overwhelmingly, in a bipartisan way, on the reauthorization. I am hopeful we can have bipartisan effort when we vote later in the afternoon. By doing so, we will live up to our commitment and meet our responsibility in the contract of No Child Left Behind.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I note the presence of several of my colleagues. I will not take long.

I commend our friend and colleague from Massachusetts for offering this amendment. He mentioned at the close of his remarks how this body in the previous Congress had voted some $16 billion in authorization moneys for title I. That amendment was offered by myself and my colleague from the State of Maine, Senator COLLINS. We received 79 votes on that amendment, a recorded vote, supporting the $16 billion figure to authorize the title I funds.

What we are doing here today with this amendment is merely trying to confirm once again the Senate's commitment in the previous Congress to that dollar amount. My colleague from Massachusetts has laid out the substantive arguments—in fact, even gone back and reminded us of the history of our efforts to try and get additional funding for the critical area of elementary and secondary education. I rise to support this effort and hope once again for the same spirit that imbued this body only a Congress ago, when 79 of us thought this was so important we ought to support the authorization figure of $16 billion. You now have an opportunity, albeit a bit late, but nonetheless an opportunity to reconfirm the commitment made by most of us to that dollar amount.

We have all heard the language and the rhetoric over the last several years about leaving no child behind. Nothing could be more important to the well-being of this country than to see to it that we make the necessary investments our children will absolutely need if they are going to have the quality of education necessary to maximize their potential in the 21st century. I can't think of a better way to begin that effort than by providing the resources necessary.

We have already seen the budget cuts, some $4.6 billion short of the promise made when the President signed into law the $16 billion authorization level. Yet hardly before the ink was dry on that commitment we saw the cuts come in. How many of us remember the President traveling around the country, celebrating this major first initiative of his administration, proud of the fact he had built bipartisan support for dealing with the educational needs of America's children. What a great irony to find ourselves back here in this Congress arguing with the administration about restoring some funds to a program that was so highly celebrated by them.

This is an issue that should not divide Americans by ideology or party or partisanship. I do not know of a single citizen who believes we can continue to prosper and grow as a people while simultaneously depriving the youngest of our citizens the opportunity to acquire the skills necessary to do what will have to be done to make us a strong and prosperous Nation in the 21st century.

We all know how painfully difficult it is to provide that opportunity of education today at the local level, with property taxes being the major source of funding for educational needs, and in some areas State budgets also contribute. It is incredible to me that we contribute less than 2 percent of the entire Federal budget to the elementary and secondary educational needs of our students. About 6 cents on the education dollar comes from the national Government, and the overwhelming burden falls on local property taxpayers.

We have been debating the issue of affirmative action and the President's decision yesterday to oppose the plan at the University of Michigan. I will find another moment and time to address that issue head on. But let me suggest to the President and others, if you want to know why there is a need for affirmative action, you merely have

to look at how we spend money when it comes to elementary and secondary education and on title I. If you are wondering why a child entering college may need some further consideration when it comes to accepting them or rejecting them to a higher educational opportunity, consider what we do at the earliest stages of their educational development.

In most States in this country, if you go to the inner city urban schools, you will find that 35 or 36 percent of the teachers are not certified to teach the course the children are taking; whereas Statewide, in the more affluent communities, those numbers are dramatically lower.

We should be doing everything we can. If you want to eliminate affirmative action, then you better begin here with the amendment offered by the Senator from Massachusetts, to make it possible for every child to have an equal opportunity to learn. Today, given the disparities in our communities based on the wealth, the poverty, or affluence of those communities increases the likelihood of an educational opportunity. It should not be a question of where you were born as to whether you will have a right or an opportunity to succeed. We ought to be doing everything we can to see to it that every child, regardless of the circumstances of their birth, will have an opportunity to achieve to their maximum potential.

We bear no responsibility to guarantee success. We bear every responsibility to see to it that there is an opportunity to succeed or fail. That is all we are trying to do in this one area of title I and Pell grants which the Senator rightly has added to the amendment.

I can't recall a prouder day in the last Congress than when we stood here, 79 of us, and Senator COLLINS and I offered that amendment.

Many thought we could not pass it. But 79 of us here said we ought to do this on title I. I hope the Members who cast the vote that day, as they walk into this Chamber in the coming hour or 2, will recall how they felt when they actually voted to see to it that we maximize the dollars necessary to support this critically important program and cast a ballot again today in this Congress to see that we have full funding for title I and the necessary dollars to support the Pell Grant Program, which will make it possible for children of modest means to achieve a higher education which, in the absence of this amendment, would be difficult to do.

This is important to children at both the elementary and secondary school levels. It is important to the security of America. Our security is directly linked to the wellness and ability of our children to acquire the educational skills they will need. This is a national security issue, not just an education issue. I look forward to supporting this amendment when the vote occurs.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I also want to speak in favor of the amendment my colleague from Massachusetts, Senator KENNEDY, has offered. I commend him and Senator HARKIN, in particular, for the leadership they have shown in trying to maintain an adequate level of funding for education. I am proud to be a cosponsor of this amendment and the amendment Senator HARKIN will offer later today.

The pending omnibus appropriations bill we are debating on the floor is woefully inadequate when it comes to funding education. Senator KENNEDY and Senator DODD have just pointed out that last year, with great acclaim, we passed the No Child Left Behind Act, and I supported that. I believe there are accountability provisions in that act that will move us in the way of implementing major changes in our educational system and will bring us a long way toward ensuring equal educational opportunity for all children in this country.

What we were starting to do with that act, as I understood it, was to work in partnership with States and local governments to see this improvement occur, and part of that partnership was that we would help provide resources to the schools and the teachers so that those children could succeed.

The President's budget abandoned that effort. This bill that we have on the floor today—although it is slightly better than the President's budget—also abandons the promise to leave no child behind.

Like the President's budget, the pending bill underfunds the No Child Left Behind Act by several billion dollars. I do think the context is important here. The context is the one to which Senator KENNEDY referred. We are being urged as a Congress and a nation to embrace some $660 billion or $670 billion worth of new tax cuts. At the same time, we are being told now there is not enough money to adequately fund the No Child Left Behind Act: We cannot make good on the promise that we made when we passed that act because we cannot afford it, but, by the way, why don't you speed up and pass this $660 billion tax bill, which is really focused on assisting those who are the best off in our society.

So you have an interesting juxtaposition, where tax cuts are targeted at the wealthiest versus having adequate funding for programs to benefit our most disadvantaged children. That is the choice we are going to have to make in the Senate this afternoon.

Unlike the President's budget, this bill has a small increase for programs authorized in the No Child Left Behind Act—an increase of $400 million. But that funding level will mean a significant cut in services because of expected inflation. Inflation is not going to be much; it is expected to be 1.8 percent. But even with that, we are not providing the funds to make up for it. The only significant increases for education in the bill are a billion dollars for title I and a billion dollars for IDEA.

This bill—like the President's budget—makes those increases at the expense of other very crucial programs. In addition, even with the increase for title I—the program targeted on districts and schools with large numbers of our most disadvantaged students—in this bill, the program is $4.6 billion short of the levels agreed to on a bipartisan basis when we passed the No Child Left Behind Act.

The proposed funding level will not be sufficient to keep pace with the growth in child poverty. It will mean that over 6 million poor children will in fact be left behind.

If we truly intend to leave no child behind, then education funding, particularly targeted at this group of disadvantaged children, needs to be our top priority.

The increase for IDEA is also insufficient. I am sure people will come to the floor today and say, no, we are increasing IDEA. At the rate of increase provided for in the underlying bill today, it will only take us 33 more years to get to the level we promised the Federal Government achieve when we enacted that program. That is covering 40 percent of the cost of that program. So the funding level in this year's bill is a mere 17 percent of those costs.

The pending amendment would go a long way toward ensuring that no child, in fact, will be left behind. If Senator KENNEDY's amendment prevails—which I hope it will—we will have over 2 million more needy children who will be fully served by the title I program. It will provide sufficient funding to hire 50,000 fully qualified new teachers. It will provide after-school opportunities for a million more children. Every one of the 10,000 schools currently identified as not meeting the standards provided in the No Child Left Behind Act will be able to implement research-based school reform models. There are 200,000 college students nationally who will be able to receive a Pell grant to defray the cost of college. So this amendment can make a great difference.

Let me give a few statistics about my home State of New Mexico, and then I will yield to my colleagues who also wish to speak on this important amendment.

This amendment will provide the Albuquerque Public Schools $9.8 million in increased funding. In my home State, we will receive approximately $54 million under this amendment; 1,400 more college students will be eligible for a Pell grant in New Mexico and over 42,000 grant recipients will receive a substantial increase.

This is an important amendment for my State, and it is an important

amendment for all the schoolchildren in the country. I urge my colleagues to support the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I also come to the floor to support the extremely important amendment offered by the Senator from Massachusetts, which is offered to ensure that all students get the educational resources they deserve.

This amendment funds title I at the level we agreed to when we passed the No Child Left Behind Act and increases Pell grants so we can help more low-income students afford college. This is the minimum investment we need to make if we truly are going to leave no child behind.

Leaving no child behind is a noble goal, one that we all endorse. But it is a travesty to use the mantra of the Children's Defense Fund as a cover for policies and budgets that hurt rather than help American students. Make no mistake, the bill before us, based on the President's budget, will leave students behind.

I find it particularly incredible that at the same time the President and his friends in Congress are pushing for a $674 billion tax cut, they are insisting that we provide less money for the education of our children.

Look at title I. Title I pays for things such as books, teachers, tutoring, and preschool for our most needy students. The President and his party are saying that we can no longer afford the $1.5 billion increase slated for title I last year, yet we can afford to give $20 billion to 226,000 millionaires.

One year ago, when we passed the No Child Left Behind Act, we agreed on new sweeping requirements and mandates. We also agreed that title I would need to be funded at $16 billion this year for schools to meet those requirements. America's students and their parents have entrusted us with their future. We cannot turn our backs on them and say we have done our part by setting high standards and creating tough accountability, and the rest is up to you—even if you are trying to learn in overcrowded classrooms or from unqualified teachers or you are coping with crumbling school buildings. That is what they are really saying.

Last week, the President celebrated the 1-year anniversary of the No Child Left Behind Act by calling it the most meaningful education reform probably ever. But that reform had two parts. On the one hand, it called for higher standards and accountability, and on the other hand it promised more investment so schools could make progress.

My good friend, Senator Paul Wellstone, spent many hours on this floor reminding all of us that the so-called No Child Left Behind Act would, at best, be a sham and, at worst, a serious blow to the public school students of our country if it was funded on a tin cup budget. I fear this appropriations bill will prove him right.

By providing only an inflationary increase in education funding while significantly raising the demands on our schools, we have reduced America's students to begging for the Government's spare change to finance their future.

Setting a high bar is important, but setting a high bar and failing to give kids the resources to succeed is just setting them up for failure.

The appropriations bill before us offers the smallest increase in education funding in 7 years. It freezes the State grants that reduced class size and improved teacher quality and, as a result, no new teachers will be hired and fewer teachers will get professional development.

This bill does not fully fund our share of special education costs, failing yet again to fulfill that commitment to our communities, our schools, and our disabled students. And it falls far short of title I funding we included in the No Child Left Behind Act because we knew it was necessary to help our students succeed.

We know what the needs are. We know what works to help our children succeed. And we also know that making college affordable is critical to helping students succeed and to helping our economy grow. Senate Democrats have worked to increase funding for Pell grants. In fiscal year 2002, while the Bush administration proposed no increase in Pell grants, Senate Democrats increased the top limit from $3,750 per year to $4,000 per year.

Again this year, the President proposed no increase in Pell grants. It is a good step that this bill includes a small increase for Pell grants, but it is not nearly enough to meet the rapidly rising needs. In my home State of Washington, our legislature cut $1.6 billion out of their budget last year. This year they are suffering from even deeper economic stress, and they need to cut an additional $2.5 billion. A result of that is tuition at our public colleges and universities increased 12 to 16 percent this year, and we could be looking at similar increases next year. I am really worried that students will look at that increase in tuition, see no significant increase in Federal aid, and decide they cannot afford to go to college.

One of the most important things we can do to ensure a safe and secure future is to help educate our young people. We know a college degree means on average an additional $20,000 a year for men and an additional $15,000 a year for women. Given today's global-based economy, the gap in earnings between those Americans who have a college degree and those who only have a high school degree is likely to grow. Ensuring that our young people have the resources to go to college is a critical national priority.

Putting America's future first means putting our children's education first. But the sad truth is that this appropriations bill shortchanges all of America's students. We have spent so much time talking about how we can hold teachers, administrators, and parents accountable for doing their jobs well. I think we ought to focus on how well we are doing our job, and that means making good choices for our children and investing in their futures.

At a time when we are and should be demanding more than ever from our schools, we must not slow down the Federal investments in our schools. We must not abandon our commitment to help reduce class sizes and provide quality teachers. We must not continue to shirk our responsibility to disadvantaged students.

The Republican bill freezes our progress. That is why we have offered this amendment. That is why Senator KENNEDY has offered this amendment: To provide the resources that parents, teachers, and students need.

This amendment will ensure more children start school ready to learn. It can help children learn in smaller, well disciplined classes by hiring 50,000 fully qualified teachers so we can reduce the size of classes. It will help our local districts that are badly in need of help right now to ensure there is a high quality teacher in every classroom. It could allow communities to offer more afterschool programs to keep 1 million additional latchkey children safe and learning, and it would help more Americans afford college at this critical time.

Mr. KENNEDY. Will the Senator yield on that point?

Mrs. MURRAY. I will be happy to yield.

Mr. KENNEDY. I was listening to the Senator. I see my colleagues who have not spoken. I will only take a minute.

I was listening to the Senator talk about opportunities for young children to go to college. I have here a chart which indicates the average requested increase during the Clinton years was $167. Last year, the Bush request was $100 in Pell grants. The Congress raised that to $250. This year it is zero. In the matter before us, this amendment raises it by $500. I want the Senator to know, as she talks about higher education, the administration request was zero. Last year it was $100, and we raised it to $250.

If this amendment is successful, it will be $500. There will be 200,000 new Pell grant recipients, 4.5 million college students with Pell grants that on average are $300 higher, and it hikes the maximum Pell grant to these needy students by $500.

As she was talking about the importance of higher education, after being the leader in this body on the issue of smaller class size and qualified teachers over the years, and I believe the only former member of a school board, as well as a teacher, it is wise that our colleagues listen to the Senator from the State of Washington.

Mrs. MURRAY. The Senator from Massachusetts is absolutely correct.

On his point on the Pell grants, I remind us again that our States are suffering severe budget crises. Some people estimate as much as a $100 billion shortfall in our State legislative budget this year. Those State legislatures are going to have to look toward increasing revenue in their States at this difficult time because they have to balance their budget. Many of those States will do as my State has done—raise college tuition. At the same time, if we do not have Pell grants available to students under this appropriations bill presented to us, we are going to have kids say: I cannot afford to go to college. That is the wrong message for our students at this time in our Nation's history.

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

Mrs. MURRAY. I will be happy to yield.

Mr. SARBANES. It is my understanding in some schools they are cutting back the school week from 5 days to 4 days because they have inadequate resources.

Mrs. MURRAY. The Senator is correct. Many State legislatures are looking to cut back the school week because of lack of resources for education at this time because of the effects of the economy.

Mr. SARBANES. Would the Senator agree with me that you cannot give meaning to the Leave No Child Behind legislation, which not only did the President sign but made a great to-do about signing it? He traveled around the country and said this was his commitment to education, but you cannot make a reality out of what that legislation contains if you do not provide the resources with which to carry it out. Would that not be the case?

Mrs. MURRAY. The Senator from Maryland makes an absolutely critical point. He knows as well as I do that we sincerely miss Senator Paul Wellstone who I know would be sitting next to Senator TED KENNEDY—actually, he would be roaming up and down this aisle saying: I told all of you this No Child Left Behind hype is a sham if we do not provide the resources. Providing accountability on one hand and not providing resources on the other hand says we only did half what we promised.

Mr. SARBANES. What does the distinguished Senator from Washington make of the contrast that the President, while not providing the resources to carry through on the promises contained in the Leave No Child Behind legislation, is pushing very hard in every way he possibly can for a tax cut for very wealthy people, what I have characterized as the ''leave no millionaire behind'' legislation?

So the sense of priorities from the administration is that they are determined to try to get this tax cut to benefit the very wealthy so no millionaire is left behind, at the same time that they are failing to provide the resources in order to deliver on the Leave No Child Behind. These connections must be made.

There is a tendency to look at the tax side as though it is somehow something separate, but the fact is, the President wants to commit scarce resources, given our fiscal position, to the tax cut to benefit the very wealthy at the same time that he is unwilling to commit the resources in order to fund the educational programs.

Mrs. MURRAY. The Senator from Maryland is absolutely correct. The President is asking for a $674 billion tax cut that essentially means we can no longer afford the $1.5 billion increase to title I funds that we promised in No Child Left Behind at the same time he is giving 226,000 millionaires a $20 billion tax cut.

Mr. SARBANES. Absolutely.

Mr. KENNEDY. On this point, will the Senator give a reaction to this particular chart? This chart provides a tax cut for the top 1 percent versus the Leave No Child Behind. This is the point the Senator from Maryland made so eloquently. That amounts to a $180 billion tax cut for the top 1 percent versus No Child Left Behind.

Mr. SARBANES. That is the top 1 percent of the income and wealth scale; is that correct?

Mr. KENNEDY. The Senator is correct.

Now, this is the choice for the Senate. We can fully fund No Child Left Behind, reach the 10.8 million children all across this country; we can provide for universal afterschool programs, provide the needed resources to assist those children who need the extra help and assistance in afterschool programs. We can make sure there is a qualified teacher in every title I classroom in America, and provide help and assistance for the English instruction to every LEP child, every child who needs language training in English.

We have the alternative of funding the tax cut for the 1 percent, the wealthiest individuals, or all of these items of the No Child Left Behind. That is the choice the Senator from the State of Washington has posed to this body and that the Senator from Maryland has underlined, and I think it is important that our colleagues and the American people understand what this debate is all about.

Mrs. MURRAY. The Senator from Massachusetts is correct, and I appreciate the comments of the Senator from Maryland. I think we should ask the millionaires in this country whether they want the tax cut or whether they would prefer to see no child left behind. My guess is many of them would prefer to make sure that the generation that follows them has the same opportunities they have had in this country.

Mr. SARBANES. If the Senator would yield, hopefully many of them would be sufficiently enlightened to perceive that by strengthening our society through implementing the Leave No Child—actually, this goes beyond implementing the legislation because it sets out other priorities that we can accomplish to succeed in strengthening our society to the benefit of everyone. It is a clear choice of priorities, what we are going to put first.

I think most of the American people would put education first, recognizing that it not only benefits the students who gain the education but benefits the society generally. We all draw a benefit from having a well-educated society with people who are able to work to the very limits of their capacities.

Mrs. MURRAY. I thank the Senator from Maryland for his comments because I think they are essential to this debate. I also thank the Senator from Massachusetts.

Mr. KENNEDY. Will the Senator yield for one more observation and indicate whether she agrees, and I hope I have the attention of the Senator from Maryland.

I will read these words. It will take less than a minute.

> The security of the Nation requires the fullest development of the mental resources and technical skills of its young men and women. The present national security emergency demands that additional and more adequate educational opportunities be made available. The defense of this Nation depends upon the mastery of modern techniques developed from complex scientific principles. It depends as well upon the discovery and development of new principles, new techniques, and new knowledge.
>
> We must increase our efforts to identify and educate more of the talent of our Nation.

That was President Dwight Eisenhower in 1958. Those words are the same words that we need today when we are talking about the defense of our country as well, and that had virtually unanimous support in this body at that time in 1958. That is the same principle we are trying to support with this amendment today.

Mr. SARBANES. Absolutely.

Mrs. MURRAY. I thank the Senator from Massachusetts for that statement as well.

As I finish my statement, and I know the Senator from Iowa also wants to speak, I think we have to ask ourselves are we going to let our kids go to school in overcrowded classrooms in crumbling school buildings with underpaid and inadequately prepared teachers or are we going to rise to the occasion and make the choices to invest in our children's futures?

We know what the needs are out there. We know what helps our kids succeed. We need Members of Congress to stand up and put the money where their mouths are.

Parents, teachers, students, and community leaders are saying do not just talk about the importance of education funding, make the tough choices to show the American public that education is truly a priority, and that means giving our local school districts the resources they need to provide a first-rate education to every student in this country by supporting this amendment.

I urge the millionaires in this country who are looking at a tax cut to let this Congress know that the education of the next generation, the possibility of creating future millionaires, is far more important than the tax cut they have been promised by this administration. I urge my colleagues to vote yes on this extremely important amendment that will benefit our children and grandchildren and their future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, first, I thank the Senator from Massachusetts for his great leadership on this specific item, but also his great leadership on all issues concerning education, both in this Congress and in Congresses of the last 25 or 30 years.

This amendment is one that is needed to meet the barest of needs of this country in terms of educating our children and making sure we live up to the commitments we made a year ago when the President signed into law the Leave No Child Behind Act.

It is time to stop talking about a commitment to education and start proving it. All across my State of Iowa, all over the Nation, teachers, principals, and parents are deeply worried about this new education law. They are on edge not because they are afraid of accountability—teachers and parents want their schools to be held accountable—but they are on edge because they are afraid the Government is going to come in and label their schools a failure without giving them the resources they need to succeed.

People all over this country are now beginning to see this law for what it is: an unfunded Federal mandate. President Bush keeps saying that schools do not need more money. His attitude is more tests are needed, more unfunded mandates; the schools do not need more money.

Well, it is a funny thing about money. It sure comes in handy when tax cuts are being given to the rich. When it comes to tax breaks for millionaires, why, money seems like a pretty nice thing to have, according to this White House. But when it comes to education, President Bush's education plan sounds more like that old beer ad, the Miller Lite ad: Great tests, less funding. In essence, what it is all about is priorities, President Bush's priority, as we have seen now, is leave no millionaire behind.

Instead of focusing on dividends for millionaires, we should be focusing on making sure our kids can multiply and divide. If we really want to do something that will pay dividends for our country, we need to invest in our children.

No one in this Chamber thinks money is the only answer to improving schools. We all can come up with examples and instances of chasing bad money with good in education. But it takes money to hire a highly qualified teacher. In fact, I submit that what we are seeing happening in education in America today is what I call ''finally the education system is meeting the marketplace.'' More and more of our teachers are finding they can make a better living doing something else than what they went to school for and were trained for. That is why we have so many teachers leaving education after two or three years, because the market in the private sector will pay them more for their skills and their learning than they can get in education.

In my time, when I was in elementary school and high school, perhaps even college, there were not that many opportunities for a lot of the people who were teachers. Most of the teachers in those days were women. Women did not have access openings. You could be a teacher or a nurse and that was about it. Thankfully this country, through various Civil Rights Acts, now has a society where an American woman can become anything she wants. So we have women who are lawyers, doctors, Senators and Congresspeople, truck drivers and welders, and everything else. Therefore, we do not get the teacher on the cheap anymore like we did when I was younger. If you want a good, qualified teacher, you have to pay the money. There is no way around it.

If we want to reduce class sizes so kids can learn better and have a better learning environment, that takes some money. If we want to send a poor middle-class kid to college, that also takes some money. If we want to fix up our broken-down school buildings—the average age is almost 50 years old—and get the new technologies in the classroom, that is not free. That costs some money.

President Bush does not want to face that fact. As soon as he signed the No Child Left Behind Act, he walked away from the job of improving our schools. Take a look at this chart. There seem to be mistakes made on the Senate floor a week ago by my friend from New Hampshire. I thought I might correct the RECORD. About a week ago, I was on the floor talking about how the President actually cut funding for Leave No Child Behind. Secretary Paige said that was not true, and the Senator from New Hampshire, in the RECORD of January 10, also said Senator KENNEDY and Senator HARKIN had it wrong and that it was not cut. Just get the executive branch budget book, what he requested in funding for this year. In fiscal year 2002 we put $22.195 billion into the programs authorized by the No Child Left Behind Act. The President's request in the budget for this year was $22.105, a $90 million cut. One might say that is not much. All right, it is not, but my point is that right after signing the Leave No Child Behind Act the President submits his budget to this Congress and actually cuts the programs authorized by No Child Left Behind Act.

The Senator from New Hampshire last week was talking about $90 million from earmarked programs, which he says is not working to begin with, which has virtually no purpose other than to fund special interest activities which is worth $90 million. The fact is there were 25 programs authorized by the No Child Left Behind Act.

For instance, rural education in fiscal year 2003 was $162 million. This is part of No Child Left Behind. We do not want to leave rural kids behind. It is part of the bill. For this year, President Bush zeroed it out. He requested zero dollars for rural education. School counselors, $32 million in the previous year—this is the previous year before we had No Child Left Behind. These were specifically authorized by No Child Left Behind. These are not earmarked programs, not in the least. These are authorized under the heading of No Child Left Behind Act. Dropout prevention; $11 million to zero for gifted and talented. Zeroed it out. The national writing project, of which I know the Senator from Mississippi has been supportive, $14 million before, is zeroed out. This is just a partial list of the 25 that were cut—either zeroed out or cut—under the President's budget.

Again, we in Congress in both the Senate and the House did not follow President Bush's lead. We put money back into these programs. The fact is the money we put in is now cut out by the appropriations bill we have before us in the Senate. The amendment offered by Senator KENNEDY puts that money back in. President Bush requested this $22.105 billion for all of the programs under No Child Left Behind, less than what we had the year before. Our Appropriations Committee last year bumped that up to $24.512 billion. Every Republican on the Appropriations Committee voted for that. It passed unanimously. The bill before the Senate today cuts that back down to $22.65 billion. The amendment offered by Senator KENNEDY, of which I am a cosponsor and many others are, brings that back up to over $27 billion, to meet the minimal requirements of what we need around the country to support No Child Left Behind.

The real question is, Are we going to do it? The President, we know, says, no, we do not have to. Now we are fighting to make sure we live up to our promise we made just 1 year ago when the President signed No Child Left Behind. As this chart demonstrates, President Bush's request for this year for education was the lowest, 2.8 percent, of the last 7 years. One might say you could live with that but for the fact a year ago the President signed into law No Child Left Behind, touted it widely, said it is a new era in education, and we are not going to leave kids behind, and then sends Congress a bill that gives us the lowest increase in education in 7 years.

I suppose maybe the President and others might say we will leave it up to the States and local schools. They just got hit with the biggest Federal mandate in education in over 30 years at

the same time they are facing the worst fiscal crisis they have had since World War II.

Again, why am I spending so much time talking about funding? I suppose I will be accused of saying money is the answer to education. That is not it at all. I support accountability. I support making sure parents of all kids, including poor kids, get a report card and know how their kids are doing so they can hold their schools accountable. I support the law. I voted for it. But I voted for it because there were representations made to us by this administration that they were going to back it. In fact, they walked away from it.

I read this weekend that schools in Portland, or may have to cut 24 days from the school year because they have run out of money. More than 100 school districts in 7 States have switched to a 4-day week during this school year because they are out of money.

If students are not in class, they are not going to reach the standards we set for them in No Child Left Behind. Right now, the Federal Government is leaving behind 6.2 million students who are not being fully served by the title I program, the main Federal program for educating disadvantaged students. That is what the Kennedy amendment will do, get these title I students back to where we make sure we meet the needs of these title I students. Only 4.1 million out of the 10.3 million needy students are getting the services for which they are eligible.

Mr. KENNEDY. Will the Senator yield on that point?

Mr. HARKIN. I am glad to yield to the Senator.

Mr. KENNEDY. As the Senator remembers, the legislation actually is a guarantee that all of those children, the whole 10 million, will reach what we call proficiency.

Mr. HARKIN. That's right.

Mr. KENNEDY. That means they will have the basic kinds of educational skills over a 12-year period. That was the national goal. That is what had the support of the President, Republicans, and Democrats alike.

Can the Senator possibly explain how we are ever going to have those 6 million begin to even reach proficiency when, year after year, they are left out of any kind of coverage, any help—a qualified teacher, smaller classroom with supplementary services, which is guaranteed in the legislation?

Mr. HARKIN. I respond to the Senator, it is a promise delayed. We promise these kids and their families we are not going to leave them behind, that they are going to have good teachers, good education—but not these kids, not this year, maybe not even next year but sometime in the distant future. But in the distant future these kids will be out of school and they will be ill-educated. They will not be fully productive members of our society. A day lost in education today is a day you cannot make up. A year lost to these students is a year that cannot be made up. That is why we have to put this money back, to make sure we meet our commitments.

The bill before us would add just 289,000 students. We have 4.1 million out of 10.3 million needy students. The Republican bill would only add 289,000 students to that total. That does not even keep pace with the growing number of needy students in this country. They are falling backwards.

This amendment would make it possible to serve another 2 million students—not 289,000 students, 2 million students—by funding title I at $16 billion. That is the level we committed to, if I am not mistaken, in the bill last year.

Mr. KENNEDY. That's right.

Mr. HARKIN. I ask the Senator from Massachusetts, is that not the level to which we committed?

Mr. KENNEDY. That is the figure that came out of the conference. That is the figure the President agreed to and signed to. That, actually, is $2 billion less than was voted on by 79 Members of the Senate in the Dodd-Collins amendment, which would have added $18 billion. This is $16 billion. That's what came out of the conference.

Mr. HARKIN. That's right.

Mr. KENNEDY. So the Senator is absolutely correct.

Mr. HARKIN. I thank the Senator. Last year this Senate voted, 79 Senators voted to increase title I by even more than what Senator KENNEDY has proposed in his amendment. We will see how they vote today.

There is one other aspect of this amendment, too, to which I just want to address myself. It addresses the needs of students who cannot afford to go to college. This amendment would add $1.35 billion to the Pell Grant Program, which would make it possible to increase the maximum grant award from $4,000 to $4,500. Pell grants are the key program for making sure that poor and middle class students have the same opportunity to attend college as our wealthy students. Pell grants buy a lot less than they used to. In 1976 the maximum Pell grant award paid for 84 percent of the average 4-year public college tuition. Last year it paid for half of that, just 42 percent. So we have fallen far behind in Pell grants.

With the economy still in a rut, more people laid off, more unemployment, two things are going to happen. More students would like to go to college, to fine-tune their job skills and enhance their careers. Second, more and more families will fall below the eligibility line. So kids who may not have qualified for Pell grants in the past will now qualify because their parents are unemployed, or not employed full time. So the demand in the Pell grant program will go up as the economy continues to slow down. The Kennedy amendment would provide 4.5 million college students an average increase of $300 a year.

Think about this, think about $300 a year for the neediest students in this country to go to college, that juxtaposed against the President's proposed tax plan to give more and more tax breaks to the richest people in this country.

Again, as I said, it is really a matter of priorities. This amendment is one that ought to have strong support in the Senate from both sides of the aisle. It is the right thing to do for our kids. It is the right thing to do for our country. Frankly, in the end, what it does is it just makes us live up to the commitment we made 1 year ago, to actually leave no child behind.

I commend the Senator from Massachusetts for his leadership. I hope we have an overwhelming vote in support of education, making sure we do not leave any kids behind.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I join the Senator from Massachusetts and all the others who have come before us this afternoon supporting this amendment. This amendment supports funding for two significant programs, title I and Pell grants.

I have been in the Congress 30 years now and this is the worst education crisis this Nation has seen in that 30 years. I will go back to some of those that we faced before.

I come from the State of Justin Morrill, a United States Senator who gave America the Land Grant College System. The Land Grant College System opened the doors for college education for every American child, and I am proud of that. I am proud of Vermont's history in education.

I have spent 30 years, as I said, in Congress, and this is the worst education crisis I have seen in that time.

I should have known this was coming because I was the chairman of the education committee when it was introduced. I realized, as we started that it was going to be tough. We gave the tests out and did a model on it and found out every school in America, I think, failed to pass it.

Then I asked them who was going to pay for the cost of the test, to find out how bad you were. They said: Oh, that will be up to the schools. I think I finally won a battle and shamed them into thinking that maybe at least they ought to pay for the tests that were going to prove how bad they were, and they agreed to do that.

Unfortunately, though, now, due to budget cuts at the State, local, and Federal level, those doors we thought we were opening are becoming closed. We have the worst education crisis in this Nation in 60 years.

Pell grants are important avenues toward making higher education available. The amendment before us will increase higher education opportunities for today's students who will be tomorrow's workforce.

The worst crisis we had was at the end of World War II, where thousands of young people came back. I was a

young person at that time. But I know that my neighbors came back and they had been interrupted in their studies in high school. They had been interrupted going to college. So we had a crisis of a magnitude that was even worse than today. Hundreds of thousands of young people came back without any high school education. With huge increases in Federal funds we made at that time, we finally got a sufficient amount of money into the system to allow the creation of junior colleges all over this Nation, and allowed people to get back to try to make up all they had lost.

So we have experiences of how it is to react to crises and that we can react if we have to. Our higher education institutions are the envy of the world. Yet we have so many individuals who graduate high school first in their class and so desperately want a higher education, but the means are not there for them to make that goal a reality. That is a sad situation.

A similar crisis existed in this Nation in the 1960s, when the Sputnik launch came. All of a sudden, we who thought we were the best in the world in science and all found that a Sputnik was raised into the sky by Russia, and we recognized that we were defenseless against that. Our institutions of higher education rallied due to some good strong economic help. They became the best in the world. Federal funds were provided to make that possible.

Instead of being behind the eight ball, we had thousands and thousands of students coming from all over the world to come to our institutions of higher learning, to pass and to be ready to bring this country up to a position where we could hopefully be able to head off attacks by missiles.

But we have slipped again. Our schools are in dire need, and it is perhaps the worst position we have been in since World War II.

Last week we celebrated the 1-week anniversary of No Child Left Behind—the law that is to provide the tools so every child will be able to receive a quality education. In order to accomplish this mission, significant commitments were made to fund K–12 programs authorized under No Child Left Behind. We have yet to see those commitments realized.

In addition, the Federal Government, all 50 States, and cities and towns, are facing budget troubles as well. This is especially true in the area of education—both undergraduate and graduate. For example, some of our school districts are considering 4-day weeks. The Tulsa School District recently announced that it could no longer afford to hire substitute teachers for the remainder of the school year.

Beginning in the late 1940s, and continuing through the 1960s, this Nation decided that education was a top domestic priority. I mentioned earlier what we did at the end of World War II. The passage of the GI bill at that time gave veterans access to higher education. The passage of the Defense Education Act, which concentrated on teacher preparation for math and science, and title I which realized the importance of providing education resources to our children so economically disadvantaged children could also receive a quality education. We gave them an opportunity, and we succeeded in doing what had to be done to get the quality of our education up.

Now we jump back to World War II again and the horrible problems we had in education when hundreds of thousands and perhaps millions of young people arrived without the opportunity to have had even a high school education, to say anything about higher education. We found that we had a crisis of great magnitude about which we had to do something. We did. We made the highest increase in educational spending that probably will ever be made because we increased it from 2 percent of the Federal budget to 10 percent of the Federal budget—a huge increase.

It worked. We were able to make sure those young people could flourish and that this country could flourish and that it could be the economic wonder it turned into. But now we are in a similar situation which we need to do something about.

To give you an example of the comparison of what our Federal Government pays for education with the rest of the world, almost all of our economic competitors pay a substantial percentage of the local school money. In Japan and other countries, 40 percent of the money that goes to the local schools comes from their federal government. What is it in the United States? Right now, less than 2 percent—right around 2 percent—of the moneys for local schools comes from the Federal Government. We need to recognize that our schools are having deep financial problems.

We have to, as every other country has, recognize the modern needs and get our share of the education up in the area of 30 to 40 percent for our local schools rather than the meager 7 percent that it is now. That is a big charge and a big challenge for us in the future.

Right now we must correct the problems created by the committee in marking up this particular piece of legislation and make sure we bring it up to a more reasonable and effective amount of funding to make sure that every child will not be left behind, but, even more than that, that every child will have some chance of being able to have the education they need.

I yield the floor.

The PRESIDING OFFICER (Mr. SMITH). The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I rise to support the compelling notion that we need to as a Congress and as a Senate and, hopefully, with this administration, find a way to fully fund the Leave No Child Behind Act.

It is imperative for any number of reasons. I would like to speak to a few of those reasons for a few minutes and join my colleagues who have so eloquently expressed in their own ways and in their own words why this is so important.

Let me give you just three reasons why I think it is very important, critical, and essential that we have this amendment, or something similar to it, and continue to fight for full funding.

No. 1, it is important that this Senate and this Congress in a bipartisan way continue to push for reform. We must not fail in that effort or we will not be able to reform our schools, whether the schools are in Louisiana, Mississippi, Massachusetts, Vermont, or California. We cannot continue to encourage them and push them to reform in excellence and greatness if we don't help fund them.

No. 2, I think it is important that as an adult, as a citizen, as a mother, and as a Senator we keep promises when we make them. We are, unfortunately, in the process, with this administration leading us, to cause us to break a promise. We shouldn't be breaking our promises to anyone, let alone the children, the schoolchildren and the students and their parents and families at a time such as this. We simply shouldn't break our promises.

The President is wrong to break his promise to the schoolchildren and to the families and to the Americans when he did not sign the act that those of us on both sides of the aisle helped to craft. He just simply should do that. He doesn't have to do it because there is money enough to fund it. It is a matter of priority.

A third good reason why we shouldn't go down this path is that if we want to promote long-term stimulus, which I actually believe we should—I believe in short-term stimulus, and there are a number of things that would do that—the tax cut for dividends is not one of them, but there are many ways that we could do that.

But one of the things that is clear to me and should be crystal clear to everyone in this Chamber is that a college graduate makes 50 percent more over a lifetime than a person without a degree.

In a country where we have 260 million-plus people—maybe close to 300 million now—it would be very important for us to make investments today that help our children, teenagers, citizens, and citizens of all ages, to get that college degree by preparing them before they even hit the kindergarten door, and then promoting their lifelong learning.

Why? Not only is it good for them personally and their personal growth and development as a human being, and their immediate family, but for a nation, for long-term economic stimulus it brings wealth to America. When America has wealth, and when America spends its wealth correctly, we help to lift the world to a higher place, including ourselves. Those are just three reasons why this amendment is worth considering and just three reasons why we

should respond in the Senate, and in Congress, to what the American people are asking us, imploring us, and telling us how they would like to have their money spent.

Let me just begin by giving a very brief history of how we got here. About 30 years ago or more, 35 years, the Federal Government decided that States alone should not have to fund the education of its citizens. While the bulk of that has to be picked up at the State and local level, the Federal Government decided it was in the Federal Government's interest to make sure every child was getting a quality education. Regardless of whether a child was born or grew up in a very poor, small town, with limited resources, and a limited tax base, or whether a child was born in a very wealthy part of the country, it was in the country's interest to have a school system that was strong in educating the citizens of the future.

So the Federal Government enacted, 35 years ago, a way for us to supplement in a small way, but in an important way, money for education, and we went along that road for over 35 years. Every 5 years we would reauthorize the elementary and secondary account, adding program after program, trying to get money to places that needed it, trying to help promote and urge and encourage States to, at first, help all students, and then we helped disabled students, and then there have been many early reading programs. I could go on—arts in education. We tried it, and many of these programs worked. Some of them did not work, but many of them worked.

But then, just a few years ago—2 years ago—after 35 years of this general framework, we said: That is not enough. Because the public isn't just asking us to spend more money, the public wants results for the money we spend. Why are we continuing to fund schools that fail? Why is it every time there is a problem, we just add a new program? So some of us said: It doesn't make sense. We have been doing it for 35 years. Let's do something differently. And we did.

We joined forces, Republicans and Democrats, and we said: No, we are not going to abandon the public school system and come up with a system of vouchers. We said no to a group of people who only wanted to send more money. And do you know what? We won that battle, and the President helped to lead that battle. We said: No, we are not going to abandon the public school system, but we are also not going to keep funding just yet one more program and throwing money at it. We are going to reform the schools.

So we raised standards. We instituted pretty rigorous tests. We put on deadlines, to tell our schools—and in Louisiana this is a big deadline for us to meet—no longer can you have unqualified or uncertified teachers. You have to have completely certified teachers. I am happy with that. I helped to initiate that as one of the major reforms. But it is going to be a heavy lift in Louisiana and in other States, even with alternative certification, even with recruiting, even with raising the teachers' salaries, even with improving their benefits, to get a qualified, certified teacher in every classroom in America. But we did that. We put that deadline in the bill.

We also, besides the testing, besides the qualification, increased standards. Then we turned around and pulled the plug on funding. So we have set our students up and our system up, made them a real big promise, and then are just about getting ready to walk away. And it should not happen. I am going to fight, along with many Senators in this Chamber, to make sure it does not happen because it is not right, it is not smart, and it is not fair.

So we did not just throw more money. We said: Investment in education without accountability is a waste of resources. I do not believe in wasting resources. Why? Because we have a couple of wars we might have to fund. We cannot waste a penny. We are fighting in Iraq. We are helping rebuild Afghanistan, holding off a potential conflict in Korea. We do not have time in this Chamber to waste any money.

So we have reformed the system, retooled the system, and said: We don't want you to just continue funding failure. So the States all over this Union—and there are a lot of people engaged in this effort—are depending on us to deliver the funding to help them. And what do we do, at the first chance? This administration backs down from its commitment to fund it.

I am hoping we can reverse this decision, move some money into this area, so we can eventually increase the share of Federal funds to education, maybe yet, to a percentage of somewhere between 10 and 20 percent. We were at 7 percent. We got up to 12 percent. I would like to see us get up to 20 percent.

Why? There is no magic number, but if we want to be honest with ourselves, and we want to say, as a Federal Government, what portion we have to contribute so we can pretty much guarantee that even if you were born in a poor little town, with very little tax revenue to support your school, or you graduated, like HARRY REID did, from Searchlight, NV—he had eight people in his graduating class; I don't know how rich Searchlight is, but probably it is not a very rich town—or a small town in Louisiana, such as Dulac—whether you come from a small town or whether you happen to be born in a very wealthy place, because you are an American, and because we think it is important for a democracy to be educated in order for it to exist, the Federal Government thinks we should contribute at least 20 percent to the education of our children.

We are not even anywhere near there, and the Senator from New Hampshire understands this. We need to be moving, not in the direction we are going but in a different direction, even if it means cutting down on some tax cuts we would like to give.

If the President would fund this, I don't care if he would give every millionaire in the country a big tax cut. I don't have a problem with that. What I do have a problem with is suggesting tax cuts before he lives up to his promises he made, with our support, to the children of this country.

Let me also say, this is pretty much of a crisis. I will tell you why. Everybody says everything is a crisis on this floor, but let me try to give you some hard numbers.

The States have a shortfall. Maybe it is because they do not manage their money well. Some people think that: They have a shortfall because they cannot run any good programs and Government is bad and Government does not do anything good. But, for whatever the reason, the States are going to be short $17.5 billion.

As you will recall, what I just said is that the States pick up the most important part of funding for schools. In my State, it is a great percentage because we rely less on property taxes at the local level and more at the State level. So my State government contributes between 60 and 70 percent of the total education budget for all of the schoolchildren in Louisiana.

Maybe in other States the local governments pick up more of that funding. But as States have crises in their budgets, they are going to pass that headache of the shortfall on to their cities and on to their counties, and, in our State, on to their parishes.

So the States are going to have to probably cut their education budgets unless they are in some kind of trust fund. While our State has something like that, we cannot completely protect our education dollars.

So if we do not step to the plate and live up to our promise, they are going to get a double whammy. We have said—and basically did not tell the truth about funding this new reform act: You raise your standards, you put in these goals and objectives, and we will be there with you, buddy, every step of the way. And the first chance we get, we walk away. Then, on top of that, you could argue that policies conducted by this Congress, and things that are out of our control—such as 9/11 and terrorist attacks, which we, of course, are doing everything we can to fight against—have caused the economy to turn sour in many ways. But they find themselves $17.5 billion short.

Where are the States going to go to get their money? To their education budgets, which will make the situation worse. I know the Senator from Massachusetts wants to engage others in the debate. I want him to know the reason I would like to stay on the floor for a couple of hours is that this isn't a little change to Louisiana, this is $122 million that is going to be short in my State, on top of which they are going

to have to probably cut the education budget to balance their budget. Why? Because States can't deficit spend like we do—sometimes in a more haughty fashion than we should. They can't deficit spend. They have to balance the budget.

On whose backs are they going to balance the budget in the State? The backs of the children who are trying to learn to read but they can't learn to read because we won't put a qualified teacher in their classroom.

When you want to spread the responsibility for fighting a war and for other things, then put the responsibility at least on the backs of those physically strong enough to bear it. But no, we are about ready to put it on the backs of kids who can't bear the burden and should not have to bear the burden. It is wrong.

I hope we will find the wherewithal, from wherever we get the money, or, if we have to, put this on par with the tax cut. We are deficit spending for a tax cut. Why not deficit spend for education? What answer will the President give to the Senate? What will he say? I think it is OK to deficit spend for a tax cut but it is not OK to deficit spend for education? What is his answer? He doesn't have an answer.

I have a quote I keep in my office. I try to read it to myself to remind me of why I am here: If you want 1 year of prosperity, you grow grain. If you want 10 years of prosperity, you grow trees. And if you want 100 years of prosperity, you invest in people.

The best way we can invest in people is to invest in an education system. If we don't want to invest in it, then we should not be telling them every year what to do, what tests to give, how many teachers to hire. We should just keep our mouths shut and walk away and let them figure it out. But we dragged them to the deal. We dragged them to the table. Some of them came more happily than others. And we got a new act and a new approach. And then the first thing we do is walk away. I think it is a disgrace.

I know my colleagues are going to come down here and they are going to talk about the other side of the aisle: All the Democrats want to do is spend more money. I am not one of those Democrats. And I don't think Democrats generally want to. But I most certainly have shown on this issue I am not just willing to spend more money for education. I will fight the good fight for accountability, but I will be darned if I am going to fight the fight for accountability and then have the Republicans say they will deficit spend for everything—the military, tax cuts—but won't deficit spend for education, leaving the country vulnerable in the short term and in the long term because of it.

I rise to support the amendment. I would like to fund it in many different ways. It could be funded. It is a relatively small amount of money, $6 billion to live up to even a partial part of our promise, over 10 years $60 billion, one-tenth of what the President is suggesting for a tax cut.

For those reasons and others, I strongly suggest that we reverse course, that the public, the people in Louisiana, the viewing audience would let the President of the United States know how disappointed they are that his budget and his proposal fail to live up to the promises he made when he signed the bill for education. Let Democrats themselves recommit to make sure that we have our priorities in order and that we put the education of our children and their ability to grow and to become all that God intended for them to be when He created them, let us be part of that part of strengthening our Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I am hopeful we can arrive at some timeframe for wrapping this up and getting on to a vote. I have spoken with the Senator from Massachusetts about that. I believe he is also amenable to that approach. I do intend to lay down an amendment in a few minutes which we have already represented will be one of two amendments voted on.

Prior to laying down that amendment, I did want to respond to a number of the representations made over the last hour or so on the issue of the President's commitment to No Child Left Behind and the Republican Party's commitment to it and how we will make this law work well.

First, let's remember, when this law was passed, it really was a bipartisan effort to try to accomplish something special for our kids, especially low-income kids on whom we had just an inordinate amount of data and, unfortunately, real-life examples of the fact that they were not being educated at a level that made them competitive in America, that low-income kids were being left behind and that, as a result, we were turning out generations of children who were not able to participate in the American dream because they were not able to read and write and to add and subtract and do math at a level competitive with their peers.

All these numbers get thrown out here, but this bill, No Child Left Behind, has at its core the simple purpose of making sure that American children, children in our public school system, which is the essence of the strength of our Nation—we all understand that; the ability to get an education in America and the public school system has and always will be the essence of our strength—learn what they need to learn, that they are able, when they finish their elementary and secondary school experience, to participate in American society, to find a good job, and take part in the American dream. That was the purpose.

You have to thank the President for leading the Nation in this direction. He feels it with great emotion and purpose, as does the Senator from Massachusetts, as do many people who worked on this bill. We want to do something that gives those kids an extra shot at the American dream, make sure they do not get left behind.

No Child Left Behind was passed, and it had four basic purposes. I will just quickly recite them so we are all working off the same page. The first purpose was to give local school districts more flexibility over how they managed their dollars, Federal dollars specifically.

The second purpose was to make sure there was an accountability system where, when a child goes through the system, how a child is doing at different grade levels could be compared to other grade levels.

The third purpose, of course, was to fund adequately this bill, which I believe was done, and which I think we can defend. On that point of funding, I want to start with a little bit of a comparison. When the President came into office, we, of course, had the experience of a prior administration in the area of title I, low-income programs. The Clinton administration—in the 7 years leading up to President Bush's undertaking of this effort—had put approximately $2 billion into title I.

Within the first 2 years of President Bush's administration, he added $2.5 billion to title I. The single largest increase ever experienced by title I occurred in his first year, the second largest increase was in his second year, and probably the third largest will occur in the third year—if he gets the billion dollars he asked for. That is title I.

The practical implications of this are that increases under President Bush represented about a 27-percent jump in title I over what the prior administration did. If you look at it in cumulative years, you see it is rather startling. Over 7 years, the Clinton administration did $2 billion. Over 2 years, President Bush did $2.5 billion. Massive increases. To put it into real dollar terms, the difference in new education funding—total—between the last year of the Clinton administration and the first year of the Bush administration is, again, $20 billion—$42 billion versus $60 billion. These are massive increases of funding into the educational system in order to try to make sure we meet the requirements and needs of No Child Left Behind.

In addition to this type of funding, which was direct cash into the school systems type of funding on the discretionary side, the President also made a huge and dramatic commitment in the area of giving parents more dollars in their pockets, through a tax cut, which was directed specifically at the issue of helping parents educate their children—a $30 billion tax cut, which created new deductions for qualified high education expenditures, increased the amount individuals could contribute to their educational savings accounts, and dramatically expanded the availability

of tax-free distributions for qualified tuition plans—a very significant effort, which has basically been overlooked and never even mentioned in the debate on the other side.

This tax cut the President put in place, which benefits moderate-income Americans as they attempt to educate their children with cash in their pockets, which they can then put into the savings vehicles and other vehicles that assist them as their children get ready for college—and also assist in the elementary and secondary school area—also helped teachers by giving them some deductions that they didn't have before as they spend money in doing things relative to their classrooms, such as buying books, maps, and things such as that.

In addition to the huge increases, the $20 billion actual increase—a huge increase in title I funding—the President made a dramatic commitment to IDEA, special education, the biggest single commitment to special education in the history of the country. Again, this dwarfs the effort made by the Clinton administration in special education. During the run-up years before President Bush came into office, President Clinton actually proposed virtually no increase in special education. In fact, in 1992–93 when he came into office, you would see virtually no green bar. The only year the Clinton administration asked for a significant increase was in his last year in office when they asked for $300 million, I think. There were dramatic increases made in this period—in 1999, 2000, 2001—and they came as a result of the Republican Congress and the leadership. I would like to think I played a role in that, along with Senator LOTT and Senator SPECTER. We were able to dramatically increase special education funding during this period.

When President Bush came into office, he ratcheted up special education funding dramatically, putting a billion dollars of new money into special education in each of the first 2 years of his term in office, which translated to money going back into the school districts to assist them in moving forward and addressing the requirements of special needs children.

So we have had increases in title I, which are historic under this administration, and which dwarfed the increases in title I put in by President Clinton's administration—a 27-percent increase just in year 1. We have increases in overall discretionary education funding of $20 billion year to year. We have the increases in special education funding—again, dwarfing anything done in the prior administration—a billion-dollar annual increase each year. And we have the massive increase in availability of money to parents to save for their children's education through the tax cut.

So the effort here has not been anything but significant in the area of trying to make sure we have funding in education, and this administration has certainly made that commitment. This chart shows how that works in relationship to all the other funding going on in the Federal Government. Here we are in the midst of a war on terrorism. We have a health care concern. If you look at the education funding, it has gone up 132 percent. Health care funding has gone up 96 percent. Defense spending has gone up 48 percent. The fact is that education funding is outstripping every other element of the Federal budget by dramatic amounts as a percentage and, in real terms, in real dollars flowing back to the States.

No Child Left Behind specifically. I already mentioned that the title I money has jumped by 27 percent. Let's look behind that to some of the other accounts that are involved in the No Child Left Behind bill. One of the important things the No Child Left Behind bill did was to take all sorts of accounts, merge them together, and then say to the local communities: Here is the money, with no strings attached. You can do what you want with this money. But in the end, what we want is to make sure that every child at the third-grade, fourth-grade, fifth-grade, or sixth-grade level has learned enough so that their parents and the other people in the community can compare whether or not that child is learning at a level that is competitive with their peers and with other school districts: Accountability, to put it quite simply.

Instead of controlling input and having lots of strings running to the child and to the funding, as it came out of the Congress, we reversed that trend and said: We are not going to put a lot of strings on what comes out of the Congress, but we are going to expect results. We have had discussion of this before. One area where I think this has been most telling and constructive is that of teachers. This bill took a lot of the different teacher funds, such as the Eisenhower Fund and the classroom size fund, and moved them into a pool of money, and then it said to the local school district—principals especially because they are key here—you can take this new pool of money, and instead of having to spend it under the categorical terms you used to get it under so you could only spend it for the purpose of basically classroom size reduction or teaching math-science, you can use it however you want for your teachers, to improve your teacher situation. If you want to hire more teachers, you can do that. If you want to have your teachers better trained, you can do that. If you want your teachers to have better technical support, you can do that. If you have good teachers and you want to pay them more to keep them, you can do that with the money. All sorts of different options were given to the local school districts to make sure that teacher money was more effectively used. And then we increased the money flowing into that account, again dramatically—35 percent. That was up by $742 million over the last year of the Clinton administration.

So, once again, I think you can see that the game plan of No Child Left Behind was to fund aggressively, with flexibility, and then leave it to the local school districts to find out how to best use the dollars. That is exactly what has been accomplished. The number increases, as I have said, are rather dramatic in this area. In fact, the number increase in education has been so dramatic that we presently have here at the Federal Government approximately $4.5 billion that has not been drawn down by the States and local communities because the money has been flowing in so fast that they cannot keep up with how to spend it. That is hard to believe, but it is true.

Here is a chart that reflects that $4.5 billion. The majority of it is in the school improvement program, and in the special education grant program, and in the education for disadvantaged program. But it is there, and it is available, and it hasn't been spent yet.

When I hear colleagues on the other side saying there is a dearth of money available in the Federal Government, and just because we have increased it by 27 percent, that is not enough; and because we increased it by $20 billion in a year, that is not enough; and just because we cut these taxes, that is not enough; and just because we have a 12-percent increase in educational funding, that is not enough, it does seem to me when we have $4.5 billion sitting down there at the Department of Education waiting to be distributed, that might be a sign we are doing a pretty good job in putting money into the system and, hopefully, we are going to start getting it out the door, too, fairly soon.

That is where we stand today. A very important point is that if you want to do another comparison, which I think is fairly interesting, we have heard almost incessantly we have to fund the authorization level; we have to fund the authorization level; we have to fund the authorization level. The only problem with that argument is the Congress almost never funds the authorization level. Authorization is a goal, but it is hardly ever attained. The purpose of authorization and appropriations is sometimes quite different.

If we are to assume that is the purpose—that we must fund the authorization level—then I have to ask my colleagues on the other side of the aisle: What were they doing the last time they controlled the Congress and the Presidency? What were they doing? Because at that time there was a $2.7 billion difference between the authorized level and the appropriated level, which represented a 21-percent difference.

If we look at the Bush administration's difference between authorized and appropriated levels, it is 15 percent. We are doing 50 percent better under this administration. It is pretty hard to defend this authorization argument, in my opinion.

That puts us at the point where we are now, and I hope I have adequately

responded to some of the comments on the other side, although I suspect I might have engendered some other comments from the other side. But let me go on to the amendment which I intend to offer. I am still awaiting its arrival, so I will have to wait before I can send it to the desk.

The purpose of the amendment is to say: OK, I am willing to increase the funding for education, and I think people on our side are willing to increase the funding for education, but let's do it in a way that is responsible. The President has said—and it was agreed to at one point—that we will stay at a $750 billion discretionary number. I think it is pretty important we start getting fiscal discipline around here or we are going to be in big trouble. I think that is obvious.

In order to accomplish this—I do think education is a priority, and I do think as we prioritize items within the Federal Government we have to put education right up there. In fact, if I were to prioritize, I would put fighting terrorism as No. 1, and that is in a class by itself because we have to defend ourselves. These people want to kill us because we are Americans, and we have to make sure we are ready to respond to them and defend ourselves. Fighting terrorism is No. 1.

Right behind fighting terrorism comes the issue of education. I believe a reasonable approach to this question of how we fund education is that if we are going to jump the number significantly—and under the proposal of the Senator from Massachusetts, he has about $4.6 billion in here for No Child Left Behind, we are going to jump that amount dramatically, then we ought to do it in a way that is fiscally responsible.

I am offering an amendment which increases the funding by $5 billion, but it says that we do an across-the-board cut to get to that number so that we are going to stay under the $750 level.

In addition, I do not know about my colleagues, but I am hearing from my school systems again: We need more flexibility. I am saying we have $5 billion you can fund No Child Left Behind, you can fund anything under the No Child Left Behind bill, but we are not going to put any strings on this. You are, basically, going to get this money to assist you at the local schools in undertaking and accomplishing the No Child Left Behind effort. In addition, you can use this money, if you feel you need to, for IDEA and for programs like TRIO.

Essentially, we are not going to put any strings on this. We are going to send it back to the States and say: All right, States, this is an add-on. You are concerned about unfunded mandates. If there is anything in this bill that is unfunded and is a mandate, these dollars will certainly take care of it.

I want to touch base on that because there was some representation out here that the testing regime in the bill is an unfunded mandate. It simply is not. It is fully funded under this bill, and the bill specifically says you do not have to pursue the testing regime if it is not paid for. That is a totally irresponsible statement.

In fact, and I know in my State, they are spending $300,000 per test. Under this bill, they are going to get $500,000 per test. So they are actually going to make money in their testing regime in New Hampshire, which I am sure they will put to good use in some other area of education.

This amendment is a fairly reasonable, straightforward amendment. It is $5 billion more. It is actually a little higher than the proposal of the Senator from Massachusetts in the area of No Child Left Behind funding—$5 billion more—but it is going to be done by an across-the-board cut so it is fiscally responsible. The money will be available with no strings attached. Our local school districts and State school districts can see we mean it when we say there is no unfunded mandate in this bill.

AMENDMENT NO. 19

Mr. GREGG. Mr. President, I send my amendment to the desk. I hope we can enter a time agreement for a vote on these two amendments. I ask the Senator from Massachusetts if he feels we can enter such a time agreement.

Mr. KENNEDY. Mr. President, I have yet to see the Senator's amendment.

Mr. GREGG. It is being brought to the Senator at this moment.

Mr. KENNEDY. Let me have a chance to review it.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 19.

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

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

The amendment is as follows:

(Purpose: To provide additional funding for innovative programs at the state and local level)

At the appropriate place add the following:

"SEC. . FUNDING FOR INNOVATIVE PROGRAMS.

In addition to any amounts otherwise appropriated under this Act for part A of title I of the Elementary and Secondary Education Act of 1965, the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2003, $5,000,000,000 for carrying out such part, to remain available through September 30, 2004; *Provided*, that notwithstanding any other provision of this Act, any amounts appropriated for programs or activities under title III of Division G that are in excess of $54,195,685,000 shall be distributed to States and local educational agencies in accordance with sections 5111 and 5112 of the Elementary and Secondary Education Act of 1965 to be used by such States and local educational agencies to carry out any activity authorized under the Elementary and Secondary Education Act of 1965, the Individuals with Disabilities in Education Act, or the Higher Education Act of 1965, to remain available through September 30, 2004: *Provided further*, that the percentage amount of any across-the-board rescission provided for under section 601 of Division N of this Act shall be increased by the percentage amount necessary to rescind an amount of funds equal to the total amounts appropriated in excess of $54,195,685,000 for title III of Division G.

Mr. GREGG. Mr. President, I reserve my request of the Senator from Massachusetts and yield the floor.

Mr. KENNEDY. I thank the Senator. I want to have a chance to review the amendment.

Mr. President, we have had a very good discussion with seven or eight of our colleagues who have spoken. Senator REED wants to speak. Senator CLINTON, Senator CORZINE, and Senator STABENOW also want to make comments.

This has been an important debate. I agree with the Senator from New Hampshire that the issues of ensuring protection at home and education are the Nation's top two priorities. We do not differ, evidently, on those issues. We have important differences on how to assist in education. I will mention a couple quick responses to the Senator.

My first response is about the unspent figures, about $4.5 billion. Most agencies, not all, but most agencies have unspent funding. The reason the funds are not spent is because we are in the middle of the school year. Do we understand that the funds that will be in this omnibus bill will be for the next year, for July? That is when they will be committed.

We have unspent money because we are only halfway through the school year. The districts have already obligated these funds. Anyone who does not believe that there are severe fiscal challenges in local school districts has not talked with their local school board, principals, students, or the teachers in communities across this country. That is number one.

Second, I welcome the fact the Senator from New Hampshire wants to effectively take credit for the increases we were able to agree on in the No Child Left Behind legislation. As he remembers very well, when the bill was first introduced, it was $500 million. It ended up at $1.5 billion because we insisted on it. I am glad we worked that out in a bipartisan way. I am glad he is prepared to say that is part of the Bush commitment at this time.

We ought to understand exactly what the history has been. When he talks about the increase over the last 2 years, he is talking about the increase which the Democrats were able to get, with the agreement of the Republicans, in the last year of the Clinton proposal.

The Senator makes a fair point in terms of the funding of Title I under the previous administration. I would have liked to have seen this funding higher, but it was not higher. We have to recognize all that was being done in the area of education during that period of time, which was extremely important, to respond to many of the challenges in the areas of title I.

Under the previous administration, what did they have? They had no school left behind. To do what? To provide funds at the local school level. To do what? To establish standards, which were eventually adopted in the No Child Left Behind legislation. There was basic school reform in the good legislation of Goals 2000 that was passed. We had the school-to-work program, that has not been referenced, but has been very important in terms of opening opportunities for students moving out of high schools.

There was expansion of the TRIO program, which also is a program which targets the disadvantaged. We also had expansion and improvement of Head Start. We had AmeriCorps, which was a new educational opportunity. We had the GEAR UP program, which built upon the concept that rather than just looking for individuals whose education ought to be furthered by special individual help and assistance at the university, to look instead at the idea of helping a whole class, moving a whole class forward. A very interesting and new concept, particularly to tie universities to school districts with disadvantaged children. A great deal was done in that time.

There was also the HOPE scholarship, the lifelong learning scholarship. There was a lot of educational activity during that period of time. I think it is fair to say that we did not see the expansion in Title I that we have seen in recent times; but in the area of prioritizing education, no administration can compete with what was achieved in the Clinton administration, quite frankly. Many of us are proud to be a part of it.

Nonetheless, when we take all of that apart, let us get to what the facts are. I have in my hand a report by the Center on Education Policy. This is not a Democratic report. This is not a Republican report. This is a board of some of the most distinguished educators across the country, and this is what it says, effectively: We have found that the fiscal crisis in most States, coupled with the prospect of limited Federal aid, threatens the successful implementation of this ambitious law, the No Child Left Behind Act.

There it is. At this time, we have more than 6 million children who qualify for assistance under Title I who are not assisted without this kind of amendment. With this amendment, we would include 2 million more of those children. Without this amendment, maybe 354,000 of those children are helped. So are we going to try to reach out to children who are being challenged educationally in every community, as the Senator, my friend from New Hampshire, Mr. GREGG, has pointed out, which is a major kind of reform in terms of advancing teacher training, involving the parents, developing good curriculum and working with after-school programs, or are we going to cast them adrift?

We have the framework. We will lose the opportunity. Those are the facts concerning the number of children who still remain to be covered. That is the essential part of where we are in the funding.

Now I will say a word about the Gregg amendment, and then I will yield. This puts $5 billion in a block grant which will go to the States. As far as we are reading it now, it is not directed toward the title I program. If I am wrong on that, I hope to be corrected because we just received this amendment.

What our amendment does is, it deals with the title I program. It also deals with Pell grants, but it is primarily for title I, the neediest children. The primary purpose of President Bush's program was title I, but the Gregg amendment is not a title I program, it is basically a block grant to the States. It does not focus on or require that it be spent on title I.

It provides for a 1.3-percent across-the-board cut in addition to the 1.6-percent cut, which is almost double the amounts that previously would have been cut. If this program is supported, this will mean 248,000 women, infants, and children will be turned away from the WIC program. It eliminates 8,600 children from the Head Start program. It means 250,000 fewer veterans being treated, 1.6 million fewer visits by veterans to outpatient clinics. Eighty-eight thousand fewer families would receive housing assistance. And the list goes on.

This omnibus bill is $10 billion less than what was basically agreed to in the previous Congress. My amendment says $6 billion of that will be used now. It will still be $4 billion less than what was agreed to last year, even with this amendment. It is effectively replicating what 79 Members of the Senate voted for.

Some say, well, that does not really make much difference because it was an authorization. It evidently made a difference to the Senators from Maine and Connecticut who offered the amendment and to the 79 Members who voted for it and went back to their constituents and said they voted for it, said: This is what we believe in.

I take their votes seriously. That was for $18 billion. This would be a total of $16 billion. I hope the Senator's amendment will not be agreed to.

Mr. SARBANES. Mr. President, as we consider appropriations for fiscal year 2003, I want to express my strong support for Senator KENNEDY's amendment to increase funds for education spending by $6 billion. This increase would bring the total funding for Title I programs to $16 billion, the level authorized by the No Child Left Behind Act that was signed into law by the President. It is imperative that Congress sends a strong message supporting education accompanied by strong funding for this important goal. The practice of paying lip service to improving education for our Nation's children without following up with the money that States and local school districts to do so must cease. Only then will children and educators receive the resources they need to meet higher standards and eliminate barriers to higher education.

States are struggling with budget shortfalls, rising student enrollment, and an increasing number student with limited English proficiency. At the same time, States are working to meet the new requirements of the No Child Left Behind Act. I supported the No Child Left Behind Act because I agreed with its principles, all public school children should be able to achieve and all schools should be held accountable in seeing that they do so.

I believed the President when he said education would be a priority. But now the Senate is considering a spending bill that encapsulates the President's proposed education funding levels, a bill that does not even provide a 1 percent increase over fiscal year 2002 spending. The No Child Left Behind Act requires a variety of new requirements including annual standardized testing and increased teacher certification. While we can expect our educators to do all within their power to improve our schools, we cannot expect this landmark legislation to be effective if States and school districts are not given the resources to implement these programs.

Congress must also demonstrate its commitment higher education. We all know that pursuing a college degree dramatically increases earning potential. According to the Bureau of Labor Statistics, the median income for high school graduates is $28,800 but is $46,300 for those with a bachelor's degree. However, the burden of higher education costs is crushing low-income students and their families. The inability to pay for college makes it more and more likely low-income students will be unable to pursue higher education or do so facing staggering debt upon completion. The economic benefits are clear but the promise of many will not be fulfilled if Congress does not assure that every student eligible for a Federal student aid receives it and if the maximum Pell Grant award is not raised to bridge the gap between higher education costs and the ability of many to pay.

Many States are considering stiff tuition hikes at their public institutions. Between 1991–1992 and 2001–2002, average tuition and fees grew 37 percent in private 4-year institutions and 38 percent in public 4-year institutions, outstripping the 8 percent growth in inflation-adjusted median family income over that same period. Maryland's public university system is notifying its students that it may have to raise tuition by up to five percent for the Spring 2003 semester so these young people have to face the dilemma of addressing increases after already budgeting for a certain amount. The National Center for Education Statistics estimates that annual prices for undergraduate tuition, room, and board were

estimated to be $7,621 at public colleges and $21,423 at private colleges for the 2000–2001 academic year. Yet the maximum Pell Grant award is only $4,000 per year. In addition, more and more student aid is being shifted from grant money to loans. Senator KENNEDY's amendment would help over 200,000 students by adding $1.35 billion for the Pell Grant program making it possible to increase the maximum award to $4,500.

While we consider education funding, it is important to note the challenges we face in educating children with disabilities. Congress must increase the Federal contribution for the Individuals with Disabilities Act, IDEA. When Congress enacted IDEA, it committed the Federal Government to pay 40 percent of the average per pupil cost of educating students with disabilities. However, to this day, the Federal Government has provided only 16.7 percent. The Federal Government must make good on its promise and provides the resources disabled students and their families need.

That we can consider a tax cut aimed at the wealthiest Americans while purporting to be unable to adequately fund education programs is absurd. Where are our priorities? Now is the time to move beyond the rhetoric of the No Child Left Behind Act and deliver the resources that teachers and students so desperately need. I urge my colleagues to vote in favor of Senator KENNEDY's amendment and to support meaningful increased in education spending.

Mr. VOINOVICH. Mr. President, if there is one thing that this Senate can agree on wholeheartedly is that we, as a Nation, need to invest in our children's educational future. There is no other issue that hits closer to home for America's families.

But even as we recognize the importance of education, we must realize that close to home is where education works best in America, and simply spending more and more Federal dollars on more and more Federal ''one size fits all'' education directives will not, by itself, make our education system perform better.

When this body voted to pass the No Child Left Behind Act of 2001, I did not vote for this bill. I could not vote for this bill in good conscience for two reasons. One, the bill fundamentally usurped control over education from those closest to the students. Education has been and should continue to be a State and local responsibility. Additionally, the excessive spending within the bill provided unrealistic expectations.

Over the course of my 36 years of public service to the people of Ohio, I have developed a passion for the issue of federalism, that is, assigning the appropriate role of the Federal Government in relaxation to State and local government.

Our forefathers outlined this relationship in the 10th Amendment: The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

Education is one such responsibility. And this was the tradition in America for 200 years. Only in the last 35 years has the Federal Government played a prominent role in education in America. And even then, the most we sent to our State and localities is 7 percent of the education spending in America.

In my view, the No Child Left Behind Act not only violated that principle of federalism, it puts us on a fast-track towards thoroughly federalizing education and violates local control of schools.

Some of my colleagues think that the Congress is the national school board. Well, we are not the national school board here in this Congress.

With the expansion of education programs that the Federal Government undertook in that bill, I have a genuine concern that in ten or fifteen years, Washington will be dictating what is happening in every school house in America. In spite of the limited contribution of the Federal Government, under the No Child Left Behind Act, Washington will be mandating annual tests for elementary and middle school children in America regardless of how the kids are doing or whether or not the States already have sophisticated testing regimes in place.

States as Ohio, where the Governor signed a new testing system into law on June 12, 2002, detailed testing systems are already in place. And no one understands how onerous additional testing programs will be. Principals, local school boards, parents and especially teachers in Ohio are saying, ''Here we go again.''

We are already seeing the results of Federal intrusion into our Nation's schools. It is an unworkable, unflexible plan that is punitive to our children. Simply spending more Federal dollars on more Federal ''one size fits all'' education directives will not make our education system perform better.

Besides the dangerous increase in Federal control of education, I want to point out the real increase in funding the Department of Education has received over the past several years, during which deficits have only grown. From 1998 to 2002, we have increased total funding for the Department of Education by 57 percent or $20.3 billion.

Specifically following the passage of the No Child Left Behind legislation, according to the Congressional Research Service, funding for ESEA in Fiscal Year 2002 increased more by than $3 billion, 17 percent, from fiscal year 2001.

Unfortunately, because the majority of No Child Left Behind does not provide actual monetary guidelines for its authorization—instead utilizing ''as such sums''—we have no idea of the potential costs of the bill.

However, we can look at Title I, one of the largest accounts within the No Child Left Behind Act.

In the Omnibus bill before us, the base text already includes an increase for Title I funding of $1 billion, a 10 percent increase from fiscal year 2002.

Senator KENNEDY has brought an amendment to the floor that seeks to appropriate the entire amount of the authorization for Title I—$16 billion for fiscal year 2003. His one amendment alone would cost $6 billion.

If we follow the argument that my colleagues on the other side of the aisle make, that the authorization level is a mandate to fully fund these account, in this case Title I, this body will vacate any fiscal responsibility we have.

Just look at the increases for Title I if we were to fully fund them: from fiscal year 2002 to fiscal year 2003, an increase of 18.5 percent; from fiscal year 2003 to fiscal year 2004, an increase of 15.6 percent; from fiscal year 2004 to fiscal year 2005, an increase of 11 percent; from fiscal year 2005 to fiscal year 2006, an increase of 11 percent; from fiscal year 2006 to fiscal year 2007, an increase of 10 percent; where is this money coming from? We are spending money we don't have.

The projected deficit for fiscal year 2003 is already $315 billion, and don't forget, folks, we have a $6.2 trillion national debt.

According to CBO projections that I recently requested, if we continue spending at the rate we have been spending and extend the tax cut, we could rack up an additional $5.4 trillion in debt by fiscal year 2012.

This means that by fiscal year 2012, our national debt could stand at a whopping $11.6 trillion.

Leaving this sort of burden on our children and grandchildren is simply wrong. We need to make hard choices now so that this doesn't happen.

We just increased the debt ceiling in June 2002, and we will probably need to increase it again before the end of this year. We are looking at oceans of red as far as the eye can see.

This entire omnibus process is indicative of how the entire budget process has slipped.

While the House passed a budget resolution in March 2002, the Senate never did.

That was the first time in the history of the budget process that the Senate failed to enact a budget resolution. Not only did we not pass a budget, the Democrat leadership did not even bring a resolution to floor for consideration.

This only precipitated what has become modus operandi for the Senate—not getting our appropriations bills out in time.

This body cannot go back in time to correct our past mistakes. We need to move forward and we need to move forward now.

The executive branch is already one-third through the fiscal year. Starting this week, executive branch agencies must absorb a 3.1 percent pay raise within Fiscal Year 2002 funding levels.

Many agencies will be unable to effectively allocate funds prior to the

end of the fiscal year without a final appropriation in the next 20 to 30 days.

Let's get on with the business at hand. This Congress has much work to do, not the least of which is providing our Nation's seniors with a prescription drug benefit and an economic growth package to stimulate the sagging economy.

The Congress and the administration have already agreed on a $750 billion cap for fiscal year 2003. This amount meets President Bush's request and will fund critical priorities.

And let me remind my colleagues who seek to spend additional money; $750 billion represents an increase of over 12 percent in discretionary spending in just the last two fiscal years.

We need to be real in our assumptions and our spending habits.

If Congress doesn't wake up and smell the coffee, we are going to wake up with enormous deficits—by CBO's most recent projections, $866 billion in fiscal year 2012.

Enough is enough.

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

• Mr. KERRY. Mr. President, I strongly support the Kennedy-Harkin amendment to increase education funding by $6 billion in Fiscal Year 2003. I cannot be present for the vote on the Kennedy-Harkin amendment, but I would vote for it if I were Present. The increased accountability and teacher quality requirements of the No Child Left Behind Act necessitate a significant investment in our schools, but the omnibus appropriations bill before the Senate falls short of the needed investment. The Kennedy-Harkin amendment is critically important to ensuring that all children can learn to high standards, which is the goal of the No Child Left Behind Act. States, schools, and districts are diligently working to meet the stringent requirements of the new law at a time when they are facing shrinking education budgets due to the state fiscal crisis. Right now states are facing a shocking $75 billion budget deficit. Twelve states cut K–12 education spending last year and another eleven are poised to do so this year.

The Kennedy-Harkin amendment would increase funding for the Title I program—the education program that provides resources for the most economically disadvantaged students in the country—to the level that was authorized for Fiscal Year 2003. The omnibus appropriations bill includes an increase of only $1 billion, falling $4.65 billion short of the level authorized by the No Child Left Behind Act. The Department of Education announced that 8,652 schools will begin the 2002–2003 school year ''in need of improvement.'' How will these schools be able to perform Mr. President, if they are not provided with the resources to attract and retain high quality teachers and to implement reforms that will ensure all children can learn to high standards? As I stated many times during debate on the No Child Left Behind Act, tough accountability requirements without sufficient resources to meet the requirements is cruel to students, teachers, administrators, and parents and ultimately it will undermine the success of the education law.

The Kennedy-Harkin amendment would also provide $1.35 billion to increase the maximum Pell grant award from $4,100 to $4,500. Pell grants are extremely important in helping financially needy students enroll and stay in college, many of whom would not otherwise have the opportunity to attend college. According to Empty Promises, a report released in June 2002 by the congressionally-mandated Advisory Committee on Student Financial Assistance: ''. . . this year alone due to record-high financial barriers, nearly one-half of all college-qualified, low- and moderate-income high school graduates—over 400,000 students fully prepared to attend a four-year college—will be unable to do so, and 170,000 of these students will attend no college at all.'' If we are to reduce income inequality in this country, then we must support students who are academically prepared to attend college, but do not have the financial means to do so on their own.

The Kennedy-Harkin amendment is about opportunity. The chance for economically disadvantaged students to succeed in school, and the chance for those same students to attend college. I urge my colleagues to support the amendment.•

Ms. MIKULSKI. Mr. President, I rise in support of the Kennedy amendment to increase funding for vital education programs. There is a lot of talk about leaving no child behind. Yet the No Child Left Behind Act, which we passed just last year, will be a hollow promise if we don't match our rhetoric with resources. We must make sure no child is left out of the budget. This amendment increases funding for two of the most vital educational programs—title I and Pell grants.

The No Child Left Behind Act placed the burden on schools to improve. It is a worthy goal, but it will be a difficult task for our schools. We knew this when we passed the No Child Left Behind Act, and so we promised to give schools adequate resources. I am outraged that only 1 year later, we are already falling behind in our commitment to providing the resources needed to make the reforms work. By increasing funding for title I, our Nation's poorest schools will be able to hire more teachers, buy more computers, and implement the kind of reforms they need to improve student achievement.

Increasing funding for Pell Grants is equally vital. In the 21st century, a college education is the key to moving up the opportunity ladder. Yet the average Pell grant doesn't come close to covering tuition at a State college, and the gap between the cost of college and the amount of financial aid available to the neediest students is only getting bigger. In my own State of Maryland, colleges have had to raise tuition by 5 percent this year because of the State budget shortfall. This amendment raises the maximum Pell grant from $4,000 to $4,500. That is a big step on the way to making college more affordable for students of all backgrounds.

Education and the opportunity to go on to higher education are what give parents hope for their children. Yet today we are still fighting to make sure our children go to good schools with good teachers and up-to-date books and facilities. That is why this amendment is so important. It will help the neediest students of all ages, elementary school, middle school, high school, and college.

Mr. LIEBERMAN. Mr. President, I am proud to join my good colleagues, Senator KENNEDY and Senator HARKIN, in offering this amendment to ensure that we live up to the promise we made just over 1 year ago to improve student achievement by raising standards, increasing accountability, and investing more resources in the classroom.

Recently we celebrated that 1-year anniversary of the most far-reaching Federal education reform in a generation. Today, we ought to be celebrating our progress and looking forward to more. Instead, too many public schools across the country are being taught the difference between rhetoric and reality, and when they read the name of this bill, the No Child Left Behind Act, they are being taught the meaning of irony.

It is sadly fitting that the traditional first anniversary gift is paper because so far, this education reform has happened only on paper, not in practice. The bill was signed, but the bills haven't been paid.

The No Child Left Behind Act is an important law. It is a bipartisan law. It is a strong expression of our intent to prepare all our children to excel in our increasingly competitive information economy. I am proud to have helped shape it.

But what good is a piece of legislation if the executive branch ducks its implementation? What value is a bill if government lacks the will to make it happen?

A little over a year after signing the bill, the President deserves a report card on putting it into action. And here is what I would give him: an ''A'' for words, a ''D'' for deeds, dollars, and dedication. In Stamford Public Schools, where I was educated, those are pretty bad grades.

President Bush talks plenty about the soft bigotry of low expectations; somebody needs to make sure he understands the hard reality of inadequate appropriations. The fact is the funding levels that the President has requested have been consistently, dramatically below what was originally promised, leaving inadequate funding to educate our neediest children.

Money isn't everything, but schools need money to hire good teachers.

They need money to implement high quality reforms. They need money to truly raise standards. Without those resources, the new bill is just Washington's hollow holler for them to change.

It is a disgrace that the President has underfunded title I by nearly $5 billion compared to what was called for in the bill he himself signed with great fanfare. Our amendment would, will, fill that gap by funding an additional $4.65 billion, to ensure that we meet our commitment to fully fund education for our Nation's most disadvantaged students.

In my own State of Connecticut, this would mean an addition of nearly $11 million for local schools to help them fund the critical reforms that will raise academic achievement for all students.

It would also raise the maximum amount of the Pell grant to $4,500 so that more low-income students are not priced out of higher education. My father worked days and nights in his store to earn enough to send me to college. I was the first in my family to go. But for most families in an equivalent position today, even two incomes aren't enough to cover tuition.

The Pell grant increase we propose is not nearly enough to fully meet the needs of low- and moderate-income students, but it is a positive step forward. It will help make the college dream, the dream to keep climbing the learning ladder and get the skills necessary to compete in this information economy, a reality for more students.

Of course Federal money can't flow freely, not while we fight a war against terrorism at home and abroad. But the choice we face isn't between fighting the war against terrorism and fixing our schools. It is infuriating to hear people suggest that false choice.

The truth is, this administration's unfair and unaffordable tax cut, which does too little to grow the economy and too much to reward a few taxpayers, has made it all but impossible to meet other critical needs.

Think about what it would cost to fully fund the new education law and raise Pell grants versus what the President wants to spend on the least effective pieces of his 2001 tax cut, or on his misguided so-called stimulus plan proposed earlier this month.

This is about priorities. Do we spur economic growth with responsible tax cuts and necessary investments in education, or do we blow the bank on unaffordable and ineffective tax cuts and chronically fail to rise to our commitment to education?

Throughout our history, public schools have been the ladder that children in poverty climb to enter the middle class, the ladder that kids at all economic levels climb to reach greater heights and access new opportunities. More and more that ladder is extending into higher education as well.

But in recent years, for too many kids those rungs have gotten slippery. The ladder has gotten rickety. If passed, this amendment will help make the learning ladder steady and strong again. But if not, as standards continue to rise in our elementary and secondary schools, and college costs continue to soar, we will be setting up our kids for a long, hard fall.

Mr. President, I urge my colleagues, on both sides of the aisle, to join me in supporting this amendment that will restore $6 billion to our public schools, and put us back on track for meeting our funding commitment to the high-quality academic reforms Congress strongly supported last year.

Mr. KOHL. Mr. President, I rise today in strong support of the amendment by Senator KENNEDY. But frankly, I am surprised and disappointed that it is even necessary.

Just one year ago, Congress overwhelmingly passed, on a bipartisan basis, the No Child Left Behind Act. Eighty-seven Senators supported it. Three hundred eighty-one House Member supported it. And the President signed it into law, hailing it as the most sweeping reform of Federal education policy in a generation.'' We all agreed that the combination of flexibility, accountability, and investment were the key to making the new law work.

Now, a year later, States and school districts are working hard to meet their responsibilities. But the Republican majority in Congress and the President are reneging on that deal.

The omnibus bill before us falls far short of the funding we promised just a year ago. In other words, just as we are asking States, teachers and students to achieve more, we are taking away the funding they need to succeed. That is a cruel joke to play on students who we committed to help 12 months ago.

The Kennedy amendment would increase education funding by $6 billion overall—rather than the $90 million cut recommended by the President. It would ensure that Title I, the main Federal program that serves poor, disadvantaged children, would be fully funded. That means 2 million more poor children would be served nationwide. Wisconsin would receive $229 million, an increase of nearly $80 million over fiscal year 2002 levels.

In addition, this amendment would ensure that 200,000 more students in our nation have the opportunity to go to college. Unlike the President's budget request, which flatlines Pell grants, this amendment would provide $1.4 billion more for Pell grants. It would increase the maximum award to $4,500—the highest level ever.

The amendment before us would keep the promises we made to States, school boards, teachers and parents across this country. It would increase funding—not exhorbitantly, not unnecessarily—it simply provides the funding we have already promised. States and school districts are working hard to do their part to improve education. It is time that the President and Congress take responsibility and do our part.

I realize that our country has tremendous needs. We need to fully fund homeland security. We need to spur strong economic growth. But we cannot turn our backs on our children. We can afford to fully fund education if we are serious about making it a priority and not just a soundbite.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Are we under a time agreement at this time?

The PRESIDING OFFICER. We are not.

Mr. DASCHLE. I come to the floor to congratulate the distinguished Senator from Massachusetts on his amendment and on his efforts this afternoon. I said this morning I believed the amendment offered by the distinguished Senator from West Virginia was perhaps the most significant priority we could address, and indeed in terms of our personal security that is true, but I cannot think of a higher priority, in terms of the long-term future and strength of this country, than this issue and this amendment.

We talk about the need for strength. This amendment provides it. I have been home a good deal over the course of the last several months, and I do not know that I have ever seen a time when my teachers, my school districts, my school superintendents, were more alarmed at the circumstances they faced than they are today.

We are not alone. There are many schools in South Dakota that have now been forced to move from 5-day-a-week school sessions to 4 days a week. Why? Because they do not have the resources. Why? Because they have to share teachers. Why? Because in many cases the Federal requirements are putting burdens on them that they simply cannot meet budgetarily.

I recall a debate we had years ago about unfunded mandates. I recall that debate so vividly because, I think probably with unanimity, we said: Let's put an end to unfunded mandates. Let's say we are no longer going to press upon States and local governments more regulation if we are not going to provide the funding for them.

What has happened since that vote? Year after year, session after session, we have done just the opposite. There is layer after layer of additional unfunded mandates. I cannot think of anything more critical and more in evidence of that trend than this.

I was an enthusiastic backer of the No Child Left Behind Act when we passed it. There is a need for greater accountability. There is a need to recognize the importance of more shared information and a better understanding of how schools are performing. We know we need that. We said at the time, as important as reform is, it is impossible without resources. So we said at that time, in order to ensure that we do not get to the position once more of imposing unfunded mandates and impressing upon school districts the need for reform without the support for reform, we would guarantee them the resources, -

guarantee them the support. Guarantee them they would not be facing the extraordinary nightmare that my school districts are facing right now.

That is what this amendment does. This amendment says we are serious about providing those resources. We are serious about providing the opportunity for meaningful reform. If we are going to do it, we have to start in this year's appropriations bill. We cannot wait 6 more months. We cannot tell the school districts, hold on, help is on the way. Help is needed now.

This amendment fully funds title I. As I talk to school districts all over my State and around the country, they say, if there is one thing you can do to help, it is ensuring we have the resources for title I.

What is troubling to me is the bizarre set of priorities we continue to face as we look at the budgetary questions that have come before the Congress in the early days of the 108th Congress. We are told we cannot afford this amendment. We are told the cut is necessary because it is in keeping with a budget that requires us to cut $10 billion, first, and another 1.7 percent, or $6 billion, second, out of an appropriations bill that is already inadequate. That is what we are told. We are told the only way we are going to be able to meet our obligations is if we make these cuts.

I guarantee in a couple of weeks we will be right back, saying in spite of all the need for the cuts, we have plenty of room for a $1 trillion tax cut, most of which will go to those in the very top brackets of income in the country. That is a bizarre juxtaposition of priorities. We have a choice of helping our kids, building strength for our future, recognizing that school districts are in dire straits and in desperate need of this help, or turn around and say no to those children, no to those school districts, no to those States, and yes to the millionaires, yes to the tax cuts, yes to this extraordinary zeal, in spite of the need we find this very afternoon.

I hope on a bipartisan basis we can recognize that if we were serious about passing real reform a year ago last December, if we were serious about suggesting that school districts would have a new day, a new opportunity for meaningful reform with accountability and resources, we are going to support this amendment. We are going to recognize that school districts have no choice but to rely on us for help through this amendment. We are going to say yes, we recognize this is important from an educational point of view, from a stimulus point of view, from the point of view of providing strength to our schools and to our kids. There can be no more important amendment we could take up on this appropriations bill than this amendment this afternoon. We have to recognize that.

I can say with unanimity, we do on this side. I only hope there are those on the Republican side who recognize it, too. Let's put our real commitment where our mouths were a little over a year ago. Let's say we understand the need for reform but we also understand the need for resources. That is what this amendment does. That is why I feel so strongly about supporting it. That is why I applaud its author, Senator KENNEDY, and others, who have presented it to us today.

I yield the floor.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from New Hampshire.

Mr. GREGG. I would appreciate it if the Senator from Rhode Island would allow me to proceed with a unanimous consent request.

I ask unanimous consent there now be 60 minutes equally divided between myself and Senator KENNEDY; provided further that following the use or yielding back of the time, the Senate proceed to a vote in relationship to my amendment, to be followed immediately by a vote in relationship to Senator KENNEDY's amendment.

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

Mr. GREGG. I appreciate the courtesy of the Senator from Rhode Island. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield 10 minutes to the Senator from Rhode Island.

Mr. REED. Mr. President, I rise to support the Kennedy amendment which would allow us to live up to the commitment we made just over a year ago in the No Child Left Behind Act, that we would fully fund educational programs contained in that law and other educational initiatives that are so important to all of our citizens. Today we are facing a budget that does not do that.

I was listening to my colleague who talked about President Bush's efforts of the last two years with title I, which is very important. These increases are commendable. I was listening to comparisons with President Clinton. I think President Clinton did extremely well in terms of funding education, and he focused not just on title I but also efforts to reduce class sizes, increase professional development, and increase and improve the quality of the educational efforts throughout this country.

It is particularly noteworthy that President Clinton exceeded all of his recent predecessors in terms of Title I increases. President Reagan proposed a 2.99-percent cut; President George Herbert Walker Bush, a 2.31-percent increase; and President Clinton, a 4.01-percent per year increase.

When I arrived in 1990 in the other body and served on the Education Committee there, it was recognized that education was important, but by 1995 a Republican Congress was making its first priority the elimination of the Department of Education. Yet in that environment we were still able to increase funding for title I and other educational programs.

The issue is not about comparing President George W. Bush to President Clinton. We are simply asking President Bush to do what he said he would do when he signed the No Child Left Behind Act, when he embraced all of the reforms within this act, when he touted these reforms as a path-breaking development in Federal education policy.

He understood, I think, and certainly in the deliberations we all came to the understanding, that education is not just about one segment, not just about students. It is about teachers. It is about facilities. It is about giving local school districts incentives to improve and ensuring they do improve by setting up accountability measures. We cannot do that without providing the resources.

There have been discussions in the Chamber about unfunded mandates, and my colleague from New Hampshire pointed out that in his view the testing is not an unfunded mandate because we will fund the testing. The reality is that we are telling school districts to not only test, but then to take those results and improve schools.

I already have schools in Rhode Island that have been required by the Department of Education to be certified as not making sufficient progress. Under our legislation, that triggers steps the State and school districts must take. Those steps are not without costs. Yet we are not providing sufficient resources to meet all of those costs.

That is the unfunded mandate. That is what is objectionable. That is what we hear in every State capital in every community. You asked us to go out and test our children, you asked us to start reforming, you asked us to have better teachers, better facilities, better libraries. You give us money to test, but where are the other resources? That is the heart of this whole discussion and whole debate.

I recall, they were so eloquent and so passionate, the words of our late colleague, Paul Wellstone, who said repeatedly:

> We cannot realize the goal of leaving no child behind on a tin cup budget.

There were loads of us who, a year ago, applauded the approach but feared the authorization would be what it seems to be on the floor this evening, just a hortatory, nice thing to do, rather than a goal we are bound and committed to achieve.

Last year, no one was talking about this as just merely suggestions, these authorization levels. They talked about it as a real commitment. That is why we are here. That is why Senator KENNEDY has this amendment. Let's make a real commitment, not just a rhetorical one. Let's put our money where our mouth was last year and should be this year. We have to do that because we recognize unless we invest in education we are not going to be able to prepare young people to assume roles, not just in our economy, but also in our civic life.

The tasks before schools today are so much more complicated. The new Americans who arrive daily with different languages and different cultural viewpoints have to be, we hope, seamlessly brought into our system, and public education has been the great institution to do that. We have to support that.

So we are here today to be very serious about education, not just to pass a bill that we can go out and tout in our states and then come back here and say that was just rhetoric. We are here for the resources. We are here for the second part of the equation.

The goals are there. The structure is there. Now we really have to put the resources to those goals and to that structure. Senator KENNEDY has identified two of the key components: title I, which serves practically every community in this country, and also Pell grants.

In distinction to the approach of Senator KENNEDY, my colleague from New Hampshire would suggest an across-the-board cut. So many people have already pointed out this overall omnibus is deficient in so many different ways, to take from the Department of Veterans Affairs, to take from the other departments, is not a way to solve this issue. We have to stand up and fund these programs in education without denying other worthwhile programs. I think we can. I think we should.

Of course, all of this is in the context of what follows this appropriations process. It is already the announced goal, the objective of the President, to propose a huge tax cut. We should ask ourselves why can't we, today, simply reserve from that proposed tax cut sufficient moneys this year and in the years to come to fully fund education? I would suspect, and I would even wager that, if you asked most Americans whether they would prefer to fund this bipartisan education act—which has been touted, supported, embraced by all sides, President Bush, Republican congressional leaders, and Democratic congressional leaders—by taking money from that tax cut and putting it into this sound program, and they agree it is sound, they would agree overwhelmingly.

In a way, we are not doing that directly, but that is the overarching context of our efforts this afternoon. We want to put the resources where they should be, in title I and in Pell grants. We want to keep our promises. We want to make sure all the provisions of this No Child Left Behind Act have a fair chance to operate and succeed.

Let me just conclude by saying one of the major points that persuaded me with some—I wouldn't say reluctance, but with some hesitancy, because I feared this day where we, a year after our press releases, would be coming here and finding the money is not there to do the job—but what persuaded me is that this bill essentially recognized that education is not just one thing, it is many things. That is why this No Child Left Behind Act has funding for professional development, parental involvement, school libraries, and a host of other programs.

Let me tell you, those programs are going to be drastically underfunded in the President's budget, as I see it, even if we put more money into the title I program.

But the point is, if we do not commit ourselves to the full change of educational reform we are going to, I think, sadly misspend even the money we commit to the program.

I hope we can support the Kennedy amendment. I hope we can support additional resources for education. In doing so, let's fulfill our commitment, not just our commitment to the act that was passed last year, but a greater commitment, to give every citizen in this country the opportunity to succeed, and the best instrument to do that is good education. We all believe that. Let's translate our beliefs into votes this evening and put the money where it should be.

I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. ENZI. Mr. President, I yield myself 10 minutes.

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

Mr. ENZI. Mr. President, every time we have the education debate I feel a little bit compelled to come over to the floor and point out to my colleagues the extent of what we are talking about. We are talking today as if the Federal Government solves all education problems. We are the problem. We provide about 8 percent of the funding for education and we provide over 50 percent of the paperwork for education. We have been attacking this accountability thing with papers that have to be turned in to the Department of Education for years.

I have a person on my staff who is a former principal. He was a principal and he took a leave of absence to come back to Washington and take a look at what happens to the forms he fills out. He spent a semester at the Department of Education. When he reported back he said: You know, they actually read all of those documents. They make sure that every ''i'' is dotted and every ''t'' is crossed. He said the big disappointment is then there is no use for the paperwork. Nothing happens with it. There is no accountability. There is no support. There is no help to the schools. We need to do something differently.

That is what No Child Left Behind is about, taking a different approach to accountability. We have been placing this huge burden on schools for a long time. We have not been providing the money to provide the paperwork. Now we said let's try a different approach; let's let them set up an accountability mechanism; let's give them some money so they can do the accountability; and then let's see if we can hold their feet to the fire with that so it's not just another report going into the garbage can. Actually, they don't go into the garbage can; they go into some file cabinets that we also pay a lot of money for.

I am not going to spend a lot of time defending the levels of funding or trying to show who is outbidding whom—and that is what this is, just a bidding war, and we do it every year. Of course, what I would like to ask the other side of the aisle is, if the increases in funding and the funding is so important, why did we have to change majorities before we could even debate it? Why wasn't this appropriations bill done last summer? Why wasn't it done in July or September? We are just debating it now, and 4½ months of the time has already passed and we are saying this is a crisis and we need to outbid each other.

This is a crisis and we need to get it done, but it doesn't have to be a bidding war. We need to get this done so we can get to the next part of the process, which is to do a budget. Remember, we missed having a budget last year, the first time in 32 years that we had not had a budget. That kind of kept us from getting to those appropriations bills. And we did not. Now what we need to do is get this done, get on to the budget, get on to the appropriations, and do it correctly this next year; have the hearings, have the debates on this floor without the time constraints of being 4½ months late.

I thank the Senator from New Hampshire for his presentation on the way the Bush administration has increased funding for schools. As the accountant, I am pleased with the charts he has done and the figures he has given on the increases the Bush administration has done for education.

Elementary and secondary education funding is growing at a faster rate than enrollment. In 2002, there was a 27 percent increase in elementary and secondary education funding, and that was compared to a 0.3 percent increase in enrollment.

Let me say that again. In 2002 we did a 27 percent increase in education funding, and that was compared to a 0.3 percent increase in enrollment.

Since much of the new money from 2002 is just reaching the schools for the first time, the massive increase for 2002 began reaching them in last July. It is disingenuous to make the case that the Federal Government isn't doing its share when it comes to dollars for education. Again, I point out the delay in appropriations this year. In fact, a total of $19 billion from 2002 is still sitting over at the Department of Education and has not been drawn down by the schools. That is $19 billion. That is more than we are talking about in any bidding wars we are doing here.

But let us not forget that the No Child Left Behind Act is not just about Federal investment in education. It is about getting a return on that investment and improved student achievement for all of our children. That

means dedication of the States, too. It is not just an effort to move the burden to the Federal Government. The States have to be involved.

I am pleased to say that according to the Washington Post there are two States in the United States that fully fund their education plan. One of those is Wyoming. When we are talking about increases in dollars, we are certainly hoping it can have the flexibility that will go to the kinds of programs to help develop our kids for the kind of jobs there will be in the future so they can stay in Wyoming and so they can compete in the global market. We have recognized the importance of education. We have fully funded education. That isn't enough money. We are also one of those States with a declining enrollment. We aren't even three-fifths of 1 percent in increase in enrollment.

Let us keep in mind that, even with limited resources, economic concerns, and many additional important national priorities as a result of our Nation's war on terrorism, the President's 2003 budget and this bill contain significant increases in the areas that most directly affect the neediest children.

I could go into some more detail on that. We have a time agreement. I appreciate having a time agreement so we can begin some votes.

But I do think we have the capabilities to do the kind of things for which the No Child Left Behind Act is intended. We can do better next year, and we will as we do the process the way it was designed to be done.

We know well-prepared teachers lead to a child's success in school. However, millions of children don't have the benefit of a qualified teacher in their classroom. That is why this bill provides almost $3 billion this year to support our Nation's teachers.

I am particularly sensitive to that because my oldest daughter is a principal in the Wyoming School System. She was a teacher. She taught English to seventh graders for about 6 years. I think that is one of the challenging places to teach because students have all those hormones and body changes and all of those things. She really enjoys it. She got two masters degrees while she was doing that, and one of them entitled her to be a principal. She was hired principal in a little community called Chugwater. I hope you will try Chugwater chili and the great spices for the chili. It is the community activity and the community business in a town of 256 people.

Enrollment in the school, kindergarten through 12th grade, is 130. She found out there are some experiences the education textbooks don't cover. On the the first day of school there was a rattle snake in the building. On the second day, a seventh grader found a black widow spider. Day before yesterday, there was a skunk in the schoolyard. This is 45 miles from anywhere. There are some different problems dealing with a situation such as that. It took 45 minutes for the police to get there to remove the skunk.

Teachers are challenged. Principals are challenged. We need to have well-prepared teachers who are qualified to teach. I am blessed to say that in Wyoming that we have met that goal—not completely. We are still working on having better teachers all the time.

I remember one fellow running for superintendent in the public schools saying the job of the principal was to make sure good teachers got better and bad teachers got better somewhere else.

But I do want to say the President's budget asks for money for increases in teachers and increases for reading programs.

I want to close by saying that the combination of the very substantial new funding provided over the past 3 years and the reforms in the No Child Left Behind Act will make a real difference in improving the performance of our schools and the achievement of all students.

What I have said today shows the picture in addition to what the Senator from New Hampshire said. He has put in an amendment that does call for an increase in spending and the flexibility that I have been talking about for the Wyoming schools and for other States that have been doing an adequate job of funding their students presently. It gives them the flexibility to spend it on the things they think are needed the worst.

I hope you will support the Gregg amendment. I hope you will defeat the Kennedy amendment and provide for a budget and appropriations now.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from New Jersey.

Mr. CORZINE. Mr. President, I ask unanimous consent to have 6 minutes from the time allotted to Senator KENNEDY.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CORZINE. Mr. President, I want to say a few words to reflect what I know the people of New Jersey believe with regard to the debate we are having on the floor about the omnibus appropriations bill, particularly with regard to the two priorities we talked about today—homeland defense, but particularly as it relates to our educational priorities in this country.

I feel as if I am living in a different world from what I hear talked about on the floor of the Senate. We are experiencing in my home State a severe fiscal crisis. We have a $5 billion budget deficit this year that has to be closed at the expense of our kids and investing properly in our homeland defense. Then I hear, by the way, that we are having on average, across our local communities, about a 7-percent increase in property taxes, which is really going to fund education.

Since I have been here in Congress, we are doing a lot to put new mandates on our local communities about what their responsibilities are with regard to education. But we are not providing the kind of resources that will allow them to fulfill those mandates effectively to meet the needs of our kids—those 6 million children left behind under title I whom Senator KENNEDY so appropriately tried to address with his amendment.

I just have an incredible misunderstanding of why we think we need a $675 billion tax cut and $375 billion of it going to dividend exclusions, 80 percent of the overall tax cut going to the top 5 percent, and 60 percent going to the top 10 percent in our society, when we are unwilling to invest in those 6 million kids and the 10,000 failing schools that have already been identified. And 40 percent of the title I schools don't have teachers who are qualified to sit in the classroom. I don't get it. I don't understand why there is this serious deficit problem back in our State and local communities and we are talking about a tax cut and a priority that doesn't relate to the long-term health and growth of our Nation. It just doesn't make sense.

I hear all the arguments about who is growing the educational budget faster, or whether it is this year or over in the Clinton administration. The fact is we have a real need. These are tangible needs to be addressed. They need to be addressed now. We have choices. Six billion dollars is not even a tenth of the $675 billion we are talking about in the tax cut. And, by the way, when you add the interest, it is $1 trillion. What is $6 billion among friends?

This is not the right priority, in my view, and it certainly is not what the people of New Jersey are telling me they want.

Mr. KENNEDY. Will the Senator yield on that point? I yield myself 2 minutes on this.

Is the Senator saying as we are considering the omnibus bill and the money which is going to be expended on that—of which $10 billion was generally agreed to last year by Republicans and Democrats—that we would take $6 billion of that $10 billion—and there are those who are opposing it—that we are still going to say we can afford the $670 billion, and a great percentage of that will go to the top 1 percent of the wealthiest individuals, and that is a higher priority than meeting what President Bush and a bipartisan group pointed out were the needs of children in many of the poorest areas of this country?

Mr. CORZINE. The Senator from Massachusetts is, as always, using common sense. We are saying this tax cut is more important than investing in our kids, investing in our schools, fulfilling the promise that we talked about and debated and worked, on a bipartisan basis, to provide. Improvement and flexibility—all the things the distinguished Senator from New Hampshire talked about in principles—we

are all for that, but we are saying this darn tax cut is a lot more important than the priorities of educating our kids.

Mr. KENNEDY. Mr. President, I yield myself one more minute.

Is the Senator, therefore, suggesting, as we look down the line in terms of the national budget—and what the budget is going to be—that we have the choice of having the $6 billion to take care of 2 million more children, who we promised we would take care of in title I, and perhaps reducing the President's tax cut by $10 billion this year?

That could be done, as the Senator said. We could say: Look, we, in the Senate, say, OK, we think it is more important to provide funding for the children and to reduce the President's tax cut by the $6 billion that would be affected this year. We have that choice, do we not?

Mr. CORZINE. I think it is absolutely in the hands of the people who sit in this Chamber to make the decisions. We are elected to talk about priorities. Where are the priorities in this Nation with regard to homeland defense, and certainly with our longrun health and security—that American promise that we hear and we all embrace?

We are making a choice that a tax cut, which is going to promise those who are already doing really well—that 1 percent, that 5 percent, or 20 percent; however you cut it—they are more important than our kids in making sure that everybody has access to the American promise.

Mr. KENNEDY. I thank the Senator again and appreciate his comments. I hope he will continue.

Mr. CORZINE. I will just wrap up.

Again, I have a hard time understanding this debate, when we have such a clear choice in front of us, when we talk about the needs of these 6 million kids, the 10,000 identified failing schools.

By the way, we are all in favor of the flexibility and making sure that the local school districts have the ability to deal with a lot of these issues. But we cannot turn around failed schools if we don't have teachers who are qualified to sit in the classrooms. And we need to do it.

By the way, one of the ways we get those qualified teachers in those classrooms is to make sure the Pell grant program is properly funded, where people who need the opportunity to get a higher education actually have access.

I hear about the tax cut, $30 billion that went into the tax system. That is great, as long as you have taxable income. If you don't have anything to have a tax credit against, it is pretty hard to figure out how you are going to use that to fund higher education that will ultimately end up providing our teachers, our doctors, our researchers, and all the people to go forward.

So I hope my colleagues can understand the simple concept: Do we really need a $675 billion tax cut, for those who are already doing well, when we can't make the choice to provide the $6 billion that we want to invest in our schools?

I appreciate Senator KENNEDY's efforts here. I wholeheartedly support them and hope my colleagues will as well.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, how much time remains on either side?

The PRESIDING OFFICER. The Senator from Massachusetts has 11½ minutes. The Senator from New Hampshire has 19 minutes.

Mr. KENNEDY. I yield 5 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator from Massachusetts not only for yielding time but also for his leadership on this issue.

I would like to note to the Senator from Massachusetts that the President gave a speech last night relative to the issue of affirmative action in which he said he did not believe preferences should be given based on race but, rather, people should be chosen based on merit.

If you accept the President's premise, that Americans should have an opportunity to be educated, and then compete for spots at good universities, then doesn't it follow you would want to make certain that people across America have equal opportunity in education? Because how can you compete on the basis of merit and education if you don't have a good school and a good teacher, a good curriculum, and an opportunity to learn?

Senator KENNEDY comes to us today offering this amendment saying: Why aren't we putting money into education so that children—all children, minority children as well as majority children—have an opportunity to learn?

I think this is a test for the other side of the aisle. If you support the President's position, in opposition to affirmative action, and believe people should be judged on merit, then, for goodness sakes, create a level playing field, so the children from the poorest families, in the poorest schools, have a chance to learn, compete, and lead fulfilled lives.

It will be interesting to see what happens, whether the same Senators who oppose affirmative action will also oppose funding education.

Secondly, let me suggest Senator KENNEDY is keeping his word. When he and I and others joined the President in voting for No Child Left Behind, it was not an empty promise; it was a promise that we would stand with the schools, the families, and the children in improving the quality of education across America.

The President took great pride in this education bill, and he passed it and said: The first thing we need is accountability. I certainly agree with that. But he called for more tests than usual, so that we could monitor, on an annual basis, how our children are doing in school. And, of course, those schools that are not doing a good job, where children are falling behind, will require some remedial effort. The remedial effort involves title I, part of the Elementary and Secondary Education Act, which Senator KENNEDY is trying to fund.

Senator KENNEDY is trying to keep President Bush's promise to America when it comes to education. It is not enough to say that the schools are failing us, the schools are falling behind. Senator KENNEDY brings, with this amendment, a chance for every Republican who voted for No Child Left Behind, and those of us on the Democratic side who joined, to keep our promise and keep our word.

Failing that, if we do not come up with the resources for West Virginia, for Massachusetts, or New Hampshire, then they will have to make difficult decisions.

They will have the Federal requirements of No Child Left Behind—requirements to improve their curriculum, improve their teachers, improve their teaching assistants, formulate all sorts of tests and evaluate the students—but they will not have the resources to improve their schools.

What will we have accomplished? We will have diagnosed an illness, but the President refuses to come up with the drugs necessary to cure it. Senator KENNEDY's amendment does. Senator KENNEDY comes forward and says: Let's put the money we promised on the table. If you don't do that, I will tell you what will happen in my State and most other States. You will have a mandate from Washington, under President Bush's No Child Left Behind, and no funds to meet the mandate. And what a terrible time for that to happen.

Estimates across the Nation suggest that States are falling behind $90- or $100 billion this year. In my State, it is $5 billion. I can tell you where the cuts will be made. Sadly, they will be made in education. And so, in Illinois, we will be cutting basic funds for education while President Bush's requirements under No Child Left Behind are being imposed on Illinois school districts facing bankruptcy.

Where is the fairness in that outcome? And the Senator from New Hampshire suggested we do across-the-board cuts from all the other agencies to come up with a pot of money, and send it to the States to deal with on a grant basis. You can certainly argue with his premise as to whether or not we can continue to make cuts in a lot of different agencies that have already been cut and trimmed, time and time again—whether it is the Veterans' Administration or homeland security; and those are certainly areas where we could debate long and hard as to whether that is the right thing to do—but what Senator KENNEDY is doing

with this amendment is asking Congress to keep its word.

All of those who posed for those political ''holy'' pictures with the President, which showed us being friends of the education President and friends of education, now have to come through with the money to make sure it happens. If we do not, then, frankly, we should be held accountable.

Those who vote no on this amendment—

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. DURBIN. Mr. President, I ask for 30 additional seconds.

Mr. KENNEDY. Thirty seconds.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, those who vote no on this amendment have basically asked for the best of both worlds. They want all the positive publicity for reforming education, but they don't want to pay the bill. That is an abdication of responsibility to my State and every other State.

I urge Senators who believe in the President's program to stand with the program when it comes to providing the funds. This amendment will give them that chance to do so.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. Mr. President, what is the status of the time?

The PRESIDING OFFICER. The Senator from New Hampshire has 19 minutes 17 seconds. The Senator from Massachusetts has 5 minutes 50 seconds.

Mr. GREGG. I thank the Chair.

Mr. President, let's remember what we are debating here relative to the merits of the various amendments. We heard another restatement of this representation that the President has not made a commitment to No Child Left Behind. He has not only made a commitment, he has made the most significant commitment to education in recent history, the most significant commitment to title I in history, and the most significant commitment to IDEA in history. Compared to the prior administration, his commitment represents a massive increase. In fact, if you take the 7 years of the prior administration, running up to 2001, and compare it to the President's first 2 years, the President has actually made a commitment that exceeds those 7 years in 2 years by approximately $500 million. Or almost 25 percent more than what President Clinton put into education over 7 years, President Bush has put into education in 2 years.

His commitment to title I has been a 27-percent increase over the Clinton commitment. His commitment to special education has been $1 billion a year each year for the first 2 years of his administration, the two most significant increases in history compared, again, to the Clinton years. It dwarfs what the administration did during that period. That isn't necessarily the issue, although it has been a matter of debate.

The issue is the appropriateness of the two different amendments. The Kennedy amendment essentially tries to fund No Child Left Behind at about a $4.6 billion level of additional funding, which theoretically gets to an authorized level, which is pretty hard to put your hand around but theoretically gets there. We are talking about putting $5 billion, which works out to about the same number as Senator KENNEDY's, into the No Child Left Behind bill.

From a dollar standpoint, the two amendments are essentially the same. Where they differ is in how they approach those dollars. We say to local school districts: Here is the money. You can take it. You can use it to address your needs in your local school systems as you try to respond to No Child Left Behind.

We know that many of our school systems think that in areas such as teacher training or classrooms or maybe just testing or whatever it is, they think they need more money for No Child Left Behind. This money we are proposing goes to them without any strings, without any controls coming from Washington. It says, you have to use it for No Child Left Behind initiatives. As a result, it is going to give the flexibility to local school districts which they really want with these dollars to accomplish the goal which, let's not forget, is to make sure the kids learn. The whole purpose of this bill is to make sure the kids learn. The priorities should be how we get to that point.

The second thing we do in our amendment, which is not done under the Kennedy amendment, is that we pay for it. I just heard the Senator from Illinois say: We don't need to pay for this. We can't cut anything else.

Listen, we are running a deficit. We are at war. We are a nation which is under some fiscal strain in our economy. The fact is, we have to reinstitute fiscal discipline in the Congress. Regrettably, under the prior Congress, no budget was passed. The Democratic Party, for whatever reason, decided not to bring a budget to the floor of the Senate in the last session of the last Congress, which left us without any enforcement mechanisms. It was, in my opinion, a grossly irresponsible act; the first time in my experience in this Congress that we did not have a budget. Therefore, we did not have enforcement mechanisms.

Now we are in a situation where the President has said, through the force of his bully pulpit: Here is the number, 750. It is a reasonable number. It represents a significant, dramatic increase in funding by the Federal Government. It represents a massive increase in Federal spending. It is a double-digit increase in Federal spending. He said: Hold that 750 number.

Members of the other side are not willing to do that. They don't want any budget discipline. We believe there should be budget discipline. We believe our job as legislators is to prioritize.

The first order of business is to defend our Nation with strong and effective antiterrorism activity, and we have a President who is doing that. We have aggressively funded that.

I happen to believe the second order of business is to fund education. That is why we propose this amendment which basically reallocates funds from other accounts into the education account and fully funds No Child Left Behind as defined by Senator KENNEDY's definition.

I happen to believe No Child Left Behind is getting significant dollars, probably more than they can spend, but these additional dollars will absolutely guarantee that our local school districts have the money they need.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Massachusetts has 5 minutes 45 seconds.

Mr. KENNEDY. Mr. President, I yield myself 2½ minutes.

I ask unanimous consent that Senators DAYTON, DURBIN, EDWARDS, KERRY, CORZINE, and LANDRIEU be added as cosponsors of my amendment.

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

Mr. KENNEDY. We will have a chance to vote in a few minutes. One will be for the Gregg amendment. And I hope our colleagues will vote against it. Then we will have an opportunity to vote for the amendment I have introduced with a number of our colleagues that will add some $6 billion and achieve what the President had actually committed; that is, to begin the real downpayment in reaching all the children who need the Title I funding.

If you accept the Gregg amendment, that will result in reducing funding for Head Start by $104 million; NIH by $410 million; highways by $501 million, NSF by $64 million.

I see our ranking member of the Appropriations Committee. He talked about a 1.3-percent cut. I have indicated what the 1.3 percent would be over the year. But as the good Senator from West Virginia knows, we are talking about a budget that is only 9 months. So the 1.3 will mean deeper cuts in each and every one of these programs. If you vote for that, that is what you are voting for in the Gregg amendment.

Secondly, on the Gregg amendment, it is basically the block grant program that will go for any education purposes. I remind my colleagues what the President of the United States said, and I agree with him. This is in his report from the Department of Education: President Bush emphasized his deep belief in public schools, but even a greater concern about too many of our neediest children being left behind.

That is President Bush.

That is what we are trying to get at. The Gregg amendment doesn't even address that issue. It doesn't say, look, I

will take $5 billion; I will just put it toward title I. He says it can be used for anything.

President Bush says he is concerned about the neediest children being left behind. Then this amendment really makes very little sense.

I see my friend from Florida. How much time do I have totally?

The PRESIDING OFFICER. The Senator from Massachusetts has 3 minutes 22 seconds.

Mr. KENNEDY. I am glad to yield a minute to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. I thank the Senator for the time.

Mr. President, I wish to express support. I thought a deal was a deal. Last year, when the Senator from Massachusetts negotiated the authorizing bill with the White House, it was that we would increase the funding level from the Federal Government, which is only 7 percent of all of the educational funding, because most of the educational funding is at the State and local level, as it should be, but the Federal Government had a unique position, especially for the disadvantaged, to help out the States so that a child would have an equal opportunity to learn.

So in the minute that the Senator has given me, I wanted to express my support for his position to honor the agreement that was made between the White House and the Congress last year on educational funding.

The PRESIDING OFFICER. The Senator has used 1 minute.

Who yields time?

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, Senator GREGG has authorized me to yield 10 minutes to myself.

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

The Senator from Pennsylvania is recognized for 10 minutes.

Mr. SPECTER. Mr. President, it is always difficult to oppose increases in education funding because education is the greatest capital asset this country has. However, in approaching this legislation today, with an omnibus bill on the floor, an effort is being made to cram into two days what should have occurred during the course of a year. Last year the Senate did not have a budget.

I have just returned from a trip to Israel where the Palestinian Authority has a budget, but the United States Senate doesn't have a budget. Now, we are being called upon in the course of a few hours to make decisions involving billions of dollars.

What we have here, realistically, is an auction, a bidding war, a political bidding war to see who will look the best, trying to clothe themselves with being the protectors of education. We have a duty to the taxpayers of America to make rational decisions. I am the chairman of the Appropriations subcommittee that has jurisdiction over the Department of Education. I have been on the subcommittee, and I am now in my 23rd year. I took over the chairmanship in 1995 and have worked very closely and coordinated with Senator TOM HARKIN. On a bipartisan basis, we have added an enormous amount to the Department of Education, starting in my first year as chairman with $23 billion, and now being up to $51.5 billion. Since the year 2000, we have had a 45 percent increase in education funding.

Now, maybe we do need an additional $6 billion, or maybe we don't need an additional $6 billion. It cannot be rationally decided in the course of a few hours on the Senate floor. We ought to have hearings and have experts and have witnesses come in and define the subject and delineate the subject to allow us to analyze it and to make rational decisions.

It is widely noted that the two things you never want to see made are sausage and legislation. Well, this legislation is giving sausage a bad name. We are being asked to make this decision in a rushed way in the course of a few hours.

Now, on the Pell grants, I agree the Pell grants are very valuable, but take a look at what has happened in the course of the last several years on Pell grants. They have gone from $2,600 in 1997, up to $3,300 in 2000, up to $4,000 last year. When Senator HARKIN and I put that $4,000 figure in, the director of Management and Budget, Mitch Daniels, came to my office and complained bitterly that it was too much money and wanted it offset. Senator HARKIN and I stood by our guns. This year, they are going to go up to $4,100.

We have a budget that has to accommodate a great many factors. One of my other jobs is chairing the Veterans Affairs Committee. This afternoon, I sat down with Secretary Tony Principi to go over a program he has to reduce eligibility for VA care. He has to do that because the veterans covered were 2.9 million in 1998, when we went to open enrollment, and now it is 6.8 million. There simply isn't enough money in the VA budget. I would like to see more money in the VA budget. I am concerned about what is going to happen in the National Institutes of Health budget when and if this is adopted. Senator GREGG's amendment is the less irrational of the two amendments on the floor—the less irrational. I don't think either is rational. We have to make a judgment and a choice about which is the least undesirable. If the Gregg amendment is adopted, we are going to be cutting the NIH. Why? Because Senator GREGG, realistically, is offering a counterbalance to what Senator KENNEDY is offering, and that is because we are in an auction and a bidding war for political cover, because everybody wants to look good by adding money to education.

Maybe we ought to take more money for education from some of the other accounts. But, it ought not be done on an afternoon when we are racing against time to finish this multibillion dollar omnibus bill so we can get out of here for the weekend and give 600 speeches over the weekend that are already committed to, and the Martin Luther King holiday is on Monday, and the prospect of being here Sunday, or coming in on Tuesday—if people really knew what we did and what the pressures were on spending billions of dollars of taxpayers' money, they would throw all the rascals out. Unfortunately, C–SPAN 2 doesn't have sufficient coverage to really tell the American people what is going on here.

If you take a look at what Senator HARKIN and I have done as we have changed the gavel over the years, raising the education budget from $23 billion in 1996 to $51.5 billion-plus now, at a 45 percent increase since the year 2000, and the way we have raised the Pell grant awards, there has been a tremendous increase.

I am prepared, in my capacity as chairman of the subcommittee, to go to work and see whether you need more money here so as to not to leave any child behind. However, I must protest the way we are conducting the business of the Senate because we didn't get a budget last year. It is just absolutely inexcusable. The Palestinian Authority has a budget, but the Senate doesn't have a budget. Now we are being asked to appropriate billions of dollars under time pressure, which is simply not right. Between the lesser of the irrational amendments, I choose Senator GREGG's. I think we ought to go through the hearing process, the legitimate process, and do our jobs for the public interest and not pass these amendments, which are really a political bidding war to look good under the mantle of backing education.

Let me repeat, in the 23 years I have been in this body, I have seldom, if ever, voted against increasing money for education, but this goes too far.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, first, let me state I greatly admire the Senator from Pennsylvania, who has done an extraordinary job of attempting to fund some very complicated issues, with lots of different priorities. He has driven increases in special ed funding and has been a huge player in title I and many other positive efforts as ranking member and chairman of the subcommittee. I congratulate him. I am always happy to be the more rational of the irrational.

I yield 2 minutes to the Senator from Pennsylvania, Senator SANTORUM.

Mr. SANTORUM. Mr. President, we have heard a lot of talk on the floor in the last few weeks about the deficits we are facing and about the irrational conduct of the President proposing reductions in taxes. I want to point out the exercise we are engaged in right

now. As the Senator from Massachusetts said, we are talking about real money. It is real money. What is being proposed in these amendments is real money that will add real dollars to the deficit.

I am going to start a process with every amendment we vote on. We are going to keep a running tally of how much money—over this period of time we are proposing amendments to add spending—we will add to the deficits over the next 10 years. The Byrd amendment, which got 45 Democratic votes, adds $5 billion for this year. People have to understand when you add $5 billion this year, it becomes part of the baseline, which is $5 billion not just this year but for 10 more years, plus inflation and the interest costs it takes to finance that deficit; that is $70 billion over 10 years. That $5 billion you voted for this year is $70 billion over 10 years.

We don't know what the vote is yet on the Kennedy amendment, but it is $6 billion; over 10 years, it is $84 billion. So these two votes add up to $154 billion. And we are just starting, folks. It is $154 billion added to the deficit.

So let's look at the folks who are crying about how we don't have enough money to let people keep some of it, but we certainly have enough to spend more of it. I am going to warn my colleagues that this is the starting of a, hopefully, short but presumably long process of adding the numbers of how much our colleagues on the other side of the aisle are going to add to the deficit; and when we reach about $600 billion—and I would not be surprised if we do—you will be at the amount the President wants to give back.

Mr. GREGG. Mr. President, I ask unanimous consent that there be 2 minutes for debate equally divided prior to the beginning of the second vote on the Kennedy amendment.

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

Mr. GREGG. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from New Hampshire has 2 minutes 52 seconds.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I have 2 minutes. I yield myself 1½ minutes.

I have difficulty in understanding the argument of my good friend from Pennsylvania. We debated the No Child Left Behind legislation for 7 weeks. On May 3, the Senator from Pennsylvania, Mr. SPECTER, voted for an $18 billion increase in No Child Left Behind. This is $16 billion. This comes as no surprise to any of the Members who are debating the issues of Title I.

President Bush galvanized the Nation in giving attention to the neediest children in this country. He recognized that there are 11 million children who have been left out and left behind. He talked about a partnership between the Federal Government, the students, the States, the local communities, and the parents; that we were going to work together to enhance academic achievement and responsibility, and that there was going to be tough accountability. We supported that in a bipartisan way in this Senate, in the House of Representatives, and all across this country.

All this amendment does is make sure we are going to have a real downpayment to that commitment by ensuring that at least 2 million more children will be included in the No Child Left Behind legislation. Four million will still be left out. Four million will still be left behind. This amendment is just a downpayment on that pledge made in the No Child Left Behind Act.

If my colleagues support this amendment, we are still under the overall caps that were agreed to. For anyone worried about the budget, I say this is a better investment in the future of our country than the $670 billion that the Republicans and the administration are supporting in tax breaks. This is what the American families want: Invest in their children, invest in education. That is what our amendment does.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GREGG. Mr. President, what is the status of the time?

The PRESIDING OFFICER. The Senator has 2 minutes 52 seconds remaining.

Mr. GREGG. Does the Senator from Massachusetts retain any time?

The PRESIDING OFFICER. He is out of time.

Mr. GREGG. Mr. President, let us return to the amendments. The amendment I put forward is a $5 billion increase in educational funding. It is a process of funding, however, that sends the money back to the States without strings, gives them the flexibility they need to meet the obligations of the No Child Left Behind legislation. It addresses many of the concerns we are hearing from our local educators and our communities about whether they are going to have adequate funds and whether those funds are going to be free enough for them to accomplish what they need to do to bring these children up to speed and educated.

It is a paid-for amendment. That is probably the most significant difference. This is a paid-for amendment, and in a time of deficits, in a time of economic concern, in a time of war, we need to be setting priorities and be willing to pay for them and make the tough decisions on those priorities, and this amendment does that.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to amendment No. 19. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Nebraska (Mr. HAGEL) is necessarily absent.

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

I further announce that, if present and voting, the Senator from North Carolina (Mr. EDWARDS) and the Senator from Massachusetts (Mr. KERRY) would each vote ''no''.

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

The result was announced—yeas 52, nays 45, as follows:

[Rollcall Vote No. 4 Leg.]

YEAS—52

Alexander	Dole	Murkowski
Allard	Domenici	Nelson (NE)
Allen	Ensign	Nickles
Bennett	Enzi	Roberts
Bond	Fitzgerald	Santorum
Brownback	Frist	Sessions
Bunning	Graham (SC)	Shelby
Burns	Grassley	Smith
Campbell	Gregg	Snowe
Chafee	Hatch	Specter
Chambliss	Hutchison	Stevens
Cochran	Inhofe	Sununu
Coleman	Kyl	Talent
Collins	Lott	Thomas
Cornyn	Lugar	Voinovich
Craig	McCain	Warner
Crapo	McConnell	
DeWine	Miller	

NAYS—45

Akaka	Dodd	Leahy
Baucus	Dorgan	Levin
Bayh	Durbin	Lieberman
Biden	Feingold	Lincoln
Bingaman	Feinstein	Mikulski
Boxer	Graham (FL)	Murray
Breaux	Harkin	Nelson (FL)
Byrd	Hollings	Pryor
Cantwell	Inouye	Reed
Carper	Jeffords	Reid
Clinton	Johnson	Rockefeller
Conrad	Kennedy	Sarbanes
Corzine	Kohl	Schumer
Daschle	Landrieu	Stabenow
Dayton	Lautenberg	Wyden

NOT VOTING—3

Edwards	Hagel	Kerry

The amendment (No. 19) was agreed to.

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

Mr. BROWNBACK. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 13

Mr. STEVENS. Mr. President, what is the pending business?

The PRESIDING OFFICER. There are 2 minutes evenly divided before a pending vote on the Kennedy amendment.

Mr. STEVENS. Two minutes to each side?

The PRESIDING OFFICER. One minute on each side.

Mr. REID. That wasn't the unanimous consent.

Mr. STEVENS. There seems to be some disagreement about it.

The PRESIDING OFFICER. The Democratic whip.

Mr. STEVENS. I yield for a question. I don't want to lose the floor.

Mr. REID. I was on the floor when the Senator from New Hampshire offered a unanimous consent agreement. I understood it would be 4 minutes evenly divided.

Mr. GREGG. Mr. President, if the Senator will yield, it was 2 minutes equally divided.

Mr. REID. I apologize, Mr. President.

Mr. STEVENS. If they want 2 minutes for each side, let's do it. I ask unanimous consent it be 2 minutes on each side.

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

Mr. STEVENS. May we have order, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thought, since it is my amendment, we would have the opportunity to go last, if that is agreeable to the Senator. Can we have order?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from New Hampshire.

Mr. STEVENS. Will the chair please use his gavel and get some attention and tell Senators to keep quiet.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, although I do not believe it is stated, I believe it is the proper protocol for me to go first. The amendment is different from the one that was just passed. I think it was a good decision by the Chamber to pass the one that was just passed. The way the Kennedy amendment differs is, first, it costs more money; but, second, it is not paid for; and, third, it comes with strings.

Obviously, in a time of fiscal discipline, under which we should be functioning, it is inappropriate to be passing plus-up amendments without paying for them. This amendment would take us over the $750 billion number, which is the number at which the President has requested us to stay.

Regrettably, we do not have a budget resolution. We should have a budget resolution, but no budget resolution was brought to the floor of the Senate under the leadership of the other party during the 107th Congress in the second session. Therefore, we have to sort of self-discipline around here.

We have just done that by passing the amendment I have offered. We will not do it if we pass the amendment the Senator from Massachusetts offers.

I yield my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the overall budget figure we are considering is $10 million less than what was effectively agreed to last year in a bipartisan way, and which the Appropriations Committee marked up. This would take $6 billion of that, which is the amount the President signed into law under the authorization. This figure was effectively supported by a 79-vote majority here in the Senate when we debated the authorization. It had strong bipartisan support.

With all respect to the previous amendment, it is not targeted on the neediest children in this country. President Bush, to his credit, aroused the Nation to give focus and attention to the neediest children in this country, that they should not be left out and should not be left behind.

We made a commitment with the No Child Left Behind Act that over a period of 12 years, every child in this country would reach proficiency. Now, unless we are going to pass this amendment, we are going to only include 354,000 more children—and not meet what the administration had committed itself to, and what the President had committed himself to, and what I think the bipartisan membership committed itself to. That is to include the 2 million children. We will still have a long way to go.

Mr. President, this is about education. This is about teachers. This is about parents. This is about local schools. This is about local school boards.

This is needed across the country. There isn't a school district in this country that does not have a financial crisis. This will be a lifeline to those children who are going to need these resources. The States are $90 billion in debt. A third of that comes from education. So we are seeing enormous cuts in the support of children, and the neediest children. This will continue the strong commitment we made to accountability, to reliability, to better teachers, smaller class sizes, and after-school programs. I hope the Senate will accept the amendment.

Mr. STEVENS. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The question is on agreeing to the amendment. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Nebraska (Mr. HAGEL) is necessarily absent.

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

I further announce that, if present and voting, the Senator from North Carolina (Mr. EDWARDS) and the Senator from Massachusetts (Mr. KERRY) would each vote ''aye''.

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

The result was announced—yeas 46, nays 51, as follows:

[Rollcall Vote No. 5 Leg.]

YEAS—46

Akaka	Dorgan	Lieberman
Baucus	Durbin	Lincoln
Bayh	Feingold	Mikulski
Biden	Feinstein	Murray
Bingaman	Graham (FL)	Nelson (FL)
Boxer	Harkin	Nelson (NE)
Breaux	Hollings	Pryor
Byrd	Inouye	Reed
Cantwell	Jeffords	Reid
Carper	Johnson	Rockefeller
Clinton	Kennedy	Sarbanes
Conrad	Kohl	Schumer
Corzine	Landrieu	Stabenow
Daschle	Lautenberg	Wyden
Dayton	Leahy	
Dodd	Levin	

NAYS—51

Alexander	DeWine	McConnell
Allard	Dole	Miller
Allen	Domenici	Murkowski
Bennett	Ensign	Nickles
Bond	Enzi	Roberts
Brownback	Fitzgerald	Santorum
Bunning	Frist	Sessions
Burns	Graham (SC)	Shelby
Campbell	Grassley	Smith
Chafee	Gregg	Snowe
Chambliss	Hatch	Specter
Cochran	Hutchison	Stevens
Coleman	Inhofe	Sununu
Collins	Kyl	Talent
Cornyn	Lott	Thomas
Craig	Lugar	Voinovich
Crapo	McCain	Warner

NOT VOTING—3

Edwards	Hagel	Kerry

The amendment was rejected.

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

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

The motion to lay on the table was agreed to.

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

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

UNANIMOUS CONSENT AGREEMENT

Mr. STEVENS. Mr. President, I ask unanimous consent that Senator MURRAY now be recognized to offer an amendment regarding Amtrak; I further ask unanimous consent that there be 90 minutes for debate equally divided in the usual form, and that following the use or yielding back of time the Senate proceed to a vote in relationship to the amendment without further intervening action or debate; further, I ask that following the disposition of the above amendment Senator HARKIN be recognized to offer an amendment regarding the Byrne grants and there be 60 minutes for debate equally divided in the usual form to be used this evening; provided further that following the debate the amendment be temporarily set aside and Senator SCHUMER be recognized to offer an amendment relating to port security and there be 60 minutes for debate equally divided in the usual form to be

used this evening; further, I ask consent that when the Senate resumes consideration of the bill tomorrow morning at 9:30, the Senate proceed to a vote in relation to the Harkin amendment, to be followed immediately by a vote in relation to the Schumer amendment, with no amendments in order to any of the above prior to the votes, with 5 minutes for debate equally divided before each vote.

Mr. REID. Mr. President, reserving the right to object, it is my understanding that the Murray amendment will be accepted by voice vote.

Mr. STEVENS. It is our intention that we will accept that amendment by voice vote. It is my understanding that 90 minutes will probably not be used.

Mr. REID. With both leaders on the floor, it is my understanding there will be no more rollcall votes tonight.

Mr. STEVENS. I am not authorized to say that.

Mr. REID. I said to Senator STEVENS that with both leaders on the floor, it is my understanding that if this agreement is accepted there will be no more rollcall votes tonight.

Mr. STEVENS. The majority leader has agreed that is the case. There will be no more rollcall votes tonight.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Mr. President, reserving the right to object, I wasn't hearing so well back here. As I understand it, because I have an amendment involved in this agreement, there are 60 minutes equally divided but we will not be voting on it tonight; we will vote tomorrow.

Mr. STEVENS. That request was put forward by your side. We agreed to that.

Mr. HARKIN. With 5 minutes of debate before each vote?

Mr. STEVENS. Before each of the two votes—your vote and the vote on the amendment of the Senator from New York, and 5 minutes prior to votes on each amendment tomorrow morning.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. There is no objection. I understand we probably will not use that 90 minutes.

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

The Senator from Washington.

AMENDMENT NO. 30

Mrs. MURRAY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington (Mrs. MURRAY), for herself and Mrs. HUTCHISON, Mr. BYRD, Ms. SNOWE, Mr. HOLLINGS, Mr. CHAFEE, Mr. BIDEN, Mr. SPECTER, Mr. LEAHY, Mr. CARPER, Mr. LAUTENBERG, and Mr. CORZINE, proposes an amendment numbered 30.

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

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

The amendment is as follows:

(Purpose: To ensure the continued viability of the National Railroad Passenger Corporation)

On page 741, strike lines 3 through 9, and insert:

For necessary expenses of operating costs and capital improvements of the National Railroad Passenger Corporation as authorized by 49 U.S.C. 24104(a), $1,200,000,000, to remain available until expended, of which $550,000,000 shall be for operating expenses, $369,000,000 shall be for capital expenses along the Northeast Corridor Mainline, and $281,000,000 shall be for capital expenses along the remainder of the Corporation's national rail network.

Mrs. MURRAY. Mr. President, I am very pleased to rise, along with the ranking member of the full Appropriations Committee, Senator BYRD, and my other colleagues who are in the Chamber tonight, to offer this amendment to boost funding for Amtrak to a level that was included in our Transportation appropriations bill that was reported back in July of last year.

Six months ago, the Appropriations Committee unanimously reported a bill that funded Amtrak at the level of $1.2 billion. That is the same level that was requested of us by the Amtrak board of directors.

Some people seem to believe that the funding level of $1.2 billion represents a massive funding increase for Amtrak. As all Members know, the appropriations bills that we approved last year have now been rewritten by the majority to reflect their priorities, and those new bills are now before us. For Amtrak, that means a cut of $374 million below the level we provided back in July. It also means a $318 million cut, or a 27-percent cut, below the level the railroad received in fiscal year 2002.

I am not familiar with the funding level proposed for every single program that is funded in this massive bill, but I suspect there are very few, if any, other programs that have been singled out for a 27-percent cut below last year's level.

There is no question that at this funding level Amtrak is heading straight for bankruptcy. That is not a debatable point. That representation is simply not true.

We have a letter from Amtrak's new president and chief executive officer, Mr. David Gunn, that makes it clear that Amtrak will be insolvent by spring should this funding level become law.

I ask unanimous consent to have this letter printed in the RECORD.

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

NATIONAL RAILROAD PASSENGER CORPORATION,
Washington, DC, January 16, 2003.

Hon. PATTY MURRAY,
Chair, Subcommittee on Transportation, Committee on Appropriations, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR MURRAY: I appreciate the opportunity to have met with you and your staff yesterday to discuss the crisis that will occur this Spring at Amtrak if the FY03 funding level is below $1.2 billion. Neither the revised Senate level of $826 million nor the House level of $762 million will be adequate. As I said to you yesterday, any level less than $1.2 billion, will leave us with no choice but to begin plans for a total shutdown of the railroad, including all operations in the Northeast Corridor in the Spring. We are into the second quarter of the fiscal year and we are beyond the point where we can make significant changes to avoid a shutdown. None of us want to repeat a financial crisis similar to the one we experienced last year.

As I told you, Amtrak's FY03 request of $1.2 billion is, in reality, a small increase of the money made available to Amtrak in FY02. Including $310 million in supplemental funding, Amtrak received a total funding of $1.4 billion last year. The number currently in the Senate bill is a significant cut from the FY02 level.

We have taken significant steps to stabilize Amtrak. We have opened our books and made them available to the United States Department of Transportation and the appropriate oversight committees in Congress as you have requested. As I told you yesterday, we are making progress to stabilize the organization. I hope that you will be able to convince your fellow Senators to give me a chance to turn this railroad around by restoring the money to the level that was previously recommended by the full Appropriations Committee.

Sincerely,

DAVID L. GUNN,
President and Chief Executive Officer.

Mrs. MURRAY. Mr. President, let me remind my colleagues that this is not one of those situations where we can just make everything OK in conference. My colleagues need to know that while the House of Representatives never passed a transportation bill for the current fiscal year, the House Appropriations Committee did report a bill to the floor, and it included only $762 million for Amtrak. So if we do not restore the funding needed to keep Amtrak alive today, Members should not expect this will be rescued later.

For those of my colleagues who don't want to accept the word of Amtrak's president or even my word on what will happen to Amtrak without this funding, they can look to the words of the Department of Transportation Inspector General. The DOT IG's office conducts an annual audit of Amtrak's finances. They are as familiar with Amtrak's books as anyone in this country.

The DOT IG's office was asked to review every element of Amtrak's request for $1.2 billion. What they concluded, after an extensive review, was that the budget request was indeed flawed. The Inspector General concluded the budget request was $12 million too low.

One thing we know for sure is that Amtrak is not going to get its final appropriation level until almost half the fiscal year has been completed. No observer of Amtrak's financial situation—not the Secretary of Transportation, not the Federal Railroad Administrator, not the DOT IG, no one on the Amtrak board of directors, including the three Republican appointees on that board—no one has put forward a credible argument that Amtrak can absorb a funding cut of this size in the

middle of the fiscal year and do anything other than declare bankruptcy.

So let me remind my colleagues that we are not talking about a bankruptcy like we are experiencing with some of our airlines, such as USAirways and United. Amtrak will not keep operating with the benefit of bankruptcy protection. It will stop the trains, and they will shut their doors.

Members will recall last summer when we faced an Amtrak crisis. The railroad was days away from running out of cash, and we were still working on a supplemental appropriations bill, a bill that would eventually provide $205 million in additional cash for Amtrak to continue operations.

It was not just Amtrak service that was at risk; it was not just the tens of thousands of Amtrak passengers that were going to be left standing on the platform; there were hundreds of thousands of daily transit riders utilizing commuter rail systems from Boston to San Diego, from suburban Virginia to Seattle, WA—systems that depend on Amtrak remaining a viable entity in order to continue their daily operations.

Thankfully, due to the enactment of the supplemental appropriations bill, and a $100 million temporary loan that was extended by the Bush administration, we avoided an Amtrak catastrophe last summer. However, if we enact the bill currently before us without getting the additional $374 million called for under the amendment that is pending, we will once again face that crisis in just a few months' time.

Some of my colleagues in the Senate continue to press their position that Amtrak needs to tighten their belt. Well, Amtrak has been tightening their belt. Since David Gunn took control of the company 8 months ago, hundreds of employees have been let go, certain trains have been eliminated, and dramatic efforts have been initiated to rid the corporation of unnecessary costs. But we need to recognize that the funding level included in the underlying bill for Amtrak is not an exercise in tightening the company's belt. It is a death sentence.

Those who would impose these cuts on the Amtrak budget may have forgotten the experience of September 11, 2001, when our aviation system was brought to a halt for almost a week and travelers flocked to Amtrak trains in order to get to their destinations.

The Senate needs to have a meaningful debate about Amtrak. We need to have a debate that is based on facts. We need to focus on the fact that Amtrak is burdened with a huge debt. We need to focus on the fact that Amtrak has billions of dollars in capital needs on the Northeast corridor and no way to pay for them.

We need to focus on the fact that terminating Amtrak's long distance trains effectively saves the railroad almost no money. We need to have that fact-based debate without the distraction of another Amtrak funding crisis every few months due to congressional budgetary shenanigans.

I was hopeful last year we were going to have that debate. Last year the Senate Commerce Committee, by a vote of 20 to 3, reported an authorization bill for Amtrak calling for funding of just under $4 billion in fiscal year 2003. Not only a majority of Democrats on the Commerce Committee but also a majority of the Republicans on the Commerce Committee supported that bill.

The returning chairman of the Senate Commerce Committee, Senator MCCAIN, did not support that bill. However, he did introduce his own Amtrak authorization bill calling for Amtrak funding in fiscal year 2003 to be at the level of $1.3 billion. My amendment would not succeed in providing that level of funding. It would only succeed in providing $1.2 billion.

There is a widely held myth that the principal financial drag on Amtrak's finances is the long distance trains that travel across this country. One of those trains is the Empire Builder which originates in Chicago but provides service between eastern and western Washington, as well.

The fact is, the long distance trains pose a comparatively little cost to Amtrak each year because they carry with them extremely small capital costs. These trains run over tracks that are owned and maintained by the Nation's freight railroads. By comparison, the Northeast corridor between Boston and Washington, DC, is owned by Amtrak and burdens Amtrak with hundreds of millions of dollars in capital costs every year.

Using generally accepted accounting principles, Amtrak's Northeast corridor has not yielded profits, as some are fond of saying. It never has and it never will. In fact, just last year, Amtrak's Northeast corridor lost a total of $367 million.

It is also estimated that the Northeast corridor has a critical maintenance backlog of between $5 and $6 billion. Even the Bush administration concedes that fact.

During a hearing I held on Amtrak's finances last year with the administration and the DOT Inspector General, I asked them about the comparative financial burden of the long distance trains versus the Northeast corridor. DOT Inspector General Ken Mead made the following statement:

> Some have suggested that Amtrak's financial woes would go away if you would cut out the trains outside the Northeast corridor. That is not true. In fact, the annual net operating subsidy that is required to continue Amtrak's most unprofitable trains is less than one-third of the annual capital subsidy that is required to operate the most profitable trains in the Northeast Corridor.

To those who would say that Amtrak just needs to eliminate its long distance trains to get its finances in order, I tell them to look at the numbers.

Amtrak's own financial analysis of savings associated with eliminating 18 of the long distance trains—those are 18 trains that are considered the worst performers in the national system—would effectively yield zero savings in the first year.

In the second year, the net savings of eliminating all 18 of those trains would only be about $18 million. Only after 5 years would the elimination of those trains yield savings that exceed $200 million.

Let me say that again. If we eliminated all of Amtrak's 18 long distance trains, the railroad would eventually yield savings of $200 million—only after 5 years.

However, the underlying appropriations bill would call on Amtrak to absorb a cut of some $400 million right now, today, with only 9 months left in this fiscal year.

These are the unpleasant facts that no one wants to face.

So I encourage all Members to support this amendment. I would love to tell my colleagues there is an easy way to make significant savings in the Amtrak budget—such as the company could absorb funding reductions this year and next year—but the fact is there is not.

So I ask that we provide stability for Amtrak while we debate the larger issues regarding the company's future. I ask that we provide some surety to the millions of Amtrak riders and commuter rail passengers across the country who depend on a solvent Amtrak. I ask that we provide sufficient funding so Amtrak can approach the level of funding it received in total in fiscal year 2002.

Mr. President, I know there are a number of colleagues who wish to discuss this amendment as well. I thank Senator MCCAIN, chairman of the Commerce Committee, for agreeing to accept this amendment at this time. I understand his need to have a reauthorization. I look forward to working with him on that.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, will the Senator yield me time?

Mr. MCCAIN. Mr. President, I think Senator HOLLINGS controls the time for the other side.

The PRESIDING OFFICER. Senator MURRAY controls the time.

Does the Senator wish to yield?

Mrs. MURRAY. I yield to the Senator from South Carolina such time as he may need.

Mr. HOLLINGS. I thank the distinguished chairwoman.

Let's talk about the good news with respect to Amtrak. Eight months ago, the Bush administration worked with the Amtrak board to get a new director to operate this particular railroad. The selection, of course, was Mr. David Gunn who had operated the Metro system here in Washington and up in New York, another particular system, but more particularly, the Canadian railroad, with tremendous success. He had just retired to his home there in Nova

Scotia, and they finally persuaded him to come and take on this task because he knows railroads. He knows what needs to be done. He is for reform, and he set about doing just that in the last 8 months.

What has happened is that he has turned around and gotten out of the express business. If my distinguished colleague from Arizona, the chairman of our authorization committee, Senator MCCAIN—if I could get his attention, the distinguished chairman of our authorizing committee, Senator MCCAIN, I wanted him to know that our David Gunn, who is operating Amtrak, went first right to the heart of the number of employees. And those who were not producing he has already eliminated. He got out of the express business. That wasn't paying at all. And with a lot of objections and everything else from fruit growers, flower folks, and everything else, he got out of the express business. He took the Kentucky Cardinal line, a passenger line that I think the distinguished Senator from Arizona cited several times in the debate about a tremendous waste, and discontinued it.

But more particularly, he opened up his books—which has never been done before—to the Department of Transportation. And the budget he is now operating under was OK'd, signed off on by this administration by the inspector general of the Department of Transportation, plus the Secretary.

That reminds me to thank colleagues who are cosponsors on the other side: The distinguished Senator from Texas, Mrs. KAY BAILEY HUTCHISON, who has been the chairman of our Surface Transportation Committee; Senator OLYMPIA SNOWE of Maine; Senator LINCOLN CHAFEE of Rhode Island; and Senator ARLEN SPECTER of Pittsburgh.

When I approached Senator SPECTER earlier today, he said: Let me just do some checking. He wanted to make sure this was in consonance with what the administration was having done. That is the case today.

So the good news is that we are on course with what Mr. Gunn calls the conservative, tight budget. We are not in the red there right now. Yes, this $1.2 billion allows for the payback to the Department of Transportation. In other words, it is just swapping moneys of a $100 million loan back to the Department of Transportation. But he is working again on the reservation system with the Internet reservations and otherwise. Some economies can be had there with the personnel. A lot of these reservations now are coming through with the Internet.

I could list out many other good things. There is a bill in Chairman MCCAIN's committee with 30 cosponsors for reform. I pledge to work with the distinguished Senator from Arizona, with whom I have worked during the past few years in perfect harmony. We have agreed on just about everything. We wanted reform. He wants reform. I want reform.

I was having difficulties from time to time trying to explain what they were doing because I couldn't get the information. But we now have an open operation there with David Gunn.

What happens is, with the $1.2 billion the Appropriations Committee just reported out, they thought they had some carryovers and everything else and cut it back to $826 million. With that cutback to $826 million—it was not considered by us or anybody on the committee—that actually is a 27-percent cut under the present operation. We presently are operating on a continuing resolution of 1.1, plus the $100 million loan to pay back to the Department of Transportation. So what happens is, that is a 27-percent cut.

Mr. Gunn comes in in distress and says: Look, if that occurs, we will run out. We are operating very economically, very conservatively. I have some other initiatives that I will put in, but by April, under this particular $826 million amount, I will have to be closing down sometime this spring.

None of us wants that. I am sure the chairman of the committee and all of us want to make sure we do the right thing.

Incidentally, we have an operator in Mr. Gunn who is not going to play games. We have had others who evidently liked the job, needed the job, or wanted the job, or whatever it was, and so they went along over the last 30 years. To give colleagues some grasp of this situation, Amtrak has always come for over $1 billion in requests, and they have always compromised at around $500 million. So at $500 million, on an average, per year, it amounts to about $15 billion in a 30-year period.

Now, wait a minute; 9/11; the airlines immediately got $15 billion. Plus the airport and airways transportation act is another $15 billion. Here comes where we really need some reform, $30 billion in 1 year, and we keep jumping and picking and picking and nagging and fussing at Amtrak when we ought to be fussing at each other. We are the ones who really haven't gotten into it.

Thanks to the leadership of Senator MCCAIN, we are getting into it because, as chairman, he has said: We are not going to let this one go unless we work together on reform.

With that in mind, let me yield the floor and thank these particular Senators and Chairman MURRAY here on her leadership also.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. Twenty-five minutes.

Mrs. MURRAY. I thank the Chair.

Mr. LAUTENBERG. May I have 5 minutes?

Mrs. MURRAY. Mr. President, I will yield 5 minutes to the Senator from New Jersey and 5 minutes to the Senator from Vermont, and I ask the Senator from Arizona if he wants to use time before us since he has not had time on his side.

Mr. MCCAIN. Go ahead. I am fine.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the Senator from Washington and commend her and Senator HOLLINGS for their work on getting this amendment in front of us. And I am pleased to see the chairman of the Commerce Committee here because over the years, while this is the first time I have spoken on the floor in a couple of years, nevertheless, the tune is similar and we have sung it before. I hope that finally we will come to the realization that Amtrak is not simply a Northeast corridor program, that it is an essential part of an intermodal transportation system. That fact was made abundantly clear on September 11, 2001, when jet-liners crashed into the World Trade Center and shocked America to its very core. Aviation—I never believed that it would shut down—was shut down across the country as a result of that terrible tragedy. Highways were jammed. Thank goodness we had Amtrak still running. It kept some semblance of order going between Washington and New York and throughout the Northeast region.

How quickly this seems to be forgotten when we get to appropriating proper funding for Amtrak to continue its operations. Amtrak has been starved almost since birth. We heard the distinguished Senator from South Carolina talk about the amount of funds that were put into Amtrak over a 30-year period—something like $500 to $750 million a year, which is certainly not peanuts in anybody's vocabulary—but the fact is, we have just never spent enough.

Last fall, the Senate Appropriations Committee provided $1.20 billion for Amtrak. The bill we are considering tonight cuts that amount by $374 million, to $826 million. That's a cut of nearly one-third! Amtrak would be better off under the Continuing Resolution, which at least provides $1.04 billion. Amtrak can't survive on $826 million—it's that simple, that stark.

I was with the distinguished Senator from Arizona at a meeting in Brussels when there was a NATO gathering there, and I took the train from Brussels to Paris. The train ride was about 200 miles—roughly the equivalent of the ride to Washington from New York, which is 225 miles—and it took an hour and 25 minutes. Can you imagine what would happen to the traffic along I–95 if we could ride like that from Washington to New York? Even if the New York to DC trip were 2 hours, frankly, it would not pay to go near the airport—not by the time you get out to the airport, finish parking and unloading, and all that. We could avoid so many problems. Two hours, city to city, would facilitate so much travel and commerce between these two capitals, New York City, the financial capital of the world, and Washington, DC, the capital of our great country.

So when we look at what we have done, what we have done is just not

enough. Amtrak has received $24.2 billion in Federal support since its creation in 1971. To put that in perspective, it's less than we spent on highways just in 2001 alone. In the 1980s, the Western European nations made a push to develop their high speed corridors and spent $101 billion in just ten years. That is more than four times what we have spent in 30 years.

It is time now to start facing up to the reality. The Federal Aviation Administration (FAA)—a precious instrument in terms of our aviation system—got $13 billion worth of funds this year; $3 billion of that came from the General Treasury and $10 billion came from passenger facility charges and taxes on aviation.

What happened after 9/11 with aviation? I think the Senator from South Carolina made reference to it. The fact is, we had to go to the airlines and bail them out further, make sure they got plenty of subsidies.

I hope this amendment that is being offered here to restore fiscal year 2003 funding for Amtrak to $1.2 billion is passed—but not only passed here. I ask the Senator from South Carolina, can we be confident that this amendment won't fall by the wayside in conference? Can we be confident that we have the full support of the leadership in the Senate, especially on the Majority's side, when Committee Members sit down at the table with their House counterparts to discuss this funding? I certainly hope so because it is essential.

We spent almost $10 billion on Northeast Corridor infrastructure improvements. About a third of that amount was for the electrification of the line from New Haven to Boston to make sure we had continuous service. There has been a real improvement in rail passenger service in the Northeast as a result, and there has been an improvement in rail passenger service in the country. But we can and need to do more.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LAUTENBERG. I ask for 1 more minute.

Mrs. MURRAY. I yield 1 additional minute.

Mr. LAUTENBERG. I thank the Senator. So we have made improvements and they have been popularly received. People could not stop talking about what a nice ride it is from Washington to Wilmington to New York to—you name it, along the way. What a change from what we used to have.

I hope my colleagues will recognize that continued investment in Amtrak and higher speed rail is essential for our Nation. It is not just a Northeast corridor thing, which is often the mythology here. And I hope that we will see a positive vote on this amendment, supported further by an insistence that the conference committee retain the full funding.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 5 minutes.

Mr. JEFFORDS. Mr. President, I rise in support of the amendment to restore funding to Amtrak. I just served as chairman of the Environment and Public Works Committee and we had a great interest—and still do—in the health of Amtrak.

Amtrak president, David Gunn, has made clear that failure to adequately fund the railroad will lead to its bankruptcy and liquidation of its assets. This will cost us far more than the dollar value of this amendment. That is unacceptable to my State of Vermont and to the Nation.

Across the Nation, Amtrak carries over 23 million riders a year, or roughly 65,000 riders each day. On holidays and other peak times, Amtrak is the best option for many of our citizens.

An Amtrak bankruptcy will have a devastating effect on employment and the economy. Amtrak alone employs over 23,000 Americans, and roughly 233,000 commuters will find their daily trip to work delayed and disrupted.

In Vermont, as in many rural States, Amtrak is an essential service. My home State provides over $2 million a year to maintain Amtrak service to our towns and villages. If we turn away from Amtrak tonight, Vermonters will surely lose this very vital service.

On September 11, Amtrak kept America moving as our airports were idled. I was chairman of the committee at that time and I know the fear we had that Amtrak would not be able to keep going. We need the redundancy in our transportation system, especially in light of the continuing threats.

Even when it is Mother Nature who comes calling, as in the blizzards on the east coast in recent years, the rail mode makes it through while our highways and airports are buried and stopped.

I have spent the last year examining the state of our Nation's transportation system. The system is hemorrhaging. Our highways and airports are congested and unreliable. We need a viable third choice. Passenger rail is that choice.

The United States stands alone among the world's advanced countries in our neglect of the rail mode. Europe, in particular, has a modern rail system, a key part of its balanced continental transportation network. Europe is developing new and advanced rail technologies and exporting these technologies around the world. I have seen demonstrations of those technologies.

Our Nation's surface and aviation programs are up for renewal during this session of Congress. So is Amtrak. This is the year to shape America's transportation future, and that is a job for Congress, not for the bankruptcy court.

As the ranking member on the Committee on Environment and Public Works, I don't want to give away a third of our option—our passenger rail system—before we even begin.

Our choice is clear. We can shortchange Amtrak, throw away its assets, disrupt the economy, and forfeit this unique chance to create a balanced transportation system or we can restore Amtrak funding, preserve our options, and bring our Nation's transportation system into the 21st century.

I urge my colleagues to vote yes for this amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I yield myself such time as I may consume.

First, I thank Senator HOLLINGS for his continued efforts on this issue. It has been a great pleasure and honor for me to have had the privilege of working with him for the last 16, 17 years as a member of the Commerce Committee, where I find the most interesting and challenging issues.

Frankly, this issue of Amtrak, to me, has been one of complete frustration. I say that because time after time after time, until the present administrator of Amtrak became the head of Amtrak, Mr. Gunn, with those who ran this organization, which was put together in 1973, I believe, and was committed to being financially independent within 3 years, there has been an endless drain of resources, an endless series of frustrations, and a continuous battle, which goes on as we speak.

I think it is important, particularly in light of the last comments made by my dear friend from Vermont and my newly renewed friend from New Jersey, who rejoins us, about the importance of Amtrak. The fact is, Amtrak carries less than 1 percent of the traveling public, and we continue to pour in billions of dollars.

We are subsidizing—it is remarkable—we are subsidizing long distance the Lake County Limited, $1,218.45 per passenger—per passenger. You could charter an airplane and fly these passengers from one place to the other rather than pay $1,200; the Sunset Limited, $347.45; the Pennsylvania, $292.34; the Three Rivers, $244.99 per passenger. We recently, thank God, canceled the Lake County Limited which was subsidizing $1,218.45 per passenger.

I say to my friends, the reality is that Amtrak is probably a vital and important means of transportation for the Northeast corridor. It has the potential to perform that same vital function in the Far West. But to continue with this grandiose vision of a national train system where you envision someone getting on a train in Dallas and riding that train all the way to Los Angeles, which takes about 2 days now, where they can go to the airport in Dallas and fly to Los Angeles in about 2 ½ hours, is crazy. It is crazy.

Americans are not interested, even if you have a 200-mile-an-hour train. I say to the Presiding Officer, at present, they are not going to get on a train in Atlanta and go to San Francisco. They may for vacation, and they may for recreation, but to think it will ever be

anything close to sustaining just flies in the face of every experience we have had since Amtrak was formed.

I am glad to hear of the commitment to reform Amtrak on the part of my distinguished friend from South Carolina who knows as much about this issue as any Member of this body. I am pleased the Senator from Alaska who, in negotiations, as this bill goes into conference, will insist that we come up with a reform plan. I am encouraged, I am exuberant that Mr. Gunn has taken control, and already, as my friend from South Carolina has pointed out, has made some very tough decisions and increased efficiency rather dramatically.

Let me also point out to my friends, despite claims that it is essentially the same level, ridership is the same level as it was in 1979. I remind my friends to read again the August 6 Washington Post.

The Acela Express, the premium high-speed train that Amtrak has counted on. . . .

That I heard for years was the panacea; this was the pot of gold we were looking for.

Amtrak President David L. Gunn said that Amtrak will never order another Acela Express, which is manufactured by a consortium of Bombardier Transportation of Montreal and Alstom of Paris.

The train has become highly popular with travelers in the Northeast Corridor but has also become increasingly unreliable. In July, the number of Acela problems spiked. There was an average of one cancellation or en-route breakdown for mechanical reasons every day. The train also has the worst on-time record for any Northeast Corridor train.

This, I say to my friends, is the train that was going to solve all our problems because we would be able to get from Washington to New York in an hour to an hour and a half. Now Mr. Gunn is not going to order any more of them. In fact, he is going to go to court and sue them for the lousy product he got.

But the trains experienced repeated delays and developmental problems. The first one arrived more than a year after the last extended deadline. In a rush to get the trains on line, the manufacturer made modifications to each train set to solve the latest problem, meaning that none of the 18 train sets delivered to Amtrak so far is the same as any other.

My God.

That fact complicates maintenance and trouble shooting.

Gunn said the problems range from the serious—one Acela electronic braking system froze up and blocked other traffic North of Union Station—to less serious, such as restroom doors that sometimes stick and trap passengers inside.

''You'd think that after 170 years of railroading, you could have a crapper door that works,'' Gunn says.

Some of this is entertaining, but it is also the investment of billions of taxpayers' money. I urge all of my colleagues to read a very interesting article out of the New York Times Sunday magazine, ''Amtrak Must Die: A Train Lover's Lament.'' It is a very interesting and entertaining article which I will not read because it is at some length. But it talks about an individual who got on a train in Chicago and tried to get out to L.A. hours late. It is just a sad story, but it is a story that is repeated.

My point is, after dealing with this issue for all these years, we need fundamental reform. I wish to point out—and I think all my colleagues should know—we are going to provide them now with enough to meet the $1.2 billion Mr. Gunn says he needs. He also says he needs $2.2 billion next year. He needs $2.2 billion next year to keep operating.

Now remember, we are talking about less than 1 percent of the passengers of the traveling public. For less than 1 percent of the traveling public, we are going to spend $1.2 billion this year, $2.2 billion next year, and God only knows when this will stop.

We have every right to expect reform, and if that reform means cutting long distance lines, then we ought to admit there is a clear record that some long distance lines do not work and no one wants to ride them. The facts are overwhelming.

When I say we are going to have reform, I mean reform, and that means the Department of Transportation has to come up with a plan, and that plan has to be validated by Mr. Gunn, who has already gained great credibility amongst all of us, and then that plan has to be put into effect.

I wish to point out one other point in my conversation, and I am sure Senator HOLLINGS had the same conversation with Mr. Gunn. If the States want to contribute, and admittedly States are in severe difficulty now, including my own, to maintain these routes, then we welcome it. I think it is a fine idea. It may be difficult because when you go through one State from another to another, then you have to have participation of all the States. But we have to think outside the box.

Thirty years ago we were going to have a fiscally independent Amtrak in 3 years. Maybe that was unrealistic at the time, but as short a time as 2 years ago, Mr. Gunn's predecessor testified before the Commerce Committee and said: We are on the glidepath to fiscal independence. Those were his exact words. I looked at him with astonishment and amazement because nobody who knew anything about Amtrak believed that. But yet we sat there and watched Amtrak deteriorate further and further.

The Amtrak Reform and Accountability Act of 1997, an attempt that again Senator HOLLINGS and I and Members of the Commerce Committee made, provided the operational procurement, labor and liability reforms that Amtrak requested so it could operate more as a legitimate business. The reforms were designed to allow Amtrak to run its operations based on good business decisions rather than political pressures. For example, reforms allowed Amtrak to set its own route structure instead of conform to a statutory mandate. Reforms allowed Amtrak to contract out work where it decided it would make sense. Reforms allowed Amtrak to negotiate reasonable labor protection agreements. Unfortunately, little, if any, progress was made as a result.

As I said, for years after the passage of that bill, Amtrak presented glowing reports on its achievement that it was on a glide path to self-sufficiency. How many times did members of the Commerce Committee hear those words: We are on a glide path to self-sufficiency?

If I sound a bit cynical, it is because we have not been told the truth, but I do believe that Mr. Gunn has. Mr. Gunn's straight talk has been refreshing.

In a letter to me, Mr. Gunn stated:

Amtrak pretended it was on a glide path to self-sufficiency and maintained that fiction far too long. It took actions such as borrowing money through a variety of means, the primary example being the mortgage of Penn Station last year, and now debt service is a huge cost. This is not a way to run a railroad and not the way I will run the railroad. Too many happy words have hidden some very dismal financial results.

That really is the first time, in Mr. Gunn's letter to me, that we have had a straightforward and honest depiction of Amtrak's conditions. I think that was the day when many of us began having confidence that Mr. Gunn's stewardship would lead to some beneficial results.

Over the past decade, Amtrak spent almost $3 billion in taxpayers' dollars on the Northeast corridor to develop higher speed service, as I mentioned. Acela was to have been Amtrak's silver bullet for achieving operational self-sufficiency, reportedly generating $180 million in profits annually. Instead, it has become another of their many failures over the past 5 years and has raised concerns about Amtrak's ability to handle major rail infrastructure projects.

Problems with the project, as I mentioned, have included significant cost overruns, a year's delay in the introduction of Acela service and ongoing mechanical problems with the equipment. The latter recently became so severe that Amtrak was forced to remove the train sets from service for considerable periods of time. Again, we are losing a huge amount of money per passenger on those routes I mentioned before.

So I want to thank my colleagues for their involvement in this issue. I really believe we have every right to demand a genuine proposal to reform the system. I believe we need a Northeast corridor. I believe we may need them in the West and we may need them in other parts of the country, but the burden of proof of having to need them lies with Amtrak and its proponents, and we should not be asking our citizens to continue to subsidize routes in the hundreds and sometimes even thousands of dollars per passenger that will

never, ever, become economically viable.

So the status quo at $2 billion, in my view, which will be what Amtrak will be asking for next year, is not affordable or acceptable.

I guess this is a triumph of hope over good sense. I hope it is not, but I have some confidence that Mr. Gunn will work with us and the appropriators, as well as the authorizers, and come up with a reform plan that will give us a system that Americans can be proud of rather than the shameful history of Amtrak over the last 30 years.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Democratic whip.

Mr. REID. I ask unanimous consent that I be joined as a cosponsor on this amendment.

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

Mr. REID. I know the Senator from Alaska, the manager of this bill, has been confined to quarters, so to speak, but I wanted to make sure everyone understood the snow is starting, and so maybe that will shorten some of the speeches.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I would be pleased to go out and see my normal condition of life and enjoy the snow this evening.

Does the Senator from Delaware expect to speak tonight?

Mr. CARPER. Yes.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. How much time do I have remaining on my side?

The PRESIDING OFFICER. Fourteen and a half minutes are remaining.

Mrs. MURRAY. I ask unanimous consent that Senator JEFFORDS be listed as a cosponsor on the amendment.

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

Mrs. MURRAY. How much time does Senator CARPER need?

Mr. CARPER. I would appreciate 5 minutes.

Mrs. MURRAY. Five or less, and the Senator from Illinois would like 3 minutes. And I believe that is all we have.

I yield 5 minutes to the Senator from Delaware and 3 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I thank the Senator from Washington for yielding 5 minutes. I also express my thanks to her, and especially Senator HOLLINGS, for their work. I say to Senator MCCAIN that I appreciate his comments and his willingness to join with the Senator from Delaware last year as we tried to address the issue of rail security.

It looks like we will pass, on a voice vote, an appropriation level for Amtrak which will carry Amtrak through the balance of this fiscal year. That sets the stage for a robust debate, which we need to have, on whether the future of passenger rail service in this country is the Northeast corridor and maybe some routes on the West Coast. If there are other high speed corridors that make sense, if there are long distance trains such as the Auto Train that make sense, I welcome that debate. The concurrence of reauthorization of T–21, reauthorization of our transportation programs along with reauthorization of Amtrak, is a very fortunate confluence of events. I think we will have the opportunity to maybe do the right thing not just by Amtrak but by the people of this country.

I have said on this floor before and I will say it again tonight, when Amtrak was created roughly 30 years ago it was created at a time when private rail companies wanted out of the passenger business. They could not make money carrying passengers. They said to Congress: Let us out of that business, and Congress freed them of that responsibility.

Amtrak was created with the private railroads, the freight railroads, giving to this new entity their old rolling stock, their old passenger cars, their old cafe cars, their old locomotives. Amtrak was given the old track bed from Washington to Boston. Amtrak was given the old repair shops, the old train stations. Somehow, given all this old equipment and being undercapitalized for 30 years, we said to Amtrak we expect them to make money when nobody in the private sector could make money.

There are a number of other countries around the world that have terrific passenger rail service. We have talked about some of them tonight. The reason why they have good passenger rail service is because they believe it is in the naked self-interest of their country to invest in passenger rail, and that is some of the reason why they do it. They want to reduce their reliance on foreign oil. They want to reduce the size of their trade deficits that grow out of importing foreign oil. They want to reduce the amount of congestion they have on their highways and at their airports. They are concerned about the quality of the air and the kinds of emissions that their cars, trucks, and vans put up into the air.

As a result, those countries rather generously support passenger rail service. They do not do it for reasons of altruism or nostalgia. They think it is in their naked self-interest, and it is. When we think about it, we have an interest in clean air as well in this country. We have problems with congestion around our airports and our roads as well. We have a huge trade deficit, $400 billion this year. About a third of that is imported oil.

I say to my friend from Arizona, I do not think it makes sense for us to run trains where people do not want to ride them. But today in this country, 75 percent of Americans live within 50 miles of one of our coasts. Think about that. That provides for a lot of congestion, but it also provides for some wonderful high speed train routes that if we are smart we will figure out how to take advantage of and give people the chance to move throughout those densely populated corridors more quickly.

From time to time, there is going to be a train like the Auto Train which runs south of Washington, DC, down to Orlando. It leaves every day and comes back every day. It basically makes money. A lot of people ride the train. It is the longest train in the world. They take their cars, trucks, and vans, hitch them up to the train and head on south or bring them back from Florida. There are probably some other routes like that around the country that would make sense, too.

Then there are some States where, frankly, the States would like to put in some of their own money in order to have passenger rail service to routes that are losing money, but inexplicably, at least to me as an old Governor, I was never allowed to use Delaware's Federal transportation money or congestion mitigation money to help provide for passenger rail. We could use that money in our State for freight railroads, for bicycle paths, but we could not use it to help pay for passenger rail service. That makes no sense. We should give States and Governors the flexibility to use a portion—not all, a portion—of their Federal transportation money to invest in passenger rail if it makes sense for the States.

We will have a great debate this year. It is time for that debate. I am pleased to participate with all my colleagues on this. I thank Senator MURRAY for her leadership, Senator BYRD and Senator HOLLINGS for their work, Senator HUTCHISON, Senator SPECTER, and others who believe in the cause.

I say to my friend from Arizona, we look forward to a debate that will lead to better passenger rail service and, frankly, the return of common sense.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Illinois is recognized for 3 minutes.

Mr. DURBIN. I yield to the Senator from New York if he has a request.

Mr. SCHUMER. I ask unanimous consent that I be allowed to address the body for 7 minutes after my colleague from Oregon.

Mrs. MURRAY. How much time remains?

The PRESIDING OFFICER. The Senator from South Carolina has 8½ minutes and already yielded 3 to the Senator from Illinois, so there are about 5½ minutes remaining.

Mr. DURBIN. Mr. President, I thank the Senator from Washington. I ask unanimous consent to be included as a cosponsor of this amendment.

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

Mr. DURBIN. Mr. President, I know the Senator from Arizona is a skeptic on Amtrak, and whether there is forbearance or blind hope, thank you. And thank you to the Senator from Washington for showing leadership because

$1.2 billion means Amtrak has hope and an opportunity.

It means a lot when you consider the context of our Federal support for transportation: Over $30 billion for highways each year, over $10 billion for airports, so $1.2 billion for national passenger rail service is not an extraordinary amount of money in that context.

People talk about the coastal service. The Senator from Delaware made that point a moment ago. But for the State of Illinois, it means that 2.6 million passengers last year used Amtrak. If Amtrak disappears and we do not provide the money the Senator from Washington asks for, 2.6 million trips will be converted into automobile trips, by and large, and that means more highway congestion, more pollution, more use of petroleum products, and more dependence on foreign oil. None of that is good for my State of Illinois. We value Amtrak. It not only means a lot of service, it means a lot of jobs. I think it is important to our economy.

My hometown, a downstate city, is the largest user of Amtrak outside of the city of Chicago. We believe in Amtrak. We believe investing in Amtrak and improving its service so we can have high-speed rail is going to dramatically increase passenger ridership. I hope those who are skeptical of Amtrak will understand we have in this new administrator, Mr. Gunn, a man who has been brutally honest in terms of the future of Amtrak and what it needs, and the Senator from Washington is offering him the resources he needs to continue to reform this important service to our Nation. I thank the Senator from Washington for her leadership on this.

I yield the remainder of my time.

Mr. BYRD. Mr. President, on July 26, 2002, just 6 months ago, the Committee on Appropriations, on a unanimous, bipartisan vote reported a Transportation Appropriations bill that included $1.2 billion in funding for Amtrak.

At that time, Amtrak had just weathered a severe financial crisis. Amtrak's President, Mr. David Gunn, testified before the Transportation Appropriations Subcommittee, just a few weeks into his tenure, and described to us the desperate financial conditions he found when he assumed control of the railroad.

It was only through a combination of a $205 million supplemental appropriation that our Committee approved back in July, as well as a temporary loan by the Bush Administration against the railroad's 2003 appropriation, that the railroad survived and continues to run to this day.

That Amtrak funding crisis served as a wake-up call for many of us in Congress as well as for the millions of Amtrak riders and the millions of commuter rail riders whose train service depends on a viable operating Amtrak system.

However, when the new Republican majority drafted its new appropriations bill for the Transportation Department, it singled out Amtrak for a whopping $374 million cut, a reduction of over 31 percent.

Amtrak's new President, David Gunn, has made clear in letters to me and to Senator STEVENS, Senator SHELBY, Senator MURRAY, and others that a funding cut of this kind will mean certain bankruptcy for Amtrak by this coming Spring.

Now many Senators will speak on this amendment, including a great many that represent the states along the Northeast Corridor.

These Members will speak to the impact of an Amtrak bankruptcy on the very fine rail service that we have between Boston and Washington, DC.

These Members will speak on what a bankrupt Amtrak means for their daily commuter lines that are either operated by Amtrak under contract or operate over Amtrak's property. But as a Senator from West Virginia, I want to speak today on what Amtrak means to rural America. Amtrak does not just stop in cities like Boston, New York, and Washington, DC.

Amtrak serves communities like Beckley, WV; Hinton, WV; Alderson, WV; Charleston, WV; Huntington, WV; Martinsburg, WV, and, Harpers Ferry, WV. These are some of the communities in my state that are served by Amtrak.

I can tell you that for a great many of the citizens in those communities, the Amtrak train may be the only way into town and the only way out. When you talk about long-distance travel, the situation is no different in the great many other communities that are served by Amtrak: communities like Pascagoula, MS; Lordsburg, NM; Crestview, FL; Gilman, IL; Wilson, NC; Libby, MT; Winona, MN; Fort Morgan, CO; White Salmon, WA; Sun River, OR; Fulton, KY; Ardmore, OK; and Weaverville, CA.

Many of the communities I have just named, like so many communities across the United States, were put on the map by the arrival of the freight railroads as they were built across our country east and west, north and south.

Those communities continue to be connected to our national rail network and our national economy through Amtrak.

The service may not be the kind of high speed, high comfort rail service that people have come to expect in the Northeast, but it is service that gets grandmothers to their grandchildren; it gets soldiers home to see their parents; it gets college students home for the holidays; and lest we forget, Amtrak moved Americans all over this country, immediately after September 11, when our aviation system was brought to a complete halt.

We are now faced with a funding proposal to take all of rural America off of the national rail map and do away with passenger service in its entirety; not just in the heartland of America, but in the Northeast as well.

I encourage my colleagues in the Senate to talk to the mayors of their towns on the Amtrak rail map and see how they feel about losing their daily service. At a time when rural communities across the country are suffering from economic isolation, ask the people of those communities if they want even greater isolation by losing their rail service.

The Amendment that we have offered here today holds the promise of continued rail service and the promise that Amtrak's new president, Mr. David Gunn, will continue his efforts that he just started in getting the railroad's costs under control and creating a national network of which we all can be proud. I ask all of my colleagues to support this Amendment.

Mrs. MURRAY. I ask unanimous consent that the Senator from New York be given 2 minutes of my remaining time and the Senator from Delaware be given 3 minutes.

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

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank the Senator from Washington for her leadership, the Senator from South Carolina, the Senator from West Virginia, and I thank our Senator from Arizona for letting this amendment go through. If we did not, we would have the same situation we had last August when Amtrak closed.

I find it rather perplexing that so many of my colleagues are willing to subsidize the basic transportation infrastructure for roads—it is the Federal Government, not the passengers, that pays for roads—we are willing to pay for airports—again, Federal Government money pays for airports, both general aviation and commercial aviation—but we are not willing to do it for rail. It makes no sense, no sense whatever. It is unfair. It is probably geographic. Every State has airports and every State has roads but not every State has Amtrak. So people who do the same thing for air and for roads do not do it for rail.

Mr. STEVENS. Will the Senator yield on my time?

Mr. SCHUMER. On the Senator's time.

Mr. STEVENS. There is a tax fund for roads with the gasoline tax; there is a fund for airports with airplane tickets. How about a program that charges people on trains to pay for whatever you need for trains?

Mr. SCHUMER. Reclaiming my time, that is something we could consider. May I answer on the Senator's time?

Mr. STEVENS. It is not my time now.

Mr. SCHUMER. That is something we should consider, but we should not consider pulling the rug out from Amtrak. Roads are subsidized far beyond the nickel gas tax, and airports are taxed

far beyond the ticket price. Federal dollars go into each of those; we all know that. It is not simply that one is subsidized by the other. It makes no sense if you just believe in air and roads.

Before September 11, we had delay after delay after delay in the Northeast and then throughout the country in the air. In Europe, where they have as great a density, they do not have it. If you go a short distance, you take a speedy train. If you go from Paris to London, you take the Chunnel. From Paris to Frankfurt, you take the TGV. We will have to have rail in this country because we do not have enough space at the airports, we do not have enough space on the roads in the Northeast corridor, in California, and in so many other parts of the country where we have dense populations. So let's all pull together.

My good friend from Arizona fights subsidies in a lot of places, and I appreciate that. But so many others will vote for subsidies in every other place, but when it comes to rail, we say no. That makes no sense. It is unfair.

I am glad we have this amendment on the floor. I salute the leadership of my colleagues. I hope we will do something about Amtrak. The new head of Amtrak will shut that place down if we do not fund it, and then the country will have an economic cataclysm that will affect everyone, whether you have Amtrak in your community and in your State or not.

I yield the floor.

Mr. BIDEN. Mr. President, we are once again back here on the Senate floor fighting for the future of passenger rail in this country.

Everyone here is well aware of my position on railroads. Unfortunately, this is a battle that those of us who believe in passenger rail service have had to make over and over.

I don't need to tell anyone here that our national rail system is at a crossroads. Decades of underfunding have finally caught up to us.

Amtrak is struggling to stay afloat. They have imposed drastic spending cuts in the last 2 years. They have deferred key capital maintenance projects. The have mortgaged Penn Station in New York—their most valuable asset. The have slashed jobs.

These short-term moves have only served to worsen Amtrak's long-term financial viability and put its future in jeopardy.

For 30 years, Congress has dragged its feet. It has taken a back-seat approach to dealing with the long-term needs of a national passenger rail system. It stalled. It bickered. In the end, it provided only enough money to allow Amtrak to continue to limp along.

And we broke the deal we made with Amtrak to help it meet its capital needs. Year after year, Amtrak received only $521 million—far less than it was promised—forcing it to turn to private sector loans and dramatically increasing it debt burden.

No industrialized country in the world operates a rail system that is completely self-sufficient. Japan, Germany, France—all of the supposedly superior, successful rail systems, received some level of subsidy from their governments, in most cases far more than that sought by Amtrak.

They understand the enormous capital costs involved in developing and maintaining a national rail system. Why don't we? Why don't we speak the truth: America needs a passenger rail system and it will take a national commitment. It makes sense. It's simple common sense.

And yet, though we've made a substantial commitment to highway and aviation development—over $750 billion since 1971—somehow we don't seem to get it. We don't seem to understand the parallel commitment necessary for railroads.

Instead, we have starved the rail system. And that's why Amtrak is in this situation today.

We have to end that practice. We have to sit down with governors, mayors, railroad workers—with everyone who cares about keeping the railroads solvent, safe, and moving.

We need to discuss and resolve the kind of passenger rail system this country deserves. And how much support from Federal, State, and local agencies will be needed to sustain it now and over time.

And we need to do this in the larger context—taking into account increasing capacity constraints on our highways, at our airports, the chronic overcrowding, and the air pollution that comes from that.

I commend my good friend, the Senator from South Carolina, Senator HOLLINGS, because as chairman of the Commerce Committee, he made the reauthorization of Amtrak a priority and stepped up to the plate—recognizing the depth of commitment that is needed. I am proud to cosponsor his bill.

But this is not what we're fighting over today. Today, we are asking for the life-support to keep Amtrak moving until we are able to reach a consensus on its future. If we don't adopt this amendment, if we don't fund Amtrak at $1.2 billion this year, this system will die, commerce will be disrupted, passengers will be abandoned, and it will cost us much more to build a new rail system down the road.

I want to thank the Senator from Washington, Senator MURRAY, and the Transportation Appropriations Subcommittee, for giving Amtrak a fighting chance, and to give us the time we need to resolve these issues.

Last spring, Amtrak got a new president, David Gunn. Right out of the gate he was faced with the prospects of shutting down the system because of the lack of operating funds.

We were here less than a year ago, fighting for an emergency $200 million to keep the trains running.

This administration was not especially receptive to the idea of helping, but in the end, after long hours, an agreement was reached and Amtrak got the infusion of funds it needed to keep going.

But David Gunn made it clear to the Congress even before then that in this fiscal year—the one we are in right now—Amtrak was going to need $1.2 billion in this year to stay alive.

The administration sent up a budget with just a placeholder number in it: $521 million—the same number Amtrak has received in other recent years. But everyone knew that number wasn't real, that it was grossly insufficient.

The number in this bill is grossly insufficient as well. Its $374 million short. Once more, Amtrak is getting underfunded. But this time we can't expect it to keep limping along. This time—if we don't step up to our commitment—we're going to strand millions of rail passengers.

We need to give David Gunn the resources he needs to get Amtrak back on its feet again. Now—with new leadership at the helm—it is critical that we don't short change Amtrak one more time.

Mr. President, this is unusual for me. I thank my friend from Arizona. I appreciate him. My friend from Arizona is right on one very basic point. We have had such a stark disagreement, he and I, for so many years, as close as we are. It is the only thing ever where we have gotten each other's hackles up, and in the middle of these debates we have occasionally felt like walking across and pummeling one another, but we are close friends.

But he is right—and I mean this sincerely—about one important thing. We should make a decision. We should shut this sucker down or we should fund it. I have been fighting this fight for 30 years as a Senator, and it is always a bridge too far. I am not referring to my friend from Arizona because he says: Look, let's figure out how to reorganize this sucker; let's chop it, move it, change it, but whatever we are going to do, let's do it.

I agree. Let's have the final fight here. Not tonight. Let's this year have a fight over whether or not to reauthorize Amtrak. Let's do it. If we do it—whatever we call it, subsidy or not—let's pay for it. If we call them giveaways, whatever it is, let's just be realistic and decide, is it worth the price?

It reminds me—and I will end with this—every single year I have come on this floor since the Nixon administration, and said: I will take whatever you can give me; just keep part of it open; just keep it open. It was always less than everyone said was needed to make it run. It kind of reminds me of when we talk about vouchers—I am not talking about my friend from Arizona—we talk about vouchers for school.

In my State, the cost of the average private school is about $1,500. If you go to the real private schools, they cost about $13,000 a year, like down here in Washington. If I go to some African-

American or Latino kid in the neighborhood and say: You have $500. Here it is. I could give him $5,000, if the cost is $13,000—I could give him $10,000—and he can't get there. That is kind of where Amtrak is. There is no way to get from here to there without funding it, like I guess we have basically reached an agreement on. We are going to get, at least initially here, a reform.

I thank my friend. I really hope this year he and I and others—the leader in this deal for me has always been Senator HOLLINGS, and now PATTY MURRAY, who has for the last I don't know how many years headed up this subcommittee. I think we should just have a knockdown, drag it out debate about whether we should have the railroad or not. If we have it, fund it. If not, let's get rid of it.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 28 minutes.

Mr. MCCAIN. Would the Senator from Delaware like to take a couple of extra minutes?

Mr. BIDEN. No, I am fine. I said all I want to say. I sincerely mean what I said about let's decide whether we are going to have this system or not.

Mr. MCCAIN. I thank the Senator from Delaware. I will just take a few minutes, I say to my dear friend from Delaware. I just want to point out I don't think the decision necessarily has to be to shut it down or to fund it. I think it is to reform the system.

The Senator from New York just came on and talked about how the general funds subsidize aviation. The fact is that $3.08 over the last 5 years has come out of the general fund per passenger. Compare that with the Sunset Limited, which is $347 per passenger; the Texas Eagle, which is $258 per passenger; the Pennsylvanian, which is $292 per passenger; the Lake County Limited, which has been canceled—$1,200 per passenger.

The fact is that most of the funding for highways and for air service in America comes out of user fees. It comes out of trust funds that are funded by user fees. And we just laid a whole lot more on the airlines in the interest of aviation safety.

But the fact is that if it is going to cost $347 per passenger, then the Senator from Delaware is right: You either shut it down or you tell the American people that we are going to fund the Sunset Limited for $347 per passenger forever. Or we are going to tell the American people that we are going to fund the Northeast corridor, we are going to fund the Far West and other places in the country where it is economically viable and, in many cases, as the Senator from Delaware and the Senator from Vermont have pointed out, vital to have that service.

The problem with Amtrak has not been in the Northeast, although the mismanagement—I am sorry you were not here while we talked about Acela and those incredible failures.

Mr. BIDEN. If the Senator will yield, I think I could have guessed what he said.

Mr. MCCAIN. They are the words of Mr. Gunn, the new President, not mine—the new President of Amtrak, Mr. Gunn, about their failures. I am sorry the Senator from Delaware wasn't here:

> Amtrak pretended it was on a glidepath to self-sufficiency and maintained that fiction far too long. It took action such as borrowing money through a variety of means, the primary example being the mortgaging of Penn Station last year, and now debt service is a huge cost. That's not the way to run a railroad and not the way I will run the railroad. Too many happy words have hidden very dismal financial results.

I come to this floor year after year, talking about these problems and, in all due respect to my dear friend from Delaware, he never recognized these problems. These problems were never recognized by the proponents of Amtrak. These were serious problems.

Mr. BIDEN. Will the Senator yield?

Mr. MCCAIN. I am glad to yield to my friend from Delaware.

Mr. BIDEN. I will only take 2 minutes. The Senator is right. It's like going to someone and saying: By the way, we are going to demand that you be self-sufficient within the next 2 weeks or 2 years. By the way, we are going to give you half of what you need to be self-sufficient. And now you have to promise me you are going to be self-sufficient.

I know darned well I can't get self-sufficient based on what I have to operate with. But what do I do? What has been done—and this is the lie of it, in effect—what has been done too long, they say: OK, don't shut us down now. We will be self-sufficient—hoping that something happens in the next year and the year after and the year after.

So my friend is exactly right. He made a believer out of me. He's absolutely right. That is what I mean by let's not do that anymore, let's shut it down or whatever we want to do.

Mr. MCCAIN. I would be glad to yield an additional 2 minutes to the Senator from Delaware if he wants.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I really appreciate the courtesy, and this is really the last thing I will say. I realize, and I don't think other people here do—I realize my friend is not ''against rail.'' He has said to me, I don't know how many times over the years: Why can't we work something out, Joe, that funds the places needed, the dense populations, the Northeast corridor? But the rest of this apparatus is bleeding us to death. And you have inefficiencies even in the corridor. Why don't we work that out?

What I am saying to my friend, and I say it sincerely, he is right in this respect. We should either decide what we mean by Amtrak, that it is the Northeast corridor and West Coast system and that's it, or we should decide it is a national system and we are going to pay the price. We should decide what it is. He is right about that debate. Let's have that debate. Whatever it comes out, in terms of reorganization, let's then make sure it can function.

I wasn't being smart with my friend. I am sincere when I say I know he is not ''against rail.'' He is against what he believes to be—and in many cases is right—total inefficiency and outrageous subsidies. That's the only way we have been able to keep the Northeast corridor going, because we had to get everyone from Texas to West Virginia and Minnesota to vote for it.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Let me add one additional point. The thing that frustrated me—and I know my friend from Delaware appreciates this—is that people who are running Amtrak would come before the Commerce Committee and say: We are on a glidepath to self-sufficiency.

We have kind of an odd thing, that we have hearings and witnesses come and testify and we take their word for it. We say: Gee, that's wonderful. Time after time after time.

The reason why we express our frustrations is because, despite the assurances that are made, ''glidepath to self-sufficiency,'' it was far from the truth. That is why I know the Senator from Delaware and I are both very pleased that Mr. Gunn is telling us exactly how it is. That is a critical aspect of this whole issue and frankly one of the reasons why I believe that Mr. Gunn has said he needs this $1.2 billion to continue operating while he institutes these reforms. That's one of the reasons why I am in favor of it and I think the reason why the Senator from Alaska very reluctantly agreed to allow this amendment to go through.

I am sorry. I want to apologize to my colleagues. I have probably overtalked this issue. But I do take them at their word, that we will sit down this year and work together: First with the Department of Transportation, sending over their reform plan. Then working with Amtrak and working with all of our colleagues and coming up with a plan for genuine reform of Amtrak so we don't have to go through this debate on an annual basis. And it will remove the only existing impediment to the friendship and affection that I feel for my friend from Delaware.

Mr. President, I yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise today in support of Senator MURRAY's amendment to add $438 million to Amtrak to fund system-wide rail security upgrades and to reiterate my unwavering support for Amtrak.

I believe it is essential to fund Amtrak at $1.2 billion in fiscal year 2003 to prevent our passenger rail system from grinding to a halt and stranding millions of commuters coast to coast. In fact, Amtrak's President David Gunn has said a funding level of only $762

million would ''guarantee insolvency by spring and the shutting down of the railroad at that time.''

And as James Jones, California State Legislative Director of the United Transportation Union, wrote to me in a recent letter:

> This shutdown would end all intercity rail and much of the commuter operations in California. This would cause a serious adverse effect on the general public, the Amtrak employees that would be out of work, as well as the California economy.

Amtrak's passenger rail service is an essential link in our transportation system and our economy.

Every day, Americans use Amtrak and local commuter rail systems that depend on Amtrak to get to and from work. More and more Americans are relying on long distance Amtrak trains for their travel because of security changes at our Nation's airports.

I cannot think of a worse time to underfund Amtrak.

What will happen if Amtrak shuts down? Well, you can be sure the roads will jam up even more and air travel will become an even greater headache.

Last year, I joined many of my colleagues in a commitment to fund $1.2 billion for Amtrak in fiscal year 2003. This is the amount Amtrak needs and it was the amount the Appropriations Committee unanimously approved last year despite the Bush administration's paltry budget request of $521 million for fiscal year 2003.

I cannot understand why President Bush continues to stand by his budget request of $521 million.

Amtrak needs more funding, not less and last week I was pleased to again co-sponsor Senator HOLLINGS's legislation to fund Amtrak for the next 5 years. The National Defense Rail Act would authorize $4.6 billion annually for passenger rail service. The legislation, which passed the Commerce Committee by a vote of 20–3 last April would fund rail security improvements, high-speed rail development, and operational costs for existing rail routes.

I strongly believe that Amtrak is not a failure, it is the government that has failed Amtrak. If we do not properly fund our rail system, how do we expect it to thrive?

Since 1971, when Amtrak was founded, only $25 billion has been spent on passenger rail, compared to over $750 billion that has been invested in highways and aviation. The Federal Government has made a commitment to fund road construction and expand aviation capacity, but we have always come up short to provide fair funding for our rail system.

The Federal Government provided $15 billion in payments and loan guaranties to aid the airlines after the September 11th terrorist attacks. Why can't we provide $438 million more to keep our trains running?

Imagine the chaos that will ensue if Amtrak does shut down. There will be even more traffic on our roads and air travel will slow down if trains are not an option for commuters heading to work or travelers on vacation.

Last summer, Senator BOXER and I wrote President Bush to ask him to approve Amtrak's $200 million loan guarantee to prevent the rail system from grinding to a halt. I cannot believe that 6 months later Amtrak is again being denied life support.

If Amtrak shuts down, thousands of people in California who depend on Amtrak service every day will be stranded. Since most rail lines in California are run by Amtrak or depend on Amtrak, everything is in jeopardy.

These include three Amtrak routes funded by the State and the Federal Government:

> No. 1, the Capitol Corridor route between San Jose and Auburn;
>
> No. 2, the San Joaquin route between Oakland and Bakersfield; and
>
> No. 3, the Pacific Surfliner route between San Diego and San Luis Obispo.

These are three of the most successful routes in the United States. In fact, all three are among the top five intercity rail corridors, and the Pacific Surfliner is the fastest growing route in the Nation. Overall the State of California has added 28 new daily trains since 1995, and over 1.5 million new passengers.

But a shutdown will also threaten some of California's largest regional transportation systems including:

> No. 1, Caltrain, the rail service between San Francisco and San Jose;
>
> No. 2, Metrolink, Southern California's regional transit system; and
>
> No. 3, the Coaster, San Diego County's regional train.

It is clear to me that a shutdown of Amtrak will be devastating for rail passengers across the Nation. I believe we must act immediately to avoid it. I urge my colleagues to approve Senator MURRAY's amendment to add $438 million to Amtrak to fund system-wide rail security upgrades.

Mr. SARBANES. Mr. President, I rise in strong support of the amendment offered by Senator Murray to restore funding for Amtrak to the full $1.2 billion level needed to ensure the solvency and continued operations of the railroad. I am deeply troubled by this administration's failure to address Amtrak's financial needs.

Since it was first established in 1970, Amtrak has been an essential part of our transportation network. The railroad currently carries nearly 23 million passengers each year including over 1.7 million travelers in Maryland who rely on Amtrak for commuting to work and other transportation needs. Amtrak operates 87 trains daily in Maryland alone. And these figures do not include the MARC trains or the 1.9 million passengers annually who use the MARC/Amtrak lines for service.

In recent years, we have made great strides toward improving our highway, mass transit, and aviation systems. In 1998, we enacted TEA–21, providing record levels of funding for highway and mass transit improvements throughout the country. In 2000, we enacted AIR–21, substantially increasing funds for needed airport infrastructure. To ensure a transportation system that is truly intermodal, we need to continue to invest in Amtrak, doing for inter-city rail what we have already done for highways, transit, and aviation. The level of government support for passenger rail in Japan and European countries far exceeds the level of government support in the United States. In my view, we cannot afford to be the only industrialized country without a comprehensive national passenger rail system.

Across the Nation, congestion and gridlock are taking their toll in terms of economic loss, environmental impacts, and personal frustration. According to the Texas Transportation Institute's Annual Mobility Report, in 1997, Americans in 68 urban areas spent 4.3 billion hours stuck in traffic, with an estimated cost to the Nation of $72 billion in lost time and wasted fuel. It is clear that highway and airport expansion cannot be our only solution. We need a balanced approach, and passenger rail must be a part of that approach. Without the additional funds provided by Senator Murray's amendment, Amtrak cannot continue to operate.

Mr. CORZINE. Mr. President, I rise in support of the amendment offered by Senator MURRAY to restore funding for Amtrak for the remainder of this fiscal year.

The underlying amendment before the Senate includes a $374 million cut in Amtrak relative to the level approved on a bipartisan basis by the Senate Appropriations Committee last year, and relative to the level requested by Amtrak. Amtrak tells us that if this cut remains in place, Amtrak would have to shut down as early as March.

This amendment would restore Amtrak funding to $1.2 billion, the level it needs, and the level that originally was approved by the Appropriations Committee.

It is absolutely critical that we approve this amendment, and save Amtrak from bankruptcy. I am sure I don't need to remind my colleagues how important it was to have a national intercity rail system in the immediate aftermath of September 11th. On that terrible day, our commercial aviation system was shut down, stranding thousands of travelers. Meanwhile, Amtrak ridership surged, as thousands of people took Amtrak to get home to their loved ones. It has been clear from that day that we can never afford to let this vital lifeline be shut down.

A shutdown of Amtrak would have an especially devastating effect on commuters in my State of New Jersey; that is because Amtrak owns the Northeast Corridor, upon which many trains of New Jersey Transit also depend. So an Amtrak shutdown would not only inconvenience the many New Jerseyans who depend on Amtrak directly, but it would force more than

80,000 riders of New Jersey Transit to find another way to work. The end result clearly would be a disaster for New Jersey.

Amtrak badly needs a guarantee of the financial assistance that will allow it to survive. Senator MURRAY's amendment would help ensure Amtrak's operations for the remainder of the fiscal year. We should approve it today. And then, before too long, we should take up and pass the National Defense Rail Act of 2003. That bill would authorize $35 billion to maintain and further develop our passenger rail system. It also would provide more than $800 million for vital safety improvements to the tunnels under the Hudson River that connect New Jersey with New York City. These tunnels are used on a daily basis by over 300,000 New Jerseyans. I was proud to get $100 million to begin work on these tunnels in the supplemental defense appropriations bill signed by the President last year. But we need to do more.

In conclusion, I urge my colleagues to support the Murray Amendment. It is absolutely critical that Amtrak remains a safe and viable transportation alternative in the 21st century. And only by adopting this amendment can we make that happen.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, how much time remains?

The PRESIDING OFFICER. Twenty minutes.

Mr. McCAIN. Mr. President, if the Senator wants me to, I yield back the remainder of my time.

Mr. STEVENS. Mr. President, I am constrained to say at this late time of the night, that President Lincoln offered a bonus of $1 million and every odd section along the railroad right of way to anyone who completed the transcontinental railroad. Subsidies to railroads are 150 years old.

But the problem is that was not a taxpayer burden. I think we have to really examine this and find out what is the taxpayer burden for the future as far as Amtrak.

I yield the remainder of my time and I urge the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 30.

The amendment (No. 30) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, what is the next order of business?

The PRESIDING OFFICER. Under the previous order, there are 60 minutes on the Harkin amendment. The Senator from Iowa is recognized.

AMENDMENT NO. 32

(Purpose: To restore funding for nondiscretionary Byrne grants to a level of $500,000,000)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa (Mr. HARKIN), for himself, Mrs. FEINSTEIN, Mr. BIDEN, Mr. LEAHY, Mrs. MURRAY, Mr. ROCKEFELLER, Mr. JOHNSON, Mr. JEFFORDS, Mr. NELSON of Florida, Mr. AKAKA, Mr. KOHL, and Mr. LAUTENBERG, proposes an amendment numbered 32.

On page 101, line 1, strike ''$134,700,000'' and insert ''$634,700,000''.

Mr. HARKIN. Mr. President, this is a very simple amendment which I send to the desk on behalf of myself and Senators FEINSTEIN, BIDEN, LEAHY, MURRAY, ROCKEFELLER, JOHNSON, NELSON of Florida, KOHL, and LAUTENBERG.

This amendment will restore the funding for the Edward Byrne Memorial Grant Program at the fiscal year 2002 level. The bill before us virtually eliminates this grant program which provides a critical resource directly toward our State and local law enforcement communities.

The bottom line is if you eliminate the Byrne grant program, you eliminate most of the local counterdrug task forces in rural America. Our amendment would restore those cuts to fully fund Byrne at $500 million at the fiscal year 2002 level.

I am sure every Senator on this floor on both sides of the aisle has on more than one occasion talked to their local police departments, their State sheriffs, or narcotics enforcement agencies in their States about the vital necessity of having this Byrne grant program for local law enforcement to battle drugs throughout this country.

To give you an example of how critically needed this funding is, in my State of Iowa, 25 of the multicounty task forces are funded through the Byrne grant program. Without the Byrne grant, those task forces are gone. Iowa receives about $5.4 million a year from Byrne. Believe me, we use every cent of it well and wisely.

It is a formula grant program that goes out to States, and basically it is based on population. As I said, Iowa gets about $5.5 million, Texas gets about $32 million, Alaska gets $2.1 million, Massachusetts gets $11.5 million, and California gets $50.9 million, and on and on.

I ask unanimous consent that the State-by-State breakdown of the amount of money for the Byrne grant program listed by State as of January 14 of last year be printed in the RECORD.

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

FY 2002 Byrne Formula Grant Program—State Allocations

State	*Amount*
Alabama	$7,763,473
Alaska	2,158,472
Arizona	8,766,474
Arkansas	5,670,673
California	50,933,474
Colorado	7,549,473
Connecticut	6,235,473
Delaware	2,388,472
District of Columbia	2,078,472
Florida	24,687,474
Georgia	13,249,474
Hawaii	3,016,472
Idaho	3,137,473
Illinois	19,460,474
Indiana	10,160,474
Iowa	5,532,473
Kansas	5,183,473
Kentucky	7,169,373
Louisiana	7,795,473
Maine	3,109,473
Maryland	9,009,474
Massachusetts	11,591,053
Michigan	15,820,474
Minnesota	8,456,474
Mississippi	5,412,473
Missouri	9,448,474
Montana	2,562,472
Nebraska	3,749,473
Nevada	4,170,473
New Hampshire	3,052,472
New Jersey	13,584,474
New Mexico	3,907,473
New York	29,080,474
North Carolina	13,048,474
North Dakota	2,181,472
Ohio	17,895,474
Oklahoma	6,301,473
Oregon	6,258,473
Pennsylvania	19,257,474
Rhode Island	2,777,472
South Carolina	7,125,473
South Dakota	2,346,472
Tennessee	9,586,474
Texas	31,831,474
Utah	4,515,473
Vermont	2,344,472
Virginia	11,624,474
Washington	9,886,474
West Virginia	3,892,473
Wisconsin	9,108,474
Wyoming	1,963,472
Puerto Rico	6,826,473
Virgin Islands	1,398,472
Guam	1,443,752
American Samoa	953,222
No. Mariana	470,076

Mr. HARKIN. Mr. President, the Byrne program is one of the most successful Federal anticrime programs ever. It pays for drug enforcement task forces, more cops on the street, improved technology, and countless other valuable antidrug and anticrime efforts in local communities. Restoring the Byrne funds is a top priority of law enforcement groups who know the impact the program has had on crime and drugs.

The National Association of Police Organizations, the National Sheriffs Association, and the International Association of Chiefs of Police have contacted me urging full funding of this program.

For example, Iowa and the Midwest have made great strides in reducing methamphetamine production and supply over the last few years. These cuts will only set them back in their uphill battle. Without Byrne, most of the small agencies in that region would lack the manpower, funding, and technology necessary to combat this methamphetamine problem.

I have heard this story over and over again from my contacts in Iowa. These drug task forces are funded primarily by the Byrne grant, and they are desperately needed to fight our State's uphill battle against methamphetamine. I know that is the case in States across the country.

I also want to make one more point. At this crucial time in our history, we cannot afford to reduce the effectiveness of our Nation's State and local law enforcement agencies. It makes no sense to cut this successful program that directly benefits our local communities.

Today, I received various letters from various organizations I just mentioned in support of putting the funding back in for the Byrne program.

I have a letter dated today from the National Association of Police Organizations.

Dear Senator HARKIN:

On behalf of the National Association of Police Organizations representing 220,000 rank-and-file police officers from across the United States, I would like to bring to your attention our wholehearted support for your amendment to the Omnibus Appropriations bill currently before the Senate.

Under the proposed Omnibus bill, funding of the Byrne Grant Program would be virtually eliminated. In a time when our country is focused on the varied aspects of homeland security, the loss of a key source of Federal funding to State and local law enforcement initiatives would be unacceptable. Your amendment will rightly restore to Fiscal Year 2002 levels this necessary funding.

NAPO is proud to stand in support of your efforts and we thank you for your hard work on this important issue.

Sincerely,

WILLIAM JOHNSON,
Executive Director.

I have another letter from the International Association of Chiefs of Police:

I am writing to express our strong support for your efforts to ensure that the Edward Byrne Memorial Grant Program is fully funded in FY 2003. As you know, the IACP is the world's oldest and largest association of police executives representing more than 19,000 members in over 90 countries.

Since its inception, the Byrne Grant Program has proven itself an invaluable resource for cooperative Federal, State, and local anti-crime policing strategies, such as multi-jurisdictional drug task forces and DARE training. In addition, the close working relationship—

I want to make this point very clear—

between law enforcement agencies that is fostered by the Byrne program is invaluable in law enforcement's efforts to secure our communities and to combat terrorism.

That letter is signed by Joseph Samuels, president of the International Association of Chiefs of Police.

Now I have a letter here from the National Governors Association to both Senator FRIST, the majority leader, and Senator DASCHLE, the minority leader. Basically, they say they would like to express their support for the following amendments. They mention the Harkin amendment. The Governors urge support for restoring current funding levels to the Edward Byrne block grant program for State and local law enforcement activities.

It is signed by Gov. Paul Patton and Gov. Dirk Kempthorne, vice chairman, Governor Kempthorne having been a member of this Senate just a few years ago.

I ask unanimous consent to have those letters printed in the RECORD.

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

INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE,
Alexandria, VA, January 16, 2003.

Hon. TOM HARKIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR HARKIN: On behalf of the International Association of Chiefs of Police (IACP), I am writing to express our strong support for your efforts to ensure that the Edward Byrne Memorial Grant Program is fully funded in FY 2003. As you know, the IACP is the world's oldest and largest association of police executives, representing more than 19,000 members in over 90 countries.

Since its inception, the Byrne Grant Program has proven itself an invaluable resource for cooperative federal, state and local anti-crime policing strategies, such as multijurisdictional drug task forces and DARE training. In addition, the close working relationship between law enforcement agencies that is fostered by the Byrne program is invaluable in law enforcement's efforts to secure our communities and combat terrorism.

The IACP believes that at this crucial time in our history, we cannot afford to reduce the effectiveness of our nation's state and local law enforcement agencies. Over the last decade, the funds provided by the Byrne Grant program have dramatically increased the capabilities and effectiveness of these agencies. It is imperative that departments continue to receive this assistance. We have entered a new era for law enforcement; we are faced with new and daunting challenges; we are asking more of our officers; and our communities are turning to us for protection. Only with federal assistance funds that are specifically targeted for law enforcement and its unique role can we hope to successfully meet this challenge.

Once again, the IACP strongly urges Congress to maintain current funding levels for the Byrne Memorial grant program.

Thank you for your assistance in this matter.

Sincerely,

JOSEPH SAMUELS, JR.,
President.

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, January 16, 2003.

Hon. BILL FRIST,
Majority Leader, U.S. Senate,
Washington, DC.
Hon. TOM DASCHLE,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR FRIST AND SENATOR DASCHLE: On behalf of the nation's Governors, we are writing to express our support for several key provisions of the (FY) 2003 omnibus appropriations bill affecting state programs. First, we appreciate that the bill would maintain the FY 2003 highway program investment level at $31.8 billion. With a sluggish economy and many states facing budgetary difficulties, now is not the time to cut federal highway investment. In addition, Governors strongly support the $1.5 billion provided in the bill to implement the new election reform law. We also appreciate that the bill includes an extension of the Temporary Assistance for Needy Families (TANF) block grant and related programs through September 30, 3002. It is critical that states have reliability of funds in order to continue operating their welfare reform programs while Congress considers TANF reauthorization.

We would also like to express our support for the following amendments:

Dodd amendment. The Governors support Senator Dodd's amendment calling for a $1.5 billion increase in state grants for special education. We are committed to continuously improving the academic performance of all students, including students with disabilities. The nation's Governors support this amendment and urge Congress to continue to work toward enacting legislation that makes the Individuals with Disabilities Education Act (IDEA) funding a mandatory expenditure with incremental increases towards meeting the 40 percent federal requirement;

Murray amendment. The Governors support providing the necessary funding for Amtrak to support the continuation of a national passenger rail system as proposed by Senator Murray. Amtrak must be provided a sufficient level of funding to guarantee there will be no break or threat of a break in service. We must be certain that Amtrak will not encounter the rolling financial crises it experienced during the past year;

Chafee-Rockefeller amendment. The nation's Governors urge your support for quick action on a bipartisan compromise to protect resources in the State Children's Health Insurance Program (S–CHIP). Preserving the S–CHIP funds that have reverted to the federal treasury would keep $1.2 billion of the FY 1998 and FY 1999 allocations within the program until 2004; and

Harkin amendment. The Governors urge support for restoring current funding levels to the Edward Byrne block grant program for state and local law enforcement activities.

Finally, while Governors appreciate the inclusion of $2 billion for first responder grants, we urge support for the President's original request of providing $3.5 billion coordinated through the states. Just as Congress and the President have responded by acting on a far-reaching reorganization and consolidation of federal agencies, so too the President recognized the critical role of states—the first line of defense and the first line of coordination of response to any attack. Thus, this should be meaningful, new resources that respect the diversity, responsibilities, and capabilities of states and the immediate need for resources for national defense. Therefore, we encourage you to add an additional $1.5 billion in first responder grant funds to the $2 billion, so that we meet the President's recognition of the need to be prepared to respond to and recover from any terrorist attacks.

We greatly appreciate your consideration of our views.

Sincerely,

Governor PAUL E. PATTON,
Chairman.
Governor DIRK KEMPTHORNE,
Vice Chairman.

NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS, INC.
Washington, DC, January 16, 2003.

Hon. TOM HARKIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR HARKIN: On behalf of the National Association of Police Organizations

(NAPO), representing 220,000 rank-and-file police officers from across the United States, I would like to bring to your attention our wholehearted support for your amendment to the Omnibus Appropriations bill, currently before the Senate.

Under the proposed Omnibus bill, funding of the Byrne Grant program would be virtually eliminated. In a time when our country is focused on the varied aspects of homeland security, the loss of a key source of federal funding to state and local law enforcement initiatives would be unacceptable. Your amendment will rightly restore to Fiscal Year 2002 levels, this necessary funding.

NAPO is proud to stand in support of your efforts and we thank you for your hard work on this important funding issue.

Sincerely,

WILLIAM J. JOHNSON,
Executive Director.

Mr. HARKIN. Mr. President, the Byrne grant program has been a great success in rural America. In Iowa, in 2000, we found over 641 methamphetamine laboratories. In 2002, we found over 800. Without the 25 task forces that I talked about, these laboratories wouldn't be found by law enforcement. But they could have been found by children playing in rural areas around abandoned sheds, barns, and farms.

Again, that is the Byrne Grant Program that does this. It goes to the States. It is for law enforcement and also for prevention activities.

This program was started under President Reagan, named for Edward Byrne, who was a police officer, I am told, in New York City, who was gunned down and killed while he was actively pursuing drug traffickers in the city of New York.

At a time when our States are having serious budget problems, at a time when we are making great inroads and strides in the fight against especially methamphetamine, at a time when we need our local law enforcement agencies—the sheriffs, the police departments, our DEAs, our narcotics law enforcement officers—we need them all working together, both for combating the scourge of drugs but also, as was mentioned in the letter, I believe, from the Police Chiefs Association, for making our communities safe from the threats of terrorism. And to combat terrorism we need coordination and communication among small towns and communities in rural areas. It is vital for tracking and for surveillance.

I find it kind of odd that our national drug czar, Mr. John Walters, with Federal money, with taxpayer money, is running ads all over America—and those ads are tying drug traffickers and the drug trade to the funneling of money to terrorists; making the point, in these ads, that we have to go after the drug traffickers to keep them from funneling money to terrorists—I find it odd they are running those ads and, at the same time, the omnibus bill before us would cut out all funding for the Byrne program, which is the basic funding for local law enforcement for combating drug trafficking.

I have made this a battle of mine now for going on almost 10 years, to make sure we fund the Byrne Grant Program, and, I might add, both through Democratic administrations and Republican administrations.

As I have traveled around the country, I have found local law enforcement so grateful for the fact that they are able to get this money. And it goes down without strings attached. It is not a mandate. What they have used that money for, as I said, is to combat drug trafficking, with coordination, surveillance, and now for counterterrorism activities.

It has been a long battle. We have been successful in keeping the funding up on both sides of the aisle. I might say, this has not been a partisan battle at all. We have had great support from both sides of the aisle in continuing the Byrne Grant Program. I am hopeful we will find that same kind of support now. As I said, it is $500 million to put back in, just to get it up to the fiscal year 2002 level. At least if we have that, we can continue the program. So I hope we will have a successful vote on both sides of the aisle.

I might just add that if we are not successful on this amendment, it will not go away. I will be back again and again and again because I am not going to let this issue drop. It is too important in a matter of minutes, or in a late evening or 1-day rush to judgment on an appropriations bill, to just throw out. It is one of the most important law enforcement programs we have had over the last nearly 20 years in this country.

So, again, I guess the vote will be in the morning at 9:30. I will sum up my arguments again at that time. But I am hopeful we can have a good, strong vote to reassure our local law enforcement officials around the United States that the Senate stands behind them, that we are not going to pull the rug out from underneath them, and we are going to make sure the Byrne Grant Program is fully funded.

Mr. President, I reserve the remainder of my time. If anybody wants to engage in a colloquy or debate, I am prepared to do so. If not, I will yield back the remainder of my time.

Mr. STEVENS. Mr. President, does the Senator wish to have any further comments tonight? It would be my intention to yield back the time on our side because there is a 2½-minute comment period in the morning when we take up this amendment.

Mr. HARKIN. That is fine.

Mr. STEVENS. Does the Senator yield back the remainder of his time?

Mr. HARKIN. I yield back the remainder of my time.

Mr. STEVENS. I yield back the remainder of our time.

The PRESIDING OFFICER. Under the previous order, the Senator from New York is to be recognized.

AMENDMENT NO. 31

Mr. SCHUMER. Mr. President, I call up amendment No. 31.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 31.

The amendment is as follows:

(Purpose: To provide funds for research and development grants to increase security for United States ports)

On page 723, strike lines 16 through 23, and insert the following:

''$72,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided*, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation: *Provided, further*, That, of the total amount appropriated under this paragraph, $50,000,000 shall be available for the Secretary of Homeland Security to award grants to national laboratories, private nonprofit organizations, institutions of higher education, and other entities for the support of research and development of technologies that can be used to secure the ports of the United States: *Provided, further*, That, the proceeds of grants made under the preceding proviso may be used to develop technologies such as equipment that accurately detects explosives or chemical and biological agents that could be used to commit terrorist acts in the United States, equipment that accurately detects nuclear materials (including scintillation-based detection equipment capable of attachment to spreaders to signal the presence of nuclear materials during the unloading of containers), improved tags and seals designed for use on shipping containers to track the transportation of the merchandise in such containers (including ''smart sensors'' that are able to track a container throughout its entire supply chain, detect hazardous and radioactive materials within that container, and transmit such information to the appropriate authorities at a remote location), and tools to mitigate the consequences of a terrorist act at a port of the United States (including a network of sensors to predict the dispersion of radiological, chemical, or biological agents that might be intentionally or accidentally released): *Provided, further*, That the proceeds of grants made under such preceding proviso may also be used to develop pilot projects that could be implemented within 12 months at the Port of New York and New Jersey, the port of Los Angeles and Long Beach, California, and the port of Virginia to demonstrate the effectiveness of a system of radiation detection monitors located throughout the port to detect nuclear or radiological material: *Provided, further*, That each entity desiring a grant under such preceding proviso shall submit an application to the Secretary of Homeland Security at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.''.

AMENDMENT NO. 31, AS MODIFIED

Mr. SCHUMER. Mr. President, send a modification to the desk.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. STEVENS. Reserving the right to object, I have not seen the amendment yet.

Mr. SCHUMER. I believe the majority was given a copy of the amendment.

Mr. STEVENS. It may have gone to the leader, but I didn't get it.

Mr. SCHUMER. The only change I am changing, I inform my friend from Alaska, is on the second page where it says ''$50 million,'' it should say ''$150 million.''

Mr. STEVENS. Mr. President, reserving the right to object again, wouldn't it be necessary to amend this amendment in more than one place in order to accommodate that change?

Mr. SCHUMER. I believe it would, yes. I believe it would.

Mr. STEVENS. It is my understanding it would have to insert a figure ''1'' before the ''7'' in the third line.

Mr. SCHUMER. The Senator from Alaska is correct. That is in the modified amendment.

Mr. STEVENS. As I understand it, that was a mistake in drafting the amendment. I have no objection.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 723, strike lines 16 through 23, and insert the following:

''$172,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided*, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation: *Provided, further*, That, of the total amount appropriated under this paragraph, $150,000,000 shall be available for the Secretary of Homeland Security to award grants to national laboratories, private nonprofit organizations, institutions of higher education, and other entities for the support of research and development of technologies that can be used to secure the ports of the United States: *Provided, further*, That, the proceeds of grants made under the preceding proviso may be used to develop technologies such as equipment that accurately detects explosives or chemical and biological agents that could be used to commit terrorist acts in the United States, equipment that accurately detects nuclear materials (including scintillation-based detection equipment capable of attachment to spreaders to signal the presence of nuclear materials during the unloading of containers), improved tags and seals designed for use on shipping containers to track the transportation of the merchandise in such containers (including ''smart sensors'' that are able to track a container throughout its entire supply chain, detect hazardous and radioactive materials within that container, and transmit such information to the appropriate authorities at a remote location), and tools to mitigate the consequences of a terrorist act at a port of the United States (including a network of sensors to predict the dispersion of radiological, chemical, or biological agents that might be intentionally or accidentally released): *Provided, further*, That the proceeds of grants made under such preceding proviso may also be used to develop pilot projects that could be implemented within 12 months at the Port of New York and New Jersey, the port of Los Angeles and Long Beach, California, and the port of Virginia to demonstrate the effectiveness of a system of radiation detection monitors located throughout the port to detect nuclear or radiological material: *Provided, further*, That each entity desiring a grant under such preceding proviso shall submit an application to the Secretary of Homeland Security at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.''.

Mr. SCHUMER. I thank my colleague from Alaska. I will try to be brief on this amendment.

Mr. President, this amendment deals with port security, particularly port security research and development. And it increases the funding by $150 million. I believe this is a bare minimum of what we should be passing. First, let me make a point that we have lax security at our ports. And that has created a terrorist threat that jeopardizes not only the ports themselves but cities near the ports and any city in America because so much can be brought in through the ports and then be trucked elsewhere and cause untold damage.

The statistics are chilling. Mr. President, 95 percent of U.S. overseas trade is conducted at our Nation's 361 ports. The Port of New York and New Jersey, for my home State, in part, is the largest on the east coast. Yet in that port less than 3 percent of the total cargo is scanned or inspected. Despite the risk we face, despite the threat that hangs over our head, ports are receiving an extremely small amount of Federal funding—basically nothing. We need to do more.

Let me explain to my colleagues what the problem is.

What is the greatest danger that we could face here in America? It is very simple. A terrorist group could—it could be a country; it could be a group—smuggle a nuclear weapon into one of the large containers that comes to our ports by the tens of thousands every month.

They can put that container on a ship. They can put the container on a truck as it drives over the Canadian and Mexican borders. If that nuclear weapon is successfully smuggled into this country and detonated, as bad as 9/11 was, the damage would be much worse.

Right now we have no way to check whether such a nuclear weapon could be smuggled into our country. I have been worried about this. So I did some research. Here is what I found. I talked to scientists at Brookhaven National Laboratory on Long Island and at Argonne National Laboratory in Illinois. Those are two energy labs that don't produce weapons. I asked: What can we do to prevent a nuclear weapon from being smuggled into our ports?

They said: There is good news and bad news. The good news is that every radioactive device emits gamma rays which can pass through anything except lead and tungsten and some very thick metals. The bad news is, the only way to detect these devices right now in a practical way is a Geiger counter, and it has to be held about 3 feet in front of the nuclear source of the radioactive device.

You can't go on every container, each of which contains scores of these crates, put a Geiger counter by each one, and hope that you could detect any nuclear weapon that might be smuggled in because that would bring commerce to a standstill. They said: However, in that cyclotron in their laboratories, the scientists can detect radiation 50, 60, 70, 80 feet away, but the devices that detect nuclear radiation are big and delicate. They can't be bounced around.

The main purpose of this proposal is to make those devices practical, to make them smaller and more robust, and then they could be put on every crane that loads or unloads containers of ships, on every toll booth as the container goes through the toll booth, and any nuclear weapon smuggled into this country could be detected.

Our money here is for research and development. Such a device could probably be developed within a short period of time, as little as a year or two. And I find it totally anomalous that we are willing to go to war in Iraq, a war in which I have supported the President, to make sure they don't have nuclear weapons, when our whole foreign policy establishment is focused on North Korea, but when it comes to detection devices for al-Qaida or any other terrorist group that might smuggle those weapons in, we say we don't have the dollars.

The amendment I originally offered was with my good friend, Senator WARNER. We were able to get it in the homeland security bill, through the support of former Senator Thompson, Senator LIEBERMAN, as well as Senator HOLLINGS and Senator MCCAIN. When it came to the end of the day, we were told the administration wanted no spending in the homeland security bill. So our amendment didn't have the dollars, although it was authorized by Senator HOLLINGS in the port security bill.

This is a relatively small amount of money that could save us from the worst catastrophe possible. One hundred fifty million dollars to develop such detection devices that could prevent any nuclear weapon from being smuggled in through our ports is something every one of us should support. Unfortunately, it is not in the bill. I understand there are lots of needs. I am hoping that my colleague from Alaska would examine this amendment and support it and accept it. The ports everywhere in America are vulnerable, and this is not just money at a random purpose. It is not pork. It is designed simply to deal with nuclear weapons that might be smuggled into our country.

We can't do it unless we have such devices. We are not going to be able to stop each container and inspect each one. As I said, we inspect 3 percent. Just as we can have X-ray machines at our airports that can detect explosives, we can have such devices at our ports and at our border crossings that detect an even worse danger—nuclear weapons.

In the Hollings port security bill, there was authorizing language. So this appropriation is authorized. It is, again, a small amount of money that would stop a nuclear weapon from being smuggled into this country. The shame of it is, this is not a very difficult thing to do. The science is there. The experts say we can create such a device. The danger is enormous. I don't know a single argument against doing this.

As I say, it is a bipartisan proposal. The original bill was by Senator WARNER and myself. It was supported by both Democratic and Republican members of the Homeland Security Committee, but because the administration didn't want any spending in the homeland security bill, we are here.

I am hopeful that my colleagues will look at this amendment and support it because the safety of our country depends on it. If a nuclear weapon were smuggled in a container, put on a truck and exploded, whether it be in New York or Los Angeles or Chicago or St. Louis or any inland city because they can be put on that truck and driven there, we would rue the day we didn't develop such detection devices. The terrorists know our weaknesses. They know we have done a pretty good job on airport security. They know our ports are wide open. If they should get hold of a nuclear device right now, we would be naked to them. We can stop that. But we can stop it in a year or two for a small amount of money.

I am hopeful my colleagues will support this amendment.

With that, I don't know if my colleague has any questions or any comments, but I don't have anything more to say. I will only yield any time I might need to answer any of his questions or respond.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, the hour is late, but we have in the amendment that contains the 11 bills a total of $24.7 billion for homeland security. That is better than $3 billion a month to be spent for homeland security.

There is nothing that prevents the homeland security agencies from pursuing this task that the Senator's amendment would fund. What this does, however, is add another $150 million to the total of this bill and makes it subject to a veto by the President. We have no more room for amendments. We have just used up the balance of the offset that we had available.

This amendment, as worthy as it may seem, in my judgment is unnecessary because there is plenty of money in this bill. There is an overwhelming amount of money. I really stake my reputation on the fact that some of that money will carry over to the next fiscal year. It just cannot be spent as fast as people want to spend it.

The $20 billion we put up for New York in 2001 has not been spent yet. The $20 billion we gave to the President of the United States to pursue al-Qaida and to prepare our homeland security defenses has not totally been spent yet. Why should we continue adding amounts to this bill because people want to assure that their project is going to be built before the homeland security agency is even established?

I don't want to debate at length here. I do believe it is a matter of discipline. We do not have a budget resolution. If we had a budget resolution, this would be subject to a point of order. But each one of these amendments that is going to come at us now is going to add a little bit more.

This subject was covered in the Byrd amendment which we defeated. Senator BYRD wanted to add more money to the $24.7 billion. One of them was this port security project. Now we have this little amendment coming in, $150 million. It has been here too long. One hundred fifty million dollars is a lot of money, and to add it to this bill is going to make it subject to a veto. Tomorrow morning, I shall oppose this amendment and show that this amount was in the Byrd amendments—both of them—which have been defeated. This is part of it.

I predict, if this one is passed, we are going to see 50 small amendments and we will have put the $5 billion back in the bill. So I am not prepared to do that. Maybe the Senate is willing to do that. I told somebody else that it is hard for a person to eat a pound of cheese unless he takes it a half ounce at a time. That is what we are going to be looking at—50 amendments to put $5 billion back into this bill and make it subject to a veto. Now I am not going to permit that without a fight.

We have reserved the right to table, and I shall make a motion to table this at the appropriate time tomorrow because it is the same subject once again.

The money is there. We just don't need redundant money. We do not need redundant money for homeland security. It forces us to go into a concept of how big the deficit is and yet we won't spend the money.

Mr. SCHUMER. Will my colleague yield for a question?

Mr. STEVENS. Yes.

Mr. SCHUMER. I understand this is a large bill. I just ask my colleague, from what section of the bill could this be funded?

Mr. STEVENS. In the homeland security portions of the bill we have $24.7 billion, and it is subject to immense discretion as to how the money is spread. It is spread throughout the bill—$24.7 billion—for homeland security.

Mr. SCHUMER. If I might, I understand there is a lot of money for homeland security, and I understand there are huge needs. I appreciate that my colleague said this is an important subject and probably needs to be done, but he has been around here much longer than I have. I have been in the House 18 years and now in the Senate 4. But in my experience, something like this that has no lobby behind it, has no interest pushing for it, no State or city is going to lobby, no group is going to lobby, no company is going to lobby, no union is going to lobby—in my experience, unless you earmark a certain amount of money—and I am not out to increase the budget. If my friend from Alaska would be willing to take a part of that $24 billion and earmark $150 million for this subject, I would be happy to withdraw the amendment. I don't want to increase the budget.

My worry is, even though we say we have a lot of money in homeland security, in the scheme of things, this may not be funded. I am obsessed with this issue. I think this is the greatest danger we can face in the country, and I am worried we will not do it. I would wait until tomorrow morning, but if the Senator could show me a way to take it out of some existing pool of money and earmark it so it would not be caught in the political vicissitudes, I would support that. I don't want to add any more money, but I know there is a huge pot of money, and this is out there. The odds are that it is not going to be funded, as important as it is.

Mr. STEVENS. The Senator makes a valid request. The staff with whom I have to confer are gone now. We might pursue that. I will be pleased to report to him in the morning precisely if we can do that.

I recall the subject, however, because this system has not been deployed yet. If the Senator read his hometown paper the other day, they have accused me of taking this money out, that it was never in specifically. However, the money was in the bill to do it if the Homeland Security Department decided to do it. It may be possible for us to earmark a portion of that money to pursue the experiment that the Senator wishes. Whether we would earmark the money specifically for these specific reports, again, I don't know.

The Senator's amendment would, in fact, deal with pilot projects for the Port of New York and New Jersey, the Port of Los Angeles and Long Beach, and the Port of Virginia, and there is a ''may'' in there.

Mr. SCHUMER. If the Senator would yield, I am not out to specifically do it for any one port. I rather want the research done to develop the devices. Once the devices were developed, we would have to deploy them at all our ports.

Mr. STEVENS. That is the specific question I asked after I read the article. I was told there is money to pursue the development and testing of the system to which I believe you are referring.

Let us finish this tonight now, and I will report back to him before the vote tomorrow as to whether or not it is possible to achieve the Senator's result without adopting this amendment. I agree. We have a lot of ports on the coast of Alaska. We have 25 percent of the domestic oil coming out of those ports. So I understand port security. I

am willing to work with the Senator from New York on port security. It may be possible to earmark money to see to it that this pilot project is pursued.

If the Senator wishes to respond, OK. Otherwise, I am prepared to yield back the remainder of my time tonight. We have 2 ½ minutes on each side tomorrow. I hope we can reach a conclusion that we can adopt the Senator's proposal.

I yield back the remainder of our time.

Mr. SCHUMER. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

MORNING BUSINESS

HONORING DR. MARTIN LUTHER KING

Ms. MIKULSKI. Mr. President, I want to say a few words to commemorate the life and legacy of Dr. Martin Luther King. Yesterday was Dr. King's birthday, and on Monday we celebrate the National Holiday of Dr. King.

He had a dream: Equal opportunity for all Americans. That dream is unfulfilled today. In the 1960s, Dr. King spoke out against segregation and dehumanization. He stood up for workers' rights and voting rights. He won a Nobel Prize.

I often think what Dr. King would call for today. He would say there is still injustice in America; there is still more work to be done. As we look at what we need to do, we need to know that we need an independent judiciary. In order to protect our civil rights, we need to make sure we have judges who respect the 14th amendment and the civil rights laws. When someone walks in the courthouse door, they must be able to count on everyone being treated fairly. They must be able to trust that the law on the books will be enforced and that their constitutional rights will be respected. Let's make sure we have an independent judiciary. America needs judges on the bench who will enforce the laws on the books, the Civil Rights Act, the Voting Rights Act. Courtrooms across the country need to protect against redlining and discrimination. The courts must not undo, rewrite, or reinvent the spirit of our laws protecting America's civil rights.

Dr. King fought not only for equality under law but for economic justice. When he came for his famous Walk on Washington, it was about jobs and freedom. In 1968, Dr. King marched with 1,300 sanitation workers in Memphis. Let me tell you what he said that day on that march. He said he was fighting for decent wages, fair working conditions, livable housing. He said that old-age Social Security, health and welfare measures should be at the top of our national agenda and that education for the children and respect for the community should be No. 1.

I say to my colleagues, if we choose to honor Dr. King, let's fight for economic justice. I am so pleased we passed the unemployment insurance. Now we need to raise the minimum wage. The minimum wage is $10,700 a year. That means a full-time job still leaves you in full-time poverty. Let's keep the dream alive and raise the minimum wage.

The first civil rights battles were over education. At that time, education was separate and unequal. Today, we are still fighting to make sure our children go to good schools with properly trained teachers and up-to-date books and technology. We need to make sure we back our educational system. This can mean technology training at a community college, Ph.D.s or MBAs, but at the same time, while we look at higher education, make sure we focus on that elementary and secondary level. Let's leave no child behind but make sure no child is left out of the budget.

Dr. King's legacy for America must be a living legacy. We in the Senate must continue to fight for the values Dr. King stood for and make sure the American dream is a reality for others.

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 March 25, 2002 in Dubuque, IA. Elizabeth Tran was assaulted by Carla Kaufman, 17, while she was walking home from school. Without warning, Kaufman attacked the victim, beating her and using racial slurs associated with the victim's Chinese heritage. The victim was treated in a local hospital following the incident.

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.

WTO DECISION ON THE CDO ACT

Mr. HOLLINGS. Mr. President, earlier today, a WTO appeals panel ''ruled'' that the United States violated our WTO obligations with the enactment of the Continued Dumping and Subsidy Offset, CDO, Act, commonly known as the Byrd amendment. This continues a longstanding effort by the WTO to systematically undermine U.S. laws that assist our besieged manufacturing sector. The CDO ensures that the U.S. companies and their workers can compete against unfair imports from foreign companies who dump their products in the U.S. If a foreign company continues to dump its products in the U.S. after having been found guilty of that practice, the CDO allows that future penalty tariffs payments be made to the companies who are being injured. We would all prefer that companies halt their illegal dumping, but if a foreign competitor chooses to continue the predatory practices, then the tariffs assist the U.S. workers and industry to remain competitive.

The CDO provides that antidumping tariffs benefit the companies injured from foreign dumping. Previously, this money went to the U.S. Treasury. Now the money assists the impacted companies to help them remain competitive. invest in new technologies and keep jobs in the U.S. In 2001, less than $230 million was paid out to 900 companies. In September 2002, a WTO panel ruled that CDO placed the U.S. in violation of its obligations. Today, a WTO appellate upheld that decision. It is becoming obvious that the WTO is intruding on U.S. sovereignty and has acted beyond the scope of its mandate in this case. Even the Bush administration has recognized this trend nothing that the WTO ''. . . has created obligations that do not exist.''

The WTO dispute resolution system is in need of serious overhaul. The WTO and its appellate body are creating new rights and obligations where none exist in the actual WTO agreement. U.S. trade laws designed to insure a level playing field for U.S. industries and their workers are being seriously eroded by the WTO. This must end.

The CDO is good public policy. In a time of uncertainty, it benefits U.S. manufacturers and workers. It must be retained.

THE PERFORMING ARTS IN AMERICA

Mr. KENNEDY. Mr. President, I would like to bring a recent article in the Washington Post to the attention of our colleagues. Michael Kaiser, who is the President of the Kennedy Center, has written a thoughtful and articulate article on the serious challenges facing the performing arts in America.

Mr. Kaiser is an impressive leader for the Kennedy Center. In the 2 years he has been its President, the Center has staged a broad range of programs in dance, music and drama and has significantly expanded its efforts to reach out through the arts to improve the lives of all Americans.

I commend all that Mr. Kaiser is doing so effectively, and I ask unanimous consent that his recent article be printed in the RECORD.

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

[From the Washington Post, Dec. 9, 2002]

HOW TO SAVE THE PERFORMING ARTS

(By Michael M. Kaiser)

The world of the performing arts is sick and needs attention. Several underlying problems currently affecting the ecology of the arts were in evidence long before the stock market collapse and Sept. 11, 2001. They need to be addressed, not simply accepted as an unsolvable result of the environment in which we live.

The arts world needs leadership. It needs concerted action. And it needs them fast. There are five key issues that must be addressed if we are to solve the problems arts organizations face today.

1. Such organizations must once again be willing to develop and implement large-scale, important projects that are risky and emerging. The arts world used to produce numerous big, daring projects each year; the construction of major arts, facilities from Lincoln Center to the Kennedy Center, the production of large-scale dramatic works, such as ''Nicholas Nickleby,'' the mounting of new Ring Cycles, even by small opera companies. It wasn't so long ago that Alvin Ailey or George Balanchine would create four or five or even six new works in a season. Now a choreographer is lucky to be able to produce one major work a year.

We have been scared into thinking small. And small thinking begets smaller revenue that begets even smaller institutions and reduced public excitement and involvement. No wonder so many arts organizations are announcing record deficits.

The Sondheim Celebration we mounted this summer at the Kennedy Center is one example of the kind of project I am hoping to see duplicated by others. We took a large but measured risk, and it paid off handsomely. The level of press coverage was phenomenal. The way the Kennedy Center is perceived has changed dramatically. We will never be the same institution again. We must all be thinking large and creatively at this time. That is what the arts are about.

2. If arts organizations, large and small, are going to take risks on meaningful projects and maximize their impact, they need entrepreneurial management better suited to the current climate in which they operate. Hundreds of millions of dollars are spent throughout the world each year training young performers, but only a small fraction of that amount is devoted to training the people who will employ and market these performers. While several universities mount arts management programs, they are not sufficient to fill all our needs. There is no shortage of great artists in this world, but there is a shortage of trained, skilled managers.

We are operating in a highly challenging environment, and only the most sophisticated managers will be able to acquire the support needed to help their organizations thrive. I hope serious arts funders will begin to pay far more attention to this need; otherwise, we will see a serious decline in arts institutions throughout the world.

3. As we train arts managers, we must actively focus on the needs of all kinds of arts organizations.

The arts world is moving close to becoming a virtual cartel of a few large mainstream organizations that survive and thrive. This would be catastrophic. A healthy arts ecology demands that we have large and small organizations, mainstream and edgy, and of all ethnic backgrounds. The theater world, for example, has lost many of its minority organizations in the past few years. Those that remain are terribly small compared with their white counterparts.

We who run large arts organizations have become so scared about keeping our organizations solvent that we have forgotten we will have a healthy arts environment only if we support the smaller and diverse organizations that create great works, great artists and new audiences. The tradition that created the Alvin Ailey American Dance Theater, Ballet Hispanico and the now-defunct Crossroads Theater is close to evaporating.

4. The need for diversity in performers and performing institutions is equally strong with respect to audiences. Alvin Ailey said that ''dance is for everyone.'' I know he meant that ''art is for everyone.'' We are heading toward a world where only white, upper-middle-class people come to the theater, because only white, upper-middle-class children are being exposed to the theater. Public school arts education is virtually dead, not just in the United States but in most countries.

The Kennedy Center, like most arts organizations, has jumped into the breach. We spend $15 million each year on arts education, working actively with 5 million children around the United States. But our efforts are not coordinated with those of other arts organizations, and the arts exposure enjoyed by virtually every child is episodic. For some children in some schools, the exposure is tremendous; other children may get no arts programming for years. We owe every child in this nation a chance to experience the joy of self-expression, the power of discipline and the self-fulfillment of achievement that come from the performing arts.

5. Finally, we must address the need to record the performances of merit that are mounted each day of the year.

The collapse of the recording industry, the lack of resources available to public broadcasting to record performances and the prohibitive costs of producing recordings and videos mean that it is easier to obtain a recording of Enrico Caruso than of most great opera singers today. We need the support of PBS, the unions and all artists to ensure that an entire generation of performances is not lost.

This is critical if we are to create the history of performance and creativity that inspires future generations and that allows for performances enjoyed by a few to be available to many. The Kennedy Center broadcasts on the Internet the daily free concerts we give on our Millennium Stage. But so many more performances in our halls and in theaters around the world go unrecorded.

If we can take all these necessary steps, we will create an arts ecology that can withstand the horrors of terrorism, economic decline and social unrest. If we don't, even a healthy economic and social climate will not save us.

ADDITIONAL STATEMENTS

TRIBUTE TO ELMO JOHNSON

• Mr. KOHL. Mr. President, it is my honor to rise today in recognition of an outstanding World War II veteran from Wisconsin, Mr. Elmo Johnson. Originally from Black River Falls, Mr. Johnson joined the Army in 1945 and was stationed near Guam at Saipan. A trumpet player since the age of 11, he played for the troops as part of the 285th AGF Band Unit. Mr. Johnson also organized a band called Swingmasters which performed at local Saipan clubs.

Later in his career, while stationed at Iwogima, Japan, he started to play Taps for his unit. Ever since returning from World War II, Mr. Johnson has volunteered to play Taps at funerals for other Wisconsin veterans. He has been a member of the Black River Falls Miles-Hagen American Legion Post for over 50 years, and was named commander in 1946. Mr. Johnson has played Taps over 950 times, and I praise his goal of 1,000 farewells. His band, renamed ''Elmo Johnson and the Johnny Brass Band,'' performs extensively throughout Western Wisconsin.

I would like to acknowledge the contributions Mr. Elmo Johnson and other brave veterans have made to the State of Wisconsin. We honor Mr. Johnson as he continues to demonstrate his generous spirit by sharing his musical gift around the State.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

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

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–392. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''NMFS reduces the trip limit in the commercial hook-and-line fishery for king mackerel in the northern Florida west coast subzone to 500 lb (227 kg) of king mackerel per day in or from the exclusive economic zone (EEZ). This trip limit reduction is necessary to protect the Gulf king mackerel resource'' received on December 17, 2002; to the Committee on Commerce, Science, and Transportation.

EC–393. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''NMFS closes the commercial fishery for king mackerel in the exclusive economic zone (EEZ) in the northern Florida west coast subzone. This closure is necessary to protect the Gulf king mackerel resource'' received on December 17, 2002; to the Committee on Commerce, Science, and Transportation.

EC–394. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Closure Notice for Black Sea Bass Fishery; Commercial Quota Harvested for Quarter 4'' received on December 17, 2002; to the Committee on Commerce, Science, and Transportation.

EC–395. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries, Office of Sustainable Fisheries, Domestic Fisheries Division, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Implement Framework Adjustment 35 Modification to the Northeast Multispecies Fishery Management Plan (RIN 0648–AQ50)'' received on December 17, 2002; to the Committee on Commerce, Science, and Transportation.

EC–396. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; (Including 2 regulations) [CGD07–02–144] [CGD07–02–145] (RIN 2115–AE47)'' received on December 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–397. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: Ports of Jacksonville and Canaveral, FL [CGD07–02–148] (RIN 2115–AA97)'' received on December 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–398. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Harlem River, NY (CGD01–02–135) (RIN 2115–AE47)'' received on December 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–399. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Northeast Cape Fear River, Wilmington, NC (CGD05–02–014) (RIN 2115–AE47)'' received on December 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–400. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; (Including 7 regulations) [CGD08–02–033] [CGD08–02–026] [CGD01–02–026] [CGD01–02–133] [CGD08–02–039] [CGD08–02–038] [CGD08–02–037] [CGD08–02–040] (RIN 2115–AE47)'' received on December 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–401. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska—Final rule to Implement Amendment 60 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (RIN 0648–AP79)'' received on December 17, 2002; to the Committee on Commerce, Science, and Transportation.

EC–402. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''NMFS is reallocating the projected unused amount of Pacific cod from vessels using pot and trawl gear to catcher/processor vessels using hook-and-line gear in the BSAI. These actions are necessary to allow the 2002 total allowable catch (TAC) of Pacific cod to be harvested'' received on December 17, 2002; to the Committee on Commerce, Science, and Transportation.

EC–403. A communication from the Associate Assistant Administrator for Ocean Services and Coastal Zone Management, National Ocean Service/Center for Sponsored Coastal Ocean Research Coastal Ocean Program, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''General Grant Administration Terms and Conditions of the Coastal Ocean Program for FY2003 (RIN 0648–ZA92)'' received on December 17, 2002; to the Committee on Commerce, Science, and Transportation.

EC–404. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Textiles Rules, 16 C.F.R. Part 303 (RIN 3084–0101)'' received on December 17, 2002; to the Committee on Commerce, Science, and Transportation.

EC–405. A communication from the Trial Attorney, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Acceleration of Manufacturer's Remedy Program (RIN 2127–AI27)'' received on December 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–406. A communication from the Trail Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Retention of Current Monetary Threshold for Reporting Rail Equipment Accidents/Incidents During Calendar Year 2003 and Until Further Amended (RIN 2130–AB57)'' received on January 2, 2003; to the Committee on Commerce, Science, and Transportation.

EC–407. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''National Parks Air Tour Management; Docket No. FAA–2001–8690 [10–25/12–2] (RIN 2120–AF46)'' received on December 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–408. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Wheelchair Lifts (RIN 2127–AD50)'' received on January 2, 2003; to the Committee on Commerce, Science, and Transportation.

EC–409. A communication from the Administrator, Poultry Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Increase in Fees and Charges for Egg, Poultry, and Rabbit Grading (RIN 0581–AC10)'' received on January 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–410. A communication from the Administrator, Cotton Program, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Revision of Regulations for Determining Price Quotations for Spot Cotton (RIN 0581–AC00)'' received on December 20, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–411. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Raisins Produced from Grapes Grown in California; Temporary Suspension of a Provision, and Extension of Certain Deadlines Under the Raisin Diversion Program (Doc. No. FV03–989–21FR)'' received on December 20, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–412. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Change to the Minimum Maturity Requirements for Fresh Grapefruit (Doc. No. FV02–905–2 FIR)'' received on December 20, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–413. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Raisins Produced from Grapes Grown in California; Decrease in Desirable Carryout Used to Compute Trade Demand (Doc. No. FV02–989–6FIR)'' received on December 20, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–414. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Mexican Fruit Fly; Addition of Regulated Area (Doc. No. 02–212–1)'' received on January 2, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–415. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Change in Disease Status of Great Britain with Reguard to Foot-and-Mouth Disease (Doc. No. 01–018–4)'' received on December 17, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–416. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Agriculture Bioterrorism Act of 2002; Possession, Use, and Transfer of Biological Agents and Toxins (Doc. No. 02–088–1)'' received on December 17, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–417. A communication from the Under Secretary of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Rural Business Enterprise Grants and Television Demonstration Grants; Definition of 'rural and rural areas' and new types of 'eligible small and emerging private business enterprises' (RIN 0570–AA36)'' received on December 17, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–418. A communication from the Administrator, Rural Housing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Reengineering and Reinvention of the Direct Section 502 and 504 Single Family Housing (SFH) Programs (RIN 0575–AB99)'' received on December 17, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–419. A communication from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Business and Industry Loans; Revisions to Definitions of Rural Area (RIN 0570–AA38)'' received on December 17, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–420. A communication from the Acting Principal Associate Deputy Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Urea: Revocation of Tolerance Exemptions (FRL7284–3)'' received on December 20, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–421. A communication from the Acting Principle Associate Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Urea: Exemption from the Requirement of a Tolerance (FRL 7284–2)'' received on December 20, 2002; to the

Committee on Agriculture, Nutrition, and Forestry.

EC–422. A communication from the Chairman, Office of the General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled ''Bipartisan Campaign Reform Act of 2002 Reporting'' received on December 18, 2002; to the Committee on Rules and Administration.

EC–423. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled ''Small Entity Compliance Guide—Centralized Waste Treatment Effluent Limitations Guidelines and Pretreatment Standards'' received on December 17, 2002; to the Committee on Environment and Public Works.

EC–424. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled ''Lead in Drinking Water Regulations Public Education Guidance'' received on December 17, 2002; to the Committee on Environment and Public Works.

EC–425. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Low Emmission Vehicle Program (FRL7418–7)'' received on December 17, 2002; to the Committee on Environment and Public Works.

EC–426. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans for Mississippi; Infections Waste Incinerator Requirements (FRL7424–3)'' received on December 17, 2002; to the Committee on Environment and Public Works.

EC–427. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans North Carolina: Approval of Revisions to Miscellaneous Regulations Within the North Carolina State Implementation Plan (FRL7425–2)'' received on December 17, 2002; to the Committee on Environment and Public Works.

EC–428. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''NESHAP: Standards for Hazardous Air Pollutants for Hazardous Waste Combustors—Correction (FRL7424–2)'' received on December 17, 2002; to the Committee on Environment and Public Works.

EC–429. A communication from the Director, Office of Congressional Affairs, Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Material Control and Accounting Amendments (RIN3150–AG69)'' received on December 20, 2002; to the Committee on Environment and Public Works.

EC–430. A communication from the Director, Office of Congressional Affairs, Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Decommissioning Trust Provisions (RIN3150–AG52)'' received on December 20, 2002; to the Committee on Environment and Public Works.

EC–431. A communication from the Assistant Secretary—Indian Affairs, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Partial Distribution of Fiscal Year 2003 Indian Reservation Roads Funds (RIN1076–AE34)'' received on January 6, 2003; to the Committee on Indian Affairs.

EC–432. 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; Inflation Adjustment to Size Standards (RIN3245–AE56)'' received on January 11, 2003; to the Committee on Small Business and Entrepreneurship.

EC–433. 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 Regulations ; Size Standards for Programs of Other Agencies (RIN3245–AE42)'' received on January 11, 2003; to the Committee on Small Business and Entrepreneurship.

EC–434. 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; Travel Agencies; Economic Injury Disaster Loan Program (RIN3245–AE93)'' received on January 11 , 2003; to the Committee on Small Business and Entrepreneurship.

EC–435. 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; Inflation Adjustment to Size Standards (RIN3245–AE56)'' received on December 17, 2002; to the Committee on Small Business and Entrepreneurship.

EC–436. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocations of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' received on December 17, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–437. A communication from the White House Liaison, Institute of Education Sciences, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Commissioner for Education Sciences, received on December 17, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–438. A communication from the Director, Regulations Policy and Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Aluminum in Large and Small Volume Parenterals Used in Total Parenteral Nutrition; Amendment; Delay of Effective Date (RIN0910–AA74)'' received on January 2, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–439. A communication from the Director of Benefits and Plan Administrator, CoBank, transmitting, pursuant to law, the report of the CoBank, ACB Retirement Plan year ending December 31, 2001, received on December 19, 2002; to the Committee on Governmental Affairs.

EC–440. A communication from the General Counsel, National Labor Relations Board, transmitting, pursuant to law, the Inspector General's Semiannual Report for the National Labor Relations Board, received on December 17, 2002; to the Committee on Governmental Affairs.

EC–441. A communication from the Chairman, U.S. Consumer Product Safety Commission, transmitting, pursuant to law, the Inspector General's Semiannual Report for the period April 1 through September 30, 2002, received on December 17, 2002; to the Committee on Governmental Affairs.

EC–442. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the Inspector General's Semiannual report for the Period of April 1, 2002, through September 30, 2002 for the Farm Credit Administration, received on December 17, 2002; to the Committee on Governmental Affairs.

EC–443. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Inspector General's Semiannual Report for the period of April 1, 2002 to September 30, 2002 for the Office of Personnel Management; to the Committee on Governmental Affairs.

EC–444. A communication from the Chairman, National Credit Union Administration, transmitting, pursuant to law, the Inspector General's Semiannual Report for the period of April 1, 2002 to September 30, 2002 for the National Credit Union Administration, received on January 2, 2003; to the Committee on Governmental Affairs.

EC–445. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the Inspector General's Semiannual Report for the period of April 1, 2002 to September 30, 2002 for the Department of the Treasury; to the Committee on Governmental Affairs.

EC–446. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the Inspector General's Semiannual Report for the period of April 1, 2002 to September 30, 2002 for Tax Administration; to the Committee on Governmental Affairs.

EC–447. A communication from the Administrator, Small Business Administration, transmitting, pursuant to law, the Semiannual report of the Inspector General of the Small Business Administration (SBA), received on January 2, 2003; to the Committee on Governmental Affairs.

EC–448. A communication from the Chief Executive Officer, National Community Service, transmitting, pursuant to law, the Semiannual report of the Inspector General for the period of April 1, 2002 through September 30, 2002; to the Committee on Governmental Affairs.

EC–449. A communication from the United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, the report that the Trade Representative's internal controls, taken as a whole, provide reasonable assurance that the objectives of the Federal Managers' Financial Integrity Act have been acheived, received on January 2, 2003; to the Committee on Governmental Affairs.

EC–450. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Semiannual Report of the Inspector General and the Management Response for the period of April 1, 2002 to September 30, 2002; to the Committee on Governmental Affairs.

EC–451. A communication from the Federal Co-Chairman, Appalachian Regional Commission, transmitting, pursuant to law, the Inspector General's Semiannual Report for the period of April 1, 2002 to September 30, 2002, received on January 2, 2003; to the Committee on Governmental Affairs.

EC–452. A communication from the Secretary of Energy, transmitting, pursuant to law, the Inspector General's Semiannual Report for the period of April 1, 2002 to September 30, 2002 for the Department of Energy, received on January 2, 2003; to the Committee on Governmental Affairs.

EC–453. A communication from the Chairman, Broadcasting Board of Governors,

transmitting, pursuant to law, the Inspector General's Semiannual Report for the period of April 1, 2002 to September 30, 2002; to the Committee on Governmental Affairs.

EC–454. A communication from the Assistant Secretary—Policy, Management and Budget, Department of the Interior, transmitting, pursuant to law, the report entitled ''Department of the Interior Year 2002 Fair Act Inventory of Commercial Activities'' received on January 6, 2003; to the Committee on Governmental Affairs.

EC–455. A communication from the Director, Bureau of the Census, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Geographically Updated Population Certification Program (RIN0607–AA37)'' received on December 17, 2002; to the Committee on Governmental Affairs.

EC–456. A communication from the Secretary to the Council, Council of the District of Columbia, transmitting, the report of a resolution entitled ''Sense of the Council on Criteria for Use of War Powers Against Iraq Emergency Resolution of 2002'' received on December 17, 2002; to the Committee on Governmental Affairs.

EC–457. A communication from the Regulatory Contact, National Archives and Records Administration, transmitting, pursuant to law, the report of rule entitled ''Expanding Transfer Options for Electronic Records'' received on January 2, 2003; to the Committee on Governmental Affairs.

EC–458. A communication from the Deputy Associate Administration, Office of Acquisition Policy, General Service Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2001–10 (FAC2001–10)'' received on December 17, 2002; to the Committee on Governmental Affairs.

EC–459. A communication from the Director, Employment Service, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Excepted Service—Schedule A Authority for Chinese, Japanese, and Hindu Interpreters (RIN 3206–AJ53)'' received on December 17, 2002; to the Committee on Governmental Affairs.

EC–460. A communication from the Director, Regulations Policy and Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Food Labeling: Health Claims; D-tagatose and Dental Caries (Doc. No. 02P–0177)'' received on December 17, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–461. A communication from the Director, Office of Workers' Compensation Programs, Employment Standards Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Performance of Functions Under this Chapter; Claims for Compensation Under the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended, 20 C.F.R. Parts 1 and 30 (RIN1215–AB32)'' received on January 2, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–462. A communication from the Director , Directorate of Standards and Guidance, Occupational Safety and Health Administration, transmitting, pursuant to law, the report of a rule entitled ''Occupational Injury and Illness Recording and Reporting—Delay of Effective Dates (RIN1218–AC06)'' received on December 17, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–463. A communication from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting, pursuant to law, the report relative to steps taken over the past 2 years to expand the Corporation's activities in sub-Saharan Africa , received on December 17, 2002; to the Committee on Foreign Relations.

EC–464. 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–465. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report relative to Presidential Determination on Suspension of Limitations Under the Jerusalem Embassy Act, received on January 2, 2002; to the Committee on Foreign Relations.

EC–466. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Procedure 2003–7 (RP–153821–02)'' received on January 6, 2003; to the Committee on Finance.

EC–467. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Annual EP/EO letter ruling revenue procedure (Rev. Proc. 2003–4)'' received on January 6, 2003; to the Committee on Finance.

EC–468. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Annual EP/EO user fee revenue procedure (Rev. Proc. 2003–8)'' received on January 6, 2003; to the Committee on Finance.

EC–469. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Weighted Average Interest Rate Update Notice (Notice 2003–7)'' received on January 6, 2003; to the Committee on Finance.

EC–470. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Annual EP/EO technical advice revenue procedure (Rev. Proc. 2003–5)'' received on January 6, 2003; to the Committee on Finance.

EC–471. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Doyle, Dane, Bernbach, Inc. v. Commissioner'' received on January 6, 2003; to the Committee on Finance.

EC–472. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Deemed IRAs as added to the Code by Section 602 of EGTRRA (Rev. Proc. 2003–13)'' received on January 6, 2003; to the Committee on Finance.

EC–473. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Notice 2003–4—LIFO Recapture Installment Payments under 1363 (NOT–159961–02)'' received on January 6, 2003; to the Committee on Finance.

EC–474. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Costa Rican Soak-Up Tax Revenue Ruling (Rev. Rul. 2003–8)'' received on January 6, 2003; to the Committee on Finance.

EC–475. A communication from the Under Secretary, Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, the report relative to the Department of Defense's purchases from foreign entities, received on December 17, 2002; to the Committee on Armed Services.

EC–476. A communication from the Secretary of the Navy, transmitting, pursuant to law, the report relative to the Authority to Limit the Competition for a Foreign Military Sales Contract for Diesel Submarines for Taiwan Based on the Public Interest Exception to the Requirement for full and Open Competition; to the Committee on Armed Services.

EC–477. A communication from then Assistant Secretary of the Navy, Installations and Environment, transmitting, pursuant to law, the report relative to the notification to study certain functions performed by military and civilian personnel in the Department of the Navy for possible performance by private contractors; to the Committee on Armed Services.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DAYTON:

S. 176. A bill to amend title XVIII of the Social Security Act to establish a program to provide for medicare reimbursement for health care services provided to certain medicare-eligible veterans in facilities of the Department of Veterans Affairs; to the Committee on Finance.

By Mr. DAYTON:

S. 177. A bill to amend title 38, United States Code, to improve benefits under the Montgomery GI Bill by establishing an enhanced educational assistance program and by repealing the requirement for reduction in pay for participation in the program, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DURBIN (for himself and Mr. DEWINE):

S. 178. A bill to amend title XVIII of the Social Security Act to provide adequate coverage for immunosuppressive drugs furnished to beneficiaries under the medicare program that have received an organ transplant; to the Committee on Finance.

By Mr. CORZINE:

S. 179. A bill to amend title 23, United States Code, to provide for a prohibition on use of mobile telephones while operating a motor vehicle; to the Committee on Environment and Public Works.

By Mr. DEWINE (for himself and Mr. VOINOVICH):

S. 180. A bill to establish the National Aviation Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LEVIN (for himself and Mr. MCCAIN):

S. 181. A bill to require a review of accounting treatment of stock option plans, and the establishment of an appropriate stock option accounting principle within 1 year; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEVIN (for himself, Mr. MCCAIN, Mr. DURBIN, and Mr. FEINGOLD):

S. 182. A bill to amend the Internal Revenue Code of 1986 to provide that corporate tax benefits from stock option compensation expenses are allowed only to the extent such expenses are included in a corporation's financial statements; to the Committee on Finance.

By Mr. LEVIN (for himself, Mr. NELSON of Florida, Mr. CORZINE, and Mr. BIDEN):

S. 183. A bill to address Securities and Exchange Commission authority to impose civil money penalties in administrative proceedings for violations of securities laws, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DODD (for himself, Ms. MIKULSKI, Mr. JEFFORDS, Mrs. MURRAY, Ms. LANDRIEU, and Mr. DAYTON):

S. 184. A bill to amend section 401 (b)(2) of the Higher Education Act of 1965 regarding the Federal Pell Grant maximum amount; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE (for himself, Mr. LEAHY, Mr. DODD, Mr. KERRY, and Mr. BIDEN):

S. 185. A bill to authorize emergency supplemental assistance to combat the growing humanitarian crisis in sub-Saharan Africa; to the Committee on Foreign Relations.

By Mr. DEWINE (for himself and Mr. DURBIN):

S. 186. A bill to amend the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to provide health insurance protections for individuals who are living organ donors; to the Committee on Health, Education, Labor, and Pensions.

By Mr. EDWARDS:

S. 187. A bill to provide for the elimination of significant vulnerabilities in the information technology of the Federal Government , and for other purposes; to the Committee on Governmental Affairs.

By Mr. FEINGOLD (for himself, Mr. CORZINE, Mr. WYDEN, and Mr. NELSON of Florida):

S. 188. A bill to impose a moratorium on the implementation of datamining under the Total Information Awareness program of the Department of Defense and any similar program of the Department of Homeland Security, and for other purposes; to the Committee on the Judiciary.

By Mr. WYDEN (for himself, Mr. ALLEN, Mr. LIEBERMAN, Mr . WARNER, Ms. MIKULSKI, Mr. HOLLINGS, Ms. LANDRIEU, Mrs. CLINTON, Mr. LEVIN, and Mr. BAYH):

S. 189. A bill to authorize appropriations for nanoscience, nanoengineering, and nanotechnology research, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. FEINSTEIN:

S. 190. A bill to establish the Director of National Intelligence as head of the intelligence community, to modify and enhance authorities and responsibilities relating to the administration of intelligence and the intelligence community, and for other purposes; to the Select Committee on Intelligence.

By Mr. DEWINE:

S. 191. A bill to amend title XVIII of the Social Security Act to provide adequate coverage for immunosuppressive drugs furnished to beneficiaries under the medicare program that have received a kidney transplant, and for other purposes; to the Committee on Finance.

By Mr. CORZINE:

S. 192. A bill to amend title 23, United States Code, to provide for criminal and civil liability for permitting an intoxicated arrestee to operate a motor vehicle; to the Committee on Environment and Public Works.

By Mr. HATCH (for himself, Mrs. FEINSTEIN, Mr. STEVENS, Mr. MILLER, Mr. CAMPBELL, Mr. MCCAIN, Mr. BREAUX, Mr. CRAIG, Mr. ENSIGN, Mr. LUGAR, Mrs. LINCOLN, Mr. BAUCUS, Mr. BOND, Mr. LOTT, Mr. HOLLINGS, Mr. DAYTON, Mr. SESSIONS, Mr. NELSON of Nebraska, Mr. INHOFE, Mr. BUNNING, Mr. ALLARD, Ms. COLLINS, Mr. CRAPO, Mr. DEWINE, Mr. FRIST, Mr. GRASSLEY, Mr. HAGEL, Mrs. HUTCHISON, Mr. ROBERTS, Mr. WARNER, Mr. ALLEN, Mr. BROWNBACK, Mr. BURNS, Mr. DOMENICI, Mr. GREGG, Mr. SANTORUM, Mr. SHELBY, Ms. SNOWE, Mr. GRAHAM of South Carolina, Mr. CORNYN, Mr. TALENT, and Mr. ALEXANDER):

S.J. Res. 4. A joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DORGAN (for himself and Mr. CONRAD):

S. Res. 22. A resolution expressing the sense of the Senate regarding the implementation of the No Child Left Behind Act of 2001; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE (for himself and Mr. GRAHAM of Florida):

S. Res. 23. A resolution supporting a decision of the United States Court of Appeals for the Sixth Circuit relating to the admissions policy of the University of Michigan; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. DASCHLE, the name of the Senator from Maryland (Ms. MIKULSKI) 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. JOHNSON, the name of the Senator from North Dakota (Mr. DORGAN) 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. 83

At the request of Mr. DURBIN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 83, a bill to expand aviation capacity in the Chicago area, and for other purposes.

S. 119

At the request of Mr. SANTORUM, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 119, a bill to provide special minimum funding requirements for certain pension plans maintained pursuant to collective bargaining agreements.

S. 138

At the request of Mr. ROCKEFELLER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 138, a bill to temporarily increase the Federal medical assistance percentage for the medicaid program.

S. 140

At the request of Mrs. FEINSTEIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 140, a bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers.

S. 151

At the request of Mr. HATCH, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 151, a bill to amend title 18, United States Code, with respect to the sexual exploitation of children.

S. 152

At the request of Mr. BIDEN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 152, a bill to assess the extent of the backlog in DNA analysis of rape kit samples, and to improve investigation and prosecution of sexual assault cases with DNA evidence.

S. 156

At the request of Mr. VOINOVICH, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 156, a bill to amend the Atomic Energy Act of 1954 to reauthorize the Price-Anderson provisions.

S. 163

At the request of Mr. MCCAIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 163, a bill to reauthorize the United States Institute for Environmental Conflict Resolution, and for other purposes.

S. 173

At the request of Mrs. BOXER, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Montana (Mr. BAUCUS), the Senator from Washington (Ms. CANTWELL), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Vermont (Mr. LEAHY), the Senator from Washington (Mrs. MURRAY), the Senator from Florida (Mr. NELSON), the Senator from Nevada (Mr. REID) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 173, a bill to amend the Internal Revenue Code of 1986 to extend the financing of the Superfund.

S. RES. 19

At the request of Mr. FEINGOLD, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. Res. 19, A resolution expressing the sense of the Senate that Congress should increase the maximum individual Federal Pell Grant award to $9,000 by 2010.

AMENDMENT NO. 2

At the request of Mr. ROCKEFELLER, his name was added as a cosponsor of amendment No. 2 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

INTRODUCED BILLS AND JOINT RESOLUTIONS ON JANUARY 14, 2003

Mr. HOLLINGS. 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. 161

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 ''Children's Protection from Violent Programming Act''.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Television influences children's perception of the values and behavior that are common and acceptable in society.

(2) Broadcast television, cable television, and video programming are—

(A) uniquely pervasive presences in the lives of all American children; and

(B) readily accessible to all American children.

(3) Violent video programming influences children, as does indecent programming.

(4) There is empirical evidence that children exposed to violent video programming at a young age have a higher tendency to engage in violent and aggressive behavior later in life than those children not so exposed.

(5) There is empirical evidence that children exposed to violent video programming have a greater tendency to assume that acts of violence are acceptable behavior and therefore to imitate such behavior.

(6) There is empirical evidence that children exposed to violent video programming have an increased fear of becoming a victim of violence, resulting in increased self-protective behaviors and increased mistrust of others.

(7) There is a compelling governmental interest in limiting the negative influences of violent video programming on children.

(8) There is a compelling governmental interest in channeling programming with violent content to periods of the day when children are not likely to comprise a substantial portion of the television audience.

(9) A significant amount of violent programming that is readily accessible to minors remains unrated specifically for violence and therefore cannot be blocked solely on the basis of its violent content.

(10) Age-based ratings that do not include content rating for violence do not allow parents to block programming based solely on violent content thereby rendering ineffective any technology-based blocking mechanism designed to limit violent video programming.

(11) The most recent study of the television ratings system by the Kaiser Family Foundation concludes that 79 percent of violent programming is not specifically rated for violence.

(12) Technology-based solutions, such as the V-chip, may be helpful in protecting some children, but cannot achieve the compelling governmental interest in protecting all children from violent programming when parents are only able to block programming that has, in fact, been rated for violence.

(13) Restricting the hours when violent programming can be shown protects the interests of children whose parents are unavailable, unable to supervise their children's viewing behavior, do not have the benefit of technology-based solutions, are unable to afford the costs of technology-based solutions, or are unable to determine the content of those shows that are only subject to age-based ratings.

(14) After further study, pursuant to a rulemaking, the Federal Communications Commission may conclude that content-based ratings and blocking technology do not effectively protect children from the harm of violent video programming.

(15) If the Federal Communications Commission reaches the conclusion described in paragraph (14), the channeling of violent video programming will be the least restrictive means of limiting the exposure of children to the harmful influences of violent video programming.

SEC. 3. ASSESSMENT OF EFFECTIVENESS OF CURRENT RATING SYSTEM FOR VIOLENCE AND EFFECTIVENESS OF V-CHIP IN BLOCKING VIOLENT PROGRAMMING.

(a) REPORT.—The Federal Communications Commission shall—

(1) assess the effectiveness of measures to require television broadcasters and multichannel video programming distributors (as defined in section 602(13) of the Communications Act of 1934 (47 U.S.C. 522(13)) to rate and encode programming that could be blocked by parents using the V-chip undertaken under section 715 of the Communications Act of 1934 (47 U.S.C. 715) and under subsections (w) and (x) of section 303 of that Act (47 U.S.C. 303(w) and (x)) in accomplishing the purposes for which they were enacted; and

(2) report its findings to the Committee on Commerce, Science, and Transportation of the United States Senate and the Committee on Commerce of the United States House of Representatives, within 12 months after the date of enactment of this Act, and annually thereafter.

(b) ACTION.—If the Commission finds at any time, as a result of its ongoing assessment under subsection (a), that the measures referred to in subsection (a)(1) are insufficiently effective, then the Commission shall complete a rulemaking within 270 days after the date on which the Commission makes that finding to prohibit the distribution of violent video programming during the hours when children are reasonably likely to comprise a substantial portion of the audience.

(c) DEFINITIONS.—Any term used in this section that is defined in section 715 of the Communications Act of 1934 (47 U.S.C. 715), or in regulations under that section, has the same meaning as when used in that section or in those regulations.

SEC. 4. UNLAWFUL DISTRIBUTION OF VIOLENT VIDEO PROGRAMMING THAT IS NOT SPECIFICALLY RATED FOR VIOLENCE AND THEREFORE IS NOT BLOCKABLE.

Title VII of the Communications Act of 1934 (47 U.S.C. 701 et seq.) is amended by adding at the end the following:

''SEC. 715. UNLAWFUL DISTRIBUTION OF VIOLENT VIDEO PROGRAMMING NOT SPECIFICALLY BLOCKABLE BY ELECTRONIC MEANS.

''(a) UNLAWFUL DISTRIBUTION.—It shall be unlawful for any person to distribute to the public any violent video programming not blockable by electronic means specifically on the basis of its violent content during hours when children are reasonably likely to comprise a substantial portion of the audience.

''(b) RULEMAKING PROCEEDING.—The Commission shall conduct a rulemaking proceeding to implement the provisions of this section and shall promulgate final regulations pursuant to that proceeding not later than 9 months after the date of enactment of the Children's Protection from Violent Programming Act. As part of that proceeding, the Commission—

''(1) may exempt from the prohibition under subsection (a) programming (including news programs and sporting events) whose distribution does not conflict with the objective of protecting children from the negative influences of violent video programming, as that objective is reflected in the findings in section 551(a) of the Telecommunications Act of 1996;

''(2) shall exempt premium and pay-per-view cable programming and premium and pay-per-view direct-to-home satellite programming; and

''(3) shall define the term 'hours when children are reasonably likely to comprise a substantial portion of the audience' and the term 'violent video programming'.

''(c) ENFORCEMENT.—

''(1) FORFEITURE PENALTY.—The Commission shall impose a forfeiture penalty of not more than $25,000 on any person who violates this section or any regulation promulgated under it for each such violation. For purposes of this paragraph, each day on which such a violation occurs is a separate violation.

''(2) LICENSE REVOCATION.—If a person repeatedly violates this section or any regulation promulgated under this section, the Commission shall, after notice and opportunity for hearing, revoke any license issued to that person under this Act.

''(3) LICENSE RENEWALS.—The Commission shall consider, among the elements in its review of an application for renewal of a license under this Act, whether the licensee has complied with this section and the regulations promulgated under this section.

''(d) DEFINITIONS.—For purposes of this section—

''(1) BLOCKABLE BY ELECTRONIC MEANS.—The term 'blockable by electronic means' means blockable by the feature described in section 303(x).

''(2) DISTRIBUTE.—The term 'distribute' means to send, transmit, retransmit, telecast, broadcast, or cablecast, including by wire, microwave, or satellite, but it does not include the transmission, retransmission, or receipt of any voice, data, graphics, or video telecommunications accessed through an interactive computer service as defined in section 230(f)(2) of the Communications Act of 1934 (47 U.S.C. 230(f)(2)), which is not originated or transmitted in the ordinary course of business by a television broadcast station or multichannel video programming distributor as defined in section 602(13) of that Act (47 U.S.C. 522(13)).

''(3) VIOLENT VIDEO PROGRAMMING.—The term 'violent video programming' as defined by the Commission may include matter that is excessive or gratuitous violence within the meaning of the 1992 Broadcast Standards for the Depiction of Violence in Television Programs, December 1992.''.

SEC. 5. FTC STUDY OF MARKETING STRATEGY IMPROVEMENTS.

The Federal Trade Commission shall study the marketing of violent content by the motion picture, music recording, and computer and video game industries to children, including the marketing practices improvements described by industry representatives at the hearing held by the Senate Committee on Commerce, Science, and Transportation on September 13, 2000. The Commission shall assess the extent to which these marketing practices have improved under the model of self-regulation as recommended by the Commission in its September, 2000, report, Making Violent Entertainment to Children: A Review of Self Regulation and Industry Practices in the Motion Picture, Music Recording and Electronic Game Industries. The Commission shall report the results of the study, including findings, and recommendations, if any, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on

Commerce within 18 months after the date of enactment of this Act.

SEC. 6. SEPARABILITY.

If any provision of this Act, or any provision of an amendment made by this Act, or the application thereof to particular persons or circumstances, is found to be unconstitutional, the remainder of this Act or that amendment, or the application thereof to other persons or circumstances shall not be affected.

SEC. 7. EFFECTIVE DATE.

The prohibition contained in section 715 of the Communications Act of 1934 (as added by section 2 of this Act) and the regulations promulgated thereunder shall take effect 1 year after the regulations are adopted by the Commission.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself and Mr. DEWINE):

S. 178. A bill to amend title XVIII of the Social Security Act to provide adequate coverage for immunosuppressive drugs furnished to beneficiaries under the medicare program that have received an organ transplant; to the Committee on Finance.

Mr. DURBIN. Mr. President, I rise to make a few remarks concerning this bill I am introducing today with my colleague from Ohio, which will help many Medicare beneficiaries who have had organ transplants.

Last year over 4,400 people died while waiting for an organ transplant, including 257 in my home State of Illinois. Currently, over 80,000 Americans are waiting for a donor organ with 4,349 waiting in Illinois. It is this scarcity that has fueled the controversy over organ allocation.

Given that organs are extremely scarce, Federal law should not compromise the success of organ transplantation. Yet that is exactly what current Medicare policy does, because Medicare denies certain transplant patients coverage for the drugs needed to prevent rejection.

Medicare does this in several different ways. First, Medicare does not pay for anti-rejection drugs for Medicare beneficiaries, who received their transplants prior to becoming a Medicare beneficiary. So for instance, if a person received a transplant at aged 64 through their health insurance plan, when they retire and rely on Medicare for their health care they will no longer have immunosuppressive drug coverage. Transplanation is the only medical condition that Medicare treats as a pre-existing condition so as to deny a Medicare beneficiary a health care service that would otherwise be covered.

Second, Medicare only pays for anti-rejection drugs for transplants performed in a Medicare approved transplant facility. However, many beneficiaries are completely unaware of this fact and how it can jeopardize their future coverage of immunosuppressive drugs. To receive an organ transplant, a person must be very ill and many are far too ill at the time of transplantation to be researching the intricate nuances of Medicare coverage policy.

Finally, Medicare has a special program for End Stage Renal Disease, ESRD, patients. Medicare pays for their dialysis at a cost of over $100,000 per year and provides for all their health care costs. However, it a transplant becomes available to an ESRD patient, Medicare only provides them with health care for three years post-transplantation. The fact is, however, that they will need to use immunosuppressive drugs for the rest of their life to maintain their transplant. But after the three years are up, their entire Medicare coverage, including immunosuppressive drug coverage is terminated. If that person's transplant is rejected because they can no longer afford their immunosuppressive drugs, then Medicare will again pay for their dialysis and all of their health care costs. This is ludicrous. It would make more sense for Medicare to continue to provide them with the lifesaving immunosuppressive drugs that they need.

The bill that I am introducing today, the ''Comprehensive Immunosuppressive Drug Coverage for Transplant Patients of 2000 Act'' would remove these short-sighted limitations. The bill sets up a new, easy to follow policy: All Medicare beneficiaries who have had a transplant and need immunosuppressive drugs to prevent rejection of their transplant, would be covered as long as such anti-rejection drugs were needed.

I am introducing this bill on behalf of some of the constituents that I have met who are unfortunately very adversely affected by the current gaps in Medicare coverage.

Richard Hevrdejs was a Chicago attorney in private practice until 1993. Unfortunately, he suffered a debilitating heart attack that year, which left him unable to work and on disability. In 1997 suffering from congestive heart failure, he was placed on a Heart-Mate machine at the University of Illinois Medical Center, UIC. In April of 1998, he received a heart transplant at UIC but because UIC was not at the time a Medicare approved facility for heart transplants, Medicare will not cover his immunosuppressive drugs. Richard was near death when he had his transplant and was in no condition to research the intricacies of Medicare coverage policies. His drug costs are now around $25,000 per year. He gets some assistance from the drug company medical assistance plans and he has a Medigap policy that provides a little assistance. But for the most part, he is forced to watch all his savings dwindle because of Medicare's coverage gaps.

Anita Milton was from Morris, Illinois. In 1995, she became so disabled that she was no longer able to work and was forced onto disability. The following year, he lungs gave up and she had to have a bilateral lung transplant. Because Medicare is not available for 2 years after a person becomes eligible for disability, Anita was not on Medicare when she had the transplant. The huge bills for the transplant remained at collection agencies till her death several years ago. Because Anita was not on Medicare when she received her transplant, she did not receive Medicare coverage for the anti-rejection drugs that she needs. She received $940 in disability payments per month. She than went on Medicaid but due to the spend down requirements in Illinois, she had to spend $689 on drug costs to get Medicare coverage for her drugs. In effect she got coverage every second month. Anita couldn't afford her anti-rejection drugs and she tried to scale back on them. This caused her to nearly reject the transplant. Consequently, she lost a third of her lung capacity permanently. As Anita said at a Town Hall meeting in Chicago in January 1998 ''these Medicare and Medicaid rules make no sense.''

I am introducing this bill on the same day that another bill the ''Living Donor Access Act of 2003'', which I am an original cosponsor, is also being introduced by my colleague Senator DeWine. The ''Living Donor Access Act'' also seeks to improve the lives of transplant patients. The ''Living Donor Access Act'' would prohibit insurers in the group market from imposing additional premiums or preexisting condition exclusions on living organ donors. There are currently more than 25,000 living organ donors, but no law protects these individuals against discrimination in the group health insurance market. The two bills are good companions. It is important that we root out all discrimination against both those who have received transplants and those who are so generous as to donate.

I ask unanimous consent that the text of the bill, the ''Comprehensive Immunosuppressive Drug Coverage for Transplant Patients of 2003'', be printed in the RECORD.

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

S. 178

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 ''Comprehensive Immunosuppressive Drug Coverage for Transplant Patients Act of 2003''.

SEC. 2. COMPREHENSIVE COVERAGE OF IMMUNOSUPPRESSIVE DRUGS UNDER THE MEDICARE PROGRAM.

(a) IN GENERAL.—Section 1861(s)(2)(J) of the Social Security Act (42 U.S.C. 1395x(s)(2)(J)) is amended by striking '', to an individual who receives'' and all that follows before the semicolon at the end and inserting ''to an individual who has received an organ transplant''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to drugs furnished on or after the date of enactment of this Act.

SEC. 3. PROVISION OF APPROPRIATE COVERAGE OF IMMUNOSUPPRESSIVE DRUGS UNDER THE MEDICARE PROGRAM FOR ORGAN TRANSPLANT RECIPIENTS.

(a) CONTINUED ENTITLEMENT TO IMMUNOSUPPRESSIVE DRUGS.—

(1) KIDNEY TRANSPLANT RECIPIENTS.—Section 226A(b)(2) of the Social Security Act (42 U.S.C. 426–1(b)(2)) is amended by inserting ''(except for coverage of immunosuppressive drugs under section 1861(s)(2)(J))'' after ''shall end''.

(2) OTHER TRANSPLANT RECIPIENTS.—The flush matter following paragraph (2)(C)(ii)(II) of section 226(b) of the Social Security Act (42 U.S.C. 426(b)) is amended by striking ''of this subsection)'' and inserting ''of this subsection and except for coverage of immunosuppressive drugs under section 1861(s)(2)(J))''.

(3) APPLICATION.—Section 1836 of the Social Security Act (42 U.S.C. 1395o) is amended—

(A) by striking ''Every individual who'' and inserting ''(a) IN GENERAL.—Every individual who''; and

(B) by adding at the end the following new subsection:

''(b) SPECIAL RULES APPLICABLE TO INDIVIDUALS ONLY ELIGIBLE FOR COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.—

''(1) IN GENERAL.—In the case of an individual whose eligibility for benefits under this title has ended except for the coverage of immunosuppressive drugs by reason of section 226(b) or 226A(b)(2), the following rules shall apply:

''(A) The individual shall be deemed to be enrolled under this part for purposes of receiving coverage of such drugs.

''(B) The individual shall be responsible for the full amount of the premium under section 1839 in order to receive such coverage.

''(C) The provision of such drugs shall be subject to the application of—

''(i) the deductible under section 1833(b); and

''(ii) the coinsurance amount applicable for such drugs (as determined under this part).

''(D) If the individual is an inpatient of a hospital or other entity, the individual is entitled to receive coverage of such drugs under this part.

''(2) ESTABLISHMENT OF PROCEDURES IN ORDER TO IMPLEMENT COVERAGE.—The Secretary shall establish procedures for—

''(A) identifying beneficiaries that are entitled to coverage of immunosuppressive drugs by reason of section 226(b) or 226A(b)(2); and

''(B) distinguishing such beneficiaries from beneficiaries that are enrolled under this part for the complete package of benefits under this part.''.

(4) TECHNICAL AMENDMENT.—Subsection (c) of section 226A of the Social Security Act (42 U.S.C. 426–1), as added by section 201(a)(3)(D)(ii) of the Social Security Independence and Program Improvements Act of 1994 (Public Law 103–296; 108 Stat. 1497), is redesignated as subsection (d).

(b) EXTENSION OF SECONDARY PAYER REQUIREMENTS FOR ESRD BENEFICIARIES.—Section 1862(b)(1)(C) of the Social Security Act (42 U.S.C. 1395y(b)(1)(C)) is amended by adding at the end the following new sentence: ''With regard to immunosuppressive drugs furnished on or after the date of enactment of the Comprehensive Immunosuppressive Drug Coverage for Transplant Patients Act of 2003, this subparagraph shall be applied without regard to any time limitation.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to drugs furnished on or after the date of enactment of this Act.

SEC. 4. PLANS REQUIRED TO MAINTAIN COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.

(a) APPLICATION TO CERTAIN HEALTH INSURANCE COVERAGE.—

(1) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–4 et seq.) is amended by adding at the end the following:

''SEC. 2707. COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.

''A group health plan (and a health insurance issuer offering health insurance coverage in connection with a group health plan) shall provide coverage of immunosuppressive drugs that is at least as comprehensive as the coverage provided by such plan or issuer on the day before the date of enactment of the Comprehensive Immunosuppressive Drug Coverage for Transplant Patients Act of 2003, and such requirement shall be deemed to be incorporated into this section.''.

(2) CONFORMING AMENDMENT.—Section 2721(b)(2)(A) of the Public Health Service Act (42 U.S.C. 300gg–21(b)(2)(A)) is amended by inserting ''(other than section 2707)'' after ''requirements of such subparts''.

(b) APPLICATION TO GROUP HEALTH PLANS AND GROUP HEALTH INSURANCE COVERAGE UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following new section:

''SEC. 714. COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.

''A group health plan (and a health insurance issuer offering health insurance coverage in connection with a group health plan) shall provide coverage of immunosuppressive drugs that is at least as comprehensive as the coverage provided by such plan or issuer on the day before the date of enactment of the Comprehensive Immunosuppressive Drug Coverage for Transplant Patients Act of 2003, and such requirement shall be deemed to be incorporated into this section.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 732(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185(a)) is amended by striking ''section 711'' and inserting ''sections 711 and 714''.

(B) The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 713 the following new item:

''Sec. 714. Coverage of immunosuppressive drugs.''.

(c) APPLICATION TO GROUP HEALTH PLANS UNDER THE INTERNAL REVENUE CODE OF 1986.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended—

(1) in the table of sections, by inserting after the item relating to section 9812 the following new item:

''Sec. 9813. Coverage of immunosuppressive drugs.'';

and

(2) by inserting after section 9812 the following:

''SEC. 9813. COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.

''A group health plan shall provide coverage of immunosuppressive drugs that is at least as comprehensive as the coverage provided by such plan on the day before the date of enactment of the Comprehensive Immunosuppressive Drug Coverage for Transplant Patients Act of 2003, and such requirement shall be deemed to be incorporated into this section.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning on or after January 1, 2004.

By Mr. CORZINE:

S. 179. A bill to amend title 23, United States Code, to provide for a prohibition on use of mobile telephones while operating a motor vehicle; to the Committee on Environment and Public Works.

Mr. CORZINE. Mr. President, today I am introducing legislation, the Mobile Telephone Driving Safety Act, to enhance highway safety by encouraging States to restrict the use of cell phones by drivers while they are operating a motor vehicle.

I am introducing this legislation because of the significant threat posed by people who use cell phones while driving. According to a study by the Harvard Center for Risk Analysis released in December of 2002, ''the use of cell phones by drivers may result in approximately 2,600 deaths, 330,000 moderate to critical injuries and 1.5 million instances of property damage in America per year''. Other studies have reached similar conclusions. One, published in the New England Journal of Medicine in 1997, concluded that the ''use of cellular telephones in motor vehicles is associated with a quadrupling of the risks of a collision during the brief period of a call''. That study went on to say ''this relative risk is similar to the hazard associated with driving with a blood alcohol level at the legal limit''.

States, counties and municipalities around the country have considered bans on hand-held cell phone use while driving. New York actually enacted such a ban in 2001. The Governor of New Jersey has proposed such a ban and related legislation has been unanimously approved by the New Jersey State Senate. A number of New Jersey municipalities also have chosen to enforce bans within their borders, including Marlboro, Carteret and Nutley.

This patchwork of laws, however, does not take the place of a consistent, nation-wide ban. Congress needs to step forward and pass legislation that will ban the use of hand-held cell phones nationwide.

The Mobile Telephone Driving Safety Act of 2003 is structured in a manner similar to other federal laws designed to promote highway safety, such as laws that encourage states to enact tough drunk driving standards. Under the legislation, a portion of Federal highway funds would be withheld from States that do not enact a ban on cell phone use while driving. Initially, this funding could be restored if states act to move into compliance. Later, the highway funding forfeited by one state would be distributed to other states that are in compliance. Experience has shown that the threat of losing highway funding is very effective in ensuring that states comply.

To meet the bill's requirements, States would have to ban cell phone use while driving. However, such a ban

need not be absolute. It could include an exception where there are exceptional circumstances, such as the use of a phone to report a disabled vehicle or medical emergency. In addition, if a State makes a determination that the use of ''hands free'' cell phones does not pose a threat to public safety, such use could be exempted from the ban, as well.

This is a necessary bill to keep our streets and highways safe. I urge my colleagues to support this legislation and 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. 179

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 ''Mobile Telephone Driving Safety Act of 2003''.

SEC 2. MOBILE TELEPHONE USE WHILE OPERATING MOTOR VEHICLES.

(a) IN GENERAL.—Subchapter I of chapter 1 of title 23, United States Code, is amended by adding at the end the following:

''§ 165. Mobile telephone use while operating motor vehicles

''(a) DEFINITION OF MOTOR VEHICLE.—In this section, the term 'motor vehicle' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated only on a rail.

''(b) WITHHOLDING OF APPORTIONMENTS FOR NONCOMPLIANCE.—

''(1) FISCAL YEAR 2005.—The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (4) of section 104(b) on October 1, 2004, if the State does not meet the requirements of paragraph (3) on that date.

''(2) SUBSEQUENT FISCAL YEARS.—The Secretary shall withhold 10 percent of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (4) of section 104(b) on October 1, 2005, and on October 1 of each fiscal year thereafter, if the State does not meet the requirements of paragraph (3) on that date.

''(3) REQUIREMENTS.—

''(A) IN GENERAL.—A State meets the requirements of this paragraph if the State has enacted and is enforcing a law that prohibits an individual from using a mobile telephone (other than a mobile telephone used as described in subparagraph (B)) while operating a motor vehicle, except in the case of an emergency or other exceptional circumstance (as determined by the State).

''(B) HANDS-FREE DEVICES.—A State law described in subparagraph (A) may permit an individual operating a motor vehicle to use a mobile telephone with a device that permits hands-free operation of the telephone if the State determines that such use does not pose a threat to public safety.

''(c) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—

''(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—Any funds withheld under subsection (b) from apportionment to any State shall remain available until the end of the fourth fiscal year following the fiscal year for which the funds are authorized to be appropriated.

''(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld under subsection (b) from apportionment are to remain available for apportionment to a State under paragraph (1), the State meets the requirements of subsection (a)(3), the Secretary shall, on the first day on which the State meets the requirements, apportion to the State the funds withheld under subsection (b) that remain available for apportionment to the State.

''(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—

''(A) IN GENERAL.—Any funds apportioned under paragraph (2) shall remain available for expenditure until the end of the third fiscal year following the fiscal year in which the funds are so apportioned.

''(B) TREATMENT OF CERTAIN FUNDS.—Any funds apportioned under paragraph (2) that are not obligated at the end of the period referred to in subparagraph (A) shall be allocated equally among the States that meet the requirements of subsection (a)(3).

''(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under subsection (b) from apportionment are available for apportionment to a State under paragraph (1), the State does not meet the requirements of subsection (a)(3), the funds shall be allocated equally among the States that meet the requirements of subsection (a)(3).''.

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 1 of title 23, United States Code, is amended by adding at the end the following:

''165. Mobile telephone use while operating motor vehicles.''.

By Mr. DEWINE (for himself and Mr. VOINOVICH):

S. 180. A bill to establish the National Aviation Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DEWINE. Mr. President, today I join my friend and colleague from Ohio, Senator GEORGE VOINOVICH, to introduce the National Aviation Heritage Area Act, an act to establish a National Aviation Heritage Area within our home State of Ohio.

For hundreds of years prior to the 20th Century, man dreamt of flying. Some of the earliest records of mankind reveal a fascination with birds and the ability to leave the ground. In fact, the Renaissance revolution in art showed us many of the first recorded designs for achieving this feat. By 1903, man succeeded, altering the course of modern history.

This year, we mark the 100th anniversary of manned flight. I am proud to say that the famed Wright Brothers, Wilbur and Orville, were native Ohioans. These two men are important symbols of an evolving age of discovery, an age beginning with the Wright Brothers' first controlled, heavier-than-air flight on December 17, 1903. A mere half-a-century or so later, mankind was flying not just above the ground, but above our planet Earth, which was quickly followed by Neil Armstrong's first steps on the moon. It is amazing to just sit back and consider that all of these things, all of these incredible achievements have all occurred in a very short span of less than one hundred years.

There is so much to say about the historical and cultural significance of the birth of aviation, but I think one of its unique educational aspects is its ability to be interactive with students outside of the classroom. And, that is one of the main reasons we are introducing our National Aviation Heritage Area legislation today.

Our bill seeks to help foster strong public and private investments in many of Ohio's aviation landmarks, landmarks that have enormous educational value. Some of these landmarks include the Wright Brothers' ''Wright Cycle Company,'' located in Dayton and the Wright-Dunbar Interpretive Center, where students of all ages can learn about the painstaking measures the Wright Brothers and many of their predecessors took to achieve what today seems to be so commonplace. Other landmarks include the Huffman Prairie Flying Field, where, after the Wright Brothers' famous flight in Kitty Hawk, NC, the Brothers returned home to perfect the design of the world's first airplane and the Paul Laurence Dunbar State Memorial, which showcases this great African American poet's strong international voice for racial equality and justice. The Heritage Area also includes the Neil Armstrong Museum, which highlights the great achievements of man's first walk on the moon. If I may add also, Neil Armstrong is a native Ohioan.

Flight has become a very important square in the patchwork of our nation's history, and I am proud that my home State of Ohio has played such a large role in its evolution. We are reminded of how manned flight has changed our history every time we look skyward and see the crisscross of jet contrails. We are reminded of this every time we walk through the Rotunda of our very own U.S. Capitol and see the last frieze square that depicts the Wright Brothers and their invention. And, we are reminded of this by one of the great symbols of America, the eagle, a flying bird that represents the freedom of a people.

It is vital that we protect the sites that have played such an important role in aviation. In doing so, we can enhance the education and enrichment of our children and our grandchildren for many years to come.

By Mr. LEVIN (for himself and Mr. MCCAIN):

S. 181. A bill to require a review of accounting treatment of stock option plans, and the establishment of an appropriate stock option accounting principle within 1 year; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEVIN (for himself, Mr. MCCAIN, Mr. DURBIN, and Mr. FEINGOLD):

S. 182. A bill to amend the Internal Revenue Code of 1986 to provide that corporate tax benefits from stock option compensation expenses are allowed only to the extent such expenses

are included in a corporation's financial statements; to the Committee on Finance.

Mr. LEVIN. Mr. President, I am introducing today on behalf of myself and Sen. MCCAIN two separate bills relating to stock options. Stock options are unfinished business from the last Congress. They are the 800-pound gorilla that has yet to be caged by corporate reform.

Stock options allow a company's employees, usually its top executives, to purchase company stock at a set price for a specified period of time, perhaps 10 years. If the stock price rises after the option is issued, the executive can exercise the option, buy the stock at the set price, and then sell it on the open market at a profit. Today, most CEOs of U.S. publicly traded companies receive a large percentage of their pay from stock options.

Despite their widespread use, stock options remain a stealth form of compensation because, under current accounting rules, they never have to appear on the company books as a compensation expense. In fact, they are the only form of compensation that companies do not have to book as an expense at any time. In addition, stock options are the only form of compensation that a company can claim as a deductible business expense on its tax return, even when no expense is ever recorded on the company books.

These stock option accounting and tax rules are inconsistent and illogical. The two bills we are introducing today, the Stock Option Accounting Review Act, and the Ending the Double Standard for Stock Options Act, were introduced in the last Congress to address this problem. Each bill tackles a different aspect of the stock option issue. One addresses stock option accounting; the other addresses the stock option tax deduction.

Last year, Senator MCCAIN and I proposed the accounting provision as an amendment to the Sarbanes-Oxley corporate reform bill that was before the Senate in July. There appeared to be sufficient support to pass it at the time, but we were unable to obtain a vote on it or on any other stock option legislation. That is why we are back this Congress.

Congress failed to resolve the issue last year, even though stock option abuses were repeatedly linked to serious corporate abuses and dishonest accounting. In fact, virtually every corporate disaster that has struck in recent years has had a stock option component.

Enron, of course, was the poster child. Congressional investigations, including by the Permanent Subcommittee on Investigations on which I sit, showed that, at the same time Enron investors and employees were losing their shirts, Enron executives were cashing in their stock options for tens or hundreds of millions of dollars. Ken Lay, the Chairman of the Board, took home $123 million from stock options in 2000 alone. Jeff Skilling, the CEO, took home over $60 million. Another executive, Lou Pai, topped them all by cashing in Enron stock options, in 2000, for $265 million.

Stock options also contributed to Enron's inflated earnings, since despite providing the lion's share of executive pay, this compensation never appeared on the company books as an expense nor was it ever deducted from earnings. And many have blamed stock options for encouraging Enron management to rig the company's financial statements through other accounting deceptions to help boost apparent income and, in turn, the company stock price, so they could sell their Enron stock at enormous profit.

Still others have noted that Enron used about $600 million in stock option tax deductions to avoid paying any corporate income taxes in four out of the last five years before its bankruptcy while, at the same time, touting record amounts of corporate income. What is now only beginning to be understood is that Enron's stock option tax deductions played a central role in much of its wrongdoing, after all, Enron was able to inflate its corporate income with impunity, in part, because its stock option tax deductions allowed it to avoid paying taxes on any of its phony inflated income.

Enron was the poster child for stock option abuses, but it was far from the only company in that category last year. Worldcom, Tyco, Qwest Communications, and many others have stock option stories that are equally disturbing.

And the problems did not stop with companies engaged in accounting deceptions or other corporate misconduct. Even companies that never appeared on the 2002 rollcall of corporate deception have been excoriated in media reports for giving huge stock option pay to executives while socking employees and investors with lower stock prices, mounting losses, and lousy corporate performance.

High tech companies that have been the biggest promoters of stock options have been some of the biggest culprits. Company after company in Silicon Valley paid their executives big bucks via stock options while laying off employees, losing money or market share, and stiffing investors. One example frequently cited in the media is Lawrence Ellison, CEO of Oracle Corp., who exercised options in 2001 to obtain profits of $706 million, while his company's stock price dropped by more than 50 percent.

Aggregate stock option statistics are also sobering. Business Week, for example, has estimated that stock options now account for "a staggering 15 percent of all shares outstanding." Federal Reserve Chairman Alan Greenspan estimated that stock options have been used to overstate reported company earnings by an average of 6 to 9 percent. Perhaps that is why Chairman Greenspan has picked honest stock option accounting as his number one post-Enron reform.

Stock option abuses have been linked to inflated company earnings, dishonest accounting, and executive misconduct. These abuses have been facilitated by existing accounting and tax rules which allow stock option compensation to never appear on a company's books as an expense, even when a company claims this compensation as a business expense on its tax return. This double standard is fueling Enron-style abuses, and it is time for it to end.

Many in the U.S. business community apparently agree and, unlike the Congress, have taken direct action on the stock option issue. In fact, over the last year, there has been significant movement in the business world to end dishonest stock option accounting.

Over 120 companies, including such American giants as Coca-Cola, General Motors, General Electric, Dow Chemical, Wal-Mart, and Home Depot have announced that they will begin expensing options in 2003, joining longtime expensers like Boeing and Winn-Dixie. Standard and Poors has created additional pressure for honest stock option accounting by announcing a new "core earnings" calculation for companies which requires stock option compensation to be subtracted from a company's earnings.

Accounting experts are also moving. The International Accounting Standards Board in London has announced that, by the end of 2003, it will issue accounting standards requiring companies to expense stock options. The U.S. equivalent, the Financial Accounting Standards Board, or FASB, has announced that it will decide by the end of the first quarter of this year whether it will issue stock option accounting standards similar to those of the International Board.

While there has been a major shift in the U.S. business world toward honest stock option accounting, not all companies are on board. Some companies, especially those in the high tech sector, have announced that they will not expense stock options until forced to do so. That means, until FASB acts, there will be a discrepancy between those companies that are voluntarily expensing options and those that are not, when there ought to be a level playing field where everyone plays by the same accounting rules. It is this discrepancy that continues to make our stock option legislation relevant and necessary for Congressional action this year.

Let me describe both bills.

First is the Stock Option Accounting Review Act. This bill is very simple. It would direct FASB to conduct a fresh review of the current accounting treatment for stock options and, within one year, establish what it deems to be the appropriate stock option accounting standards.

The bill does not specify the stock option accounting standards that FASB should issue; that matter is left to the experts where it belongs. But

the bill does put the Senate on record as urging FASB to review the existing rules and take appropriate action within one year. This legislative directive is important, because the only other time the Senate has spoken on this issue, in 1994, the Senate majority urged FASB to keep allowing companies to exclude stock option expenses from their financial statements. The Senate's position contradicted FASB's position at the time which was to require stock option expensing. It is long past time for the Senate to rescind its mistaken advice.

The second bill we are introducing today is the Ending the Double Standard for Stock Options Act. This bill would not address the accounting treatment of stock options. Instead, it would address the tax treatment of stock option compensation, ending the costly double standard in federal law which allows a company to take a tax deduction for stock option compensation, even if the company does not show that compensation as a business expense on its financial statements.

Essentially, our bill would prevent a company from claiming a stock option expense on its tax return unless the company also includes that expense on its books. It would require companies to be consistent in how they treat stock options, and take a corporate tax deduction that mirrors the expense shown on the company books. If a company took the position that it incurred no expense from stock option compensation on its books, the bill would allow the company to take that position, but would also require it to take the same approach on its tax return and forego any deduction. The bill would stop companies from telling stockholders one thing, that it has no stock option expenses, while telling the opposite to Uncle Sam.

And to add insult to injury, in 2001, the IRS issued Revenue Ruling 2001–1 which determined that companies whose tax liability was erased through stock option expenses were not subject to the corporate alternative minimum tax. That revenue ruling meant that our most successful publicly traded companies, if they doled out enough stock options to insiders, could arrange their affairs to escape paying any taxes. That absurd result leaves the average taxpayer feeling like a chump for paying his fair share when a company like Enron can use its success in the stock market to apparently end up tax free.

One last point. Some opponents of stock option reform argue that reining in stock options would hurt the average worker, but this contention is nothing more than a red herring. While many average workers are eligible for stock options, few actually receive them. Stock options are overwhelmingly reserved for top corporate executives.

A recent Bureau of Labor Statistics survey did the research. This nationwide government survey found that in 2000, a banner year for stock options, only 1.7 percent of non-executive workers actually got any stock options. The BLS survey also looked at corporate executives and found that only about 5 percent of these corporate executives received any stock options. These results are consistent with the findings of a private sector group not associated with the government called the National Center for Employee Ownership, which favors stock options. Looking at a small sample of companies, the Center reported that 70 percent of all stock options were given to managers rather than other employees, and about 50 percent were given to the most senior executives. The reality is that stock options are a perk mainly reserved for a very small group, and neither average workers nor most executives would be affected by honest accounting or consistent tax and accounting treatment for stock options.

It is also important to understand that neither of our bills would bar any company from issuing stock options. Companies would still be able to issue stock options to their executives and other employees. The goal of this legislation is not to stop the use of stock options, but to promote honest accounting and consistent treatment of stock options on federal corporate tax returns.

Stock option abuses have damaged investor confidence in American business. I hope our colleagues will support enactment of these bills to help restore investor confidence and end stock option abuses. I ask unanimous consent to have reprinted in the RECORD after my remarks the text of both bills.

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

S. 181

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 ''Stock Option Accounting Review Act''.

SEC. 2. REVIEW OF STOCK OPTION ACCOUNTING TREATMENT.

Section 108 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7218, 116 Stat. 768) is amended by adding at the end the following:

''(e) STOCK OPTION ACCOUNTING TREATMENT.—The standard setting body described in section 19(b)(1) of the Securities Act of 1933 shall, for purposes of establishing generally accepted accounting principles—

''(1) review the accounting treatment of employee stock options; and

''(2) not later than 1 year after the date of enactment of this subsection, adopt an appropriate generally accepted accounting principle for the treatment of employee stock options.''.

S. 182

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 ''Ending the Double Standard for Stock Options Act''.

SEC. 2. REQUIREMENTS FOR CONSISTENT TREATMENT OF STOCK OPTIONS BY CORPORATIONS.

(a) CONSISTENT TREATMENT FOR TAX DEDUCTION.—Section 83(h) of the Internal Revenue Code of 1986 (relating to deduction of employer) is amended—

(1) by striking ''In the case of'' and inserting:

''(1) IN GENERAL.—In the case of'', and

(2) by adding at the end the following new paragraph:

''(2) SPECIAL RULES FOR PROPERTY TRANSFERRED PURSUANT TO STOCK OPTIONS.—

''(A) IN GENERAL.—In the case of property transferred in connection with a stock option, the deduction otherwise allowable under paragraph (1) shall not exceed the amount the taxpayer has treated as an expense for the purpose of ascertaining income, profit, or loss in a report or statement to shareholders, partners, or other proprietors (or to beneficiaries). In no event shall such deduction be allowed before the taxable year described in paragraph (1).

''(B) SPECIAL RULES FOR CONTROLLED GROUPS.—The Secretary shall prescribe rules for the application of this paragraph in cases where the stock option is granted by a parent or subsidiary corporation (within the meaning of section 424) of the employer corporation.''.

(b) CONSISTENT TREATMENT FOR RESEARCH TAX CREDIT.—Section 41(b)(2)(D) of the Internal Revenue Code of 1986 (defining wages for purposes of credit for increasing research expenses) is amended by inserting at the end the following new clause:

''(iv) SPECIAL RULE FOR STOCK OPTIONS AND STOCK-BASED PLANS.—The term 'wages' shall not include any amount of property transferred in connection with a stock option and required to be included in a report or statement under section 83(h)(2) until it is so included, and the portion of such amount which may be treated as wages for a taxable year shall not exceed the amount of the deduction allowed under section 83(h) for such taxable year with respect to such amount.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property transferred and wages provided on or after the date of the enactment of this Act.

By Mr. LEVIN (for himself, Mr. NELSON of Florida, Mr. CORZINE, and Mr. BIDEN):

S. 183. A bill to address Securities and Exchange Commission authority to impose civil money penalties in administrative proceedings for violations of securities laws, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. LEVIN. Mr. President, I am introducing today legislation to provide the Securities and Exchange Commission with stronger administrative authority to detect, investigate, and punish corporate and individual misconduct. This legislation, the SEC Civil Enforcement Act, among other measures, would provide the SEC with new authority to impose administrative civil fines on those who violate federal securities laws. The bill is cosponsored by Senators BILL NELSON, CORZINE, and BIDEN.

The SEC has repeatedly requested the new enforcement tools that this bill would provide, and I ask unanimous consent to print in the RECORD after my remarks a copy of a letter from SEC Chairman Harvey Pitt supporting enactment of this legislation.

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

UNITED STATES SECURITIES AND EXCHANGE COMMISSION,
Washington, DC, August 30, 2002.

Hon. CARL LEVIN,
Chairman, Permanent Subcommittee on Investigations, Russell Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEVIN: This letter responds to your letter of August 9th, seeking my views on your proposal to enhance the Commission's authority to seek civil penalties for violations of the federal securities laws, increase the penalties the Commission may seek, and eliminate a procedural requirement that may slow the Commission's efforts to trace and recover misappropriated investor funds.

The three additional enforcement tools you contemplate reflect recommendations we have made previously in an effort to facilitate our goal of achieving ''real-time enforcement.'' Especially in light of recent events, I believe these proposals would enhance our efforts and the interest of investors. As you know, during this Congressional session, with the bipartisan support of Congress and the Administration, the Commission already has been given, and has begun to implement, greater authority to pursue and punish corporate wrongdoers and enhance corporate accountability. The additional authority about which you inquire would be a welcome addition to our enforcement arsenal, if the proposals achieve bipartisan support.

Again, thank you for your interest in strengthening penalties for securities fraud violations. Please do not hesitate to contact me or Stephen Cutler, Director of the Division of Enforcement, at (202) 942–4500 if we can be of further assistance.

Yours truly,

HARVEY L. PITT.

Here is a description of what the bill would do.

First, the bill would grant the SEC additional administrative authority to impose civil monetary fines on those who violate federal securities laws. Under current law, only broker dealers, investment advisers, and certain other persons regulated by the SEC are now subject to civil fines. Our bill would expand SEC authority to allow it to impose fines on such wrongdoers as, for example, corporate officers, directors, auditors, lawyers, or publicly traded companies, none of which can now be fined by the SEC in an administrative proceeding. These fines would, of course, be subject to judicial review, as are all current SEC administrative determinations.

Hearings held and reports issued by the Permanent Subcommittee on Investigations, which spent the last year investigating Enron's collapse, determined that the Enron Board of Directors and certain highly respected financial institutions helped Enron carry out deceptive accounting transactions or other corporate abuses, misleading investors and analysts about the company's finances. The latest hearing in December also highlighted the fact that the SEC needs additional tools to deal with financial institutions. Our bill would give the SEC new authority to impose an administrative fine on any bank or individual banker who violates the federal securities laws including, as in Enron, by helping a public company doctor its books or engage in misleading transactions.

Second, this bill would significantly increase the maximum civil fine that the SEC could impose on those whom it has authority to regulate. The civil fines that the SEC currently may impose have maximum amounts that range from $6,500 to $600,000 per violation. In a day and age where some CEOs are making $100 million in a year, and a company like Enron reported gross revenues of $100 billion in a single year, a civil fine of $6,500 is laughable. Here is what one SEC staff document stated in June 2002, explaining why the agency is seeking an increase in its civil fine limits:

> The current maximum penalty amounts may not have the desired deterrent effect on an individual or corporate violator. For example, an individual who commits a negligent act is subject to a maximum penalty amount of $6,500 per violation. This amount is so trivial it cannot possibly have a deterrent effect on the violator.

Our bill would increase the maximum fines from a range of $6,500 to $600,000 per violation, to a range that goes from $100,000 to $2 million per violation. When we are seeing corporate restatements and corporate misconduct involving billions of dollars, these larger cash fines are critical if they are to have an effective deterrent or punitive impact on wrongdoers in the corporate world today.

Third, the bill would grant the SEC new administrative authority, when the SEC has opened an official SEC investigation, to subpoena financial records from a financial institution without having to notify the subject that such a records request has been made. This authority will allow the SEC to evaluate financial transactions, trace funds, and analyze relationships without having to alert the subject of the investigation to the SEC's actions. Under current law, the SEC either has to give the subject advance notice of the subpoena or obtain a court order that can delay notification for no longer than 90 days.

In the cases we are seeing today, where there are allegations that officers, directors, and companies are using offshore accounts to deposit millions of dollars, enlist foreign investors, and affect the accounting and tax treatment of various complex transactions, the SEC must be able to look at financial records without giving the account holder an opportunity to move funds, change accounts, and further muddy the investigative waters. This authority is particularly important in light of the Patriot Act, which Congress enacted after the 9–11 tragedy, requiring the SEC to be on the lookout for money laundering through securities accounts. The SEC cannot afford to alert potential money launderers to the agency's efforts to review their financial accounts for possible money laundering. This bill would bring the SEC's subpoena authority into alignment with the subpoena authority of federal banking agencies that are already exempted by statute from having to notify account holders of agency subpoenas to review their financial records. Again, the SEC has requested this new enforcement tool, and this bill would provide it.

This bill is an important compliment to the new Sarbanes-Oxley law which stiffened criminal penalties for securities fraud, because this bill would stiffen enforcement mechanisms on the civil side. Last year, I tried to incorporate it into the Sarbanes-Oxley Act, but was unable to obtain a vote on my amendment. That is why I am reintroducing the legislation this year. Since many corporate and accounting cases warrant civil rather than criminal treatment, strengthening the SEC's civil enforcement authority is another critical step in improving its effectiveness as an enforcement agency to deter and punish this misconduct.

Given the current disillusionment among the American people and other investors with American public companies, Congress needs to provide leadership to restore investor confidence in our markets, in SEC oversight, and in company financial statements so that investors can trust them to reflect the true state of a company's financial condition. I hope my colleagues will join me in supporting this legislation and winning its enactment during the 108th Congress.

I ask unanimous consent to have printed in the RECORD the full text of the bill.

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

S. 183

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 ''SEC Civil Enforcement Act''.

SEC. 2. SECURITIES CIVIL ENFORCEMENT PROVISIONS.

(a) AUTHORITY TO ASSESS CIVIL MONEY PENALTIES.—

(1) SECURITIES ACT OF 1933.—Section 8A of the Securities Act of 1933 (15 U.S.C. 77h–1) is amended by adding at the end the following new subsection:

''(g) AUTHORITY OF THE COMMISSION TO ASSESS MONEY PENALTY.—

''(1) IN GENERAL.—In any cease-and-desist proceeding under subsection (a), the Commission may impose a civil monetary penalty if it finds, on the record after notice and opportunity for hearing, that a person is violating, has violated, or is or was a cause of the violation of, any provision of this title or any rule or regulation thereunder, and that such penalty is in the public interest.

''(2) MAXIMUM AMOUNT OF PENALTY.—

''(A) FIRST TIER.—The maximum amount of penalty for each act or omission described in paragraph (1) shall be $100,000 for a natural person or $250,000 for any other person.

''(B) SECOND TIER.—Notwithstanding subparagraph (A), the maximum amount of penalty for such act or omission described in paragraph (1) shall be $500,000 for a natural person or $1,000,000 for any other person, if the act or omission involved fraud, deceit, manipulation, or deliberate or reckless disregard of a statutory or regulatory requirement.

''(C) THIRD TIER.—Notwithstanding subparagraphs (A) and (B), the maximum

amount of penalty for each act or omission described in paragraph (1) shall be $1,000,000 for a natural person or $2,000,000 for any other person, if—

''(i) the act or omission involved fraud, deceit, manipulation, or deliberate or reckless disregard of a statutory or regulatory requirement; and

''(ii) such act or omission directly or indirectly resulted in substantial losses or created a significant risk of substantial losses to other persons or resulted in substantial pecuniary gain to the person who committed the act or omission.

''(3) EVIDENCE CONCERNING ABILITY TO PAY.—In any proceeding in which the Commission or the appropriate regulatory agency may impose a penalty under this section, a respondent may present evidence of the ability of the respondent to pay such penalty. The Commission or the appropriate regulatory agency may, in its discretion, consider such evidence in determining whether the penalty is in the public interest. Such evidence may relate to the extent of the person's ability to continue in business and the collectability of a penalty, taking into account any other claims of the United States or third parties upon the assets of that person and the amount of the assets of that person.''.

(2) SECURITIES EXCHANGE ACT OF 1934.—Section 21B(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–2(a)) is amended—

(A) in paragraph (4), by striking ''supervision;'' and all that follows through the end of the subsection and inserting ''supervision.'';

(B) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and moving the margins 2 ems to the right;

(C) by inserting ''that such penalty is in the public interest and'' after ''hearing,'';

(D) by striking ''In any proceeding'' and inserting the following:

''(1) IN GENERAL.—In any proceeding''; and

(E) by adding at the end the following:

''(2) OTHER MONEY PENALTIES.—In any proceeding under section 21C against any person, the Commission may impose a civil monetary penalty if it finds, on the record after notice and opportunity for hearing, that such person is violating, has violated, or is or was a cause of the violation of, any provision of this title or any rule or regulation thereunder, and that such penalty is in the public interest.''.

(3) INVESTMENT COMPANY ACT OF 1940.—Section 9(d)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a–9(d)(1)) is amended—

(A) in subparagraph (C), by striking ''therein;'' and all that follows through the end of the paragraph and inserting ''supervision.'';

(B) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and moving the margins 2 ems to the right;

(C) by inserting ''that such penalty is in the public interest and'' after ''hearing,'';

(D) by striking ''In any proceeding'' and inserting the following:

''(A) IN GENERAL.—In any proceeding''; and

(E) by adding at the end the following:

''(B) OTHER MONEY PENALTIES.—In any proceeding under subsection (f) against any person, the Commission may impose a civil monetary penalty if it finds, on the record after notice and opportunity for hearing, that such person is violating, has violated, or is or was a cause of the violation of, any provision of this title or any rule or regulation thereunder, and that such penalty is in the public interest.''.

(4) INVESTMENT ADVISERS ACT OF 1940.—Section 203(i)(1) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(i)(1)) is amended—

(A) in subparagraph (D), by striking ''supervision;'' and all that follows through the end of the paragraph and inserting ''supervision.'';

(B) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and moving the margins 2 ems to the right;

(C) by inserting ''that such penalty is in the public interest and'' after ''hearing,'';

(D) by striking ''In any proceeding'' and inserting the following:

''(A) IN GENERAL.—In any proceeding''; and

(E) by adding at the end the following:

''(B) OTHER MONEY PENALTIES.—In any proceeding under subsection (k) against any person, the Commission may impose a civil monetary penalty if it finds, on the record after notice and opportunity for hearing, that such person is violating, has violated, or is or was a cause of the violation of, any provision of this title or any rule or regulation thereunder, and that such penalty is in the public interest.''.

(b) INCREASED MAXIMUM CIVIL MONEY PENALTIES.—

(1) SECURITIES ACT OF 1933.—Section 20(d)(2) of the Securities Act of 1933 (15 U.S.C. 77t(d)(2)) is amended—

(A) in subparagraph (A)(i)—

(i) by striking ''$5,000'' and inserting ''$100,000''; and

(ii) by striking ''$50,000'' and inserting ''$250,000'';

(B) in subparagraph (B)(i)—

(i) by striking ''$50,000'' and inserting ''$500,000''; and

(ii) by striking ''$250,000'' and inserting ''$1,000,000''; and

(C) in subparagraph (C)(i)—

(i) by striking ''$100,000'' and inserting ''$1,000,000''; and

(ii) by striking ''$500,000'' and inserting ''$2,000,000''.

(2) SECURITIES EXCHANGE ACT OF 1934.—

(A) PENALTIES.—Section 32 of the Securities Exchange Act of 1934 (15 U.S.C. 78ff) is amended—

(i) in subsection (b), by striking ''$100'' and inserting ''$10,000''; and

(ii) in subsection (c)—

(I) in paragraph (1)(B), by striking ''$10,000'' and inserting ''$500,000''; and

(II) in paragraph (2)(B), by striking ''$10,000'' and inserting ''$500,000''.

(B) INSIDER TRADING.—Section 21A(a)(3) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–1(a)(3)) is amended by striking ''$1,000,000'' and inserting ''$2,000,000''.

(C) ADMINISTRATIVE PROCEEDINGS.—Section 21B(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–2(b)) is amended—

(i) in paragraph (1)—

(I) by striking ''$5,000'' and inserting ''$100,000''; and

(II) by striking ''$50,000'' and inserting ''$250,000'';

(ii) in paragraph (2)—

(I) by striking ''$50,000'' and inserting ''$500,000''; and

(II) by striking ''$250,000'' and inserting ''$1,000,000''; and

(iii) in paragraph (3)—

(I) by striking ''$100,000'' and inserting ''$1,000,000''; and

(II) by striking ''$500,000'' and inserting ''$2,000,000''.

(D) CIVIL ACTIONS.—Section 21(d)(3)(B) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(d)(3)(B)) is amended—

(i) in clause (i)—

(I) by striking ''$5,000'' and inserting ''$100,000''; and

(II) by striking ''$50,000'' and inserting ''$250,000'';

(ii) in clause (ii)—

(I) by striking ''$50,000'' and inserting ''$500,000''; and

(II) by striking ''$250,000'' and inserting ''$1,000,000''; and

(iii) in clause (iii)—

(I) by striking ''$100,000'' and inserting ''$1,000,000''; and

(II) by striking ''$500,000'' and inserting ''$2,000,000''.

(3) INVESTMENT COMPANY ACT OF 1940.—

(A) INELIGIBILITY.—Section 9(d)(2) of the Investment Company Act of 1940 (15 U.S.C. 80a–9(d)(2)) is amended—

(i) in subparagraph (A)—

(I) by striking ''$5,000'' and inserting ''$100,000''; and

(II) by striking ''$50,000'' and inserting ''$250,000'';

(ii) in subparagraph (B)—

(I) by striking ''$50,000'' and inserting ''$500,000''; and

(II) by striking ''$250,000'' and inserting ''$1,000,000''; and

(iii) in subparagraph (C)—

(I) by striking ''$100,000'' and inserting ''$1,000,000''; and

(II) by striking ''$500,000'' and inserting ''$2,000,000''.

(B) ENFORCEMENT OF INVESTMENT COMPANY ACT.—Section 42(e)(2) of the Investment Company Act of 1940 (15 U.S.C. 80a–41(e)(2)) is amended—

(i) in subparagraph (A)—

(I) by striking ''$5,000'' and inserting ''$100,000''; and

(II) by striking ''$50,000'' and inserting ''$250,000'';

(ii) in subparagraph (B)—

(I) by striking ''$50,000'' and inserting ''$500,000''; and

(II) by striking ''$250,000'' and inserting ''$1,000,000''; and

(iii) in subparagraph (C)—

(I) by striking ''$100,000'' and inserting ''$1,000,000''; and

(II) by striking ''$500,000'' and inserting ''$2,000,000''.

(4) INVESTMENT ADVISERS ACT OF 1940.—

(A) REGISTRATION.—Section 203(i)(2) of the Investment advisers Act of 1940 (15 U.S.C. 80b–3(i)(2)) is amended—

(i) in subparagraph (A)—

(I) by striking ''$5,000'' and inserting ''$100,000''; and

(II) by striking ''$50,000'' and inserting ''$250,000'';

(ii) in subparagraph (B)—

(I) by striking ''$50,000'' and inserting ''$500,000''; and

(II) by striking ''$250,000'' and inserting ''$1,000,000''; and

(iii) in subparagraph (C)—

(I) by striking ''$100,000'' and inserting ''$1,000,000''; and

(II) by striking ''$500,000'' and inserting ''$2,000,000''.

(B) ENFORCEMENT OF INVESTMENT ADVISERS ACT.—Section 209(e)(2) of the Investment advisers Act of 1940 (15 U.S.C. 80b–9(e)(2)) is amended—

(i) in subparagraph (A)—

(I) by striking ''$5,000'' and inserting ''$100,000''; and

(II) by striking ''$50,000'' and inserting ''$250,000'';

(ii) in subparagraph (B)—

(I) by striking ''$50,000'' and inserting ''$500,000''; and

(II) by striking ''$250,000'' and inserting ''$1,000,000''; and

(iii) in subparagraph (C)—

(I) by striking ''$100,000'' and inserting ''$1,000,000''; and

(II) by striking ''$500,000'' and inserting ''$2,000,000''.

(c) AUTHORITY TO OBTAIN FINANCIAL RECORDS.—Section 21(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(h)) is amended—

(1) by striking paragraphs (2) through (8);

(2) in paragraph (9), by striking ''(9)(A)'' and all that follows through ''(B) The'' and inserting ''(3) The'';

(3) by inserting after paragraph (1), the following:

''(2) ACCESS TO FINANCIAL RECORDS.—

''(A) IN GENERAL.—Notwithstanding section 1105 or 1107 of the Right to Financial Privacy Act of 1978, the Commission may obtain access to and copies of, or the information contained in, financial records of any person held by a financial institution, including the financial records of a customer, without notice to that person, when it acts pursuant to a subpoena authorized by a formal order of investigation of the Commission and issued under the securities laws or pursuant to an administrative or judicial subpoena issued in a proceeding or action to enforce the securities laws.

''(B) NONDISCLOSURE OF REQUESTS.—If the Commission so directs in its subpoena, no financial institution, or officer, director, partner, employee, shareholder, representative or agent of such financial institution, shall, directly or indirectly, disclose that records have been requested or provided in accordance with subparagraph (A), if the Commission finds reason to believe that such disclosure may—

''(i) result in the transfer of assets or records outside the territorial limits of the United States;

''(ii) result in improper conversion of investor assets;

''(iii) impede the ability of the Commission to identify, trace, or freeze funds involved in any securities transaction;

''(iv) endanger the life or physical safety of an individual;

''(v) result in flight from prosecution;

''(vi) result in destruction of or tampering with evidence;

''(vii) result in intimidation of potential witnesses; or

''(viii) otherwise seriously jeopardize an investigation or unduly delay a trial.

''(C) TRANSFER OF RECORDS TO GOVERNMENT AUTHORITIES.—The Commission may transfer financial records or the information contained therein to any government authority, if the Commission proceeds as a transferring agency in accordance with section 1112 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3412), except that a customer notice shall not be required under subsection (b) or (c) of that section 1112, if the Commission determines that there is reason to believe that such notification may result in or lead to any of the factors identified under clauses (i) through (viii) of subparagraph (B) of this paragraph.'';

(4) by striking paragraph (10); and

(5) by redesignating paragraphs (11), (12), and (13) as paragraphs (4), (5), and (6), respectively.

By Mr. DODD (for himself, Ms. MIKULSKI, Mr. JEFFORDS, Mrs. MURRAY, Ms. LANDRIEU, and Mr. DAYTON):

S. 184. A bill to amend section 401(b)(2) of the Higher Education Act of 1965 regarding the Federal Pell Grant maximum amount; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise, and am joined by my colleagues Senator MIKULSKI, Senator JEFFORDS, SENATOR MURRAY, Senator LANDRIEU and Senator DAYTON, to introduce legislation to amend the Higher Education Act to improve access to higher education for low- and middle-income students by doubling the authorized maximum Pell Grant within six years. This bill has the strong support of the Student Aid Alliance, whose 60 organizations represent students, colleges, parents, and others who care about higher education.

Pell Grants were established in the early 1970s by our former colleague, Claiborne Pell, of Rhode Island. They are the largest source of federal grant aid for college students. For millions of low- and middle-income students they are the difference between attending or not attending college. But, unfortunately, they don't make as much of a difference as they used to.

In 1975, the maximum appropriated Pell Grant covered all of the average student's tuition, fees, room, and board at community colleges. It covered about 80 percent of those costs at public universities and about 40 percent at private universities. Today, Pell Grant's purchasing power has dropped by more than 30 percent at community colleges and been more than cut in half at universities. It covers only 38 percent of the costs at public universities and 15 percent at private universities. That's not just a drop, it's a free-fall.

For students from the lowest income families, college is getting farther and farther out of reach. Since 1975, as a percentage of the family income of the poorest 20 percent of families, the cost of public universities has increased by half and the cost of private universities has doubled. For middle-income families, the cost of college also has increased significantly as a percentage of income.

As a result of all this, low- and middle-income students who want to attend college are forced to finance their education with an ever-increasing percentage of loans as opposed to grants, which effectively increases their cost of attendance even more and in many cases, keeps them from going to college at all.

Of course, the President's budget would have frozen the maximum Pell Grant. So, on top of leaving millions of children behind by failing to meet the bipartisan promises of the No Child Left Behind Act, the President's budget would leave even more children behind who work hard and do well in school and want to go on to college.

We can't kid ourselves, if we're serious about leaving no child behind, if we're serious about having a society where equal opportunity for all is more than just rhetoric, then we need to reinvigorate the Pell program.

The Student Aid Alliance put it very well, in talking about students, when they said that ''investing in their future is investing in our nation's future.'' We can start investing in our Nation's future by supporting the amendment that will be offered to the Omnibus appropriations bill today to increase the maximum appropriated Pell Grant to $4,500.

That won't bring Pell Grant's purchasing power back to where it was in 1975, but it is a critical first step, and I intend to continue the effort through this bill and other measures as we reauthorize the Higher Education Act this Congress.

I hope that my colleagues will join me.

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. 184

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FEDERAL PELL GRANT MAXIMUM AMOUNT.

Section 401(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(2)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (C);

(2) by amending subparagraph (A) to read as follows:

''(A) Except as provided in subparagraph (B), the amount of the Federal Pell Grant for a student eligible under this part shall be—

''(i) $6,700 for academic year 2004–2005;

''(ii) $7,600 for academic year 2005–2006;

''(iii) $8,600 for academic year 2006–2007;

''(iv) $9,600 for academic year 2007–2008;

''(v) $10,600 for academic year 2008–2009; and

''(vi) $11,600 for academic year 2009–2010,

less an amount equal to the amount determined to be the expected family contribution with respect to that student for that year.''; and

(3) by inserting after subparagraph (A) (as so amended) the following:

''(B) If the Secretary determines that the increase from one academic year to the next in the amount of the maximum Federal Pell Grant authorized under subparagraph (A) does not increase students' purchasing power (relative to the cost of attendance at an institution of higher education) by at least 5 percentage points, then the amount of the maximum Federal Pell Grant authorized under subparagraph (A) for the academic year for which the determination is made shall be increased by an amount sufficient to achieve such a 5 percentage point increase.''.

By Mr. DEWINE. (for himself and Mr. DURBIN):

S. 186. A bill to amend the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to provide health insurance protections for individuals who are living organ donors; to the Committee on Health, Education, Labor, and Pensions.

Mr. DEWINE. Mr. President, I rise today to raise further awareness of an issue that affects over 22,000 people a year, and that issue is organ donation. The sad fact about organ donations is this: We have the medical know-how to save lives, but we lack the organs. We lack organs because most Americans simply are unaware of the life-giving difference they can make by choosing to become organ donors.

Sadly, each day the waiting list for those needing organs continues to grow. Today, over 80,000 people remain on the national transplant waiting list.

Right now, more than 56,000 people, alone, are waiting for kidney transplants. That number is expected to double within the next decade. Additionally, close to 6,000 people die each year just waiting for an available organ.

To remedy the organ shortage, we must increase public awareness. By educating the public and raising awareness, more people will choose to become organ donors. At the very least, through these efforts, we can encourage more families to discuss what their wishes are and whether they would want to be organ donors.

But, our efforts must not stop there. We must do more than just implement public awareness campaigns, because the face of organ donation is changing. For the first time ever, the number of living organ donors outnumbered cadaver donors. In 2001, there were 6,082 donor cadavers while 6,534 people opted to become living donors, usually giving up a healthy kidney to help a family member or friend.

Recognizing this, my colleague, Senator DURBIN, and I are introducing a bill today that would help protect living organ donors in the group insurance market. Our bill would ensure that those individuals who choose to be living organ donors are not discriminated against in the insurance marketplace. Our bill builds on the protections provided by the Health Insurance Portability and Accountability Act, so that living organ donors are not denied insurance nor are they applied discriminatory insurance premiums because of their living organ donor status.

Quite simply, a brother who donates a part of his kidney to his sister should not be denied health insurance. But tragically, that is what oftentimes happens. Frequently, individuals who are living organ donors are denied health insurance or restricted from the insurance market. Instead, we should celebrate living organ donors and remove obstacles and barriers for the successful donation of organs. Insurance concerns should not undermine someone's decision to be a living organ donor.

Some states are evaluating how living organ donors affect the market. States are amending their Family Medical Leave eligibility so that living organ donors can participate and benefit from the program. The Federal Government, with the Organ Donor Leave Act of 1999, offered 30 days paid leave to Federal employees who chose to be an organ donor. But, paid leave and job protection doesn't mean much if people are denied health insurance or are required to pay higher premiums because they donated an organ to save another person's life.

The impact of living organ donation is profound. A living organ donor not only can save the life of one patient, but can also take that person off the waiting list for a cadaver donation. That means the next person on the waiting list is ''bumped up'' a spot, giving additional hope to the 86,000 persons on the national transplant waiting list.

Living organ donors give family members and friends a second chance at life and the opportunity to reduce the number of people on the waiting list to receive an organ. It is time for Congress to make a sensible decision in support of a person's decision to be a living organ donor.

I encourage my colleagues to join me in co-sponsoring this bill.

By Mr. EDWARDS:

S. 187. A bill to provide for the elimination of significant vulnerabilities in the information technology of the Federal Government, and for other purposes; to the Committee on Governmental Affairs.

Mr. EDWARDS. Mr. President, I rise today to introduce the National Cyber Security Leadership Act of 2003, a bill that calls on the Federal Government to lead by example in shoring up its computers and protecting them against cyber attacks.

I introduce this bill because our Nation's computers and networks are increasingly vulnerable to cyber attacks. A week after the September 11 attacks, a cyber attack spread across 86,000 computers over several days, causing unknown amounts of financial and economic damage. Two months before that, a cyber attack called Code Red infected 150,000 computers in 14 hours. According to cyber security experts, Federal computers have already been used as weapons in large-scale cyber attack.

There aren't just amateur teenage hackers. Terrorists, including al Qaeda operatives, have browsed Internet sites offering software that would help them take down power, water, transport and communications grids.

One of the principal reasons that companies do not act to secure their systems is that the Federal Government does not act to secure its own systems. Unfortunately, Federal agencies continue to be among the worst offenders failing to protect themselves against cyber attack. Last November, a Congressional report card gave 14 agencies a failing grade for their computer security efforts. These vulnerabilities leave our Federal agencies exposed to hackers, system shutdowns, and cyber terrorist infiltration.

Clearly, we need to act now to strengthen our computer systems. I believe the first step in this process is to have our Federal agencies lead by example.

The National Cyber Security Leadership Act of 2003 would establish higher standards for Federal Government computer safety. The National Institute of Standards and Technology would establish the standards after individual agencies conduct comprehensive tests of their network systems and report on their weaknesses. These procedures will strengthen our government's resistance to cyber attacks and will demonstrate to the business community the tremendous value in conducting comprehensive security tests and monitoring new developments.

I have developed this important piece of legislation with assistance from Mr. Alan Paller, Director of Research for the SANS Institute; Mr. Franklin S. Reeder, Chairman of the Center for Internet Security and of the Computer System Security and Privacy Advisory Committee; and several computer security experts in the Federal Government.

We cannot afford to wait until we experience a computer meltdown. I urge my colleagues to join with me in helping our Federal agencies to lead by example.

By Mr. FEINGOLD (for himself, Mr. CORZINE, Mr. WYDEN, and Mr. NELSON of Florida):

S. 188. A bill to impose a moratorium on the implementation of datamining under the Total Information Awareness program of the Department of Defense and any similar program of the Department of Homeland Security, and for other purposes; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, I am pleased today to introduce the Data-Mining Moratorium Act of 2003. Like many Americans, I was surprised to learn during the last few months that the Department of Defense has spent hundreds of millions of dollars developing a data-mining system called Total Information Awareness while permitting the progeny of Total Information Awareness to appear in places like the Department of Homeland Security. The untested and controversial intelligence procedure known as datamining is capable of maintaining extensive files containing both public and private records on each and every American. Coupled with the expanded domestic surveillance already underway by this Administration, this unchecked system is a dangerous step forward and threatens one of the values that we're fighting for, freedom. The Administration has a heavy burden of proof that such extreme measures are necessary.

The Data-Mining Moratorium Act of 2003 would immediately suspend datamining in the Department of Defense and the Department of Homeland Security until Congress has conducted a thorough review of Total Information Awareness and the practice of datamining.

Without Congressional review and oversight, data-mining would allow the Department of Homeland Security, the Department of Defense and other government agencies to collect and analyze a combination of intelligence data and personal information like individuals' traffic violations, credit card purchases, travel records, medical records, communications records, and virtually any information collected on commercial or public databases. Through comprehensive data-mining, as envisioned

with Total Information Awareness, everything from people's video rentals or drugstore purchases made with a credit card to their most private health concerns could be fed into a computer and monitored by the Federal Government.

Using massive data mining, like Total Information Awareness, the government hopes to be able to detect potential terrorists. There is no evidence that data-mining will, in fact, prevent terrorism. And when one considers the potential for errors in data, for example, credit agencies that have data about John R. Smith on John D. Smith's credit report, the prospect of ensnaring many innocents is real. This approach might also lead to the same kinds of so-called ''preventive'' detentions that are unconstitutional and put more than 1,100 individuals in jail after September 11. Although none of these people were ever charged with orchestrating or aiding the attacks, they were often held for months on end, and went for weeks without access to counsel. There is every reason to be concerned that uncontrolled data-mining systems would lead to the same abuse of power.

The Administration's assurances that a data-mining system will not abuse our privacy rights ring hollow, particularly to those of us who questioned the breathtaking new Federal powers in the USA PATRIOT Act. We heard these same assurances when the Administration pressed for enactment of that sweeping legislation in the months after September 11th, that the government would act with restraint to ensure that its application of the Act would not infringe on our liberties. The opposite has turned out to be true. In fact, some of the most serious infringements on our personal freedoms in the USA PATRIOT Act can now contribute to the data-mining effort.

The USA PATRIOT Act allows the government to compel businesses to produce records about people who had only a remote contact with a person sought in connection with an investigation of terrorism, including sitting on an airplane with the suspect, or having used the same payphone as the suspect. Under the PATRIOT Act, any business records can be compelled, including those containing sensitive personal information like medical records from hospitals or doctors, financial records, or records of what books someone has taken out of the liberary. This information is exactly the kind of data that data-mining programs like Total Infomration Awareness will use when compiling its files on the American people.

The danger of data-mining is compounded not only by provisions in the USA PATRIOT Act, but also by the Administration's loosening of domestic surveillance restrictions for FBI agents last year, restrictions that were put in place following FBI abuses under J. Edgar Hoover. These various initiatives of the Administration are building on each other to give away more and more of our personal information, and give away more and more of our personal freedoms.

It is reasonable to ask Americans to sacrifice some personal freedom like submitting to more extensive security screenings at airports. But should we allow the government to track our every move, from what items we purchase online, to our medical records, to our financial records, without limits and without accountability? I believe most Americans would say that that's a police state, not the America we know and love. We would catch more terroists in a police state. I don't doubt that. But that's not a country in which most Americans would want to live.

Each time we have been told that government authorities would use restraint with its new powers, but Congress and the American people should not find comfort in these assurances, especially since they have been made by an Administration that has been operating in greater and greater secrecy. The Administration must suspend this massive data mining project until Congress can determine whether the proposed benefits of this practice come at too high a price to our privacy and personal liberties.

I urge my colleagues to support this measure, and 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. 188

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 ''Data-Mining Moratorium Act of 2003''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Use of advanced technology is an essential tool in the fight against terrorism.

(2) There has been no demonstration that data-mining by a government, including data-mining such as that which is to occur under the Total Information Awareness program, is an effective tool for preventing terrorism.

(3) Data-mining under the Total Information Awareness program or a similar program would provide the Federal Government with access to extensive files of private as well as public information on an individual.

(4) There are significant concerns regarding the extent to which privacy rights of individuals would be adversely affected by data-mining carried out by their government.

(5) Congress has not reviewed any guidelines, rules, or laws concerning implementation and use of data-mining by Federal Government agencies.

SEC. 3. MORATORIUM ON IMPLEMENTATION OF TOTAL INFORMATION AWARENESS PROGRAM FOR DATA MINING.

(a) MORATORIUM.—During the period described in subsection (b), no officer or employee of the Department of Defense or the Department of Homeland Security may take any action to implement or carry out for data-mining purposes any part of (including any research or development under)—

(1) the Department of Defense component of the Total Information Awareness program or any other data-mining program of the Department of Defense; or

(2) any data-mining program of the Department of Homeland Security that is similar or related to the Total Information Awareness program.

(b) MORATORIUM PERIOD.—The period referred to in subsection (a) for a department of the Federal Government is the period beginning on the date of the enactment of this Act and ending on the date (after the date of the enactment of this Act) on which there is enacted a law specifically authorizing data-mining by such department.

SEC. 4. REPORTS ON DATA-MINING ACTIVITIES.

(a) REQUIREMENT FOR REPORT.—The Secretary of Defense, the Attorney General, and the head of each other department or agency of the Federal Government that is engaged in any activity to use or develop data-mining technology shall each submit to Congress a report on all such activities of the department or agency under the jurisdiction of that official.

(b) CONTENT OF REPORT.—A report submitted under subsection (a) shall include, for each activity to use or develop data-mining technology that is required to be covered by the report, the following information:

(1) A thorough description of the activity.

(2) A thorough discussion of the plans for the use of such technology.

(3) A thorough discussion of the policies, procedures, and guidelines that are to be applied in the use of such technology for data-mining in order to—

(A) protect the privacy rights of individuals; and

(B) ensure that only accurate information is collected.

(c) TIME FOR REPORT.—Each report required under subsection (a) shall be submitted not later than 90 days after the date of the enactment of this Act.

SEC. 5. CONSTRUCTION OF PROVISIONS.

Nothing in this Act shall be construed to preclude the Department of Defense or the Department of Homeland Security from conducting—

(1) computer searches of public information; or

(2) computer searches that are based on a particularized suspicion of an individual.

By Mr. WYDEN (for himself, Mr. ALLEN, Mr. LIEBERMAN, Mr. WARNER, Ms. MIKULSKI, Mr. HOLLINGS, Ms. LANDRIEU, Mrs. CLINTON, Mr. LEVIN, and Mr. BAYH):

S. 189. A bill to authorize appropriations for nanoscience, nanoengineering, and nanotechnology research, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. WYDEN. Mr. President, far from the stuff of science fiction, nanotechnology has become a reality in the lives of many Americans. While there is tremendous potential for further study in this field, nanotechnology's current impacts range from the pedestrian to the extraordinary. A TV commercial demonstrates the practicality of nanotechnology through stain-resistant pants. Prosthetic and medical implants have been improved through molecularly designed surfaces that interact with the cells of the body. There is no question that this field will dramatically change the way Americans live.

I was pleased that my colleagues in the Commerce Committee in the last Congress recognized the tremendous potential of nanotechnology and passed this bill out of committee with unanimous bipartisan support. Nanotechnology innovations will bring enormous benefits to America's economy and to nearly every aspect of life in the coming decades. My own judgment is the nanotechnology revolution has the potential to change America on a scale equal to, if not greater than, the computer revolution. I am determined that the United States will not miss, but will mine the opportunities of nanotechnology. At present, efforts in the nanotechnology field are strewn across a half-dozen Federal agencies. I want America to marshal its various nanotechnology efforts into one driving force to remain the world's leader in this burgeoning field. And I believe Federal support is essential to achieving that goal.

Legislation I am introducing today will provide a smart, accelerate, and organized approach to nanotechnology research, development, and education. In my view, there are three major steps America must take to ensure the highest success for its nanotechnology efforts.

First, a National nanotechnology Research Program should be established to superintend long-term fundamental nanoscience and engineering research. The program's goals will be to ensure America's leadership and economic competitiveness in nanotechnology, and to make sure ethical and social concerns are taken into account alongside the development of this discipline.

Second, the Federal Government should support nanoscience through a program of research grants, and also through the establishment of nanotechnology research centers. These centers would serve as key components of a national research infrastructure, bringing together experts from the various disciplines that must intersect for nanoscale projects to succeed and building a network that includes State-supported centers. As these research efforts take shape, educational opportunities will be the key to their long-term success. Through this legislation, I commit to helping students who would enter the field of nanotechnology. This discipline requires multiple areas of expertise. Students with the drive and the talent to tackle physics, chemistry, and the material sciences simultaneously deserve all the support we can offer.

Third, the government should create connections across its agencies to aid in the meshing of various nanotechnology efforts. These could include a national steering office, and a Presidential nanotechnology Advisory Committee, modeled on the President's Information Technology Advisory Committee.

I also believe that as these organizational support structures are put into place, rigorous evaluation must take place to ensure the maximum efficiency of our efforts. Personally, I would call for an annual review of America's nanotechnology efforts from the Presidential Advisory Committee, and a periodic review from the National Academy of Sciences. In addition to monitoring our own progress, the United States should keep abreast of the world's nanotechnology efforts through a series of benchmarking studies.

If the Federal Government fails to get behind nanotechnology now with organized, goal-oriented support, this Nation runs the risk of falling behind others in the world who recognize the potential of this discipline. Nanotechnology is already making pants more stain-resistant, making windows self-washing and making car parts stronger with tiny particles of clay. What America risks missing is the next generation of nanotechnology. In the next wave, nanoparticles and nanodevices will become the building blocks of our health care, agriculture, manufacturing, environmental cleanup, and even national security.

America risks missing a revolution in electronics, where a device the size of a sugar cube could hold all of the information in the Library of Congress. Today's silicon-based technologies can only shrink so small. Eventually, nanotechnologies will grow devices from the molecular level up. Small though they may be, their capabilities and their impact will be enormous. Spacecraft could be the size of mere molecules.

America risks missing a revolution in health care. In my home State, Oregon State University researchers are working on the microscale to create lapel-pin-sized biosensors that use the color-changing cells of the Siamese fighting fish to provide instant visual warnings when a biotoxin is present. An antimicrobial dressing for battlefield wounds is already available today, containing silver nanocrystals that prevent infection and reduce inflammation. The health care possibilities for nanotechnology are limitless. Eventually, nanoscale particles will travel human bodies to detect and cure disease. Chemotherapy could attack individual cancer cells and leave healthy cells intact. Tiny bulldozers could unclog blocked arteries. Human disease will be fought cell by cell, molecule by molecule, and nanotechnology will provide victories over disease that we can't even conceive today.

America risks missing a host of beneficial breakthroughs. American scientists could be the first to create nanomaterials for manufacturing and design that are stronger, lighter, harder, self-repairing, and safer. Nanoscale devices could scrub automobile pollution out of the air as it is produced. Nanoparticles could cover armor to make American soldiers almost invisible to enemies and even tend their wounds. nanotechnology could grow steel stronger than what's made today, with little or no waste to pollute the environment.

Moreover, and this is even more important given our struggling economy, America risks missing an economic revolution based on nanotechnology. With much of nanotechnology existing in a research milieu, venture capitalists are already investing $1 billion in American nanotech interests this year alone. It's estimated that nanotechnology will become a trillion-dollar industry over the next 10 years. As nanotechnology grows, the ranks of skilled workers needed to discover and apply its capabilities must grow too. In the nanotechnology revolution, areas of high unemployment could become magnets for domestic production, engineering and research for nanotechnology applications—but only if government doesn't miss the boat.

Our country's National Nanotechnology Initiative is a step in the right direction. This Nation has already committed substantial funds to nanotechnology research and development in the coming years. But funding is not enough. There must be careful planning to make sure that money is used for sound science over the long-term. That is the reason for the legislation I am issuing today. The strategic planning it prescribes will ensure that scientists get the support they need to realize nanotechnology's greatest potential.

In 1944 the visionary President Franklin Delano Roosevelt requested a leading American scientist's opinion on advancing the United States' scientific efforts to benefit the world. Dr. Vannevar Bush offered his reply to President Harry S Truman the next year, following FDR's death. In his report to the President, Dr. Bush wrote, ''The Government should accept new responsibilities for promoting the flow of new scientific knowledge and the development of scientific talent in our youth. These responsibilities are the proper concern of the Government, for they vitally affect our health, our jobs, and our national security. It is in keeping also with basic United States policy that the Government should foster the opening of new frontiers and this is the modern way to do it.''

Those principles, so true nearly 60 years ago, are truer still today. I propose that the government now accept new responsibilities in promoting and developing nanatechnology. I am pleased to be joined on this legislation by Senators ALLEN, LIEBERMAN, MIKULSKI, HOLLINGS, LANDRIEU, CLINTON, and LEVIN. I ask unanimous consent that this statement be entered in the RECORD.

By Mrs. FEINSTEIN:

S. 190. A bill to establish the Director of National Intelligence as head of the intelligence community, to modify and enhance authorities and responsibilities relating to the administration of intelligence and the intelligence community, and for other purposes; to the Select Committee on Intelligence.

Mrs. FEINSTEIN. Mr. President, I rise today to offer the Intelligence Community Leadership Act of 2003. This legislation creates the position of Director of National Intelligence to provide budget and statutory authority over coordinating our intelligence efforts. This will help assure that the sort of communication problems that prevented the various elements of our intelligence community from working together effectively before September 11 never happens again.

Today there are 14 different agencies and departments which make up the Intelligence Community: the Central Intelligence Agency, the Defense Intelligence Agency, the National Security Agency, the National Reconnaissance Office, the National Imagery and Mapping Agency, Army Intelligence, Air Force Intelligence, Marine Corps Intelligence, intelligence elements of the Departments of State, Treasury, Energy, as well as the Federal Bureau of Investigation and the United States Coast Guard. Together they make up a huge network, with thousands of employees and a significant, secret, budget.

Interestingly, there is no real head of this sprawling Community. In law the Director of Central Intelligence leads both the CIA and the Intelligence Community, but in practice he is unable to exercise meaningful control and leadership. The Community is plagued by acute turf battles, incompatible information systems and uncoordinated operations. The present structure makes coordination and movement of personnel within the Intelligence Community more difficult than it should be.

Last Spring I offered legislation to address this problem, S. 2645, which created the position of Director of National Intelligence.

Since then the Joint Inquiry of the Senate and House Intelligence Committees completed its investigations into the Intelligence Community role in the attacks of September 11.

The Joint Inquiries' major recommendation was the creation of a ''Director of National Intelligence'', DNI, with real authority to run the Intelligence Community, separate from the head of the CIA, and thus free from having to run both the Community and one of its major constituent agencies.

Working with those recommendations, I have updated the bill I introduced last year to reflect the Joint Inquiries' findings. The changes include adding specific language to ensure that the new Director of National Intelligence has meaningful and effective budget and personnel authority.

Specifically this legislation would create the new position of Director of National Intelligence who would head the intelligence community, serving at the pleasure of the President, with the proper and necessary authority to coordinate activities, direct priorities, and develop and execute the budget for our nation's national intelligence community.

The DNI would be responsible for all of the functions now performed by the Director of Central Intelligence in his role as head of the intelligence community, while a separate individual would be Director of the CIA.

Nominated by the President and confirmed by the Senate, the DNI would be empowered to create and execute the national intelligence budget in conjunction with the various intelligence agencies within our government.

The Director of the Central Intelligence Agency, DCIA, freed from the double burden as head of the intelligence community, would then be able to concentrate on the critical missions of the CIA alone: Assure the collection of intelligence from human sources, and that intelligence is properly correlated, evaluated, and disseminated throughout the intelligence community and to decision makers.

I recognize that this bill will certainly not solve every problem within the intelligence community, but I believe it is an important, perhaps critical, first step. My hope is that introduction of this bill will move the much-needed debate on Intelligence Community reform forward.

By Mr. DEWINE:

S. 191. A bill to amend title XVIII of the Social Security Act to provide adequate coverage for immunosuppressive drugs furnished to beneficiaries under the medicare program that have received a kidney transplant, and for other purposes; to the Committee on Finance.

Mr. DEWINE. Mr. President, I rise today to join my friend and colleague, Senator DURBIN, in introducing a bill to help organ transplant patients maintain access to the life-saving drugs necessary to prevent their immune systems from rejecting their new organs.

Tragically, today over 86,000 Americans are waiting for a donor organ. Those individuals who are blessed to receive an organ transplant must take immunosuppressive drugs every day for the life of their transplant. Failure to take these drugs significantly increases the risk that the transplanted organ will be rejected.

We need this bill, because Federal law is compromising the success of organ transplants. Let me explain. Right now, current Medicare policy denies certain transplant patients coverage for the drugs needed to prevent rejection. Medicare does not pay for anti-rejection drugs for Medicare beneficiaries, who received their transplants prior to becoming a Medicare beneficiary. So, for instance, if a person received a transplant at age 64 through his or her health insurance plan, when that person retires and relies on Medicare for health care coverage, he or she would no longer have immunosuppressive drug coverage.

Medicare only pays for anti-rejection drugs for transplants performed in a Medicare-approved transplant facility. However, many beneficiaries are completely unaware of this fact and how it can jeopardize their future coverage of immunosuppressive drugs. To receive an organ transplant, a person must be very ill and many are far too ill at the time of transplantation to be researching the intricate nuances of Medicare coverage policy.

End Stage Renal Disease, ESRD, patients qualify for Medicare on the basis of needing dialysis. If End Stage Renal Disease patients receive a kidney transplant, they qualify for Medicare coverage for three years after the transplant. After the three years are up, they lose not only their general Medicare coverage, but also their coverage for immunosuppressive drugs.

The amendment that Senator DURBIN and I are introducing today would remove the Medicare limitations and make clear that all Medicare beneficiaries including End Stage Renal Disease patients who have had a transplant and need immunosuppressive drugs to prevent rejection of their transplant, will be covered as long as such anti-rejection drugs are needed.

In the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act, Congress eliminated the 36-month time limitation for transplant recipients who both receive a Medicare eligible transplant and are eligible for Medicare based on age or disability. Our bill would provide the same indefinite coverage to kidney transplant recipients who are not Medicare-aged or Medicare-disabled.

I urge my colleagues to support this legislation and help those who receive Medicare-eligible transplants to gain access to the immunosuppressive drugs they need to live healthy, productive lives.

By Mr. CORZINE:

S. 192. A bill to amend title 23, United States Code, to provide for criminal and civil liability for permitting an intoxicated arrestee to operate a motor vehicle; to the Committee on Environment and Public Works.

Mr. CORZINE. Mr. President, today I am introducing legislation that would address the serious national problem of drunk driving. This bill, entitled ''John's Law of 2003,'' would help ensure that when drunken drivers are arrested, they cannot simply get back into the car and put the lives of others in jeopardy.

On July 22, 2000, Navy Ensign John Elliott was driving home from the United States Naval Academy in Annapolis for his mother's birthday when his car was struck by another car. Both Ensign Elliott and the driver of that car were killed. The driver of the car that caused the collision had a blood alcohol level that exceeded twice the legal limit.

When makes this tragedy especially distressing is that this same driver had been arrested and charged with driving under the influence of alcohol, DUI, just three hours before the crash. After

being processed for that offense, he had been released into the custody of a friend who drove him back to his car and allowed him to get behind the wheel, with tragic results.

We need to ensure that drunken drivers do not get back behind the wheel before they sober up. New Jersey took steps to do this when they enacted John's Law at the State level. I am pleased to offer a Federal version of this legislation today.

This bill would require States to impound the vehicle of an offender for a period of at least 12 hours after the offense. This would ensure that the arrestee cannot get back behind the wheel of his car until he is sober.

Further, the bill would require States to ensure that if a DUI offender arrestee is released into the custody of another, that person must be provided with notice of his or her potential civil or criminal liability for permitting the arrestee's operation of a motor vehicle while intoxicated. While this bill does not create new liability under Federal law, notifying such individuals of their prospective liability under State law should encourage them to act responsibly.

John's Law of 2003 is structured in a manner similar to other Federal laws designed to promote highway safety, such as laws that encourage States to enact tough drunk driving standards. Under the legislation, a portion of Federal highways funds would be withheld from States that do not comply. Initially, this funding could be restored if States move into compliance. Later, the highway funding forfeited by one State would be distributed to other States that are in compliance. Experience has shown that the threat of losing highway funding is very effective in ensuring that States comply.

Mr. President, I believe that this legislation would help make our roads safer and save many lives. I hope my colleagues will support it, and 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. 192

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 ''John's Law of 2003''.

SEC. 2. LIABILITY FOR PERMITTING AN INTOXICATED ARRESTEE TO OPERATE A MOTOR VEHICLE.

(a) IN GENERAL.—Subchapter I of chapter 1 of title 23, United States Code, is amended by adding at the end the following:

''§ 165. Liability for permitting an intoxicated arrestee to operate a motor vehicle

''(a) DEFINITION OF MOTOR VEHICLE.—In this section, the term 'motor vehicle' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated only on a rail.

''(b) WITHHOLDING OF APPORTIONMENTS FOR NONCOMPLIANCE.—

''(1) FISCAL YEAR 2005.—The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (4) of section 104(b) on October 1, 2004, if the State does not meet the requirements of paragraph (3) on that date.

''(2) SUBSEQUENT FISCAL YEARS.—The Secretary shall withhold 10 percent of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (4) of section 104(b) on October 1, 2005, and on October 1 of each fiscal year thereafter, if the State does not meet the requirements of paragraph (3) on that date.

''(3) REQUIREMENTS.—A State meets the requirements of this paragraph if the State has enacted and is enforcing a law that is substantially as follows:

''(A) WRITTEN STATEMENT.—If a person is summoned by or on behalf of a person who has been arrested for public intoxication in order to transport or accompany the arrestee from the premises of a law enforcement agency, the law enforcement agency shall provide that person with a written statement advising him of his potential criminal and civil liability for permitting or facilitating the arrestee's operation of a motor vehicle while the arrestee remains intoxicated. The person to whom the statement is issued shall acknowledge, in writing, receipt of the statement, or the law enforcement agency shall record the fact that the written statement was provided, but the person refused to sign an acknowledgment. The State shall establish the content and form of the written statement and acknowledgment to be used by law enforcement agencies throughout the State and may issue directives to ensure the uniform implementation of this subparagraph. Nothing in this subparagraph shall impose any obligation on a physician or other health care provider involved in the treatment or evaluation of the arrestee.

''(B) IMPOUNDMENT OF VEHICLE OPERATED BY ARRESTEE; CONDITIONS OF RELEASE; FEE FOR TOWING, STORAGE.—

''(i) If a person has been arrested for public intoxication, the arresting law enforcement agency shall impound the vehicle that the person was operating at the time of arrest.

''(ii) A vehicle impounded pursuant to this subparagraph shall be impounded for a period of 12 hours after the time of arrest or until such later time as the arrestee claiming the vehicle meets the conditions for release in clause (iv).

''(iii) A vehicle impounded pursuant to this subparagraph may be released to a person other than the arrestee prior to the end of the impoundment period only if—

''(I) the vehicle is not owned or leased by the person under arrest and the person who owns or leases the vehicle claims the vehicle and meets the conditions for release in clause (iv); or

''(II) the vehicle is owned or leased by the arrestee, the arrestee gives permission to another person, who has acknowledged in writing receipt of the statement to operate the vehicle and the conditions for release in clause (iv).

''(iv) A vehicle impounded pursuant to this subparagraph shall not be released unless the person claiming the vehicle—

''(I) presents a valid operator's license, proof of ownership or lawful authority to operate the vehicle, and proof of valid motor vehicle insurance for that vehicle;

''(II) is able to operate the vehicle in a safe manner and would not be in violation driving while intoxicated laws; and

''(III) meets any other conditions for release established by the law enforcement agency.

''(v) A law enforcement agency impounding a vehicle pursuant to this subparagraph is authorized to charge a reasonable fee for towing and storage of the vehicle. The law enforcement agency is further authorized to retain custody of the vehicle until that fee is paid.

''(c) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—

''(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—Any funds withheld under subsection (b) from apportionment to any State shall remain available until the end of the fourth fiscal year following the fiscal year for which the funds are authorized to be appropriated.

''(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld under subsection (b) from apportionment are to remain available for apportionment to a State under paragraph (1), the State meets the requirements of subsection (a)(3), the Secretary shall, on the first day on which the State meets the requirements, apportion to the State the funds withheld under subsection (b) that remain available for apportionment to the State.

''(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—

''(A) IN GENERAL.—Any funds apportioned under paragraph (2) shall remain available for expenditure until the end of the third fiscal year following the fiscal year in which the funds are so apportioned.

''(B) TREATMENT OF CERTAIN FUNDS.—Any funds apportioned under paragraph (2) that are not obligated at the end of the period referred to in subparagraph (A) shall be allocated equally among the States that meet the requirements of subsection (a)(3).

''(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under subsection (b) from apportionment are available for apportionment to a State under paragraph (1), the State does not meet the requirements of subsection (a)(3), the funds shall be allocated equally among the States that meet the requirements of subsection (a)(3).''.

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 1 of title 23, United States Code, is amended by adding at the end the following:

''165. Liability for permitting an intoxicated arrestee to operate a motor vehicle.''.

By Mr. HATCH (for himself, Mrs. FEINSTEIN, Mr. STEVENS, Mr. MILLER, Mr. CAMPBELL, Mr. MCCAIN, Mr. BREAUX, Mr. CRAIG, Mr. ENSIGN, Mr. LUGAR, Mrs. LINCOLN, Mr. BAUCUS, Mr. BOND, Mr. LOTT, Mr. HOLLINGS, Mr. DAYTON, Mr. SESSIONS, Mr. NELSON of Nebraska, Mr. INHOFE, Mr. BUNNING, Mr. ALLARD, Ms. COLLINS, Mr. CRAPO, Mr. DEWINE, Mr. FRIST, Mr. GRASSLEY, Mr. HAGEL, Mrs. HUTCHISON, Mr. ROBERTS, Mr. WARNER, Mr. ALLEN, Mr. BROWNBACK, Mr. BURNS, Mr. DOMENICI, Mr. GREGG, Mr. SANTORUM, Mr. SHELBY, Ms. SNOWE, Mr. GRAHAM of South Carolina, Mr. CORNYN, Mr. TALENT, and Mr. ALEXANDER):

S.J. Res 4. A joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, it is with profound honor and reverence that I,

together with my friend and colleague, Senator FEINSTEIN, introduce a bipartisan constitutional amendment to permit Congress to prohibit the physical desecration of the American flag.

The American flag serves as a symbol of our great Nation. The flag represents, in a way nothing else can, the common bond shared by an otherwise diverse people. As a sponsor and longtime supporter of the proposed constitutional amendment to protect the American flag, I am very pleased, but not surprised, by the way Americans have been waving the flag as a symbol of solidarity following the September 11 attacks of 2001. The emotion that Americans feel when they see the stars and stripes confirms my view that the flag is much more than a piece of cloth—it is a unifying force that represents the common core ideals all Americans share. Whatever our differences of party, race, religion, or socio-economic status, the flag reminds us that we are very much one people, united in a shared destiny, bonded in a common faith in our nation.

More than a decade ago, Supreme Court Justice John Paul Stevens reminded us of the significance of our unique emblem when he wrote:

> A country's flag is a symbol of more than nationhood and national unity. It also signifies the ideas that characterize the society that has chosen that emblem as well as the special history that has animated the growth and power of those ideas. . . . So it is with the American flag. It is more than a proud symbol of the courage, the determination, and the gifts of a nation that transformed 13 fledgling colonies into a world power. It is a symbol of freedom, of equal opportunity, of religious tolerance, and of goodwill for other peoples who share our aspirations.

Throughout our history, the flag has captured the hearts and minds of all types of people—ranging from school teachers to union workers, traffic cops, grandmothers, and combat veterans. In 1861, President Abraham Lincoln called our young men to put their lives on the line to preserve the Union. When Union troops were beaten and demoralized, General Ulysses Grant ordered a detachment of men to make an early morning attack on Lookout Mountain in Tennessee. When the fog lifted from Lookout Mountain, the rest of the Union troops saw the American flag flying and cheered with a newfound courage. This courage eventually led to a nation of free men—not half-free and half-slave.

In 1941, President Franklin Roosevelt called on all Americans to fight the aggression of the Axis powers. After suffering numerous early defeats, the free world watched in awe as five Marines and one sailor raised the American flag on Iwo Jima. Their undaunted, courageous act, for which three of the six men died, inspired the Allied troops to attain victory over fascism.

In 1990, President Bush called on our young men and women to go to the Mideast for Operations Desert Shield and Desert Storm. After an unprovoked attack by the terrorist dictator Saddam Hussein on the Kingdom of Kuwait, American troops, wearing arm patches with the American flag on their shoulders, led the way to victory. General Norman Schwarzkopf addressed a joint session of Congress describing the American men and women who fought for the ideals symbolized by the American flag:

> [W]e were Protestants and Catholics and Jews and Moslems and Buddhists, and many other religions, fighting for a common and just cause. Because that's what your military is. And we were black and white and yellow and brown and red. And we noticed that when our blood was shed in the desert, it didn't separate by race. It flowed together.

General Schwarzkopf then thanked the American people for their support, stating:

> The prophets of doom, the naysayers, the protesters and the flag-burners all said that you wouldn't stick by us, but we knew better. We knew you'd never let us down. By golly, you didn't.

The pages of our history show that when this country has called our young men and women to serve under the American flag from Lookout Mountain to Iwo Jima to Kuwait, they have given their blood and lives. The crosses at Arlington, the Iwo Jima memorial, and the Vietnam Memorial honor those sacrifices. But there were those who did not.

In 1984, Greg Johnson led a group of radicals in a protest march in which he doused an American flag with kerosene and set it on fire as his fellow protestors chanted: ''America, the red, white, and blue, we spit on you.'' Sadly, the radical extremists, most of whom have given nothing, suffered nothing, and who respect nothing, would rather burn and spit on the American flag than honor it.

Contrast this image with the deeds of Roy Benavidez, an Army Sergeant from Texas, who led a helicopter extraction force to rescue a reconnaissance team in Vietnam. Despite being wounded in the leg, face, back, head, and abdomen by small arms fire, grenades, and hand-to-hand combat with vicious North Vietnamese soldiers, Benavidez held off the enemy and carried several wounded to the helicopters, until finally collapsing from a loss of blood. Benavidez earned the Medal of Honor. When Benavidez was buried in Arlington National Cemetery, the honor guard placed an American flag on his coffin and then folded it and gave it to his widow. The purpose of Roy Benavidez' heroic sacrifice—and the purpose of the American people's ratification of the First Amendment—was not to protect the right of radicals like Greg Johnson to burn and spit on the American flag.

The American people have long distinguished between the First Amendment right to speak and write one's political opinions and the disrespectful, and often violent, physical destruction of the flag. For many years, the people's elected representatives in Congress and 49 state legislatures passed statutes prohibiting the physical desecration of the flag. Our founding fathers, Chief Justice Earl Warren, and Justice Hugo Black believed these laws to be completely consistent with the First Amendment's protection of the spoken and written word and not disrespectful, extremist conduct.

In 1989, however, the Supreme Court abandoned the history and intent of the First Amendment to embrace a philosophy that made no distinction between oral and written speech about the flag and extremist, disrespectful destruction of the flag. In Texas v. Johnson, five members of the Court, for the first time ever, struck down a flag protection statute. The majority argued that the First Amendment had somehow changed and now prevented a state from protecting the American flag from radical, disrespectful, and violent actions. When Congress responded with a federal flag protection statute, the Supreme Court, in United States v. Eichman, used its new and changed interpretation of the First Amendment to strike it down by another five-to-four vote.

Under this new interpretation of the First Amendment, it is assumed that the people, their elected legislators, and the courts can no longer distinguish between expressions concerning the flag that are more akin to spoken and written expression and expressions that constitute the disrespectful physical desecration of the flag. Because of this assumed inability to make such distinctions, it is argued that all of our freedoms to speak and write political ideas are wholly dependent on Greg Johnson's newly created ''right'' to burn and spit on the American flag.

This ill-advised and radical philosophy fails because its basic premise—that laws and judges cannot distinguish between political expression and disrespectful physical desecration—is so obviously false. It is precisely this distinction that laws and judges did in fact make for over 200 years. Just as judges have distinguished which laws and actions comply with the constitutional command to provide ''equal protection of the laws'' and ''due process of law,'' so too have judges been able to distinguish between free expression and disrespectful destruction.

Certainly, extremist conduct such as smashing in the doors of the State Department may be a way of expressing one's dissatisfaction with the nation's foreign policy objectives. And one may even consider such behavior speech. Laws, however, can be enacted preventing such actions in large part because there are peaceful alternatives that can be equally powerful. After all, right here in the United States Senate, we prohibit speeches or demonstrations of any kind, even the silent display of signs or banners, in the public galleries.

Moreover, it was not this radical philosophy of protecting disrespectful destruction that the people elevated to the status of constitutional law. Such an extremist philosophy was never

ratified. Such a philosophy is not found in the original and historic intent of the First Amendment. Thus, in this Senator's view, the Supreme Court erred in Texas v. Johnson and in United States v. Eichman.

Since Johnson and Eichman, constitutional scholars have opined that an attempt by Congress to protect the flag with another statute would fail in light of the new interpretation currently embraced by the Supreme Court. Thus, an amendment is the only legal means to protect the flag.

This amendment affects only the most radical forms of conduct and will leave untouched the current constitutional protections for Americans to speak their sentiments in a rally, to write their sentiments to their newspaper, and to vote their sentiments at the ballot box. The amendment simply restores the traditional and historic power of the people's elected representatives to prohibit the radical and extremist physical desecration of the flag.

Restoring legal protection to the American flag will not place us on a slippery slope to limit other freedoms. No other symbol of our bi-partisan national ideals has flown over the battlefields, cemeteries, football fields, and school yards of America. No other symbol has lifted the hearts of ordinary men and women seeking liberty around the world. No other symbol has been paid for with so much blood of our countrymen. The American people have paid for their flag, and it is our duty to let them protect it.

This amendment offers Senators, from both sides of the aisle, the opportunity to stand united for the protection of the sacred symbol of our nation.

Restoring legal protection to the American flag is not, nor should it be, a partisan issue. More than 40 Senators, both Republicans and Democrats, have already joined with Senator FEINSTEIN and myself as original cosponsors of this amendment. I am pleased that this amendment has the unqualified support of our distinguished colleagues: Senators TED STEVENS; ZELL MILLER; JOHN MCCAIN; JOHN B. BREAUX; LARRY E. CRAIG; JOHN E. ENSIGN; RICHARD G. LUGAR; BLANCHE LINCOLN; MAX BAUCUS; CHRISTOPHER S. BOND; TRENT LOTT; ERNEST F. HOLLINGS; MARK DAYTON; JEFF SESSIONS; E. BENJAMIN NELSON; JAMES M. INHOFE; JIM BUNNING; WAYNE ALLARD; SUSAN M. COLLINS; MICHAEL D. CRAPO; MICHAEL DEWINE; BILL FRIST; CHARLES E. GRASSLEY; CHUCK HAGEL; KAY BAILEY HUTCHINSON; PAT ROBERTS; JOHN W. WARNER; GEORGE ALLEN; SAM BROWNBACK; CONRAD R. BURNS; PETE V. DOMENICI; JUDD GREGG; RICK SANTORUM; RICHARD C. SHELBY; OLYMPIA J. SNOWE; LINDSEY GRAHAM; JOHN CORNYN; JAMES TALENT; LAMAR ALEXANDER; BEN NIGHTHORSE CAMPBELL.

Polls have shown that 80 percent of the American people want the opportunity to vote to protect their flag. Numerous organizations from the American Legion to the Women's War Veterans to the African-American Women's clergy all support the flag protection amendment. All 50 State legislatures have passed resolutions calling for constitutional protection for the flag.

I am, therefore, proud to rise today to introduce a constitutional amendment that would restore to the people's elected representatives the right to protect our unique national symbol, the American flag, from acts of physical desecration.

I ask unanimous consent that the text of the proposed amendment be printed in the RECORD.

I am very honored to be a cosponsor with my dear friend from California, Senator FEINSTEIN. I appreciate the effort and unwavering support she has put forth in this battle. I am proud and privileged to be able to work with her.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S.J. RES. 4

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within 7 years after the date of its submission for ratification:

''ARTICLE—

''The Congress shall have power to prohibit the physical desecration of the flag of the United States.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 22—EXPRESSING THE SENSE OF THE SENATE REGARDING THE IMPLEMENTATION OF THE NO CHILD LEFT BEHIND ACT OF 2001

Mr. DORGAN (for himself and Mr. CONRAD) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 22

Whereas all students, no matter where they live, should receive the highest quality education possible, and Congress and the President enacted the No Child Left Behind Act of 2001 (Public Law 107–110) to ensure high academic standards and the tools and resources to meet those standards;

Whereas the No Child Left Behind Act of 2001 imposes many new requirements and challenges for States, school districts, and individual educators;

Whereas many States and school districts are struggling to understand the requirements of the No Child Left Behind Act of 2001, even as additional regulations and guidance continue to be forthcoming from the Department of Education;

Whereas the small size, remoteness, and lack of resources of many rural schools pose potential additional problems in implementing the No Child Left Behind Act of 2001;

Whereas many rural schools and school districts have very small numbers of students, such that the performance of a few students on the assessments required by the No Child Left Behind Act of 2001 can determine the progress or lack of progress of that school or school district;

Whereas the small number of students in many rural schools can make the disaggregation of testing results difficult and even statistically unreliable;

Whereas some of the options created for students attending failing schools, including the choice to attend another public school and the availability of supplemental tutoring services, simply may not be available in rural areas or may be prohibitively expensive due to the cost of transportation over long distances;

Whereas many rural schools already have shortages of teachers in key subject areas, rural teachers frequently teach in multiple subject areas, and rural teachers tend to be older, and lower paid than their urban counterparts;

Whereas many experienced teachers and paraprofessionals in rural schools may not meet the definition of ''highly qualified'' in the No Child Left Behind Act of 2001 and rural school districts will have difficulty competing with large school districts in recruiting and retaining quality teachers;

Whereas the No Child Left Behind Act of 2001 imposes many new requirements on schools and school districts, but the President's budget request for fiscal year 2003 does not provide the level of funding needed and authorized to meet those requirements and in fact cuts funding by $90,000,000 for programs contained in the No Child Left Behind Act of 2001; and

Whereas a majority of the States are being forced to cut budgets and local governments are also struggling with revenue shortfalls that make it difficult to provide the increased resources necessary to implement the No Child Left Behind Act of 2001 in the absence of adequate federal funding: Now, therefore, be it

Resolved, That—

(1) the Secretary of Education should provide the maximum flexibility possible in assisting predominantly rural States and school districts in meeting the unique challenges presented to them by the No Child Left Behind Act of 2001 (Public Law 107–110);

(2) the President should, in his fiscal year 2004 budget request, request the full levels of funding authorized under the No Child Left Behind Act of 2001 for all programs, including the Rural Education Achievement Program (20 U.S.C. 7341 et seq.); and

(3) it is the sense of the Senate that, if the President does not request and Congress does not provide full funding for the No Child Left Behind Act of 2001 in fiscal year 2004, Congress should suspend the enforcement of the implementation of the requirements of the No Child Left Behind Act of 2001 until full funding is provided.

Mr. DORGAN. Mr. President, today, I am submitting a Sense of the Senate Resolution that expresses my concerns about the implementation of the No Child Left Behind Act.

I supported this law when it was passed by the Senate with overwhelming bipartisan support, and I still support it. In general, I think it is very appropriate and important for us as a Nation to demand very high standards of performance from our schools and to identify those schools that

should be doing better and give them the assistance they need to improve.

Having said that, I do have concerns that a lack of adequate funding and a potential lack of flexibility in the implementation of this new law could set out public schools up for failure, and that is wrong. All of us have an obligation, as parents, educators, concerned citizens, and policymakers, to get the implementation of this law right.

Nationwide, about 25 percent of public schools are rural. In North Dakota, fully 89 percent of our public school districts are rural. The No Child Left Behind Act imposes many new requirements that will be challenging for all States and schools to meet. However, rural school districts face unique challenges that are compounded by the small size, remoteness, and lack of resources facing many rural schools.

Rural educators in my State have pointed out a number of unique concerns facing them. For example, many rural school districts in North Dakota have very small numbers of students. The poor performance of just a few students on the tests required by the No Child Left Behind Act could result in a school being identified as needing improvement, even when most of the students are performing very well.

In addition, some of the options created under the No Child Left Behind Act for students attending schools identified for improvement simply may not be available in rural areas. For instance, most of the school districts in my State only include one school, so another public school choice is not an option. Likewise, the distance to the next nearest school district may be impractical or the cost of transportation may be prohibitively expensive. Similar concerns exist with the availability of supplemental tutoring services.

Many rural schools already have shortages of teachers in key subject areas, even though rural instructors frequently tech in multiple subject areas. Some of the experienced teachers and paraprofessionals in rural schools may not meet the new ''highly qualified'' requirements of the No Child Left Behind Act, and it will be very difficult for rural school districts to complete with large school districts in recruiting and retaining quality teachers.

I believe the No Child Left Behind Law provides States with the flexibility that is needed to address these and other concerns, if the Department of Education allows States to use that flexibility and the States take advantage of it. As President Bush himself said last week, ''One size doesn't fit all when it comes to public education.''

Of course, the other ingredient that is needed is funding. Even with the necessary flexibility, if schools do not have the resources to make needed reforms, they will not be able to improve.

When the Congress and the President last year reached bipartisan agreement on the No Child Left Behind Act, we agreed on the levels of funding that would be necessary to meet the new expectations and requirements. That law authorizes $31 billion for the No Child Left Behind Act in fiscal year 2003, a $9 billion increase over the fiscal year 2002 level.

Unfortuantely, barely a month after this legislation was signed into law, the President sent to Congress a budget that no only did not fully fund the increases in the No Child Left Behind Act, it actually cut funding by $90 million.

One cut of particular concern to me is the President's proposal to eliminate funding for the Rural Education Achievement Program, REAP, which was funded in fiscal year 2002 at $162.5 million. REAP funding is particularly important because it is targeted at small, rural districts that do not receive large enough amounts of money through the individual federal formula ''title programs'' to make substantive changes or investments. In addition, because small rural districts often lack the administrative staff to apply for competitive grants from the State and Federal level, they receive a smaller proportion of federal dollars then their suburban or urban counterparts.

For many rural school districts, REAP will mean an additional $20,000 to $60,000 in new funding that will help them to meet the challenges of implementing the No Child Left Behind Act. While this may not seem like much funding to an urban or suburban district, to a small rural district it makes a real impact.

As Congress completes work on the fiscal year 2003 Education appropriations bill, I hope we will provide the $31 billion authorized in No Child Left Behind. I understand that Senator HARKIN plans to offer an amendment to bring the funding level up to the authorized amount. Given that the No Child Left Behind Act was passed by the Senate by an 87–10 vote, I would hope and expect that Senator HARKIN's amendment would receive similarly strong bipartisan support.

However, my Sense of the Senate resolution also calls on President Bush to request the authorized level of funding of $34 billion in his fiscal year 2004 budget he will send to Congress next month, and it calls on Congress to appropriate that level of funding in fiscal year 2004.

If full funding is not provided in fiscal year 2004, my resolution expresses the ''Sense of the Senate'' that enforcement of the No Child Left Behind Act should be suspended. A moratorium on enforcement is not my preference. Our children would be much better off if Congress and the President simply lived up to their commitment to provide the level of funding and flexibility needed to implement this law correctly. That should be our goal.

However, without this funding, we are simply imposing an enormous ''unfunded mandate'' on states and local school districts. The reality is that the budget crises facing just about every state and local government make it virtually impossible for states and local governments to make up for the lack of resources from the federal government.

Fundamentally, this can be a good law, and I think it would be a shame, and irresponsible to our children, if it cannot be implemented properly because Congress did not provide the resources it said it would.

SENATE RESOLUTION 23—SUPPORTING A DECISION OF THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT RELATING TO THE ADMISSIONS POLICY OF THE UNIVERSITY OF MICHIGAN

Mr. DASCHLE (for himself and Mr. GRAHAM of Florida) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 23

Whereas racial and ethnic diversity has far-reaching benefits for all students, nonminorities and minorities alike;

Whereas racial and ethnic diversity increases the range of ideas and perspectives raised in the classroom, generates complex thinking, and prepares students to become participants in a pluralistic democratic society;

Whereas racial and ethnic diversity has a positive effect on students' intellectual and personal development because such diversity causes students to challenge stereotypes, broaden perspectives, and sharpen critical thinking skills;

Whereas a study done in 2000 by the American College on Education and the American Association of University Professors found that students and faculty believe that having multiracial and multiethnic student populations has a positive effect on students' cognitive and personal development;

Whereas in 1955, 1 year after the Supreme Court decided Brown v. Board of Education, 347 U.S. 483 (1954), less than 5 percent of college students in the United States were African-American;

Whereas by 1990, because of affirmative action and other initiatives, over 11 percent of college students in the United States were African-American;

Whereas after the United States Court of Appeals for the Fifth Circuit ruled, in Hopwood v. Texas, 78 F.3d 932 (5th Cir. 1996), that the University of Texas Law School's affirmative action program was unconstitutional, Latino and African-American admissions to the law school plummeted by 64 percent and 88 percent, respectively;

Whereas after California's anti-affirmative action measure, Proposition 209, took affect, law school admissions dropped nearly 72 percent among African-American applicants and 35 percent among Latino applicants;

Whereas, even with affirmative action measures there continues to be significant racial disparities between the enrollment rates of minority students and white students;

Whereas in 1978, in Regents of University of California v. Bakke, 438 U.S. 265 (1978), the Supreme Court ruled that campus diversity is a ''compelling governmental interest'' that justifies race and ethnicity as one of many factors that a university may consider in developing a diverse student body;

Whereas the admissions policy of the University of Michigan adheres to the standards set out in the landmark Bakke decision;

Whereas the University of Michigan does not have racial quotas for admission, and instead uses many factors to select students, including race, social and economic background, geographic origin, athletic ability, and a relationship to alumni, as well as test scores, grades, and essay scores;

Whereas all of those factors help the University of Michigan select a diverse well-rounded student body that is not just racially diverse, but economically and geographically diverse; and

Whereas the University of Michigan's admissions policy so far has been upheld as constitutional by the United States Court of Appeals for the Sixth Circuit, in the case of Grutter v. Bollinger, 288 F.3d 732 (6th Cir. 2002): Now, therefore, be it

Resolved, that the Senate—

(1) strongly supports the decision of the United States Court of Appeals for the Sixth Circuit, in the case of Grutter v. Bollinger; and

(2) authorizes and instructs the Senate Legal Counsel to appear as amicus curiae in that case, in the name of the Senate, to defend the constitutionality of the University of Michigan's admissions policy to ensure a diverse student body.

AMENDMENTS SUBMITTED & PROPOSED

SA 4. Mr. LUGAR submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table.

SA 5. Mrs. CLINTON submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 6. Mr. COLEMAN (for himself and Mr. DAYTON) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 7. Mr. GRAHAM, of Florida (for himself, Mr. NELSON, of Florida, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 8. Mr. BYRD (for himself and Mr. ROCKEFELLER) proposed an amendment to the joint resolution H.J. Res. 2, supra.

SA 9. Mr. KERRY (for himself, Mr. KENNEDY, Mr. SCHUMER, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 10. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 11. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 12. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 13. Mr. KENNEDY (for himself, Mr. DASCHLE, Mr. DODD, Mr. REED, Mr. BINGAMAN, Mrs. MURRAY, Mrs. CLINTON, Ms. MIKULSKI, Mr. JEFFORDS, Mr. SCHUMER, Mr. LAUTENBERG, Mr. SARBANES, Mr. JOHNSON, and Mr. KOHL) proposed an amendment to the joint resolution H.J. Res. 2, supra.

SA 14. Mr. GRAHAM, of Florida (for himself and Mr. NELSON, of Florida) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 15. Mr. GRAHAM, of Florida (for himself and Mr. NELSON, of Florida) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 16. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 17. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 18. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 19. Mr. GREGG proposed an amendment to the joint resolution H.J. Res. 2, supra.

SA 20. Ms. SNOWE submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 21. Ms. SNOWE submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 22. Mr. MCCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 23. Mr. GRASSLEY (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 24. Mr. DAYTON submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 25. Mr. DAYTON submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 26. Mr. LOTT submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 27. Mr. REED (for himself, Ms. COLLINS, Mr. DAYTON, Mr. JEFFORDS, Mr. DEWINE, Mr. KENNEDY, Mr. SARBANES, Ms. CANTWELL, Ms. STABENOW, Mrs. CLINTON, Mr. DODD, Mr. KERRY , Mr. LEVIN, Mr. CORZINE, Mr. LEAHY, Mr. DURBIN, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 28. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 29. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 30. Mrs. MURRAY (for herself, Mrs. HUTCHISON, Mr. BYRD, Ms. SNOWE, Mr. HOLLINGS, Mr. CHAFEE, Mr. BIDEN, Mr. SPECTER, Mr. LEAHY, Mr. CARPER, Mr. LAUTENBERG, Mr. CORZINE, Mr. KERRY, Mr. ROCKEFELLER, Mr. DODD, Mrs. CLINTON, Mr. REID, Mr. JEFFORDS, Ms. COLLINS, and Mr. DURBIN) proposed an amendment to the joint resolution H.J. Res. 2, supra.

SA 31. Mr. SCHUMER submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra.

SA 32. Mr. HARKIN (for himself, Mrs. FEINSTEIN, Mr. LEAHY, Mr. BIDEN, Mr. KOHL, Mr. JOHNSON, Mr. NELSON, of Florida, Mr. ROCKEFELLER, Mr. AKAKA, Mr. JEFFORDS, Mrs. MURRAY, and Mr. LAUTENBERG) proposed an amendment to the joint resolution H.J. Res. 2, supra.

SA 33. Mr. CRAIG (for himself, Mr. DORGAN, Mr. CRAPO, Mrs. MURRAY, Mr. JOHNSON, Mr. CONRAD , and Mr. ALLARD) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 34. Mr. CRAIG (for himself, Mr. BURNS, Mrs. MURRAY, Mr. SMITH, Mr. CRAPO, Mr. BAUCUS, Ms. CANTWELL, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4. Mr. LUGAR submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Of the amount appropriated by this title for Atomic Energy Defense Activities for Defense Nuclear Nonproliferation, $8,000,000 shall be available to the Secretary of Energy to carry out a program to encourage graduate students in the United States, and in the Russian Federation, to pursue careers in areas relating to nonproliferation.

SA 5. Mrs. CLINTON submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. HEALTH EXAMINATIONS OF EMERGENCY SERVICES PERSONNEL.

From amounts previously appropriated in chapter 13 of title I of Public Law 107–206 (116 Stat. 894) to the Federal Emergency Management Agency to respond to the September 11, 2001, terrorist attacks on the United States, not less than $90,000,000 shall be made available, until expended, for baseline and follow-up screening and clinical examinations and long-term health monitoring and analysis for emergency services personnel and rescue and recovery personnel, of which not less than $25,000,000 shall be made available for such services for current and retired firefighters.

SA 6. Mr. COLEMAN (for himself and Mr. DAYTON) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 928, line 24, strike ''$3,000,000'' and insert in lieu thereof ''$10,000,000''.

SA 7. Mr. GRAHAM of Florida (for himself, Mr. NELSON of Florida, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert:

Notwithstanding any other provision of law, the Corps of Engineers, using funds made available by this Act and funds made available under any Act enacted before the

date of enactment of this Act for modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–8), shall immediately carry out alternative 6D (including paying 100 percent of the cost of acquiring land or an interest in land) for the purpose of providing a flood protection system for the 8.5 square mile area described in the report entitled ''Central and South Florida Project, Modified Water Deliveries to Everglades National Park, Florida, 8.5 Square Mile Area, General Reevaluation Report and Final Supplemental Environmental Impact Statement'' and dated July 2000.

SA 8. Mr. BYRD (for himself and Mr. ROCKEFELLER) proposed an amendment to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; as follows:

At the appropriate place in the joint resolution insert the following:

DIVISION —HOMELAND SECURITY SUPPLEMENTAL APPROPRIATIONS

That, in addition to the funds provided elsewhere in this joint resolution, the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, and for other purposes, namely:

CHAPTER 1

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $363,000,000, to remain available until expended, only for the Entry Exit System, to be managed by the Justice Management Division: *Provided*, That none of the funds appropriated in this Act, or in Public Law 107–117, for the Immigration and Naturalization Service's Entry Exit System may be obligated until the INS submits a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A–11, part 3; (2) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (3) is reviewed by the General Accounting Office; and (4) has been approved by the Committees on Appropriations: *Provided further*, That funds provided under this heading shall only be available for obligation and expenditure in accordance with the procedures applicable to reprogramming notifications set forth in section 605 of Public Law 107–77.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

ENFORCEMENT AND BORDER AFFAIRS

For an additional amount for ''Salaries and Expenses, Enforcement and Border Affairs'', $77,000,000, to remain available until expended, of which $25,000,000 shall be only for apprehending absconders, of which $25,000,000 shall be for fleet management, and of which $6,250,000 shall be only for pay upgrades for Border Patrol agents and Immigration Inspectors.

CONSTRUCTION

For an additional amount for ''Construction'', $100,000,000, to remain available until expended.

OFFICE OF JUSTICE PROGRAMS

COMMUNITY ORIENTED POLICING SERVICES

For an additional amount for the Community Oriented Policing Services, Interoperable Communications Technology Program in consultation with the Office of Science and Technology within the National Institute of Justice, and the Bureau of Justice Assistance, for emergency expenses for activities related to combating terrorism by providing grants to States and localities to improve communications within, and among, law enforcement and other first responder agencies, $100,000,000, to remain available until expended.

CHAPTER 2

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For an additional amount for ''Weapons Activities'' for emergency expenses, $150,000,000: *Provided*, That $25,000,000 of the funds provided shall be available for secure transportation asset activities: *Provided further*, That $35,000,000 shall be available for construction and renovation activities at the National Center for Combating Terrorism: *Provided further*, That $90,000,000 of the funds provided shall be available to meet increased safeguard and security needs throughout the nuclear weapons complex, including at least $25,000,000 for cyber security.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

OTHER DEFENSE ACTIVITIES

For an additional amount for ''Other Defense Activities'' for emergency expenses needed to conduct critical infrastructure assessments at critical energy supply facilities nationwide, $50,000,000, to remain available until expended: *Provided*, That $25,000,000 of the funds made available shall be provided to the National Infrastructure Simulation and Analysis Center: *Provided further*, That $25,000,000 of the funds made available shall be provided to the National Energy Technology Laboratory.

CHAPTER 3

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For additional amounts for grants to state and local health departments to support activities related to immunizing first responders against smallpox, $850,000,000: *Provided*, That this amount is transferred to the Centers for Disease Control and Prevention.

CHAPTER 4

DEPARTMENT OF TRANSPORTATION

TRANSPORTATION SECURITY ADMINISTRATION

SALARIES AND EXPENSES

For additional amounts for necessary expenses of the Transportation Security Administration related to transportation security services pursuant to Public Law 107–71, $1,120,000,000, to remain available until September 30, 2004, of which not less than $500,000,000 shall be available for port security grants for the purpose of implementing the provisions of the Maritime Transportation Security Act, not less than $200,000,000 shall be available for the costs associated with the modification of airports to comply with the provisions of the Aviation and Transportation Security Act, and not less than $120,000,000 shall be available for Operation Safe Commerce.

CHAPTER 5

DEPARTMENT OF THE TREASURY

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For additional amount for ''Salaries and Expenses'', $89,600,000, to remain available until expended; of the total, not to exceed $47,000,000 shall be available for the Container Security Initiative; not to exceed $15,000,000 shall be available for pay parity; and not to exceed $27,600,000 shall be available for northern and southern border port-of-entry infrastructure.

CHAPTER 6

INDEPENDENT AGENCIES

FEDERAL EMERGENCY MANAGEMENT AGENCY

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount for ''Emergency management planning and assistance'' for emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, $100,000,000.

This division may be cited as the ''Homeland Security Supplemental Appropriations Division'', of this joint resolution.

SA 9. Mr. KERRY (for himself Mr. KENNEDY, Mr. SCHUMER, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 213 and insert the following:

SEC. 213. The Department of Housing and Urban Development shall not be responsible for any monetary liabilities incurred by the implementation of section 9(n)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437g(n)(1)) between the date of enactment of that section and the final disposition and judgement, including any appeals, of Auburn Housing Authority vs. Martinez, 277 F.3d 138 (2d Cir. 2002).

SA 10. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the joint resolution H.J. Res 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

(a) The Administrator of General Services shall accept all right, title and interest in the property described in subsection (b), if written offer therefore (accompanied by such proof of title, property descriptions and other information as the Administration may require) is received by the Administrator from the owner of such property within 12 months after the date of the enactment of this Act.

(b) The property described in this subsection is the property located at 5401 NW Broken Sound Boulevard, Boca Raton, Florida and all improvements thereon.

(c) The United States shall pay an amount that does not exceed $1 in consideration of any right, title, or interest received by the United States under this section.

SA. 11. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

''Of the funds appropriated for the Centers for Disease Control, not less then $300,000 shall be made available to assist Citizens Against Toxic Exposure (CATE) in Pensacola, Florida, in locating and screening individuals for health problems associated with

local toxic pollution, and in assisting those who have been exposed to these environmental toxins.''

And, at the appropriate place, insert the following:

''Of the funds appropriated for the Health Care Financing Administration, not less then $850,000 shall be made available to the University of West Florida for the P.E.R.C.H. (Partnership for Environmental and Community Health) research project.''

SA 12. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

''Of the funds appropriated for the Environmental Protection Agency, not less then $850,000 shall be made available to the University of West Florida for the P.E.R.C.H. (Partnership for Environmental and Community Health) research project.''

SA 13. Mr. KENNEDY (for himself, Mr. DASCHLE, Mr. DODD, Mr. REED, Mr. BINGAMAN, Mrs. MURRAY, Mrs. CLINTON, Ms. MIKULSKI, Mr. JEFFORDS, Mr. SCHUMER, Mr. LAUTENBERG, Mr. SARBANES, Mr. JOHNSON, and Mr. KOHL) proposed to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; as follows:

At the appropriate place in division G, insert the following:

TITLE ____—EDUCATION TO SECURE TOMORROW

SEC. ____. SHORT TITLE.

This title may be cited as the ''Trust in Education to Secure Tomorrow (TEST) for America's Future''.

SEC. ____. DECLARATION OF PURPOSE AND POLICY; FINDINGS.

(a) DECLARATION OF PURPOSE AND POLICY.—Congress declares the following:

(1) The security of the Nation requires the fullest development of the mental resources and technical skills of its young men and women. The present national security emergency demands that additional and more adequate educational opportunities be made available. The defense of this Nation depends upon the mastery of modern techniques developed from complex scientific principles. It depends as well upon the discovery and development of new principles, new techniques, and new knowledge.

(2) We must increase our efforts to identify and educate more of the talent of our Nation. This requires programs that will correct as rapidly as possible the existing imbalances in our educational system and will give assurance that no student of ability will be denied an opportunity for higher education because of financial need.

(3) Congress reaffirms the principle and declares that the States and local communities have and must retain control over and primary responsibility for public education. The national interest requires, however, that the Federal Government give assistance to education for programs which are important to our defense.

(4) To meet the present emergency requires additional effort at all levels of government. It is therefore the purpose of this division to provide substantial assistance in various forms to individuals, and to States and their subdivisions, in order to insure trained manpower of sufficient quality and quantity to meet the national defense needs of the United States.

(b) FINDINGS.—Congress finds the following:

(1) In fiscal year 2002, the No Child Left Behind Act of 2001 (Public Law 107–110) was funded at $22,195,000,000. The Budget of the United States Government for Fiscal Year 2003, as submitted to Congress, proposes to fund the No Child Left Behind Act of 2001 (Public Law 107–110) at $22,105,000,000.

(2) The size of the maximum Federal Pell Grant is authorized to be $5,800, but because of insufficient funding, in fiscal year 2002, the maximum Federal Pell Grant was only $4,000.

(3) State budget deficits are having a pronounced effect on State education funding and public college and university tuition.

(4) In fiscal year 1946, the share of the Federal budget dedicated to education was 10.4 percent. In fiscal year 2002, the share of the Federal budget dedicated to education was 2.5 percent. On March 23, 1994, the United States Senate unanimously resolved to increase to 10 percent by 2004 the share of the Federal budget dedicated to education.

SEC. ____. MEET THE PROMISE OF THE NO CHILD LEFT BEHIND ACT.

In addition to any amounts otherwise appropriated under this Act for part A of title I of the Elementary and Secondary Education Act of 1965, the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2003, $4,650,000,000 for carrying out such part, to remain available through September 30, 2004: *Provided,* That $2,325,000,000 of the amount of funding appropriated under this section for part A of title I of the Elementary and Secondary Education Act of 1965 shall be distributed according to section 1125 of such Act: *Provided further,* That $2,325,000,000 of the amount of funding appropriated under this section for part A of title I of the Elementary and Secondary Education Act of 1965 shall be distributed according to section 1125A of such Act.

SEC. ____. HELP FOR FAMILIES PAYING FOR COLLEGE.

(a) ADDITIONAL APPROPRIATIONS.—The following sums are appropriated, out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2003, for an additional amount for ''Student Financial Assistance'' for carrying out subpart 1 of part A of title IV of the Higher Education Act of 1965, $1,350,000,000 to remain available through September 30, 2004.

(b) MAXIMUM PELL GRANT.—Notwithstanding any other provision of this Act, the maximum Pell Grant for which a student shall be eligible during award year 2003-2004 shall be $4,500.

SEC. ____. RESTORATION OF FUNDING FOR EDUCATION.

Section 601 of Division N shall not apply with respect to programs funded under title III of Division G.

SA 14. Mr. GRAHAM of Florida (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

''Of the funds made available under the heading 'OPERATION AND MAINTENANCE, GENERAL' for the Apalachicola, Chattahoochee, and Flint Rivers, $3,000,000 shall be transferred to, and merged with, funds made available for the Upper Mississippi River System Environmental Management Program.''

SA 15. Mr. GRAHAM of Florida (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

''On the funds appropriated for the National Oceanic and Atmospheric Administration, not less than $7,500,000 shall be made available to the State University System of Florida for the Hurricane Mitigation Alliance.'';

At the appropriate place insert the following:

''Of the funds appropriated for the National Oceanic and Atmospheric Administration, not less than $250,000 shall be made available to New College in Florida for the Sarasota/Manatee Regional Data Sharing Project.'';

At the appropriate place insert the following:

''Of the funds appropriated for the Telecommunications and Information Applications Program, not less than $400,000 shall be made available to Florida Agricultural and Manufacturing University for the WANM Intereconnection Project.'';

At the appropriate place insert the following:

''Of the funds appropriated for the Technology Innovation Program, not less than $2,500,000 shall be made available to the University of South Florida for the Wireless and Microwave Broadband High Power Project,'';

At the appropriate place insert the following:

''Of the funds appropriated for the Office of Juvenile Justice and Delinquency Prevention, not less than $500,000 shall be made available to Florida Gulf Coast University for the Delinquency Prevention and Reduction Project.'';

At the appropriate place insert the following:

''Of the funds appropriated for the National Oceanographic and Atmospheric Administration, not less than $215,000 shall be made available to New College in Florida for Aquarium and Marine Science Education Outreach.'';

At the appropriate place insert the following:

''Of the funds appropriated for the Department of Commerce Office of Technology Innovation, not less than $3,700,000 shall be made available to the University of West Florida for the Business Technology Development Infrastructure Project.'';

At the appropriate place insert the following:

''Of the funds appropriated for the Department of Energy Office of Science, not less than $5,000,000 shall be made available to Florida International University for the Center for Hemispheric Energy Cooperation and Technology.'';

At the appropriate place insert the following:

''Of the funds appropriated for the Department of Energy Office of Science, not less than $4,000,000 shall be made available to the University of Florida for the Orthopedic Science and Engineering Project.'';

At the appropriate place insert the following:

''Of the funds appropriated for the Transportation Security Administration, not less

than $6,000,000 shall be made available to the State University System of Florida for the Intermodal Transportation Safety and Security Initiative.''';

At the appropriate place insert the following:

''Of the funds appropriated for Transit Planning and Research, not less than $2,000,000 shall be made available to the University of South Florida for the National Bus Rapid Transit Institute.'';

At the appropriate place insert the following:

''Of the funds appropriated for the Transportation Security Administration, not less than $3,000,000 shall be made available to the University of Central Florida for the Center for Advanced Human Factors in Transportation Security.'';

At the appropriate place insert the following:

''Of the funds appropriated for the Environmental Protection Agency Office of Science and Technology, not less than $2,000,000 shall be made available to Florida Atlantic University for the Biodiversity and Ecosystems Survey Project.'';

At the appropriate place insert the following:

''Of the funds appropriated for Environmental Programs and Management, not less than $3,000,000 shall be made available to Florida International University for the National Center for Brownfields Remediation.'';

At the appropriate place insert the following:

''Of the funds appropriated for Environmental Programs and Management, not less than $3,000,000 shall be made available to the University of West Florida for the Partnership for Environmental Research.'';

At the appropriate place insert the following:

''Of the funds appropriated for the Administration on Aging, not less than $6,300,000 shall be made available to the State University System of Florida for the Preparing for an Aging Society project.'';

At the appropriate place insert the following:

''Of the funds appropriated for the Department of Education Office of Education Research and Improvement, not less than $4,000,000 shall be made available to the State University System of Florida for the Community Based Learning Hubs project.'';

At the appropriate place insert the following:

''Of the funds appropriated for the Health Resources and Services Administration, not less than $1,500,000 shall be available to the University of Florida for the Telemedicine and Community Health Centers project.'';

At the appropriate place insert the following:

''Of the funds appropriated for the Fund for the Improvement of Education, not less than $6,000,000 shall be available to the State University System of Florida for the Reading/Math/Science Initiative.'';

At the appropriate place insert the following:

''Of the funds appropriated for the Fund for the Improvement of Post-Secondary Education, not less than $5,000,000 shall be available to University of South Florida for the Globalization Research Network.''

SA 16. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, line 22, strike ''$99,696,000'' and all that follows through ''*Provided*, That'' and insert the following: ''$461,696,000, of which not to exceed $3,137,000 is for the Facilities Program 2000, to remain available until expended: *Provided*, That of the amount appropriated under this heading $362,000,000 shall be available only for the Entry Exit System, to be managed by the Justice Management Division: *Provided further*, That none of the funds appropriated in this Act, or in Public Law 107–117, for the Immigration and Naturalization Service's Entry Exit System may be obligated until the INS submits a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A–11, part 3; (2) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (3) is reviewed by the General Accounting Office; and (4) has been approved by the Committees on Appropriations: *Provided further*, That funds provided under this heading shall only be available for obligation and expenditure in accordance with the procedures applicable to reprogramming notifications set forth in section 605 of Public Law 107–77: *Provided further*, That''.

SA 17. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following new section:

SEC. ____. Notwithstanding any other provision of law, none of the funds provided for in this Act shall be obligated or expended to privatize all, or any part, of the air traffic control system as defined in section 40102(42) of title 49, United States Code.

SA 18. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 741, strike lines 5 through 9 and insert ''$1,200,000,000, to remain available until expended.''.

SA 19. Mr. GREGG proposed an amendment to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; as follows:

At the appropriate place add the following:

''SEC. . FUNDING FOR INNOVATIVE PROGRAMS

In addition to any amounts otherwise appropriated under this Act for part A of title I of the Elementary and Secondary Education Act of 1965, the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2003, $5,000,000,000 for carrying out such part, to remain available through September 30, 2004; *Provided*, that notwithstanding any other provision of this Act, any amounts appropriated for programs or activities under title III of Division G that are in excess of $54,195,685,000 shall be distributed to States and local educational agencies in accordance with sections 5111 and 5112 of the Elementary and Secondary Education Act of 1965 to be used by such States and local educational agencies to carry out any activity authorized under the Elementary and Secondary Education Act of 1965, the Individuals with Disabilities in Education Act, or the Higher Education Act of 1965, to remain available through September 30, 2004: *Provided further*, that the percentage amount of any across-the-board rescission provided for under section 601 of Division N of this Act shall be increased by the percentage amount necessary to rescind an amount of funds equal to the total amounts appropriated in excess of $54,195,685,000 for title III of Division G.

SA 20. Ms. SNOWE submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

In the matter under the heading ''RURAL EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES GRANTS'' under the heading ''RURAL BUSINESS-COOPERATIVE SERVICE'' in title III—

(1) strike ''$14,967,000'' and insert ''$32,967,000''; and

(2) insert before the period at the end the following: '', of which $19,978,000 shall be used to make grants to rural empowerment zones designated in the second round of designations and of which $8,000,000 shall be used to make grants to rural empowerment zones designated in the third round of designations: *Provided*, That the Secretary of Agriculture shall use $18,000,000 of funds of the Commodity Credit Corporation to make the grants to rural empowerment zones required under this heading''.

SA 21. Ms. SNOWE submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

In the matter under the heading ''RURAL EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES GRANTS'' under the heading ''RURAL BUSINESS-COOPERATIVE SERVICE'' in title III—

(1) strike ''$14,967,000'' and insert ''$16,167,000''; and

(2) insert before the period at the end the following: '', of which $1,200,000 shall be used to make a grant to the Aroostook County Empowerment Zone: *Provided*, That the Secretary of Agriculture shall use $1,200,000 of funds of the Commodity Credit Corporation to make the grant''.

SA 22. Mr. MCCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

Beginning with line 12 on page 138, strike through line 14 on page 141.

SA 23. Mr. GRASSLEY (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 820, strike lines 3 through 13.

SA 24. Mr. DAYTON submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2,

making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. MANDATORY FUNDING OF IDEA.

Section 611(j) of the Individuals with Disabilities Education Act (29 U.S.C. 1411(j)) is amended to read as follows:

''(j) MANDATORY FUNDING.—

''(1) IN GENERAL.—For the purpose of carrying out this part, other than section 619, there are authorized to be appropriated, and there are appropriated, such sums as may be necessary for fiscal year 2004 and each subsequent fiscal year to fully fund 40 percent of the average per pupil expenditure for programs under this part, other than section 619.

''(2) FORWARD FUNDING.—Funds appropriated for a fiscal year shall become available for obligation on July 1 of that fiscal year and remain available until September 30 of the following fiscal year.''.

SA 25. Mr. DAYTON submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC ___. CONTRACTS WITH CORPORATE EXPATRIATES.

(a) SHORT TITLE.—This section may be cited as the ''Senator Paul Wellstone Corporate Patriotism Act of 2003''.

(b) LIMITATION ON WAIVERS.—Section 835 of the Homeland Security Act of 2002 (Public Law 107–296) is amended by striking subsection (d) and inserting the following:

''(d) WAIVERS.—The President may waive subsection (a) with respect to any specific contract if the President certifies to Congress that the waiver is essential to the national security.''.

(c) EXPANDED COVERAGE OF ENTITIES.—Section 835(a) of such Act is amended by inserting ''nor any directly or indirectly held subsidiary of such entity'' after ''subsection (b)''.

SA 26. Mr. LOTT submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place add the following:

Section 145[c] of P.L. 107–71 is amended by striking the number (18) and inserting the number (36).

SA 27. Mr. REED (for himself Mr. COLLINS, Mr. DAYTON, Mr. JEFFORDS, Mr. DEWINE, Mr. KENNEDY, Mr. SARBANES, Ms. CANTWELL, Ms. STABENOW, Mrs. CLINTON, Mr. DODD, Mr. KERRY, Mr. LEVIN, Mr. CORZINE, Mr. LEAHY, Mr. DURBIN, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the general provisions relating to the Department of Health and Human Services, add the following:

SEC. ___. The Supplemental Appropriations Act, 2001 (Public Law 107–020) is amended, in the matter under the heading ''LOW INCOME HOME ENERGY ASSISTANCE'' under the heading ''ADMINISTRATION FOR CHILDREN AND FAMILIES'' under the heading ''DEPARTMENT OF HEALTH AND HUMAN SERVICES'', in chapter 7 of title II, by striking ''amount for'' and all that follows, and inserting the following: ''amount for making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $300,000,000.''.

SA 28. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Section XXX. Section 511(g)(2)(A) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 410ddd(g)(2)(A)) is amended by striking ''$2,000,000'' and inserting ''$5,000,000''.

SA 29. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Section XXX. Notwithstanding any other provision of law, the Secretary of the Army is directed to use $400,000 of the funds appropriated in Public Law 107–66 for projects carried out pursuant to 33 U.S.C. 2330 to reimburse the non-Federal interest for work undertaken by the non-Federal interest on the Lawrence Gateway Project, Massachusetts.

SA 30. Mrs. MURRAY (for herself, Mrs. HUTCHISON, Mr. BYRD, Ms. SNOWE, Mr. HOLLINGS, Mr. CHAFEE, Mr. BIDEN, Mr. SPECTER, Mr. LEAHY, Mr. CARPER, Mr. LAUTENBERG, Mr. CORZINE, Mr. KERRY, Mr. ROCKEFELLER, Mr. DODD, Mrs. CLINTON, Mr. REID, Mr. JEFFORDS, Ms. COLLINS, and Mr. DURBIN) proposed an amendment to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; as follows:

On page 741, strike lines 3 through 9, and insert:

For necessary expenses of operating costs and capital improvements of the National Railroad Passenger Corporation as authorized by 49 U.S.C. 24104(a), $1,200,000,000, to remain available until expended, of which $550,000,000 shall be for operating expenses, $369,000,000 shall be for capital expenses along the Northeast Corridor Mainline, and $281,000,000 shall be for capital expenses along the remainder of the Corporation's national rail network.

SA 31. Mr. SCHUMER submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; as follows:

On page 723, strike lines 16 through 23, and insert the following:

''$72,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided,* That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation: *Provided further,* That, of the total amount appropriated under this paragraph, $50,000,000 shall be available for the Secretary of Homeland Security to award grants to national laboratories, private nonprofit organizations, institutions of higher education, and other entities for the support of research and development of technologies that can be used to secure the ports of the United States: *Provided further,* That, the proceeds of grants made under the preceding proviso may be used to develop technologies such as equipment that accurately detects explosives or chemical and biological agents that could be used to commit terrorist acts in the United States, equipment that accurately detects nuclear materials (including scintillation-based detection equipment capable of attachment to spreaders to signal the presence of nuclear materials during the unloading of containers), improved tags and seals designed for use on shipping containers to track the transportation of the merchandise in such containers (including ''smart sensors'' that are able to track a container throughout its entire supply chain, detect hazardous and radioactive materials within that container, and transmit such information to the appropriate authorities at a remote location), and tools to mitigate the consequences of a terrorist act at a port of the United States (including a network of sensors to predict the dispersion of radiological, chemical, or biological agents that might be intentionally or accidentally released): *Provided further,* That the proceeds of grants made under such preceding proviso may also be used to develop pilot projects that could be implemented within 12 months at the Port of New York and New Jersey, the port of Los Angeles and Long Beach, California, and the port of Virginia to demonstrate the effectiveness of a system of radiation detection monitors located throughout the port to detect nuclear or radiological material: *Provided further,* That each entity desiring a grant under such preceding proviso shall submit an application to the Secretary of Homeland Security at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.''.

SA 32. Mr. HARKIN (for himself, Mrs. FEINSTEIN, Mr. LEAHY, Mr. BIDEN, Mr. KOHL, Mr. JOHNSON, Mr. NELSON of Florida, Mr. ROCKEFELLER, Mr. AKAKA, Mr. JEFFORDS, Mrs. MURRAY, and Mr. LAUTENBERG) proposed an amendment to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; as follows:

On page 101, line 1, strike ''$134,700,000'' and insert ''$634,700,000''.

SA 33. Mr. CRAIG (for himself, Mr. DORGAN, Mr. CRAPO, Mrs. MURRAY, Mr. JOHNSON, Mr. CONRAD, and Mr. ALLARD) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in Division A, insert the following:

SEC. ___. MARKETING ASSISTANCE LOANS AND LOAN DEFICIENCY PAYMENTS FOR OTHER OILSEEDS, DRY PEAS, LENTILS, AND SMALL CHICKPEAS.

(a) DEFINITION OF OTHER OILSEED.—Section 1001(9) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901(9)) is amended by inserting ''crambe, sesame seed,'' after ''mustard seed,''.

(b) LOAN RATES FOR NONRECOURSE MARKETING ASSISTANCE LOANS.—Section 1202 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7932) is amended—

(1) in subsection (a), by striking paragraph (10) and inserting the following:

''(10) In the case of other oilseeds, $.0960 per pound for each of the following kinds of oilseeds:

''(A) Sunflower seed.
''(B) Rapeseed.
''(C) Canola.
''(D) Safflower.
''(E) Flaxseed.
''(F) Mustard seed.
''(G) Crambe.
''(H) Sesame seed.
''(I) Other oilseeds designated by the Secretary.'';

(2) in subsection (b), by striking paragraph (10) and inserting the following:

''(10) In the case of other oilseeds, $.0930 per pound for each of the following kinds of oilseeds:

''(A) Sunflower seed.
''(B) Rapeseed.
''(C) Canola.
''(D) Safflower.
''(E) Flaxseed.
''(F) Mustard seed.
''(G) Crambe.
''(H) Sesame seed.
''(I) Other oilseeds designated by the Secretary.'';

(3) by adding at the end the following:

''(c) SINGLE COUNTY LOAN RATE FOR OTHER OILSEEDS.—The Secretary shall establish a single loan rate in each county for each kind of other oilseeds described in subsections (a)(10) and (b)(10).

''(d) QUALITY GRADES FOR DRY PEAS, LENTILS, AND SMALL CHICKPEAS.—The loan rate for dry peas, lentils, and small chickpeas shall be based on—

''(1) in the case of dry peas, United States feed peas;

''(2) in the case of lentils, United States number 3 lentils; and

''(3) in the case of small chickpeas, United States number 3 small chickpeas that drop below a 20/64 screen.''.

(c) REPAYMENT OF LOANS.—Section 1204 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7934) is amended—

(1) in subsection (a), by striking ''and extra long staple cotton'' and inserting ''extra long staple cotton, and confectionery and each other kind of sunflower seed (other than oil sunflower seed)'';

(2) by redesignating subsection (f) as subsection (h); and

(3) by inserting after subsection (e) the following:

''(f) REPAYMENT RATES FOR CONFECTIONERY AND OTHER KINDS OF SUNFLOWER SEEDS.—The Secretary shall permit the producers on a farm to repay a marketing assistance loan under section 1201 for confectionery and each other kind of sunflower seed (other than oil sunflower seed) at a rate that is the lesser of—

''(1) the loan rate established for the commodity under section 1202, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)); or

''(2) the repayment rate established for oil sunflower seed.

''(g) QUALITY GRADES FOR DRY PEAS, LENTILS, AND SMALL CHICKPEAS.—The loan repayment rate for dry peas, lentils, and small chickpeas shall be based on the quality grades for the applicable commodity specified in section 1202(d).''.

(d) APPLICABILITY.—This section and the amendments made by this section apply beginning with the 2003 crop of other oilseeds (as defined in section 1001 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901)), dry peas, lentils, and small chickpeas.

SA 34. Mr. CRAIG (for himself, Mr. BURNS, Mrs. MURRAY, Mr. SMITH, Mr. CRAPO, Mr. BAUCUS, Ms. CANTWELL, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 286, between lines 15 and 16, insert the following:

For the purposes of providing funds to assist in financing the construction, acquisition, and replacement of the transmission system of the Bonneville Power Administration and to implement the authority of the Administrator under the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839 et seq.), an additional $700,000,000 in borrowing authority is made available under the Federal Columbia River Transmission System Act (16 U.S.C. 838 et seq.), to remain outstanding at any time: *Provided,* That the Bonneville Power Administration shall not use more than $531,000,000 of its permanent borrowing authority in fiscal year 2003.

PRIVILEGE OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that Britt Jung, a legislative fellow in my office, be granted the privilege of the floor during debate on the omnibus bill.

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

NOTICE—REGISTRATION OF MASS MAILINGS

The filing date for 2002 fourth quarter mass mailings is Monday, January 27, 2003. If your office did no mass mailings during this period, please submit a form that states ''none.''

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116.

The Public Records office will be open from 9 a.m. to 5:30 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224–0322.

ORDERS FOR FRIDAY, JANUARY 17, 2003

Mr. STEVENS. 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 17. I further ask that following the prayer and pledge, the morning hour be deemed to have expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H.J. Res. 2, as under the order.

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

PROGRAM

Mr. STEVENS. Mr. President, tomorrow morning the Senate will resume consideration of this appropriations bill. At 9:30, there will be two consecutive votes on the pending amendments. The first is in relation to the Harkin amendment on Byrne grants, and the second is in relation to the Schumer amendment regarding port security.

Senators should be advised that additional amendments and, therefore, additional votes are expected during tomorrow's session. The Senate will remain in session and a late night is contemplated in order to make substantial progress. If the Senate is unable to finish the bill during tomorrow's session, the Members may expect to return on Tuesday and remain in session until the bill is completed.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, after consultation with the chairman of the Select Committee on Intelligence, and pursuant to provisions of Public Law 107–306, announces the appointment of the Senator from Arizona (Mr. KYL) to serve as a member of the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community.

The Chair, on behalf of the Democratic leader, after consultation with the vice chairman of the Select Committee on Intelligence, and pursuant to provisions of Public Law 107–306, announces the appointment of the following individuals to serve as members of the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community: The Senator from Florida (Mr. GRAHAM); Dr. Paul G. Kaminski of Virginia.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. STEVENS. 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 9:58 p.m., adjourned until Friday, January 17, 2003, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate January 16, 2003:

UNITED STATES SENTENCING COMMISSION

MICHAEL E. HOROWITZ, OF MARYLAND, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION

FOR A TERM EXPIRING OCTOBER 31, 2007, VICE STERLING JOHNSON, JR., TERM EXPIRED.

RICARDO H. HINOJOSA, OF TEXAS, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2007, VICE JOE KENDALL, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

DAVID G. YOUNG III, 0000

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

EDWARD D. PETERSON, 0000
WILLIAM M. ZIEGLER, 0000

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

BENEDICT N. ANTONECCHIA, 0000
THOMAS S. TUCKER, 0000

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

BRITTA A. ANDERSON, 0000
DEBORAH C. MESSECAR, 0000

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

LEWIS A. BRANDES, 0000
EARL L. COTTON SR., 0000
BARRY K. MADDIX, 0000
SANDRA G. MARSH, 0000
THOMAS M. REEVES, 0000
CHARLES E. TUCKER JR., 0000
CHARLES A. WALDEN, 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 major

RAYMOND B. ABARCA, 0000
SHANE L. * ABRAHAMSON, 0000
MICHAEL L. * ACKER, 0000
LANCE K. * ADKINS, 0000
KATHERINE * AGLER, 0000
KEITH E. * ALBEE, 0000
DAVID J. L. ALBRECHT, 0000
TIMOTHY W. * ALBRECHT, 0000
EDWARD J. ALCOCER, 0000
JOSEPH A. * ALDRICH, 0000
MARSHA L. * ALEEM, 0000
KRISTAL L. ALFONSO, 0000
PAUL A. ALFONSO JR., 0000
ROBERT E. ALLARD, 0000
GREGORY S. * ALLEN, 0000
STEPHEN R. * ALLEN, 0000
MICHAEL L. ALLEY JR., 0000
DAVID W. * ALLGOOD, 0000
MICHAEL D. * ALMY, 0000
STEVEN R. * AMBRICO, 0000
LUCIANO H. AMUTAN, 0000
STACEY L. ANASON, 0000
CAROL D. * ANDERSON, 0000
GARY L. * ANDERSON, 0000
JASON * ANDERSON, 0000
JOHN H. * ANDERSON III, 0000
JULIA C. ANDERSON, 0000
MARK C. ANDERSON, 0000
REID E. * ANDERSON, 0000
STEPHEN M. ANDERSON, 0000
AMY J. ANDERSSON, 0000
RESTI ZOILO LABA * ANDIN, 0000
DOUGLAS C. * ANDRIUK, 0000
RONJON * ANNABALLI, 0000
LUIS H. * ANTEQUERA, 0000
DANIEL S. * ARABIA, 0000
JAMES M. * ARGENTO, 0000
SERENA A. * ARMSTRONG, 0000
BRIDGETT S. * ARNOLD, 0000
LYLE B. * ARNOLD, 0000
SAM * ARWOOD, 0000
WILLIAM B. ASHWORTH, 0000
VANJOHN A. * ASUNCION, 0000
JEFFREY R. * AUBIN, 0000
MARK R. AUGUST, 0000
JAMES B. * AUSTIN, 0000
JOHN C. AYRES IV, 0000
STEVEN J. * BABB, 0000
DAVID A. * BACH, 0000
ROY C. * BACOT, 0000
EWING M. * BAILEY, 0000
TIMOTHY D. * BAILEY, 0000
GREGORY C. * BAINUM, 0000
DONALD C. BAKER, 0000
DONALD E. BAKER III, 0000
JARVIS R. BAKER, 0000
TODD J. BAKER, 0000
VALERIE K. * BAKER, 0000
NANCY D. * BALDOCK, 0000
KENNETH E. BALKCUM, 0000
MICHAEL S. BALLEK, 0000
JAMES G. V. * BANDS, 0000
JOSEPH J. * BANIAK, 0000
ROBERT J. * BARAGER, 0000
ZACHERY C. BARBER, 0000
JAMES A. * BARCLAY, 0000
JAMES G. * BARKER, 0000
ROBERT S. BARKER, 0000
THOMAS E. * BARNETT, 0000
BRADLEY W. * BARNHART, 0000
MARK A. * BARRERA, 0000
WARREN * BARRETO, 0000
MICHELLE N. BARRETT, 0000
KEVIN J. BASIK, 0000
WILLIAM J. * BATES, 0000
BRADLEY S. * BAUGH, 0000
PHILIP J. * BAYLIS, 0000
MICHAEL J. * BEACH, 0000
STEVEN M. BEASLEY, 0000
W. B. BEAUMONT, 0000
MICHAEL J. * BEAVIN, 0000
BARRY N. BEHNKEN, 0000
WILLIAM D. * BELEI, 0000
BRENT D. BELL, 0000
WILLIAM S. BELL, 0000
KENNETH J. * BELMEAR, 0000
MATTHEW J. * BELMONTE, 0000
RICHARD A. BENDA, 0000
ELLEN ANN * BENGE, 0000
MATTHEW P. BENIVEGNA, 0000
CHRISTOPHER L. BENNETT, 0000
EARL R. * BENNETT JR., 0000
JORGE E. * BENNETT, 0000
TIMOTHY M. * BENNETT, 0000
DAVID M. BENSON, 0000
JOSEPH T. * BENSON, 0000
JENISE A. * BENTLE, 0000
TODD D. * BERGE, 0000
CHRISTOPHER J. * BERGSTOL, 0000
TODD M. * BERRIER, 0000
JON F. * BERRY, 0000
MICHAEL K. * BETTS, 0000
CAROL A. * BEVERLY, 0000
MICHAEL D. BIORN, 0000
WENDY S. * BIRCH, 0000
BRADLEY C. BIRD, 0000
DUANE E. * BIRD, 0000
BYRON K. * BIROTTE, 0000
ARNO J. * BISCHOFF, 0000
DAVID M. * BISSONNETTE, 0000
JEFFREY A. * BLACKMAN, 0000
STEVEN R. * BLAIR, 0000
PETER D. * BLAKE, 0000
RAYMOND W. * BLANEY, 0000
CRAIG A. BLOOD, 0000
DEBORA L. BLOOD, 0000
JASON J. BOCK, 0000
HARLIE J. BODINE, 0000
AMY J. * BOEHLE, 0000
KARL B. * BOEHLE, 0000
BRIAN J. * BOHENEK, 0000
CHRISTOPHER A. * BOHN, 0000
DONALD V. BOHNEY, 0000
JUSTIN W. BOLDENOW, 0000
JOHN S. * BOMMER JR., 0000
THOMAS A. * BONGIOVI, 0000
ATILANO B. * BONILLA, 0000
DARIN G. BOOTH, 0000
UNES A. BOOTH, 0000
HEATH R. * BOPE, 0000
LYNN M. BOPE, 0000
TROY L. BORN, 0000
SEAN L. * BORROR, 0000
MICHAEL BORYS, 0000
RANDY L. * BOSWELL, 0000
JAMES D. BOTTOMLEE, 0000
JOSEPH G. BOUCHARD JR., 0000
THOMAS G. BOUSHELL, 0000
BRADLEY W. BOUSQUET, 0000
WILLIAM D. BOWMAN, 0000
TREVOR J. * BOYKO, 0000
BENJAMIN L. BRADLEY, 0000
JENNIFER K. * BRADLEY, 0000
EARL E. * BRADSHAW, 0000
RICHARD D. * BRANAM, 0000
JOSEPH D. * BRANDS, 0000
SUZANNE E. * BRAUNSCHNEIDER, 0000
MATTHEW J. BREDEN, 0000
ERIC J. * BRENNER, 0000
JOHN T. BRINER, 0000
TAB A. * BRINKMAN, 0000
ROBERT C. BROGAN, 0000
STEPHANIE W. * BRONSON, 0000
JEFFERY L. * BROOKS, 0000
KEVIN D. * BROOKS, 0000
REBECCA A. * BROOKS, 0000
STEPHEN R. * BROOKS, 0000
JOE S. BROSIOUS, 0000
JEREMY B. * BROWN, 0000
PATRICK A. * BROWN, 0000
PAUL M. * BROWN, 0000
RENE * BROWN, 0000
THOMAS H. * BROWN JR., 0000
KENNETH S. * BROWNE, 0000
WILLIAM W. * BROWNE III, 0000
MICHAEL G. * BROWNWORTH, 0000
REN H. * BROYLES, 0000
ERIK J. * BRUCE, 0000
JAMES S. BRUCE, 0000
EMILLE M. BRYANT, 0000
WILLIAM D. BRYANT, 0000
ARTHUR J. BRYCE, 0000
KEITH E. BRYZA, 0000
HENRY P. BUCK, 0000
BRADFORD E. * BUCKMAN, 0000
KEVIN L. * BUDDELMEYER, 0000
MATTHEW R. * BUEHLER, 0000
DARWINA S. * BUGARIN, 0000
TERRY L. BULLARD, 0000
ROBERT A. BUMPUS, 0000
SCOTT A. BUMPUS, 0000
CHARLES R. BURNETT, 0000
JOSEPH K. * BURNHAM, 0000
BRIAN D. BURNS, 0000
LARRY D. BURNS, 0000
JEFFREY B. * BURRELL, 0000
JASON P. * BUSH, 0000
DANNY L. * BUTLER, 0000
LEE A. * BYERLE, 0000
ROBERT R. CADWALLADER II, 0000
WILLIAM T. CALDWELL, 0000
MICHAEL J. * CALIDONNA, 0000
ROBERT S. CALLIHAN, 0000
ANTHONY M. * CAMERINO, 0000
SHAWN D. CAMERON, 0000
DANIEL P. * CAMMACK, 0000
DAWN M. * CAMPBELL, 0000
MARK D. * CAMPBELL, 0000
RENEE N. * CAMPBELL, 0000
JASON R. CANADA, 0000
DAVID J. * CANEDA, 0000
MANUEL M. CANINO, 0000
ALAN R. * CANOVA, 0000
SEAN J. * CANTRELL, 0000
LARRY D. CARD II, 0000
ANTHONY * CARIGO, 0000
DOUGLAS B. * CARLSEN, 0000
KEVIN P. * CARLSON, 0000
TROY A. * CARLSON, 0000
ROBERT W. * CARNEAL IV, 0000
CHARLES M. CARPENTER, 0000
MARI D. CARPENTER, 0000
TRENT R. CARPENTER, 0000
DOUGLAS T. * CARROLL, 0000
BRET A. CARTER, 0000
LIESL RADERER CARTER, 0000
MARCUS D. * CARTER, 0000
JOHN J. CASEY IV, 0000
QUINN F. * CASEY, 0000
KENT W. * CAST, 0000
JONATHAN * CASTELLANOS, 0000
EUGENE M. * CAUGHEY, 0000
MARCUS P. CAVIL, 0000
KENNETH W. * CHALOUX, 0000
STEPHEN P. CHAMBAL, 0000
TYRELL A. CHAMBERLAIN, 0000
JEREMY L. * CHAMPAGNE, 0000
RHETT D. CHAMPAGNE, 0000
CAMILLE Y. CHANDLER, 0000
DAN J. * CHANDLER, 0000
JENNIFER V. CHANDLER, 0000
ERIC D. CHAPITAL, 0000
CHRISTOPHER P. CHAPLIN, 0000
BRIAN KEITH * CHAPPELL, 0000
MICHAEL A. CHARECKY, 0000
SUZE L. * CHARLES, 0000
STEPHAN H. * CHASTAIN, 0000
RAVI I. CHAUDHARY, 0000
TIMOTHY M. * CHAVEZ, 0000
DANE J. CHRISTENSEN, 0000
GLEN E. CHRISTENSEN, 0000
STEPHEN J. * CICHERSKI, 0000
MARK D. CINNAMON, 0000
BRIAN S. * CLARK, 0000
DONALD L. * CLARK, 0000
GEORGE T. CLARK, 0000
JAY L. CLARK, 0000
JOSEPH K. CLARK, 0000
KENNETH A. * CLARK, 0000
MICHAEL L. CLARK, 0000
ADRIAN N. CLARKE, 0000
JOHN C. * CLAXTON, 0000
ARTIS R. * CLAYTON JR., 0000
STACY M. * CLEMENTS, 0000
DONALD W. CLOUD, 0000
GERALD M. * CLOUSE, 0000
FRANCIS A. * CLOUTIER IV, 0000
SCOTT S. COBURN, 0000
ALICE A. * COFFMAN, 0000
DALE L. * COFFMAN, 0000
BARRY G. COGGINS, 0000
JERAME * COHEN, 0000
DAVID A. * COLANGELO, 0000
CRAIG A. * COLE, 0000
RICHARD O. * COLE, 0000
MICHAEL W. * COLLIER, 0000
HEATH A. * COLLINS, 0000
JOHN W. * COLLINS, 0000
JOSEPH A. COLLINS, 0000
RUSSELL H. * CONN JR., 0000
MICHAEL W. * CONNOLLY, 0000
ANNE M. * CONTE, 0000
PAMELA A. Q. * COOK, 0000
RICHARD T. COONEY JR., 0000
JEFFREY T. * COOPER, 0000
THOMAS M. * COOPER, 0000
ROBERT B. COPES, 0000
DOUGLAS S. COPPINGER, 0000
SCOTT M. * CORBITT, 0000
JACK N. * CORCINO, 0000
CHRISTOPHER L. * CORLEY, 0000
THOMAS J. * CORMICAN, 0000
LEE C. * CORNELIUS, 0000
HEIDI E. * CORNELL, 0000
EDWARD A. * CORTRIGHT, 0000
GUY C. * COTE, 0000
KONRAD S. COTE, 0000

DONALD J. * COTHERN, 0000
JASON T. COUISINE, 0000
RONALD A. * COUTU JR., 0000
PAUL J. COVER, 0000
STEPHEN J. COX, 0000
TIMOTHY J. * COX, 0000
RONALD LEWIS * CREECH II, 0000
DEREK M. CRINER, 0000
TERENCE P. * CROCHETIERE, 0000
EUGENE M. * CROFT, 0000
KENDALL H. * CROOK, 0000
VERONICA * CRUZ, 0000
EDWARD R. * CULBRETH, 0000
SANDRA B. * CUMMINGS, 0000
DANA * CUNNINGHAM, 0000
DOUGLAS A. CUNNINGHAM, 0000
LEE E. * CUROE, 0000
JAMES M. CURRY, 0000
ANDREW J. * CUTINELLA, 0000
DAVID A. CUTTER, 0000
JOHN W. DABERKOW, 0000
WAYNE A. DAHLKE, 0000
RICHARD C. * DAIGLE, 0000
RONALD N. * DAINS, 0000
KIMBERLY A. * DALE, 0000
CARLOS A. * DALMAU, 0000
ROBERT A. DAM, 0000
KIMBERLY A. * DAMALAS, 0000
JAMES P. DAMATO, 0000
BRIAN K. * DANIELS, 0000
ROLAND S. * DANSEREAU, 0000
MARC A. DAUTEUIL, 0000
TODD R. * DAVENPORT, 0000
MATTHEW W. * DAVIDSON, 0000
CHARLES E. * DAVIS, 0000
CHRISTOPHER M. DAVIS, 0000
JEFFREY S. * DAVIS, 0000
KIRCHNER JOYE L. * DAVIS, 0000
LELAND A. * DAVIS, 0000
MARK J. * DAVIS, 0000
SCOTT W. DAVIS, 0000
STEVIE W. * DAVIS, 0000
WILLIAM A. * DAVIS, 0000
ANDREW R. DEAN, 0000
ERIC L. * DECKER, 0000
DIANE CAROL * DEE, 0000
JAMES R. * DEHAAN, 0000
EUGENE M. DEHERRERA, 0000
CHRISTOPHER J. * DEJESUS, 0000
ERIC P. DELANGE, 0000
JOSELITO P. * DELAROSA, 0000
JOE A. LIM DELCAMPO, 0000
DAVID B. DELISLE, 0000
MARK D. * DELVECCHIO, 0000
KIERAN T. DENEHAN, 0000
JAMES L. * DENTON, 0000
WILLIAM B. * DEPRIEST, 0000
MARNE R. * DERANGER, 0000
EVAN C. DERTIEN, 0000
CHRISTOPHER S. * DESALLE, 0000
CHRISTOPHER S. * DESLONGCHAMP, 0000
JOHN M. DESTAZIO, 0000
JOHN M. * DEVILLIER, 0000
JOHN R. * DEYONKE, 0000
STAN S. * DIAMANTI, 0000
CARLOS R. * DIAZ, 0000
JEFFREY R. DIBIASI, 0000
MARK * DICARLO, 0000
STEVEN N. * DICKERSON, 0000
BARRY A. DICKEY, 0000
CLAY W. * DICKINSON, 0000
SCOTT A. * DICKSON, 0000
ROBERT A. * DIETRICK, 0000
ANTHONY N. DILLS, 0000
JAMES R. * DISHAW, 0000
JASON C. * DOELLING, 0000
KEVIN L. DOLATA, 0000
PETER A. * DOMAHOSKI, 0000
GEORGE G. * DONA, 0000
ORLANDO J. * DONA JR., 0000
TIFFANI JUUL * DONAHUE, 0000
PATRICK W. * DONALDSON, 0000
YONEL J. * DORELIS, 0000
FRANCES K. * DORISH, 0000
JON W. DOTTER, 0000
JOHN L. * DOUCET III, 0000
DOUGLAS E. DOWNEY, 0000
MICHAEL L. DOWNS, 0000
ROBERT O. * DOWNS, 0000
TIMOTHY E. * DREIFKE, 0000
SHANNON N. * DRISCOLL, 0000
DEBORAH L. * DRIVER, 0000
PORFIRIO A. * DUBON, 0000
SHANE C. * DUCOMMUN, 0000
JOHN F. * DUDA JR., 0000
DANIEL J. * DUFFY, 0000
ROBERT L. * DUFOUR, 0000
ERIC C. * DUNCAN, 0000
DAVID B. DUNN JR., 0000
JOSEPH B. DUNN, 0000
TROY E. DUNN, 0000
VINCENT M. DURANT, 0000
ELVEN E. DUVALL IV, 0000
JEFFREY W. * DYBALL, 0000
AARON B. * DYKE, 0000
KENDRA A. * EAGAN, 0000
CASEY D. EATON, 0000
ELLIS E. EATON, 0000
PATRICK S. * EBERLE, 0000
CHRISTOPHER D. * ECHOLS, 0000
LEIF E. ECKHOLM, 0000
JASON S. * EDELBLUTE, 0000
MARK W. * EDENS, 0000
KENNETH S. EDGE, 0000
THOMAS R. * EDISON JR., 0000
CHRISTOPHER K. * EDWARDS, 0000
NATHAN J. * EDWARDS, 0000
GARALD D. * EGTS, 0000
ROBERT L. * EIGEL JR., 0000
ERIK D. * EKSTROM, 0000
NATHAN J. * ELLIOTT, 0000
DAVID G. * ELLISON, 0000
ROBERT J. * ELLISON JR., 0000
ERIC G. * ELLMYER, 0000
DANIEL J. ELY, 0000
JULIANNE E. EMMOLO, 0000
CLINT * EPPERSON, 0000
MICHAEL T. * ERDMANN, 0000
JOHN O. * ERICKSON, 0000
JONATHAN R. ERICKSON, 0000
TODD A. ERNST, 0000
OSCAR E. * ESPINOZA, 0000
TIMM N. * ESTENSON, 0000
LARRY A. * ESTES, 0000
PAUL G. * ETTINGER, 0000
DUSTIN S. * EVANCHO, 0000
TERRY LYN * EVANS II, 0000
LORI R. EVERITT, 0000
CHARLES A. * EVITTS, 0000
MARK A. * FAHL, 0000
JOSEPH G. * FALTER, 0000
JOSEPH R. * FARRON, 0000
ROBERT D. * FASS, 0000
RODNEY L. * FAUTH JR., 0000
ERIC J. * FELT, 0000
JEREMY J. FENCEROY, 0000
DANIEL E. * FERRIS, 0000
REGINALD P. * FESTEJO, 0000
RONALD J. * FEY JR., 0000
THOMAS D. * FICKLIN, 0000
KENNETH O. FIELD, 0000
KIRT E. FIESBECK, 0000
RICHARD H. FILLMAN JR., 0000
WILLIAM D. * FISCHER, 0000
MATTHEW D. * FISHER, 0000
DEAN A. * FITZGERALD, 0000
JOHN M. FITZSIMMONS, 0000
JAMIE A. * FLANDERS, 0000
MICHAEL J. * FLATTEN, 0000
JOSEPH E. FLETCHER, 0000
LARRY A. * FLOYD JR., 0000
THOMAS E. * FOCARETO, 0000
ROBERT T. * FOLSOM, 0000
GLENN F. * FORD, 0000
SHAWN D. FORD, 0000
MATTHEW N. FORNER, 0000
DALE C. FOSTER, 0000
WILLIAM A. * FOSTER, 0000
JOHN E. * FOTHERINGHAM, 0000
CHRISTOPHER J. * FOWLER, 0000
MICHAEL W. FOWLER, 0000
JOHN F. * FOX, 0000
PATRICIA L. FOX, 0000
CARLOS G. FRAGA, 0000
STEPHEN P. FRANK, 0000
CHRISTOPHER E. FRANKLIN, 0000
PHILLIP V. FRANKLIN, 0000
JOEL B. * FRANZEN, 0000
LORINDA A. * FREDERICK, 0000
RYAN J. * FREDERICK, 0000
ROBERT C. * FREDERIKSEN, 0000
AARON B. FREED, 0000
PAMELA M. * FREELAND, 0000
TERI L. FRENCH, 0000
KYLE J. * FREUNDL, 0000
RICHARD S. FRISIUS, 0000
MATTHEW T. * FRITZ, 0000
ERIC H. FROEHLICH, 0000
DAVID W. FUJIMOTO, 0000
MATTHEW D. FULLER, 0000
JOSEPH M. * FULTON, 0000
ERIKA L. * FURLONG, 0000
DAVID M. * GAEDECKE, 0000
CHARLES S. * GALBREATH, 0000
JARRARD A. * GALBREATH, 0000
HEATHER L. * GALLUP, 0000
DANIEL S. GANOZA JR., 0000
ELVERT L. * GARDNER, 0000
RUSSELL S. * GARNER, 0000
DANIEL J. * GAROUTTE, 0000
LAURA K. * GARRETT, 0000
TODD A. * GARRETT, 0000
JOEL W. GARTNER, 0000
MICHAEL L. GAUTHIER, 0000
PAUL F. GEEHRENG, 0000
JAMES M. GEHRINGER, 0000
GLEN M. * GENOVE, 0000
JAMES W. * GEORGE, 0000
STEPHEN M. GEORGIAN, 0000
CHERYL M. * GERHARDSTEIN, 0000
JOHN F. * GERHART JR., 0000
CAROL HERON GERING, 0000
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DARIN A. * GIBBS, 0000
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SHARON * GIBSON, 0000
BRIAN W. GIENAPP, 0000
TROY A. GIESE, 0000
KEVIN W. * GILBERT, 0000
MICHAEL L. GILCHRIST JR., 0000
KIPPER L. * GILES, 0000
TIMOTHY A. GILLESPIE, 0000
BRADFORD WAYNE * GILLETTE, 0000
GREGORY M. GILLINGER, 0000
DOUGLAS W. GILPIN, 0000
MICHAEL E. GIMBRONE, 0000
DANIEL E. GISSELQUIST, 0000
AARON W. GITTNER, 0000
GERARD G. * GLECKEL JR., 0000
SIDNEY W. GOEHRING, 0000
KATHY K. * GOFORTH, 0000
JOSEPH J. * GOLEMBOSKI, 0000
JOHN M. GONDOL, 0000
ADAM G. * GONZALEZ, 0000
DAVID J. GONZALEZ, 0000
RICHARD S. * GOODLETT, 0000
ERIC G. * GOODMAN, 0000
RICHARD E. * GOODMAN II, 0000
KRISTIN E. GOODWIN, 0000
SEAN P. GOOKIN, 0000
RALPH A. GORDON, 0000
STEPHEN T. GRACE, 0000
DAVID E. GRAFF, 0000
LASHEECO B. * GRAHAM, 0000
TREIA M. * GRAHAM, 0000
JEFFREY R. * GRANGER, 0000
VANESSA M. * GRANT, 0000
DON A. GRANTHAM JR., 0000
WALTER D. GRAVES, 0000
BRADFORD S. GREEN, 0000
MATT E. GREENE, 0000
ANDY J. * GREENFIELD, 0000
BARON V. I. GREENHOUSE, 0000
BRIAN S. GREENROAD, 0000
BRYAN D. * GREENSTEIN, 0000
DAVIS F. * GREENWOOD, 0000
STEVEN C. * GREGG, 0000
KAREN M. GREMBA, 0000
MICHAEL S. * GREMILLION, 0000
JAMES S. GRIFFIN, 0000
TYRONE L. GROH, 0000
BRENT A. GROMETER, 0000
PAMELA S. * GROVER, 0000
STEVEN G. GRUBER, 0000
ALEXUS G. GRYNKEWICH, 0000
GARY K. * GUALANO, 0000
ALBERT GUERRERO, 0000
SCOTT A. * GUIDRY, 0000
WILLIAM S. GUNTER, 0000
GREGORY D. * GUNTHARP, 0000
TY D. HACHTEL, 0000
MELANIE A. * HADDOCK, 0000
MICHAEL W. * HAEDT, 0000
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TODD B. * HALE, 0000
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DOUGLAS A. * HAMLIN, 0000
LONNIE P. * HAMMACK, 0000
VICTOR A. * HAMMOCK, 0000
MICHAEL T. HAMMOND, 0000
JIMMY H. * HAMMONDS, 0000
WILLIAM F. * HAMPSHIRE III, 0000
TERRY J. * HAMRICK JR., 0000
LARRY N. * HANCOCK, 0000
ANDREW P. * HANSEN, 0000
VERNON C. * HANSEN JR., 0000
GEORGE B. * HANSSON III, 0000
ALLISON S. * HARDING, 0000
MICHAEL D. * HARM, 0000
JON M. * HARRINGTON, 0000
ROBERT A. * HARRINGTON, 0000
BRENDAN M. HARRIS, 0000
DAVID A. * HARRIS JR., 0000
SEAN Q. * HARRIS, 0000
TIMOTHY J. * HARRIS, 0000
BRADLEY R. * HARROFF, 0000
GEORGIA K. * HARRUP, 0000
KELLY L. HARSHBARGER, 0000
TROY R. HARTING, 0000
WILLIAM A. HASTINGS, 0000
MICHAEL L. * HASTRITER, 0000
WILLIAM L. * HATZFELD, 0000
ANTHONY S. * HATZIS, 0000
BRADY P. HAUBOLDT, 0000
MICHAEL S. HAYES, 0000
SCOTT E. HAYFORD, 0000
MICHELLE L. HAYWORTH, 0000
JOHN W. HECK, 0000
JOHN M. * HEDENBERG, 0000
TERRENCE G. * HEDLEY, 0000
STEVEN R. * HEFFINGTON, 0000
AHREN D. HEIDT, 0000
MATTHEW E. * HEIKKINEN, 0000
HARRY M. HEISER, 0000
BRIAN K. HELLINGER, 0000
ALLEN R. * HENDERSON JR., 0000
TIMOTHY HENDERSON, 0000
HOWARD L. * HENDRICKS, 0000
PHILLIP L. HENDRIX II, 0000
MARK D. * HENRY, 0000
STEPHEN J. * HENSKE JR., 0000
THOMAS L. HERMEL, 0000
JAMES L. * HERRICK, 0000
PAUL M. HERTZBERG, 0000
BRUCE P. * HESELTINE, 0000
TIMOTHY S. HESS, 0000
KAREN J. * HIBBARD, 0000
PAUL A. HIBBARD, 0000
JUSTIN L. * HICKMAN, 0000
KEVIN D. * HICKMAN, 0000
HAROLD C. HICKS II, 0000
PHILIP C. HICKS, 0000
LESLIE E. * HIGER, 0000
MATTHEW W. HIGER, 0000
DAVID L. HIGGINBOTHAM, 0000
BRANDON R. HILEMAN, 0000
GINA L. HILGER, 0000
LANCE E. * HILL, 0000
WILLIAM R. * HILL II, 0000
DON C. HILLIARD, 0000
MICHAEL C. * HINDLEY, 0000

JAMES S. * HINDS, 0000
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TODD C. * HOGAN, 0000
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TRAE D. * HOLCOMB, 0000
MICHAL D. * HOLLIDAY, 0000
CRAIG M. HOLLIS, 0000
DONALD WAYNE * HOLLOWAY, 0000
CAREY H. * HOLMES, 0000
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SEAN C. * HOOK, 0000
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LAWRENCE V. HOPKINS JR., 0000
SHERRI L. * HOPKINS, 0000
CHRISTOPHER M. HORGAN, 0000
STEVEN P. HORTON, 0000
EDWARD J. HOSPODAR JR., 0000
CHAUNCEY J. * HOUSTON, 0000
ERIC P. HOVERSTEN, 0000
STEVEN * HOVSEPIAN, 0000
MICHAEL B. * HOWARD, 0000
JOHNLOUIS W. * HOWELL, 0000
PATRICK B. HUDSON, 0000
HEINZ H. HUESTER, 0000
JERRY A. HUFFMAN JR., 0000
BART M. * HUGHES, 0000
CHRISTOPHER R. * HUISMAN, 0000
RANDALL S. HUISS, 0000
MICHAEL C. * HULIN, 0000
GINA C. HUMBLE, 0000
TYSON W. * HUMMEL, 0000
FREDERICK J. HUMPHREY III, 0000
BERNARD P. HUND, 0000
ERIC O. HUNT, 0000
STEPHEN K. HUNTER, 0000
JOANNA L. HUPP, 0000
KENT A. * HURTON, 0000
CARL D. * HUTCHERSON, 0000
MATTHEW B. * HUTCHINGS, 0000
LARRY J. * HUTSON, 0000
TIMOTHY G. IMDIEKE, 0000
JOSEPH H. IMWALLE, 0000
GEORGE E. IRVIN JR., 0000
CURTIS B. * ISZARD, 0000
DAVID F. * JABLONSKI, 0000
ERIC J. JACHIMOWICZ, 0000
ROBERT W. JACKSON, 0000
PETER D. * JACOB, 0000
RACHAEL L. S. * JACOBS, 0000
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MARK S. * JANICKI, 0000
CLIFTON G. * JANNEY, 0000
RHONDA S. * JANSSEN, 0000
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KIRABETH * JEFFERY, 0000
CHRISTOPHER E. * JENSEN, 0000
MICHAEL R. * JESSON, 0000
JAMES D. * JETER, 0000
ARNOLD M. * JIMENEZ, 0000
ROBERT S. * JOBE, 0000
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ANN MARIE JOJOLA, 0000
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ROY A. * JONES III, 0000
TERRI A. JONES, 0000
WILLIAM R. JONES, 0000
ERICK A. JORDAN, 0000
WILLIAM E. * JORDAN, 0000
WISTARIA J. JOSEPH, 0000
KELLY S. * JOST, 0000
CHRISTOPHER L. JUAREZ, 0000
SEAN M. JUDGE, 0000
DARRELL F. JUDY, 0000
JON T. * JULIAN, 0000
GLEN A. KADING, 0000
GERALDINE M. * KAIL, 0000
CHARLES E. * KAISER JR., 0000
DANIEL T. * KALOSKY, 0000
JOHN M. KANUCH, 0000
FRANK A. * KARAYIANES JR., 0000
DEBORAH K. KASYCH, 0000
KEITH J. * KEANA, 0000
BRENT E. * KEENAN, 0000
PETER J. * KELLEY, 0000
BRIAN W. * KELLY, 0000
EARL J. * KELLY, 0000
ROBERT D. * KELLY, 0000
MICHAEL L. * KELTOS, 0000
SUSAN E. * KENNEDY, 0000
MATTHEW J. KENWORTHY, 0000
KEITH R. * KENYON, 0000
AARON G. KERKMAN, 0000
ALONZO J. * KETCHUM JR., 0000
AMEER M. * KHAN, 0000
HAIDER A. KHAN, 0000
PEARL * KHUO, 0000
MATTHEW A. * KILGORE, 0000
CHON H. * KIM, 0000
JONATHAN H. KIM, 0000
JASON W. KIMBEL, 0000
JEFFREY R. D. * KING, 0000
TIMOTHY R. KIRK, 0000
THOMAS C. * KIRKHAM, 0000
DAVID D. * KITCHEN, 0000
JOHN A. * KITCHENS, 0000
CINDY L. KLAHN, 0000
BRANDON W. * KNAPP, 0000
SCOTT M. KNAUB, 0000
ANDRA VAN POPPEL KNIEP, 0000
ERIC V. KNIGHT, 0000
CHRISTOPHER T. * KNIGHTS, 0000
MICHAEL E. KNIPPER, 0000
CHRISTIAN J. * KNUTSON, 0000
ELIZA S. * KNUTSON, 0000
CAROLYN J. * KNUTSONVACCARO, 0000
ERIC C. * KOE, 0000
FRED C. * KOEGLER III, 0000
RANDAL D. KOENIG, 0000
CARL L. KOHNTOPP, 0000
KYLE E. * KONCAK, 0000
GREGG A. KOPECK, 0000
CHRISTOPHER P. KORGER, 0000
KEVIN M. KOSEFESKI, 0000
LEONARD J. KOSINSKI, 0000
MICHAEL R. KOSTER, 0000
MARK A. KRABY, 0000
ROBERT C. A. * KRAETSCH, 0000
MICHAEL W. KRAM, 0000
STEVEN A. * KRAUSE, 0000
BRIAN C. * KRAVITZ, 0000
BRET B. * KREH, 0000
JENNIFER JOYCE KRISCHER, 0000
BENJAMIN R. * KROOP, 0000
JOHN M. KRYSTYNIAK, 0000
TANYA R. KUBINEC, 0000
MATTHEW W. LACY, 0000
ANDREW J. * LAFFELY, 0000
ERIK J. * LAGERQUIST, 0000
DWAYNE A. LAHAYE, 0000
MARK N. * LAIDLER, 0000
TREVOR I. * LAINE, 0000
GERARD M. LAMBE, 0000
LUC J. F. * LAMBERT, 0000
DAWN C. LANCASTER, 0000
DAVID R. LANDRY, 0000
THEODORE T. LANE III, 0000
MARK W. * LANEMAN, 0000
STEVEN E. * LANG, 0000
SCOTT A. * LANGAN, 0000
SEAN P. * LARKIN, 0000
KEVIN J. LAROCHELLE, 0000
CHRISTOPHER J. LARSON, 0000
MICHAEL J. * LAUDEN, 0000
MARK S. * LAUDENSLAGER, 0000
LEAH G. * LAUDERBACK, 0000
CHRISTOPHER J. LAVALLEE, 0000
JAMES L. * LAWRENCE II, 0000
AARON G. * LAWSON, 0000
DAVID M. LEAZER II, 0000
TIMOTHY G. LEE, 0000
WILLIAM E. * LEE, 0000
JAMES S. * LEFFEL, 0000
GLEN E. * LEHNE, 0000
DEREK C. LEIVESTAD, 0000
JOSEPH R. * LEMAY, 0000
DAVID M. * LENDERMAN, 0000
LAURA L. LENDERMAN, 0000
MICHAEL J. * LEPAGE, 0000
FIDEL * LEPE, 0000
ERIC L. * LESHINSKY, 0000
DEREK M. LEVINE, 0000
LARRY J. * LEWIS, 0000
MICHAEL W. * LEWIS, 0000
TIMOTHY R. LEWIS, 0000
DAREC G. LIEBEL, 0000
LOUIS E. * LILLEY, 0000
MARTIN F. LINDSEY, 0000
MICHAEL J. LIQUORI, 0000
BRIAN K. * LIVERGOOD, 0000
TIMOTHY E. * LOCKHART, 0000
WILLIAM D. * LOCKHART IV, 0000
CHRISTOPHER S. * LOHR, 0000
ANTHONY J. LOMELIN, 0000
JAMES E. * LONG, 0000
JOSEPH D. * LOONEY, 0000
MICHAEL D. LOVE, 0000
RICHARD C. LUCE JR., 0000
STEVEN R. * LUCZYNSKI, 0000
JEFFREY M. * LUMM, 0000
ROBERT W. LUNDY, 0000
MATTHEW J. * LUPONE, 0000
JOHN K. LUSSIER, 0000
ROBERT K. LYMAN, 0000
GIOVANNI A. * LYNCH, 0000
MARK J. LYNCH, 0000
DAVID BRADLEY LYONS, 0000
ANDREW C. MAAS, 0000
JEFFREY C. MABRY, 0000
TIMOTHY J. * MACGINLEY, 0000
GABRIEL MACIAS, 0000
MICHAEL D. * MADSEN, 0000
MARCHAL B. * MAGEE, 0000
DANIEL J. * MAGIDSON, 0000
MICHAEL P. * MAHAR, 0000
SHAWN W. * MANN, 0000
ALLEN S. * MANSFIELD, 0000
KELLEY M. * MARCELL, 0000
STEVEN J. * MARQUES JR., 0000
RYAN T. MARSHALL, 0000
SCOTT M. * MARSHALL, 0000
BRADLEY E. * MARTHALER, 0000
JAMES A. MARTIN, 0000
KELLY M. * MARTIN, 0000
MICHAEL E. MARTIN, 0000
TIM D. * MARTIN, 0000
EDUARDO Z. * MARTINEZ, 0000
MARC A. * MARTINEZ, 0000
KEVIN W. * MASSA, 0000
MICHAEL N. MATHES, 0000
TREVOR K. MATSUO, 0000
MICHAEL L. MATTHEWS, 0000
ROMAN F. * MATTIOLI, 0000
JEFFREY N. * MAXSON, 0000
ROBERT J. * MAXWELL, 0000
GREGORY S. * MAZUL, 0000
BRIAN K. * MCBEE, 0000
JEFFREY M. * MCBRIDE, 0000
MATTHEW M. * MCCABE, 0000
TESS M. * MCCANN, 0000
BRIAN P. * MCCARTHY, 0000
SEAN M. MCCARTHY, 0000
SHERRY C. * MCCARTHY, 0000
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MICHAEL E. MCCLUNG, 0000
BRENT H. * MCCONNELL, 0000
GERALD R. * MCCRAY, 0000
YUANTHONY C. * MCCREE, 0000
CRAIG D. * MCCUIN, 0000
MARK V. * MCDONALD, 0000
PATRICK S. * MCDONALD, 0000
TIMOTHY J. MCDONALD, 0000
PETER P. * MCDONOUGH, 0000
JOSEPH * MCFADDEN, 0000
JOSEPH D. MCFALL, 0000
CHARLES B. * MCFARLAND, 0000
DONALD K. MCFATRIDGE, 0000
HEATHER L. * MCGEE, 0000
DANIEL B. * MCGIBNEY, 0000
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CATHERINE E. * MCGOWAN, 0000
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KELLY L. MCJOYNT, 0000
GRANT D. MCKENZIE, 0000
TIMOTHY M. * MCKENZIE, 0000
JAMES D. * MCMILLAN, 0000
CRAIG * MCPIKE, 0000
THOMAS B. MEEKS, 0000
JOHN E. MEIER, 0000
CHRISTOPHER L. * MELCHER, 0000
DOUGLAS J. * MELLARS, 0000
KERRI T. * MELLOR, 0000
KEVIN P. * MENARD, 0000
DAVID C. * MERRITT, 0000
KENNETH R. * MERSHON, 0000
ALEXANDER R. MERZ, 0000
BRENT J. MESQUIT, 0000
MICHAEL J. METCALF, 0000
ANTHONY R. MEYER, 0000
MICHAEL J. MEYER JR., 0000
JASON P. * MEYERS, 0000
ALEXIS MEZYNSKI, 0000
STEPHEN G. * MICELI, 0000
MARK A. MICHALICEK, 0000
STEVEN R. * MICHAUD, 0000
BRICE W. MIDDLETON, 0000
KYLE D. MIKOS, 0000
JACQUELINE F. * MILAM, 0000
CORY D. * MILLER, 0000
DAVID N. * MILLER JR., 0000
DENNIS D. * MILLER, 0000
HANS H. MILLER, 0000
MICHAEL D. * MILLER, 0000
MICHAEL J. * MILLS, 0000
RICHARD J. MILLS, 0000
JENNIFFER F. * MINKS, 0000
MATTHEW J. * MIRELES, 0000
DERON L. * MIRRO, 0000
KEITH D. * MISHAW, 0000
CARL C. MISNER, 0000
CATHY HELEN * MITCHELL, 0000
JAMES A. * MITCHELL JR., 0000
ROBERT H. * MITCHELL JR., 0000
CLINTON A. MIXON, 0000
JOSEPH P. MOEHLMANN, 0000
DAVID M. * MOHON, 0000
DENNIS B. * MONINGHOFF, 0000
KIM T. * MONINGHOFF, 0000
ROBERT J. * MONTES, 0000
BILLI ENNETTA * MONTGOMERY, 0000
BRANDON D. * MONTLER, 0000
CHERIELYNNE M. * MOORE, 0000
LAVA PATRICE MOORE, 0000
TYLER K. MOORE, 0000
GEORGE Y. W. * MORACZEWSKI, 0000
JOHN S. MORALES, 0000
RENE P. * MOREJON, 0000
KEVIN J. MORELLO, 0000
DAVID J. * MORGAN, 0000
DAVID L. MORISEY, 0000
JOSEPH E. * MORITZ, 0000
COLIN R. * MORRIS, 0000
WILLIAM B. MORRISON, 0000
ERIC R. MORROW, 0000
KENNETH H. * MORSE II, 0000
ROBERT J. MORSE, 0000
AMY E. * MOSER, 0000
MARTIN J. MOSER, 0000
TIMOTHY J. MOSER, 0000
ERIC B. * MOSES, 0000
KEITH E. * MUELLER, 0000
PATRICK M. * MULLEN, 0000
BRUCE E. MUNGER, 0000
CHARLES Y. MURNIEKS, 0000
PATRICK S. * MURPHY, 0000
PAUL E. * MURPHY III, 0000
CHRISTOPHER W. * MUSICK, 0000
CHARLES D. * MUSSELMAN JR., 0000

DAVID A. * MUSSER, 0000
JEFFREY A. * MYER, 0000
HENRY * MYERS JR., 0000
NATHAN E. * MYERS, 0000
WAYNE S. MYERS, 0000
DAVID C. MYHRE, 0000
ROBERT J. MYHRE, 0000
EDWARD R. NALL, 0000
JAMES M. * NARDO, 0000
NICKLOS K. * NASEMAN, 0000
NEIL L. * NEADERHISER, 0000
JEFFREY M. NEDROW, 0000
JASON R. * NEESE, 0000
JODI A. NEFF, 0000
STACIE D. * NEFF, 0000
PAUL E. NEIDHARDT, 0000
FRANCINE N. NELSON, 0000
LEE R. * NELSON, 0000
MICHAEL G. NELSON, 0000
JULIE L. NEP, 0000
DONALD K. * NESBITT, 0000
RICHARD K. * NEUFANG, 0000
JAMES E. * NEVIUS, 0000
HARVEY F. NEWTON, 0000
JAMES R. NEY, 0000
JIM P. * NG, 0000
RAYFORD D. * NICHOLS, 0000
RYAN B. NICHOLS, 0000
ANDREW M. * NICKLAS, 0000
GEOFFREY C. NIEBOER, 0000
CHRISTOPHER J. * NIEMI, 0000
DEWAYNE A. NIKKILA, 0000
FRANK C. NISCO, 0000
SCOTT M. NISHWITZ, 0000
APRILLE M. NOBLE, 0000
CHRISTOPHER K. NOLIN, 0000
DAYTON O. NOONER III, 0000
ROBERT S. * NOREN, 0000
KENNETH EDWARD * NORMAN, 0000
CHRISTOPHER ALLEN * NORTHROP, 0000
JERRY L. * NORWOOD, 0000
ANTHONY F. NOVAK, 0000
KENNETH P. * NOVAK, 0000
STEVEN J. * NOVOTNY JR., 0000
MICHAEL C. * NOVY, 0000
DAVID R. * NUCE, 0000
DENNIS L. * NUTTALL, 0000
ELENA M. * OBERG, 0000
ERIC D. * OBERGFELL, 0000
SHANNON E. * OBOYLE, 0000
MICHAEL M. OCONNOR, 0000
PAUL D. * ODOM, 0000
JOHN C. ODUM, 0000
STEPHEN R. ODUM, 0000
CHARLES G. * OHLIGER, 0000
PAUL A. * OLAH, 0000
PAUL M. OLDHAM, 0000
ERIC P. * OLIVER, 0000
STEVEN A. OLIVER, 0000
MICHAEL K. * OLSEN, 0000
JULIE M. * OLSON, 0000
PETER A. OLSON, 0000
RANDY W. * OLSON, 0000
LEE M. * OLYNIEC, 0000
MONTINI B. * ONEAL, 0000
DANIEL J. OOSTERHOUS, 0000
LARRY D. * OPPERMAN JR., 0000
LANCE M. ORR, 0000
SAMUEL A. * OSBORNE, 0000
MICHAEL P. * OTOOLE, 0000
DAVID L. * OTTO, 0000
LARRY J. * OUELLETTE, 0000
JOSEPH * PAGUILIGAN, 0000
SEUNG U. PAIK, 0000
GLENN E. PALMER, 0000
GUILLERMO A. PALOS, 0000
JAMES E. * PAPPAS JR., 0000
MICHAEL J. * PAQUETTE, 0000
ADAM P. * PARENT, 0000
JONATHAN D. * PARK, 0000
GEORGE E. PARKER JR., 0000
JASON S. * PARKER, 0000
ROBERT D. * PARKS, 0000
CYNTHIA L. * PARLIMENT, 0000
DAVID B. * PARLOTZ, 0000
RICHARD J. PARROTTE, 0000
KEVIN R. * PARTRIDGE, 0000
DARREN E. * PASLEY, 0000
JOSEPH C. * PATRICK, 0000
BRENDAN P. * PATTON, 0000
ANDREA M. * PAUL, 0000
THOMAS C. * PAULY, 0000
BRYAN K. * PAVLICH, 0000
STEVEN G. B. * PAXTON, 0000
KENT L. * PAYNE, 0000
BRENT A. * PEACOCK, 0000
BRANDON H. PEARCE, 0000
GREGORY S. PECE, 0000
ROBERT C. * PECK JR., 0000
JAMES * PENA, 0000
CARLOS R. * PEREZMENDEZ, 0000
GEOFFREY J. * PERKINS, 0000
JERROLD M. * PERKINS, 0000
DWIGHT W. * PERTUIT JR., 0000
JOHN S. * PESAPANE, 0000
JEFFREY JOHN * PETERS, 0000
KENDALL D. * PETERS, 0000
EDWARD H. * PETERSON, 0000
JAMES D. PETRICK, 0000
JENIFER J. * PETRINA, 0000
ROBERT P. PETTY, 0000
ROBERT S. * PFOST, 0000
WILL H. * PHILLIPS III, 0000
LESLIE M. * PICHT, 0000
MATTHEW E. * PICKLE, 0000
AARON F. * PIEPKORN, 0000
RICHARD R. PIETRYKOWSKI, 0000
LANSING R. PILCH, 0000
DONNA L. PILSON, 0000
DANIEL L. * PINKAVA, 0000
CHESTER R. * PINO JR., 0000
MICHAEL A. * PIRTLE, 0000
HENRY S. * PITTS, 0000
ALAIN D. POISSON, 0000
JAMES W. POLANOSKY JR., 0000
PETER M. * POLLOCK, 0000
LAURA L. * POLZ, 0000
KENDALL D. * POTTER, 0000
CONSOLDANE TERI L. POULTON, 0000
JEFFREY A. POWELL, 0000
MATTHEW J. POWELL, 0000
RAYMOND M. POWELL, 0000
ROBERT R. POWELL, 0000
SCOTT B. POWELL, 0000
DAVID C. PRATT, 0000
JASON R. * PREISSER, 0000
SHERI G. * PRESTIPINO, 0000
STEPHEN S. * PRESTON, 0000
TYLER T. PREVETT, 0000
JOHN F. PRICE JR., 0000
JOSEPH P. * PRICE, 0000
ANDREW W. * PROUD, 0000
BRETT M. PROVINSKY, 0000
WILLIAM N. * PRYOR JR., 0000
JARRETT G. PURDUE, 0000
CHARLENE V. PURTEE, 0000
CHARLES E. * PYKE, 0000
BRYNT L. * QUERY, 0000
MILO * QUESINBERRY JR., 0000
CLARK J. QUINN, 0000
ALESIA A. * QUITON, 0000
ALAN W. * RABB, 0000
JAMES B. * RADER, 0000
TIMMY A. RAGSDALE, 0000
CRAIG M. * RAMSEY, 0000
AARON C. RAREY, 0000
JEFFREY S. * RAY, 0000
MATTHEW N. * RAY, 0000
ERIC A. * REED, 0000
ERIC D. * REED, 0000
MARK E. * REED, 0000
ROBERT D. REED, 0000
ROBERT D. * REEDER, 0000
CHRISTOPHER C. * REGAN, 0000
GRANTINO T. * REID, 0000
JEFFREY D. * REIMAN, 0000
DAVID M. * REISS JR., 0000
JENNIFER L. * REISS, 0000
WALTER H. REISS III, 0000
JAMES F. * REYNOLDS, 0000
LANCE B. REYNOLDS, 0000
JAMES THOMAS * RICH, 0000
WAYLON S. RICHARDS, 0000
DERRICK B. RICHARDSON, 0000
MICHAEL S. * RICHARDSON, 0000
ROBERT C. RICKS, 0000
DAVID S. RIDDLE, 0000
KIRK A. RIECKHOFF, 0000
BRADY M. * RIES, 0000
AARON M. * RIGDON, 0000
WILLIAM L. RIGGLE, 0000
EDISON A. RIGGLEMAN JR., 0000
ANTHONY * RILEY, 0000
MICHAEL B. RILEY, 0000
CHARLES F. * RINKEVICH JR., 0000
SEAN K. RIVERA, 0000
CHRISTOPHER J. * ROBERTS, 0000
GREGORY A. * ROBERTS, 0000
TROY A. * ROBERTS, 0000
DAVID S. ROBERTSON, 0000
BRETT A. * ROBINSON, 0000
BRIAN I. ROBINSON, 0000
MATTHEW D. * ROBINSON, 0000
RONALD A. * ROBINSON, 0000
SCOTT A. * ROBINSON, 0000
THOMAS R. ROCK JR., 0000
BRYON T. RODRIGUEZ, 0000
STEPHEN C. RODRIGUEZ, 0000
KEVIN J. * ROETHE, 0000
GLENN D. ROETTGER, 0000
BRYAN V. ROGERS, 0000
CHARLES M. * ROGERS, 0000
HENRY T. ROGERS III, 0000
SHANNON L. ROGERS, 0000
HANS EDWARD * ROHNE, 0000
KAREN L. ROLIRAD, 0000
MATTHEW J. * ROLLER, 0000
MICHAEL L. * ROLLMAN, 0000
JAMES S. * ROMASZ, 0000
MARGARET M. ROMERO, 0000
JOSE M. * ROODETTES, 0000
JAMES R. ROSALES, 0000
MICHAEL S. * ROSE, 0000
ANTHONY D. ROSELLO, 0000
JONATHAN K. * ROSSOW, 0000
DAVID E. ROSZMANN, 0000
CHAD L. * RUBINO, 0000
SEAN P. * RUCKER, 0000
JOEL E. * RUDY, 0000
MICHAEL W. * RUE, 0000
SCOTT R. * RUNYAN, 0000
RICHARD A. RUPANOVIC, 0000
JEFFREY C. RUSSELL, 0000
ROBERT L. * RUSSELL IV, 0000
STEPHEN M. * RUSSELL, 0000
NICHOLAS E. * RUSSO, 0000
DAVID J. * RUTH, 0000
CHRISTOPHER J. * RYBICKI, 0000
JEFFREY T. SABELLA, 0000
DARREN R. * SABO, 0000
MICHAEL S. * SADLOWSKI, 0000
ERNESTO * SALINAS, 0000
JEFFREY J. SALSBURY, 0000
JEFFREY B. SALTER, 0000
STEVEN D. * SAMPSON, 0000
ORLANDO SANCHEZ JR., 0000
MELISSA D. * SANDBERG, 0000
RICHARD T. * SANDERS, 0000
SCOTT A. * SANDERS, 0000
JOE H. SANTOS, 0000
ARNOLD T. * SAUNDERS, 0000
JOHN W. * SAWYER, 0000
JAMES R. SAYRES III, 0000
CHRISTOPHER J. * SCARBOROUGH, 0000
STEVEN D. * SCAVITTO, 0000
MICHAEL J. SCHAR, 0000
KURT M. SCHENDZIELOS, 0000
STEPHEN C. SCHERZER, 0000
PATRICK L. SCHLICHENMEYER, 0000
KARL C. SCHLOER, 0000
JILL K. * SCHMITZ, 0000
EDWARD J. * SCHNEIDER, 0000
SCHUYLER P. * SCHOEN, 0000
JASON R. SCHOTT, 0000
DAVID M. * SCHRADER, 0000
JOHN H. SCHRIMPF, 0000
ERIC A. SCHROEDER, 0000
JOHN F. * SCHROEDER, 0000
JENNIFER K. * SCHUETZE, 0000
PAUL C. * SCHULZE, 0000
CHRISTINA G. * SCHUTTE, 0000
RONALD W. * SCHWING, 0000
STEVEN L. * SEELEY, 0000
TODD M. SEGER, 0000
VINCENT J. SEI, 0000
ROBERT J. SEIFERT, 0000
EDWARD M. * SEKERAK, 0000
JAMES T. * SELF, 0000
ANDREW J. SELLBERG, 0000
GAETANO L. * SELVAGGIO, 0000
JEFFREY A. * SEMINARO, 0000
CHRISTOPHER G. * SENKBEIL, 0000
DOMINIC A. SETKA, 0000
SUJAY R. * SETLUR, 0000
LAMAR B. SETTLEMIRES, 0000
ERIC K. * SHAFA, 0000
TROY D. SHAFFORD, 0000
DAN A. * SHALTANIS, 0000
ANDREW R. * SHANAHAN, 0000
TIMOTHY A. * SHEDD, 0000
DANIEL R. * SHEESLEY, 0000
MARC A. SHEIE, 0000
THERESA L. SHEPPARD, 0000
MICHAEL T. SHEREDY, 0000
ROGER A. * SHERMAN, 0000
ROBERT J. * SHINDEL JR., 0000
MILDRED L. SHINGLER, 0000
JOSEPH H. * SHIREY, 0000
AMY L. SHIRLEY, 0000
ANDREW S. A. * SHOBE, 0000
EDWARD T. SHOLTIS, 0000
MARK J. * SHOVIAK, 0000
LOUISE A. * SHUMATE, 0000
HASSAN A. SIDDIQUI, 0000
JEREMY M. SIEGEL, 0000
JAMES R. SIEVERS, 0000
KORENSIA JAYNE * SIFORD, 0000
EDUARDO J. * SILVA, 0000
MITCHELL E. * SIMMONS, 0000
DOUGLAS A. * SIMPSON, 0000
RODNEY L. * SIMPSON, 0000
THOMAS G. * SINGLE, 0000
SCOTT H. * SINKULAR, 0000
WILLIAM E. * SITZABEE, 0000
PATRICH M. * SKENDZIEL, 0000
JONAS S. * SKINNER, 0000
MARK B. * SKOUSON, 0000
STEPHEN E. * SLADE, 0000
DWAIN A. * SLAUGHTER, 0000
JOSEPH P. * SLAVICK, 0000
JUSTIN * SMALLEY, 0000
BILLIE A. * SMITH JR., 0000
DOUGLAS M. * SMITH, 0000
HANSFORD O. * SMITH, 0000
KEVIN B. * SMITH, 0000
RICHARD V. * SMITH, 0000
ROGER K. * SMITH, 0000
SHANE A. * SMITH, 0000
STUART M. * SMITH, 0000
THOMAS S. * SMITH, 0000
MICHAEL G. SNELL, 0000
RYAN D. * SOCAL, 0000
SEAN P. SOLLY, 0000
SCOTT E. * SOLOMON, 0000
ERIC C. SORBO, 0000
DAREN S. * SORENSON, 0000
ERIC R. SOSA, 0000
MANUEL * SOTELO, 0000
ERIC J. * SOTO, 0000
JASON T. * SOUTHERLAND, 0000
DAVID E. * SPAK, 0000
JAMES S. SPARROW, 0000
LEE A. SPECHLER, 0000
JOSEPH B. * SPEED, 0000
RUTH C. * SPENCER, 0000
WILLIAM S. SPEROS, 0000
LAWRENCE J. SPINETTA, 0000
RICK A. * SPYKER, 0000
TODD A. * SRIVER, 0000
DAVID R. * ST ONGE, 0000
ARMAND C. * STAFFORD, 0000
JOHN M. * STAMP, 0000
JON M. * STAMP, 0000
STEVEN J. STANGL, 0000
PETER J. * STAPLETON, 0000
CEDRIC D. * STARK, 0000
DANIEL L. * STEELE, 0000
TRAVIS A. * STEEN, 0000
SCOTT A. STEERE, 0000
EUGENE E. STEIN, 0000
CHARLES W. STEVENS, 0000

DUNCAN H. STEWART, 0000
JAY L. * STEWART, 0000
MELANIE J. * STEWART, 0000
GARY W. * STILES, 0000
LISA G. STILES, 0000
CHRISTOPHER M. * STIM, 0000
KILEY F. STINSON, 0000
PAUL M. STJOHN, 0000
DENNIS B. * STOCKER, 0000
ELBERT E. STOCKTON, 0000
MICHAEL S. * STOHLER, 0000
CHRISTOPHER D. STOIK, 0000
RUSSELL S. STRASSER, 0000
WAYNE W. STRAW, 0000
JON D. * STRIZZI, 0000
SHELLEY R. STRONG, 0000
BRIAN R. STUART, 0000
DIANA LYNN STUART, 0000
CHRISTOPHER D. * STUCKEY, 0000
RONALD F. STUEWE JR., 0000
EARL D. * STULLER, 0000
PAUL W. * STURGES, 0000
JAMES M. * SUHR, 0000
JAMES A. * SUKENIK, 0000
PATRICK G. * SULLIVAN, 0000
RICHARD J. * SUMNER, 0000
ALBERT R. SUNDAY, 0000
MICHAEL D. SUNDSTED, 0000
MICHAEL R. * SUTHERLAND, 0000
JASON K. SUTTON, 0000
KEVIN G. * SUTTON, 0000
KEVIN L. SUTTON, 0000
JONATHAN J. * SWALL, 0000
MICHAEL T. * SWART, 0000
JOCELYN R. SWAYZE, 0000
DENISE L. * SWEENEY, 0000
MICHAEL A. * SWEETLAND, 0000
ERIC D. * SWENSON, 0000
JOHN D. * SWIFT, 0000
ANTHONY J. * SYLVAIN, 0000
DANIEL E. SZARKE, 0000
DONALD W. * TACKETT, 0000
GORDON E. * TALBOT, 0000
AARON C. TALIAFERRO, 0000
JONATHAN D. TAMBLYN, 0000
MICHAEL J. TAMBURO, 0000
RAINIER * TANGLAO, 0000
MICHAEL B. TANNEHILL, 0000
AMIE C. * TAVANESE, 0000
DENISE A. W. * TAYLOR, 0000
FRED H. * TAYLOR, 0000
RUSSELL F. TEEHAN, 0000
TIMOTHY N. TEETS, 0000
MICHAEL E. TEIGEN, 0000
TIMOTHY M. TELEGA, 0000
RONALD D. TEN HAKEN, 0000
DAVID M. * TENENBAUM, 0000
TIMOTHY T. TENNE, 0000
CARL D. TERNES JR., 0000
ERIC F. * THAXTON, 0000
JAMES A. * THEISS, 0000
ARTEMIS * THOMAS, 0000
JOHN R. * THOMAS, 0000
JOSEPH C. THOMAS, 0000
WILLIAM G. * THOMAS, 0000
WILLIAM R. THOMAS III, 0000
CHRISTOPHER M. THOMPSON, 0000
MICKEY J. * THOMPSON, 0000
PATRICK W. THOMPSON, 0000
WILLIAM B. THOMPSON, 0000
THOMAS J. THOMSEN, 0000
ERIC J. THORLEY, 0000
STEVEN NEAL * THORSEN, 0000
LORI A. * THORSON, 0000
ROBERT T. * TIBBETTS, 0000
CHRISTOPHER F. * TINGLEY, 0000
LAUREL P. TINGLEY, 0000
MICHAEL G. TISON, 0000
CHARLES P. * TOBIA, 0000
ROBERT R. TOFIL, 0000
MARY O. * TOLBERT, 0000
FRANCISCO R. * TOLEDO, 0000
RENE C. * TOMAS, 0000
JERRY S. * TOOLEY, 0000
RANDOLPH B. TORIS, 0000
DOUGLAS R. TORLUEMKE JR., 0000
WILLIAM A. * TOTTON JR., 0000
OLIVER D. * TOWNS JR., 0000
BETHANN * TRAPP, 0000
ANDREW E. TRAVNICEK, 0000
KEVIN J. * TRAW, 0000
DAVID W. * TREAT JR., 0000
DENISE A. * TREE, 0000
ALICE WARD TREVINO, 0000
JOHN A. * TRINGALI, 0000
JAY C. TROXELL, 0000
ROBERT B. TRSEK, 0000
CLORINDA * TRUJILLO, 0000
PAUL M. TRUJILLO, 0000
GEORGE H. * TRUMAN III, 0000
TAMMY MICHELLE TRYCHON, 0000
PHILLIP C. TUCKER, 0000
TRAVIS W. TUCKER, 0000
TONY D. * TULLIER, 0000
DEREK W. * TUPPER, 0000
JAMES E. * TURNBULL, 0000
DONNA L. TURNER, 0000
JASON M. * TURNER, 0000
JEFFREY A. * TURNER, 0000
KERRY B. * TURNER, 0000
REGINALD J. * TURNER, 0000
TRENT C. TUTHILL, 0000
MARK D. * TUTTLE, 0000
VOLODJA A. TYMOSCHENKO, 0000
KRISTIN S. UCHIMURA, 0000
RICHARD D. * UNDERWOOD, 0000
THOMAS J. * VAIL, 0000
ELIZABETH R. * VALLERY, 0000
DALEN DANETTE D. * VAN, 0000
KELLEY M. VANDERBILT, 0000
KEVIN J. * VANDERMOLEN, 0000
MARC R. * VANDEVEER, 0000
THOMAS S. * VANEGEREN, 0000
JOHN H. * VANHUFFEL, 0000
MATTHEW J. * VANPARYS, 0000
JAMES B. * VARITZ, 0000
CURTIS E. VELASQUEZ, 0000
JEFFREY R. * VENT, 0000
ANDREA J. * VERCELLONE, 0000
MICHAEL J. VETH, 0000
JANELLE K. VIERA, 0000
KEVIN M. VIRTS, 0000
MARK W. VISCONI, 0000
TIMOTHY J. VITUSZYNSKI, 0000
DAVID J. * VLOEDMAN, 0000
RUSSELL S. VOCE, 0000
HENRY R. * VOEGTLE, 0000
JEFFREY W. VOETBERG, 0000
KEVIN P. * VOGT, 0000
ROGER R. * VROOMAN, 0000
CHARLES W. WAHL, 0000
JAMES K. * WAKEFIELD, 0000
JOHN C. WALKER, 0000
PATRICK G. * WALKER, 0000
RANDAL D. * WALKER, 0000
CHARLES J. WALLACE II, 0000
JEFFREY A. * WALLACE, 0000
SCOTT T. WALLACE, 0000
JOSEPH J. WARD, 0000
RICHARD S. * WARD, 0000
LAWRENCE B. * WARNER, 0000
DOUGLAS W. * WARNOCK JR., 0000
RANDALL E. * WARRING, 0000
ERIC W. * WATERS, 0000
DANIEL J. WATOLA, 0000
ALEXANDRIA R. WATSON, 0000
BRYAN G. * WATSON, 0000
EDWARD D. * WATSON, 0000
RALPH L. * WATSON, 0000
JAMES F. * WEAVER, 0000
RICHARD H. * WEAVER, 0000
ROBERT V. * WEAVER III, 0000
MICHAEL D. * WEBB, 0000
ROBERT R. * WEBB, 0000
SCOTT J. WEBER, 0000
JOHN A. WEBSTER, 0000
PATRICK N. * WEEKS, 0000
NATHAN S. * WEIR, 0000
DARON R. * WEISHAAR, 0000
DAVID * WEISSMILLER, 0000
MARK F. * WELCH, 0000
TED E. * WELCH, 0000
TIMOTHY G. * WELDE, 0000
GRANT T. WELLER, 0000
BARBARA A. * WELLMAN, 0000
DYLAN T. WELLS, 0000
RICHARD E. * WELLS, 0000
SHAWN D. WELSH, 0000
DOUGLAS M. * WELTER, 0000
KARI B. * WELTER, 0000
MARK A. * WENDROCK, 0000
KEVIN M. WENKS, 0000
KEVIN L. * WEPPNER, 0000
DAVID S. WERLING, 0000
ANDREW J. WERNER, 0000
HESSAM E. * WESSAL JR., 0000
CHARLES E. WESTBROOK III, 0000
DANIEL R. * WETMORE, 0000
MATTHEW J. * WHIAT, 0000
SHAWN P. * WHITAKER, 0000
EUGENE F. * WHITE, 0000
GORDON J. * WHITE JR., 0000
SHELDON G. WHITE, 0000
STEVEN G. * WHITE, 0000
TIMOTHY L. * WHITE, 0000
GRAHAM R. WHITEHOUSE, 0000
RANDALL S. * WHITMAN, 0000
STEVEN P. * WHITNEY, 0000
WILLIAM A. * WIENINGER JR., 0000
TODD L. WIESER, 0000
TODD E. * WIEST, 0000
JAMES C. WIGGINS, 0000
PETER R. WILKIE, 0000
DAVID M. * WILLCOX, 0000
BRIAN S. WILLIAMS, 0000
JAMES D. * WILLIAMS, 0000
KEVIN S. WILLIAMS, 0000
MARSHALL L. * WILLIAMS, 0000
MICHAEL D. * WILLIAMS, 0000
MICHAEL R. WILLIAMS, 0000
VINCENT T. * WILLIAMS, 0000
JAMES C. * WILLIAMSON, 0000
JOSEPH C. * WILLOUGHBY, 0000
CHRISTOPHER W. WILSON, 0000
GEORGE S. * WILSON, 0000
EMMETT L. WINGFIELD III, 0000
JASON M. * WINSLOW, 0000
PENNI M. * WINSTON, 0000
ANDREW K. WOLCOTT, 0000
TIMOTHY W. * WOLF, 0000
GEORGE S. * WOLFE, 0000
RUSSELL M. WOLFE, 0000
CYRIL T. * WOLFF, 0000
BRYAN T. WOLFORD, 0000
DENNIS J. * WOLSTENHOLME, 0000
BRYAN M. * WOOD, 0000
GREGORY E. * WOOD, 0000
JAMES L. WOODHEAD, 0000
PAMELA L. * WOOLLEY, 0000
CARL D. WOOTEN, 0000
ERIC D. * WOZNIAK, 0000
DAVID F. WRIGHT, 0000
THOMAS W. * WRIGHT, 0000
TODD E. * WRIGHT, 0000
MICHAEL A. * WULFESTIEG, 0000
MATTHEW L. * WURST, 0000
CHRISTOPHER A. WYCKOFF, 0000
DEREK R. * WYLER, 0000
MICHAEL S. * WYNN, 0000
JEFFREY S. * WYSS, 0000
ALBERT K. * YATES, 0000
ROBERT B. YBARRA, 0000
MATTHEW W. YOCUM, 0000
JEFFREY L. * YORK, 0000
AMY S. YOUNG, 0000
CHARLES P. * YOUNG, 0000
MICHAEL D. YOUNG, 0000
DONALD J. W. * YU, 0000
BRIAN F. * ZANE, 0000
THOMAS J. * ZAWISZA, 0000
ANDREW J. * ZEIGLER, 0000
BRIAN P. * ZEITZ, 0000
ROBERT W. ZID, 0000
DEBRA A. * ZIDES, 0000
DUSTIN P. ZIEGLER, 0000
WILLIAM A. * ZIMMERMAN, 0000
MICHAEL A. ZROSTLIK, 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 major

WALTER S. * ADAMS, 0000
CARLTON O. * BIVENS, 0000
JAMES D. * BRANTINGHAM, 0000
DONALD W. * BRETZ, 0000
DAVID L. * CARR, 0000
JOSEPH * DEICHERT, 0000
KELVIN G. * GARDNER, 0000
JAMES M. * GLASS, 0000
GREGORY D. * JANS, 0000
WILLIAM GERALD * OSULLIVAN, 0000
THOMAS B. * PORTER, 0000
MARK W. * SAHADY, 0000
GERALD H. * SNYDER JR., 0000
ROBERT L. * SULLIVAN JR., 0000
WARREN A. * WATTIES, 0000
G. LLOYD * WOODBURY JR., 0000
GEORGE T. * YOUSTRA, 0000

THE FOLLOWING NAMED STUDENTS FOR A REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 2114.

To be captain

MICHAEL ALUKER, 0000
JOANNE M. BALINTONA, 0000
JOHN N. BERRY, 0000
KENNETH S. BODE, 0000
PRYOR S. BRENNER, 0000
RUTH N. BRENNER, 0000
LISA M. BRESLOFF, 0000
DALE C. CAPENER, 0000
SANDRA L. CASTLE, 0000
LAURA P. CEBE, 0000
VICTOR C. CHANG, 0000
NIKI K. CONLIN, 0000
BRYAN C. CURTIS, 0000
AMY E. GAMMILL, 0000
DAVID K. GORDON II, 0000
ARTHUR J. GREENWOOD, 0000
KATHERINE M. HADDOCK, 0000
SHANA L. HANSEN, 0000
TRACY E. HARDWICK, 0000
KENISHA R. HILL, 0000
BRIAN L. HOLT, 0000
BRIAN S. JOHNSTON, 0000
ERIC W. KADERBEK, 0000
RONALD J. KHOURY, 0000
JULIANE B. KIM, 0000
GEORGE H. I KOTTI II, 0000
JEFFREY S. LAROCHELLE, 0000
GRANT E. LATTIN JR., 0000
DALILA W. LEWIS, 0000
HENRY C. LIU, 0000
LAURA K. LUCAS, 0000
MICHAEL A. MADRID, 0000
JASON C. MASSENGILL, 0000
MELISSA R. MCGUINN, 0000
ARASH K. MOMENI, 0000
LEONARD E. PHILO, 0000
OWEN W. ROBERTS, 0000
DILLON J. SAVARD, 0000
MICAH D. SCHMIDT, 0000
KRISTIN L. SILVIA, 0000
MICHELLE T. SIT, 0000
JADE M. SPURGEON, 0000
MEGAN B. STEIGELMAN, 0000
JOSEPH J. STUART, 0000
SARAH N. VICK, 0000
ALAN J. WILLIAMSON, 0000
LAUREN J. WOLF, 0000
MATTHEW J. WOLF, 0000
ELY A. WOLIN, 0000
HENRY A. WOODS JR., 0000
SCOTT A. ZAKALUZNY, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

PAUL A. BAKER, 0000
RONALD A. CREWS, 0000
GARY L. DANIELSEN, 0000
GARY D. FORMBY, 0000

STANLEY A. GARTHWAIT, 0000
LAWRENCE M. HENDEL, 0000
BRYAN J. HULT, 0000
ALAN J. JOHNSON JR., 0000
ROBERT O. KRIEGER, 0000
RICHARD T. LEEVER, 0000
HUGH A. MACKENZIE, 0000
PHILIP A. MAHALIC, 0000
MICHAEL MALONE, 0000
COYSE D. MCLEMORE, 0000
MARVIN L. MILLS, 0000
CHARLES K. MORRISON, 0000
ROBERT E. RALSTON, 0000
GARY R. SALMON, 0000
JOHN J. SOUTH, 0000
ROYCE R. THOMAS, 0000
EDWARD T. THOMPSON, 0000
ERNEST B. TODD JR., 0000
FRANK E. ZIEMKIEWICZ, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN THE JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

MICHAEL P BOEHMAN, 0000
KEVIN M BOYLE, 0000
TIMOTHY J CODY, 0000
VANESSA A CROCKFORD, 0000
JANET H FENTON, 0000
JOSEPH C FETTERMAN, 0000
JAMES W FRIEND, 0000
BRIAN J GODARD, 0000
PATRICIA A HAM, 0000
JOHN M HEAD, 0000
ROBB W JEFFERSON, 0000
MARK L JOHNSON, 0000
ANTHONY D JONES, 0000
JOHN B JONES JR., 0000
PAUL E KANTWILL, 0000
THOMAS M KULISH, 0000
CLAES H LEWENHAUPT, 0000
KATHRYN S PARK, 0000
JAMES M PATTERSON, 0000
JEFFERY D PEDERSEN, 0000
DAVID H ROBERTSON, 0000
MICHAEL G SEIDEL, 0000
MICHELE B SHIELDS, 0000
MARTIN L SIMS, 0000
MICHAEL L SMIDT, 0000
STEPHANIE L STEPHENS, 0000
MARK TELLITOCCI, 0000
TIMOTHY M TUCKEY, 0000
WALTER S WEEDMAN, 0000
KERRY M WHEELEHAN, 0000
MICHELE E WILLIAMS, 0000
JEFFREY S WILLIS, 0000
PAUL S WILSON, 0000
GREGORY G WOODS, 0000
SCOTT F YOUNG, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be major

WHITE A * BAXTER, 0000
JOSEPH B BERGER III, 0000
DONNA M * BIVONA, 0000
KAREN J * BORGERDING, 0000
DANA J * CHASE, 0000
ERIK L CHRISTIANSEN, 0000
EVA M * CLEMENTS, 0000
MICHAEL S * DEVINE, 0000
TIERNAN P * DOLAN, 0000
BRYAN D * DOWNEY, 0000
MARK E * EICHELMAN, 0000
THOMAS A * FLEENER, 0000
DEIDRA J * FLEMING, 0000
JOHN S FROST JR., 0000
PATRICK L * GARY, 0000
VERONICA S * HALE, 0000
LANCE S * HAMILTON, 0000
DONNA C * HANSEN, 0000
STEPHEN L * HARMS, 0000
JEFFREY R * HATCH, 0000
KWASI L HAWKS, 0000
PETER R * HAYDEN, 0000
BRIAN A * HUGHES, 0000
IAN R * IVERSON, 0000
GRETCHEN A * JACKSON, 0000
JON S * JACKSON, 0000
JAYANTH * JAYARAM, 0000
MELVIN C JENKS, 0000
JOHN P * JURDEN, 0000
NICHOLAS F * LANCASTER, 0000
KATHERINE A * LEHMANN, 0000
JEFFERY D * LIPPERT, 0000
JULIE A * LONG, 0000
KARIN M MALLARI, 0000
ELIZABETH G * MAROTTA, 0000
ALISON C * MARTIN, 0000
MICHAEL D * MIERAU JR., 0000
SUSAN E * MITCHELL, 0000
ANISSA N * PAREKH, 0000
SEAN S * PARK, 0000
RONA M * PARSONS, 0000
RAYNETTE M * PASSOS, 0000
JOHN T * RAWCLIFFE, 0000
STEPHEN S * SIKES, 0000
CHRISTOPHER P SOUCIE, 0000
RONALD D * SULLIVAN, 0000
PETER H * TRAN, 0000
DOUGLAS K * WATKINS, 0000
SUSANA E * WATKINS, 0000
SEAN M WATTS, 0000
WARREN L * WELLS, 0000
DEAN L * WHITFORD, 0000
DARYL B * WITHERSPOON, 0000
TEZRA O * WOODY, 0000
JENNIFER S * ZUCKER, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 1211:

To be major

LARRY A. DICKEY, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

HARALD AAGAARD, 0000
ALLEN D AGRA, 0000
DEBBIE J ALLEN, 0000
DAWN R ALONSO, 0000
ALFRED J ALVAREZ, 0000
MICHAEL H ALVAREZ, 0000
MATTHEW F AMIDON, 0000
ARNOLD L AMPOSTA, 0000
RICHARD T ANDERSON, 0000
KARL R ARBOGAST, 0000
VIRGILIO G ARCEGA JR., 0000
MICHAEL J ARDEN, 0000
VICTOR W ARGOBRIGHT II, 0000
BRIAN E ARGUS, 0000
WILLIAM E ARICK III, 0000
RICHARD J ARMSTRONG, 0000
ERIK A ARRINGTON, 0000
JAY T AUBIN, 0000
ANDREW J AYLWARD, 0000
TODD W BACKHUS, 0000
SPENCER W BAILEY, 0000
JAMES H BAIN, 0000
WESLEY T BANE, 0000
ANTHONY J BANKS, 0000
WILLIAM R BARBER, 0000
DENNIS C BARD, 0000
DAVID G BARDORF, 0000
CHRISTIAN D BAREFORD, 0000
JOHN B BARRANCO JR., 0000
MARTIN L BARTLETT, 0000
STEPHEN D BATES, 0000
TIMOTHY S BAUGHMAN, 0000
TODD A BECKMAN, 0000
GREGORY M BEISBIER, 0000
AARON E BENNETT, 0000
GEORGE S BENSON, 0000
DANIEL G BENZ, 0000
ANDREW J BERGEN, 0000
JOHN J BERGERON, 0000
JESSICA M BERGMANN, 0000
DAVID R BERKE, 0000
NATHAN BERRYMAN, 0000
DAMIAN A BESS, 0000
CAROLYN D BIRD, 0000
FRED W BISTA III, 0000
THOMAS J BLACKWELL, 0000
JEFFRY A BLAKE, 0000
KEITH R BLAKELY, 0000
BRIAN R BLALOCK, 0000
PATRICK R BLANCHARD, 0000
DAVID M BLANKENSHIP, 0000
CHARLES E BODWELL, 0000
RICHARD A BOGIN, 0000
DAVID M BOLAND, 0000
DEMETRIUS J BOLDUC, 0000
HERBERT C BOLLINGER JR., 0000
JACK G BOLTON, 0000
CHRISTOPHER J BONIFACE, 0000
MICHAEL A BOORSTEIN, 0000
ENRIQUE BOUGEOIS III, 0000
BRIAN M BOYCE, 0000
GILES R BOYCE, 0000
JOHN S BOYCE, 0000
DARREN S BOYD, 0000
WILLIAM BOZEMAN JR., 0000
MARY J BRADFORD, 0000
WILLIAM C BRADLEY, 0000
KENNETH L BRIGGS, 0000
RODNEY S BRINTON, 0000
PHILLIP V BROOKING, 0000
MICHAEL A BROOKS JR., 0000
DEREK J BROSTEK, 0000
BENJAMIN J BROWN, 0000
BRONCHAE M BROWN, 0000
DAREN L BROWN, 0000
TERRENCE M BROWN, 0000
MICHAEL D BRYAN, 0000
JOEL A BURDETTE, 0000
JONATHAN E BURFORD, 0000
KEITH E BURKEPILE, 0000
TIMOTHY G BURTON, 0000
JOSEPH J BUTKUS, 0000
ANDREW J BUTLER, 0000
MICHAEL J BYRNE, 0000
CHRISTOPHER T CABLE, 0000
RANDY E CADIEUX, 0000
DOUGLAS C CAMPBELL, 0000
EDWARD T CARD JR., 0000
KEVIN T CARLISLE, 0000
DANIEL P CARLSON, 0000
CLIFTON B CARPENTER, 0000
WILLIAM P CARROLL, 0000
MICHAEL A CARTER, 0000
CHAD M CASEY, 0000
PATRICK J CASHMAN, 0000
GLEN B CAULEY, 0000
ADAM L CHALKLEY, 0000
JEROME J CHANDLER, 0000
SEAN S CHARNEY, 0000
ROBERT R CHESHIRE, 0000
MICHAEL M CHO, 0000
RONALD J CLARK, 0000
DARIN J CLARKE, 0000
RICHARD A CLEMENS JR., 0000
MARK H CLINGAN, 0000
THOMAS E CLINTON JR., 0000
ERIC D CLOUTIER, 0000
RAFFORD M COLEMAN, 0000
MICHAEL R COLETTA, 0000
WILLIAM D COLLIER, 0000
CHARLOTTE M COMISKY, 0000
ALFRED B CONNABLE, 0000
CHAD R CONNER, 0000
MARK S COPPESS, 0000
JOHN G CORBETT, 0000
BRYAN C CORCORAN, 0000
ELMER K COUCH, 0000
OWEN M COULMAN, 0000
AARON L CRESPIN, 0000
RICHARD J CREVIER, 0000
JOSEPH E CROSS, 0000
DARREN K CROW, 0000
SHAWN P CUNNINGHAM, 0000
JOHN W CURRIE IV, 0000
MATTHEW T CURRIN, 0000
RUSSELL J CURTIS, 0000
HUGH C CURTRIGHT IV, 0000
CHRISTOPHER H DALTON, 0000
JEFFREY K DANIELS, 0000
VALERIE C DANYLUK, 0000
VAN M DAVIDSON III, 0000
JOHNNY L DAY, 0000
JOSEPH K DECAPITE, 0000
DOMINIC J DEFAZIO, 0000
DWIGHT E DEJONG, 0000
JOSEPH E DELANEY, 0000
STEVEN J DELAZARO, 0000
CHRISTOPHER F DELONG, 0000
DOUGLAS L DEWITT, 0000
CHARLES R DEZAFRA III, 0000
FRANK D DIAZ, 0000
GEORGE W DICKEY JR., 0000
ARTHUR A DIXON, 0000
ROSWELL V DIXON, 0000
CHARLES B DOCKERY, 0000
JOHN T DODD, 0000
EDWARD A DONOVAN III, 0000
SIMON M DORAN, 0000
MICHAEL J DOUGHERTY, 0000
LANCE A DOWD JR., 0000
BARRY M DOWELL, 0000
KEVIN M DOWLING, 0000
CHRISTOPHER G DOWNS, 0000
DARREN E DOYLE, 0000
TIMOTHY R DREMANN, 0000
MARK D DUFFER, 0000
JONATHAN P DUNNE, 0000
DOUGLAS S DYSON, 0000
JACK C EAST II, 0000
STACY L EIBEN, 0000
ERIK B ELDRIDGE, 0000
RANDAL S ENGBERG, 0000
JACOB C ENHOLM, 0000
MICHAEL R ERCOLANO III, 0000
MONTGOMERY C ERFOURTH, 0000
MATTHEW W ERICKSON, 0000
JAMES E ERWIN III, 0000
CHRISTOPHER R ESCAMILLA, 0000
MANUEL ESCARCEGA JR., 0000
GREGORY J ESTVANDER, 0000
TIMOTHY R ETHERTON, 0000
GABRIEL J FABBRI, 0000
NATHANIEL G FAHY, 0000
ROBERT J FAILS, 0000
DAVID M FALLON, 0000
PETER C FARNUM, 0000
TYRONE H FERREL, 0000
WALKER M FIELD, 0000
JOHN L FINCH, 0000
TIMOTHY S FITZPATRICK, 0000
SHAUN M FITZSIMMONS, 0000
SETH W FOLSOM, 0000
DOM D FORD, 0000
GORDON W FORD, 0000
DOUGLAS K FORDHAM, 0000
MARTIN J FORREST IV, 0000
LEON J FRANCIS, 0000
TYRONE R FRANKLIN, 0000
MACEO B FRANKS, 0000
JASON R FREI, 0000
FRIDRIK FRIDRIKSSON, 0000
TIMOTHY R GABRIEL, 0000
SEAN C GALLAGHER, 0000
WILLIAM A GALLARDO, 0000
CHARLES L GANT III, 0000
ADOLFO GARCIA JR., 0000
DENISE M GARCIA, 0000
ERIC GARCIA, 0000
BRIAN E GARD, 0000
SEAN B GARICK, 0000
BUCK E GARZA, 0000
JEFFREY W GARZA, 0000
LUIS GARZA III, 0000
MICHAEL E GATHERCOLE, 0000
PATRICK A GAUGHAN, 0000
JOSHUA K GELERTER, 0000
DANA A GEMMINGEN, 0000
EDMUND L GIBSON JR., 0000
ALLEN L GILBERT, 0000
DANIEL J GILKEY, 0000
BRIAN L GILMAN, 0000
KEVIN D GLATHAR, 0000

SCOTT A GONDEK, 0000
GRANT G GOODRICH, 0000
HOWARD L GORDON III, 0000
KURT I GORDON, 0000
RYAN G GOULETTE, 0000
KENNETH G GRAHAM, 0000
DAVID I GRAVES, 0000
JEREMY L GRAY, 0000
WILLIAM C GRAY, 0000
BARTT G GREENE, 0000
TRAVIS L GREENE, 0000
JASON S GREENWOOD, 0000
KIRK A GREINER, 0000
KRISTINA K GRIFFIN, 0000
CLARENCE J GRISHAM JR., 0000
DARYL E GRISSOM, 0000
BRADLEY G GROSVENOR, 0000
MATTHEW S GROSZ, 0000
PAUL GULBRANDSEN, 0000
RYAN R GUTZWILLER, 0000
JOHN M HACKEL, 0000
EDWARD J HAGGERTY, 0000
DOUGLAS P HALE II, 0000
ROBERT J HALLETT, 0000
JAMES G HAMILL, 0000
RAYMOND G HAMLING, 0000
DONG K HAN, 0000
CASEY E HANNIGAN, 0000
ROGER A HARDY, 0000
JOHN P HARLOW, 0000
ELIAS B HARMAN, 0000
ANDRE T HARRELL, 0000
JOHN D HARRILL III, 0000
GARY C HARRISON JR., 0000
GARY D HARRISON, 0000
JEFFREY A HARRISON, 0000
BRETT A HART, 0000
DENNIS J HART, 0000
EDWARD B HASTINGS, 0000
ANDREAS S HAU, 0000
DAVID B HAYNES, 0000
WINSTON A HERON, 0000
JAMES C HERRERA, 0000
ANDREW H HESTERMAN, 0000
CLEMENT W HEY, 0000
LARRY D HILLIARD, 0000
STEVEN J HIMELSPACH, 0000
ERIC HIMLER, 0000
MARTIN J HINCKLEY, 0000
BRADEN W HISEY, 0000
GARRETT R HOFFMAN, 0000
RANDALL S HOFFMAN, 0000
TRACI B HOFFMAN, 0000
CHRISTOPHER J HOFSTETTER, 0000
JASON T HOLDEN, 0000
AARON B HOLLAND, 0000
THOMAS M HOLLEY, 0000
TRAVIS L HOMIAK, 0000
DANIEL J HOUTING, 0000
SAMUEL K HOWARD, 0000
WILLIAM S HOWELL, 0000
MATTHEW F HOWES, 0000
BRIAN M HOWLETT, 0000
CHRISTOPHER D HRUDKA, 0000
DAVID W HUDSPETH, 0000
SHAWN J HUGHES, 0000
LAWRENCE K HUSSEY, 0000
CLAUDE O HUTTON JR., 0000
ADAM E HYAMS, 0000
PHILLIP G JACKSON, 0000
LEONARDO M JAIME, 0000
EDWARD L JEEP, 0000
LARRY M JENKINS JR., 0000
ERIC J JESSEN, 0000
DANNY L JOHNSON, 0000
ERIC S JOHNSON, 0000
SCOTT R JOHNSON, 0000
TERRY M JOHNSON, 0000
GREGG M JOHNSTON, 0000
JOHN S JOLLEY, 0000
RONALD A JONES, 0000
MICHAEL A JUENGER, 0000
JEREMY N JUNGREIS, 0000
JULIE P KAISER, 0000
DAVID A KALINSKE, 0000
ROBERT A KAMINSKI, 0000
STEPHEN M KAMPEN, 0000
BRIAN H KANE, 0000
MICHAEL P KANE, 0000
NORBERT J KARCZEWSKI III, 0000
PATRICK T KAUFMANN, 0000
GERALD W KEARNEY JR., 0000
THOMAS D KEATING, 0000
JASON T KEEFER, 0000
JOHN E KELLER, 0000
LYLE R KENDOLL, 0000
STEPHEN J KHOOBYARIAN, 0000
SEAN C KILLEEN, 0000
SCOTT J KINNER, 0000
DAVID B KIRK, 0000
BRENDAN M KLAPAK, 0000
JOSEPH D KLOPPEL, 0000
JAMES V KNAPP II, 0000
KARL K KNAPP, 0000
ANTHONY G KNIGHT, 0000
ERIC J KNOWLTON, 0000
ERIK D KOBS, 0000
MATTHEW J KOLICH, 0000
KEITH F KOPETS, 0000
KEITH C KORENEK, 0000
MELANIE A KORTH, 0000
KURT E KROGER, 0000
STEPHEN C LABRECHE, 0000
CHARLES L LACKEY, 0000
CHARLES B LAKEY, 0000
GEORGE LAMBERT, 0000
MICHAEL L LANDREE, 0000
GREGORY J LANE, 0000
DANIEL L LANG, 0000
MARK C LARSEN, 0000
JASON C LATCHAW, 0000
CHRISTOPHER J LAUER, 0000
BRENT A LAWNICZAK, 0000
KYUWON LEE, 0000
CHRISTIAN J LEEUW, 0000
CRAIG C LEFLORE, 0000
BRIAN H LEICH, 0000
GLEN A LEWIS, 0000
GORDON J LIMB, 0000
GLEN P LINDSTROM, 0000
BRIAN L LIPIEC, 0000
MARK A LIST, 0000
GARY J LOBERG, 0000
ERIK C LOQUIST, 0000
NICHOLAS J LOURIAN, 0000
CHRISTOPHER W LOVELL, 0000
DOUGLAS G LUCCIO, 0000
SCOTT J LUCKIE, 0000
ALISON J MACBAIN, 0000
PETER J MACCARI, 0000
WAYNE K MAGRISI, 0000
NATHAN MAKER, 0000
FRANK A MAKOSKI JR., 0000
BRYAN T MANGAN, 0000
GREGORY MARCHLINSKI, 0000
NICO MARCOLONGO, 0000
GEORGE W MARKERT V, 0000
CHARLES E MARTIN, 0000
MICHAEL J MARTIN, 0000
ROBERT E MARTIN, 0000
RUBEN A MARTINEZ, 0000
VINCE R MARTINEZ, 0000
JOHN D MARTINKO, 0000
KEVIN J MASSETT, 0000
LAWRENCE G MASSEY JR., 0000
KEVIN S MATTIX, 0000
THOMAS F MAZZELLA, 0000
PETER L MCARDLE, 0000
BRIAN G MCAVOY, 0000
DAVID L MCCAFFREE JR., 0000
CORY E MCCLAIN, 0000
ANDREW R MCCONVILLE, 0000
DANIEL M MCDONALD, 0000
PATRICK S MCDONIEL, 0000
JAMES P MCDONOUGH III, 0000
JAMES M MCGIVNEY, 0000
HEIDI J MCKENNA, 0000
DANIEL J MCMICHAEL, 0000
CHESTER L MCMILLON, 0000
KEVIN L MCMINDES, 0000
JEFFREY A MCNEICE, 0000
MICHAEL E MCWILLIAMS, 0000
CHARLES F MEGOWN, 0000
JESSE E MENDEZ, 0000
CHARLES C MERKEL, 0000
JASON D MERKER, 0000
PETER M MEYER, 0000
CHRISTOPHER J MICHEL, 0000
CHRISTOPHER E MICKEY, 0000
PHILIP A MIDDLETON JR., 0000
BRIAN L MILAN, 0000
CARL W MILLER III, 0000
GORDON D MILLER, 0000
MICHAEL T MILLER, 0000
SCOTT H MILLER, 0000
TIMOTHY B MISSLER, 0000
JOSEPH F MOFFATT III, 0000
MICHAEL S MOLLOHAN SR, 0000
IVAN I MONCLOVA, 0000
RODERICK M MONTGOMERY, 0000
DEREK T MONTROY, 0000
DAVID A MOORE, 0000
MARTY A MOORE, 0000
JEFFERY M MORGAN, 0000
MATTHEW W MORGAN, 0000
DAVID C MORRIS, 0000
KAREN L MORRISROE, 0000
JAMES D MOSELEY, 0000
CHARLES J MOSES, 0000
MATTHEW T MOWERY, 0000
STEFAN J MUELLER, 0000
KIRK D MULLINS, 0000
BRENDAN S MULVANEY, 0000
MICHAEL J MURCHISON, 0000
JAMES D MURPHY, 0000
JOHN C MURRAY, 0000
MICAH T MYERS, 0000
STEVEN K NELSON, 0000
JONATHAN E NEUMAN, 0000
TIMOTHY A NEWLAND, 0000
STEPHEN L NEWSOME, 0000
MATTHEW J NOBLE, 0000
CHRISTOPHER J NODURFT, 0000
CHRISTOPHER J NOEL, 0000
KEVIN A NORTON, 0000
KIRK D NOTHELFER, 0000
DANIEL W OCONNOR, 0000
MARGERY A OGREN, 0000
THOMAS P OLAUGHLIN, 0000
BRYAN P OLEARY, 0000
CHRISTOPHER H OLIVER, 0000
ERIC R OLSON, 0000
JAMES J OLSON, 0000
JEFFREY M ONEILL, 0000
ANTHONY C ORLANDO, 0000
KEVIN T OROURKE, 0000
THOMAS F OSTERHOUDT, 0000
PRISCILLA A PAEPCKE, 0000
LARRY G PAIGE II, 0000
JEFFREY B PALMER, 0000
VAUGHN M PANGELINAN, 0000
JAMES R PARKER IV, 0000
MICHAEL A PARKER, 0000
KEITH A PARRY, 0000
CHRISTIAN E PARSON, 0000
SEAN P PATAK, 0000
RYAN W PATERSON, 0000
BRYAN E PATTERSON, 0000
MARK P PATTERSON, 0000
JEFFREY M PAVELKO, 0000
JEFFREY P PELLEGRINO, 0000
GRANT M PENNINGTON, 0000
MICHAEL J PEREZ, 0000
JACK D PERRIN, 0000
CHRISTOPHER J PERRY, 0000
BRIAN R PETERSON, 0000
ERIC J PETERSON, 0000
PETER A PETERSON, 0000
ROBERT S PETERSON, 0000
ADIN M PFEUFFER, 0000
MATTHEW H PHARES, 0000
TOLAN M PICA, 0000
ROBERT C PIDDOCK, 0000
SCOTT E PIERCE, 0000
LEONARD P PISCIOTTA, 0000
FORREST C POOLE III, 0000
ANTHONY G PORTER, 0000
JOEL P POUDRIER, 0000
TRAVIS L POWERS, 0000
JASON M PRATT, 0000
THEODORE W PRESS, 0000
BRIAN C PROCTOR, 0000
MICHAEL B PROSSER, 0000
RANDOLPH G PUGH, 0000
GREGORY T PUNTNEY, 0000
ERIC R QUEHL, 0000
SEAN P QUIGLEY, 0000
KENNETH A QUINER, 0000
INNES QUIROZ, 0000
CHRISTOPHER T RADFORD, 0000
TODD P RAMPEY, 0000
WILLIAM L RANEY III, 0000
KYLE G RASH, 0000
DAVID A RATZEL, 0000
JEFFREY A RAY, 0000
WILLIAM P RAYFIELD, 0000
MATTHEW D RAZVILLAS, 0000
CHARLES A REDDEN, 0000
WILLIAM J REDENIUS, 0000
JOSEPH D REEDY III, 0000
MATTHEW S REID, 0000
BRENT C REIFFER, 0000
JUSTIN R REIMAN, 0000
CASEY T RENFREW, 0000
JAMES V RENQUIST, 0000
MICHAEL R RENZ, 0000
MARK S REVOR, 0000
JOHN D REYES, 0000
EDWIN R RICH II, 0000
MICHAEL M RICHMAN, 0000
BRET H RITTERBY, 0000
CHARLES R RIVENBARK JR., 0000
LENNIS R ROBBINS, 0000
CHRISTOPHER C ROBINSON, 0000
JOHN H ROCHFORD II, 0000
CHRISTOPHER W ROE, 0000
KARL C ROHR, 0000
DALE S ROLEN, 0000
JAMES M ROSE, 0000
KEVIN C ROSEN, 0000
DAVID H ROSENBERG JR., 0000
BRIAN A ROSS, 0000
JEFFREY A ROTHSTEIN, 0000
JOHN D ROUNTREE, 0000
JOHN P RUCCI, 0000
EDWIN O RUEDA, 0000
BRIAN K RUPP, 0000
JOSEPH E RUPP, 0000
BRIAN R RUSH, 0000
RUSSELL M SAGE, 0000
EDWARD M SAGER III, 0000
HENRY R SALMANS III, 0000
PHILLIP D SANCHEZ, 0000
FRANK SANDERS, 0000
CHARLES G SASSER, 0000
DOUGLAS G SCHAFFER, 0000
JOHN L SCHAURES, 0000
DAVID J SCHEINBLUM, 0000
PHILLIP J SCHENDLER, 0000
PETER K SCHIEFELBEIN, 0000
PAUL M SCHIMPF, 0000
BYRON L SCHLATHER, 0000
KEVIN A SCHLEGEL, 0000
RICHARD J SCHMIDT, 0000
DANIEL A SCHMITT, 0000
GEORGE C SCHREFFLER III, 0000
BRYNN H SCHREINER, 0000
RAYMOND J SCHREINER, 0000
MARK R SCHROEDER, 0000
WILLIAM M SCHUCK JR., 0000
MICHAEL J SCHULTE, 0000
JEFFREY P SCOFIELD, 0000
ANTHONY T SERMARINI, 0000
CHRISTOPHER T SEVERSON, 0000
PATRICK S SEYBOLD, 0000
THEODORE W SHACKLETON, 0000
HECTOR SHEPPARD JR., 0000
MICHAEL S SHEWFELT, 0000
TIMOTHY A SHEYDA, 0000
BILLY J SHORT JR., 0000
MATTHEW C SHORTAL, 0000
BRYAN W SIMMONS, 0000
JOSEPH J SINELLI, 0000
GERASIMOS J SKORDOULIS, 0000
CHARLES P SMITH, 0000
DOUGLAS W SMITH, 0000
MARY M SMITH, 0000
TROY E SMITH, 0000
DAVID R SMULLEN, 0000
THOMAS M SONGSTER II, 0000
JOHN W SPAID, 0000

SHEILA M SPEEGLE, 0000
JAMES T SPOLYAR, 0000
DANIEL N SPRENKLE JR., 0000
WILLIE M STANSELL III, 0000
JOSEPH J STEPHENS II, 0000
KIMBERLY A STEPHENS, 0000
THOMAS S STEPHENS JR., 0000
DANIEL E STIMPSON, 0000
JEFFREY J STOWER, 0000
ROBERT E STPETER, 0000
ANDREW J STRALEY, 0000
KURT A STRANGE, 0000
VIRGIL G STRONG, 0000
MICHAEL S STYSKAL, 0000
FARRELL J SULLIVAN, 0000
JOHN P SULLIVAN JR., 0000
CHRISTOPHER S SUTTON, 0000
ROBERT T SWEGINNIS, 0000
JEFFREY A SYMONS, 0000
WILLIAM M TALANSKY, 0000
ANDREW J TATE, 0000
RODNEY R TATUM JR., 0000
ANTHONY D TAYLOR, 0000
MATTHEW J TAYLOR, 0000
MICHAEL C TAYLOR, 0000
STACEY L TAYLOR, 0000
GEOFFREY T TETTERTON, 0000
JAMES C THEISEN, 0000
TYRONE P THERIOT, 0000
MARK R THRASHER, 0000
ALAN F TODL JR., 0000
DONALD J TOMICH, 0000
RONALD TOOTLE, 0000
DAVID M TROMBLY, 0000
PATRICK M TUCKER, 0000
ERIC B TURNER, 0000
JOHN S TURNER, 0000
DAVID T VANBENNEKUM, 0000
JEFFREY A VANDAVEER, 0000
JOHN T VAUGHAN, 0000
NICHOLAS P VAVICH, 0000
JOHN F VAZQUEZ, 0000
BRIAN J VENTURA, 0000
SCOTT W VOGT, 0000
MICHAEL G VOSE, 0000
SCOTT W WADLE, 0000
CHARLES D WALKER, 0000
IAN S WALLACE, 0000
DAVID C WALLIS III, 0000
KENT E WALSH, 0000
DAVID E WATKINS II, 0000
JEFFREY A WEAVER, 0000
RICHARD J WEAVER JR., 0000
THOMAS A WELBORN, 0000
DONALD D WELCH JR., 0000
AREND G WESTRA, 0000
CHRISTINE D WESTRICH, 0000
JEROME S WHALEN, 0000
BRADLEY E WHITE, 0000
ROBERT S WHITE, 0000
RYDER A WHITE, 0000
JAMES B WHITLOCK JR., 0000
BYRON T WIEDEMAN, 0000
WADE E WIEGEL, 0000
JOHN J WIENER, 0000
CRAIG W WIGGERS, 0000
DAVID H WILLIAMS, 0000
GEORGE A WILLIAMS, 0000
VERNON J WILLIAMS, 0000
AHMED T WILLIAMSON, 0000
LABIN O WILSON, 0000
RONALD S WILSON, 0000
DEVIN A WINKLOSKY, 0000
ROBERT A WINSTON, 0000
DONALD R WRIGHT, 0000
JAMES C WRIGHT, 0000
GREGORY A WYCHE, 0000
GREGORY A WYNN, 0000
ALAN R YANKOWSKY, 0000
JOHN W YARGER, 0000
VINCENT J YASAKI, 0000
KEVIN E YEO, 0000
ERIC K YINGST JR., 0000
JASON D YORK, 0000
SETH E YOST, 0000
ERNEST B YOUNG, 0000
MATTHEW T YOUNG, 0000
ROBERT C ZYLA, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

ERIC W. HERBERT, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JAY R. FROHNE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

ADRIAN D. TALBOT, 0000

THE FOLLOWING NAMED OFFICER FOR PERMANENT APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5589:

To be lieutenant

EVANGELINE D. SMITH, 0000

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S999–S1100

Measures Introduced: Seventeen bills and three resolutions were introduced, as follows: S. 176–192, S.J. Res. 4, and S. Res. 22–23. **Pages S1068–69**

Omnibus Appropriations Resolution: Senate continued consideration of H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, taking action on the following amendments proposed thereto: **Pages S999–S1064**

Adopted:

By 52 yeas to 45 nays (Vote No. 4), Gregg Amendment No. 19, to provide additional funding for innovative programs at the state and local level. **Pages S1036–47**

Murray Amendment No. 30, to ensure the continued viability of the National Railroad Passenger Corporation. **Pages S1049–59**

Rejected:

By 45 yeas to 51 nays (Vote No. 2), Byrd Amendment No. 2, to provide additional funds for certain homeland security measures. **Pages S1000–18**

By 45 yeas to 51 nays (Vote No. 3), Byrd Amendment No. 8, to provide additional funds for certain homeland security measures. **Pages S1018–23**

By 46 yeas to 51 nays (Vote No. 5), Kennedy Amendment No. 13, to provide additional funding for education. **Pages S1023–36, S1047–48**

Pending:

Harkin Amendment No. 32, to restore funding for nondiscretionary Byrne grants to a level of $500,000,000. **Pages S1059–61**

Schumer Modified Amendment No. 31, to provide funds for research and development grants to increase security for United States ports. **Pages S1061–64**

A unanimous-consent agreement was reached providing for further consideration of the resolution at 9:30 a.m., on Friday, January 17, 2003, with a vote on or in relation to Harkin Amendment No. 32 (listed above), followed by a vote on or in relation to Schumer Amendment No. 31 (listed above). **Pages S1948–49**

Appointments:

National Commission for the Review of the Research and Development Programs of the U.S. Intelligence Community: The Chair, on behalf of the Majority Leader, after consultation with the Chairman of the Select Committee on Intelligence, and pursuant to provisions of Public Law 107–306, announced the appointment of Senator Kyl to serve as a member of the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community. **Page S1092**

National Commission for the Review of the Research and Development Programs of the U.S. Intelligence Community: The Chair, on behalf of the Democratic Leader, after consultation with the Vice Chairman of the Select Committee on Intelligence, and pursuant to provisions of Public Law 107–306, announced the appointment of the following individuals to serve as members of the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community: Senator Graham, and Dr. Paul G. Kaminski of Virginia. **Page S1092**

Nominations Received: Senate received the following nominations:

Michael E. Horowitz, of Maryland, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2007.

Ricardo H. Hinojosa, of Texas, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2007.

Routine lists in the Air Force, Army, Marine Corps, Navy. **Pages S1092–S1100**

Executive Communications: **Pages S1065–68**

Additional Cosponsors: **Page S1069**

Statements on Introduced Bills/Resolutions: **Pages S1070–87**

Additional Statements: **Page S1065**

Amendments Submitted: **Pages S1087–92**

Privilege of the Floor: **Page S1092**

Record Votes: Four record votes were taken today. (Total—5) **Pages S1018, S1023, S1047, S1048**

Adjournment: Senate met at 10 a.m., and adjourned at 9:58 p.m., until 9:30 a.m., on Friday, January 17, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S1092.)

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

The House was not in session today. Pursuant to the provisions of H. Con. Res. 8, the House stands adjourned until 2 p.m. on Monday, January 27, 2003.

Committee Meetings

No committee meetings were held.

COMMITTEE MEETINGS FOR FRIDAY, JANUARY 17, 2003

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Governmental Affairs: to hold hearings to examine the nomination of Thomas J. Ridge, of Pennsylvania, to be Secretary of Homeland Security. (New Position), 9 a.m., SD–342.

House

No committee meetings are scheduled.

Next Meeting of the SENATE

9:30 a.m., Friday, January 17

Senate Chamber

Program for Friday: Senate will continue consideration of H.J. Res. 2, Omnibus Appropriations, with a vote on or in relation to Harkin Amendment No. 32, followed by a vote on or in relation to Schumer Amendment No. 31.

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Monday, January 27

House Chamber

Program for Monday: To be announced.

Congressional Record The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. ¶Public access to the Congressional Record is available online through *GPO Access,* a service of the Government Printing Office, free of charge to the user. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through GPO Access at www.gpo.gov/gpoaccess. Customers can also access this information with WAIS client software, via telnet at swais.access.gpo.gov, or dial-in using communications software and a modem at (202) 512–1661. Questions or comments regarding this database or GPO Access can be directed to the GPO Access User Support Team at: E-Mail: gpoaccess@gpo.gov; Phone 1–888–293–6498 (toll-free), 202–512–1530 (D.C. area); Fax: 202–512–1262. The Team's hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. ¶The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $217.00 for six months, $434.00 per year, or purchased for $6.00 per issue, payable in advance; microfiche edition, $141.00 per year, or purchased for $1.50 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954, or phone orders to (866) 512–1800 (toll free), (202) 512–1800 (D.C. Area), or fax to (202) 512–2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.